



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Second and third reports submitted by States parties due in 2005

**Kyrgyzstan\***

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

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## Abbreviations and acronyms

ADB	Asian Development Bank
AIDS	Acquired immune deficiency syndrome
CDF	Comprehensive Development Framework
CIS	Commonwealth of Independent States
CPI	Consumer Price Index
DSVZ	Community Action for Health
EPMS	Monthly allowance for low-income families with children
FOMS	Mandatory Health Insurance Fund
FPK	Federation of Trade Unions of Kyrgyzstan
GDP	Gross domestic product
GTZ	German Society for Technical Cooperation
HIV	Human immunodeficiency virus
ILO	International Labour Organization
MDG	Millennium Development Goals
NGO	Non-governmental organization
NSC	National Statistics Committee
SGBP	State-guaranteed benefit package
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
WHO	World Health Organization

## **I. Introduction**

1. The initial report of Kyrgyzstan was prepared in accordance with article 16 of the International Covenant on Economic, Social and Cultural Rights (hereinafter, “the Covenant”) and submitted in February 1999.
2. In September 2006, Kyrgyzstan conducted parliamentary hearings on compliance with the country’s human rights obligations. One of the questions discussed was the late submission of reports to United Nations committees.
3. Pursuant to Presidential Decree No. 155 of 5 April 2007, a commission was set up and tasked with preparing national reports in accordance with international human rights treaties.
4. The reports were prepared in 2011 with the assistance of experts from State bodies and voluntary associations.
5. The present document constitutes a combined report covering the second, third and fourth reporting periods and includes information on the implementation of the Covenant in 1999–2011.
6. The report was compiled with due regard for the concluding observations of the Committee on Economic, Social and Cultural Rights ((E/C.12/1/Add.49) and the general guidelines on the form and content of reports.
7. The report is based on information received from the ministries, State committees and administrative departments of the Kyrgyz Republic responsible for matters concerning the status of individuals in Kyrgyzstan and the exercise of their rights, on information from voluntary associations working in the field of human rights and on the reports and survey findings of international development partners.
8. The report analyses domestic legislation, statistical data and other information pertaining to Kyrgyzstan’s compliance with its commitments under the Covenant.

## **II. General Provisions of the Covenant**

### **Article 1**

9. The people’s right to self-determination was realized on 31 August 1991 with the adoption of the Declaration on the State Independence of the Republic of Kyrgyzstan. The Republic has ever since been a sovereign State.
10. Pursuant to article 1 of the Constitution of the Republic of Kyrgyzstan, adopted on 27 June 2010 (hereinafter, “the Constitution”), Kyrgyzstan is a sovereign, democratic, law-based, secular, unitary, social State. Its system of government is that of a parliamentary republic.
11. The Republic’s sovereignty is not limited and extends throughout its entire territory. Sovereignty resides in the people of Kyrgyzstan, who are the sole source of State power, which they exercise through their participation in elections and referendums, as specified in article 2 of the Constitution.
12. Under article 12, paragraph 5, of the Constitution, the soil and subsoil, airspace, waters, forests, flora and fauna and other natural resources are the exclusive property of the Kyrgyz Republic. They must be used in such a way as to preserve the shared environment

that serves as the basis for the life and activities of the people of Kyrgyzstan, and they enjoy special protection by the State.

13. Kyrgyzstan takes steps to ensure economic, social and cultural development and the realization of the population's and each person's right to development without discrimination by formulating national development policies aimed at the constant improvement of the well-being of the entire population and of all individuals.

## Article 2

14. Pursuant to article 16 of the Constitution, fundamental human rights and freedoms are possessed by all persons from birth, represent the supreme value, are directly enforceable and inform the purpose and content of the activities of the legislature, the executive and local government authorities.

15. Kyrgyzstan respects and guarantees the human rights and freedoms of all persons within its territory and subject to its jurisdiction. No one may be subject to discrimination on the grounds of sex, race, language, disability, ethnic background, religion, age, political or other opinions, education, origin, property or other status, or other characteristics. Special measures prescribed by law to ensure equal opportunities for different social groups pursuant to international obligations are not deemed discriminatory.

16. In Kyrgyzstan, all persons are equal before the law and the courts. In accordance with the Legal Status of Foreign Nationals Act, foreign nationals and stateless persons enjoy the same rights and have the same responsibilities as Kyrgyz citizens, except as otherwise provided in legislation or in international treaties to which Kyrgyzstan is a party.

17. The exercise of rights and freedoms enjoyed by foreign nationals in Kyrgyzstan is inseparable from the fulfilment of the obligations imposed on them by Kyrgyz law.

18. Foreign nationals may reside permanently in Kyrgyzstan if they have due authorization in the form of a residence permit issued by the designated State resident registration office. Foreign nationals present in Kyrgyzstan on other legal grounds are considered temporary residents and must register their international passports or equivalent documents in accordance with the proper procedure and leave the country once their authorized period of stay expires.

19. Foreign nationals permanently resident in Kyrgyzstan are not entitled to:

- Join voluntary associations pursuing political goals on an equal basis with Kyrgyz citizens;
- Be appointed to certain posts or engage in specific forms of work if, under domestic law, appointment to such posts or carrying out such work requires Kyrgyz citizenship;
- Elect or be elected to State bodies or participate in national elections or referenda.

20. Foreign nationals are not obliged to perform military service in the armed forces of Kyrgyzstan.

21. Foreign nationals who are temporarily resident in Kyrgyzstan may work only if this is compatible with the purposes and duration of their stay and if they have received appropriate permission to do so from the internal affairs authorities.

22. With the support of international development partners, since 1991 Kyrgyzstan has been moving ahead with reforms aimed at transforming public, social and economic life. To this end, the Republic has aligned itself with numerous international initiatives designed to safeguard economic, social and cultural rights. Specifically, Kyrgyzstan is implementing

policies geared to meeting the Millennium Development Goals and has achieved, in this context, strong results in a number of areas. At present, the international donor community allocates an annual average of US\$ 250–300 million<sup>1</sup> to the Kyrgyz Republic. The principal contributors are the Asian Development Bank (ADB), the World Bank, the International Monetary Fund, United Nations agencies, the European Union and the governments of the United States of America, Germany, Japan, Switzerland, the United Kingdom and China.

### **Article 3<sup>2</sup>**

23. Article 16 of the Constitution provides that men and women in Kyrgyzstan enjoy equal rights and freedoms, as well as equal opportunities to exercise them.

24. As part of measures to achieve gender equality, a national gender equality action plan for 2007–2010 was approved by Presidential Decree No. 369 of 20 August 2007. With a view to further developing State gender equality policy, a draft national action plan for 2012–2014 is currently under preparation that provides for initiatives in seven strategic areas: improving institutional procedures for promoting gender equality, ensuring gender balance at all decision-making levels, applying a gender perspective in the socio-economic sphere, focusing on gender aspects of health and health care, achieving gender equality in education and culture, reducing gender violence and raising public awareness of gender equality issues.

25. A crucial step towards improving legislation was the adoption by the Zhogorku Kenesh (the parliament of Kyrgyzstan) of Act No. 62 of 25 March 2003 on Social and Legal Protection against Domestic Violence and Act No. 184 of 4 August 2008 on State Guarantees of Equal Rights and Equality of Opportunity for Men and Women.

26. In order to strengthen the position of women in criminal and administrative law, violating the economic, social and cultural rights of women is a prosecutable offence. It is against the law, for example, to deny employment to or dismiss a pregnant woman or a woman with children under 3 years of age without good cause or to force a woman into marriage or prevent her from marrying.

27. Information on the exercise of economic, social and cultural rights in the period 1996–2006 from a gender perspective is provided in the second and third periodic report of Kyrgyzstan on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, as well as in the relevant sections of this report.

### **Articles 4 and 5**

28. Human rights and freedoms may be restricted by the Constitution (art. 20) and laws solely for the purpose of protecting national security, public order, public health or morals and the rights and freedoms of others. Any restrictions introduced must be commensurate with these purposes.

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<sup>1</sup> Based on expert estimates and figures submitted at the most recent meeting of the donor community and the Government of Kyrgyzstan, held in 2010.

<sup>2</sup> Article 3 draws on materials published by the National Statistics Committee of the Kyrgyz Republic (NSC): *Women and Men of the Kyrgyz Republic, 2005–2009*; *Social Trends of the Kyrgyz Republic, 2005–2009*; *Demographic Yearbook of the Kyrgyz Republic 2005–2009*.

29. Article 20 of the Constitution states that no restrictions may be imposed on legal safeguards prohibiting slavery, human trafficking, exploitation of child labour or arbitrary eviction. Likewise, the right to free basic general and secondary general education in State educational institutions may not be restricted.

### III. Provisions of the Covenant dealing with specific rights

#### Article 6<sup>3</sup>

30. Kyrgyzstan is a party to:

(a) The International Convention on the Elimination of All Forms of Racial Discrimination. Report submitted in 2012;

(b) The Convention on the Elimination of All Forms of Discrimination against Women. Report submitted in 2007.

31. Article 42 of the Constitution establishes the right to freedom of employment, to make use of one's occupational abilities and to choose a profession or trade. The right to work is enshrined as one of the fundamental principles underpinning the regulation of labour and labour-associated relations, as specified in the Labour Code No. 106 adopted by the Zhogorku Kenesh on 4 August 2004.

32. Freedom of employment includes, inter alia, freedom from forced labour in all its forms and manifestations. Article 23 of the Constitution prohibits calling upon adult citizens to perform forced labour other than in wartime or the aftermath of natural calamities, epidemics and other emergencies, or in the execution of a sentence handed down by a court of law. This provision is also stipulated in article 10 of the Labour Code.

33. There has been a steady increase in the economically active population. The number of economically active persons over 15 years of age rose from 1,791,500 in 1996 to 2,260,600 in 2005, reaching 2,420,100 in 2009, with 2,216,400 employed and 203,700 unemployed.

34. As of 2009, men accounted for 58 per cent (1,395,700) and women 42 per cent (1,024,400) of the economically active population, with urban and rural dwellers making up 35 per cent (855,400) and 65 per cent (1,564,600), respectively. The labour force participation rate (the ratio of economically active individuals of a certain age to the total number of individuals in the same age group) stood at 64 per cent for persons aged 15 or older.

35. The results of a labour force survey show clearly that men participate more actively in the labour market. The labour participation rate for men is 76 per cent, while that for women is 53 per cent.

36. The total labour force participation rate is also dependent on the population's capacity for work. Thus, while the labour participation rate for the working-age population equals 72 per cent, it stands at 36 per cent for persons with disabilities in the same age group. The rate for women with disabilities is 27 per cent and 40 per cent for men. Most persons with disabilities (72 per cent) number among the economically inactive population.

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<sup>3</sup> Article 6 draws on NSC publications: *Social Trends of the Kyrgyz Republic, 2005–2009*; *Employment and Unemployment: Results of the Integrated Household Survey, 2009*; *Living Standards of the Population of the Kyrgyz Republic, 2005–2009*.

**Economic activity of the labour force and persons with disabilities of working age  
(2009 labour force survey data, per cent)**

	<i>Total</i>		<i>Men</i>		<i>Women</i>	
	<i>Labour force</i>	<i>Persons with disabilities</i>	<i>Labour force</i>	<i>Persons with disabilities</i>	<i>Labour force</i>	<i>Persons with disabilities</i>
Total population	100	100	100	100	100	100
Economically active	72	28	82	40	61	27
Employed	66	20	76	24	55	20
Unemployed	6	8	6	16	6	7
Economically inactive	28	72	18	60	39	73
With work experience	10	37	6	44	14	36
Without work experience	18	35	12	16	25	37

Notwithstanding the increase in the working-age population, the employment rate declined from 66.8 per cent in 2005 to 65.5 per cent in 2009. In urban districts the rate was slightly lower than in rural areas (55 per cent versus 61 per cent) owing to the specific forms of employment in rural communities, where businesses are typically family-run and involve all able-bodied family members<sup>4</sup>.

37. Although the employment rate is higher among men than women, the disparity is greatest in the age groups 23–39 and 55–64, the ages at which women customarily leave work to give birth to or care for a child. However, the gap between male and female employment rates is noticeably narrower for the 40–44 age group, given that women in this age range usually have children who are sufficiently grown for them to return to work.

38. From 2005 to 2009, the percentage of persons working in companies, institutions and organizations in the total number of employed fell from 33 to 30 per cent. Conversely, in the same period the number of self-employed rose by more than 8 per cent, comprising around one third of the total employed population.

39. The distribution of workers employed in the three main sectors of the economy has changed. In the period 2005–2009, the percentage of agricultural workers decreased from 39 to 32 per cent, while the percentage of service sector workers increased from 44 to 46 per cent and that of manufacturing and construction workers from 18 to 21 per cent.

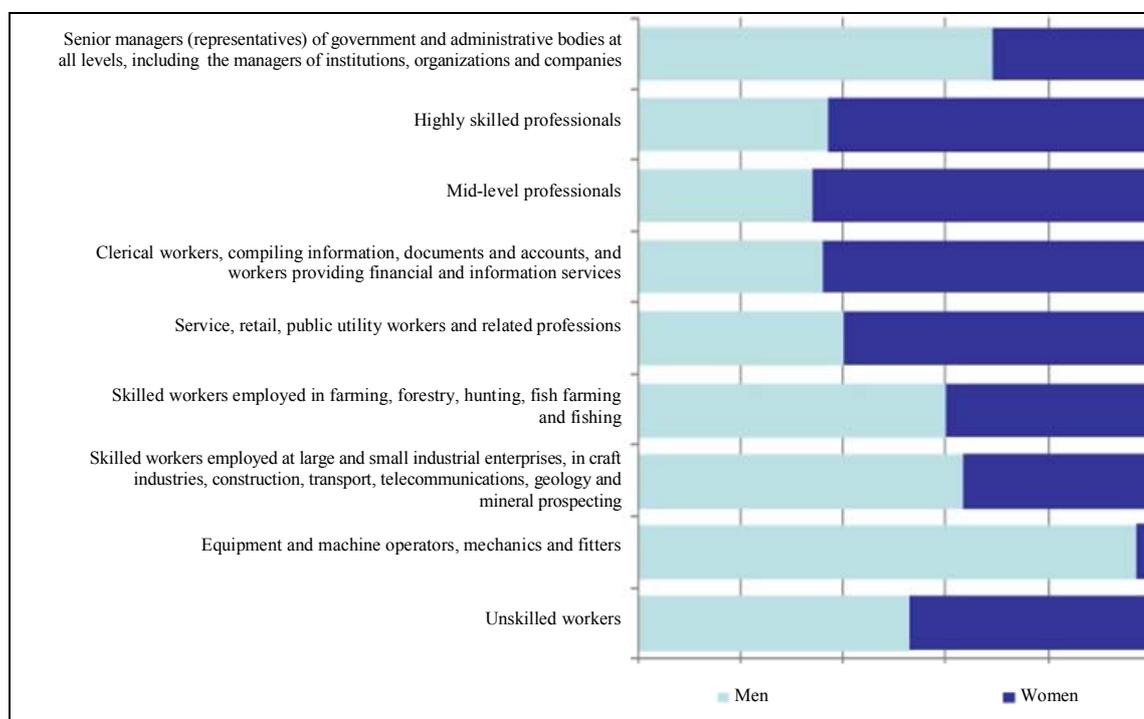
40. In Kyrgyzstan, 1.6 million people are employed in the informal economy, 1 million of whom are men and 600,000 are women. More than 30 per cent of informal economy workers are aged 25–40. Most informal economy workers are employed in farming, trade and construction.

41. Owing to different physiological aptitudes and prevailing traditions, the gender distribution of employment varies significantly from sector to sector. Women's share in employment is highest in such areas as health and social services (80 per cent), education (77 per cent), hotels and restaurants (69 per cent), community, social and personal services (58 per cent) and finance (51 per cent). Women workers also predominate in textile and garment manufacturing, where they account for 89 per cent of the labour force. The percentage of male workers is high in such production sectors as construction, mining,

<sup>4</sup> Social Trends of the Kyrgyz Republic, 2005–2009, NSC, Bishkek, 2010, p.51.

power, gas and water production and distribution, and agriculture. It is also high in the transport sector and in State administration.

#### Employment by occupational group and sex (2009 labour force survey data, per cent)



42. As of 2009, 7.8 per cent of the employed population had more than one job, including 2.4 per cent of urban and 10.6 per cent of rural workers. For both urban (19.6 per cent) and rural (62.4 per cent) dwellers, this usually involved working on private allotments. Persons engaged in secondary employment in trade, construction, manufacturing or the transport sector were primarily self-employed or worked for small employers, whereas those working in education were engaged part-time by organizations or institutions.

43. According to State Employment Service data, there were 61,400 registered unemployed workers at the end of 2009, or 8.6 per cent fewer on the year-earlier period and 9.7 per cent fewer compared with late 2005. Demand for labour shrank and many jobs were lost, however, after riots in southern Kyrgyzstan in June 2010 triggered a downturn in virtually all sectors of the economy, prompting a sharp rise in the unemployment rate, which by September 2010 stood at 12 per cent, or 4.4 per cent higher than in 2009.

44. Data for early 2010 show the labour market particularly hard hit in urban areas, where the unemployment rate totalled 10.4 per cent, compared with 7.3 per cent in rural communities. The lower rate in the countryside was partly due to land reform, under which nearly all rural families were assigned allotments.

45. The younger age groups predominate in the age distribution of unemployment, which affects more than 61 per cent of the population up to 30 years of age. Unemployment is highest among young people aged 15–24 (16.8 per cent), although markedly lower (8.1 per cent) in the 25–29 age group. Persons entering the workforce for the first time find it harder to gain employment and often move from one job to another in search of better work.

46. Unemployment is lowest among persons with higher education (4.4 per cent), indicating that the greater the investment in human capital, the more likelihood there is of finding work and earning an income. At the same time, the unemployment rate among individuals with incomplete higher vocational training is conspicuously higher than the national average.

47. In 2009, public employment services found work for 43,900 persons, or 19.6 per cent more than in 2005, while the proportion of jobseekers placed in work by these services increased from 49 to 55 per cent. Employment was found for 3.4 per cent of the total number of unemployed by placing them in jobs newly created under a microloan programme. Most jobseekers found work in the public utility and personal services sector (18 per cent), farming (16 per cent), trade, repairing automobile, household goods and appliances (16 per cent) and manufacturing (8 per cent). In 2009, it took on average six months for unemployed men to find work and seven months for women. Of the total number of unemployed, 23 per cent spent over a year looking for work.

48. Data compiled by the Ministry of Youth, Labour and Employment indicate a strong downward trend in the number of job vacancies. There were, for example, 3 per cent fewer openings in 2009 than in 2008, 7 per cent fewer in 2010 than in 2008 and 4 per cent fewer than in 2009, when the number of redundancies peaked. Small business accounts for the majority of job openings, with over 88 per cent generated by private enterprise and peasant farming. The country's growing small business sector is an additional resource that can be tapped to improve living standards and create new jobs. Self-employment and various forms of small enterprise are fuelling job growth in agriculture and related economic sectors, also helping to ease social tensions.

#### **Trends in job gains and job losses, 2008–2010**

<i>Year</i>	<i>Gains</i>	<i>Losses</i>
2008	121 205	26 068
2009	116 718	47 452
2010	111 761	36 490

49. To improve job opportunities and to help employers recruit workers, public employment services throughout the Republic are running an ongoing campaign to keep the population and employers informed about labour market trends by maintaining an up-to-date database of vacancies. Thus, in 2010 the national database contained 49,300 vacancies, 42,200 of which were filled in the course of a year, while 7,094 jobs remained open.

50. The vocational education and training system is used to teach, retrain and provide further training for adults and the unemployed on a fee-paying basis. Courses are organized by the employment services and funded by companies. In 2009, 8,200 jobseekers received vocational training, 67.9 per cent of whom had no previous professional education, while 32.1 per cent underwent retraining and further training. Over 77 per cent of re-trainees were found work.

51. Declining living standards and the high unemployment rate have been the primary causes of large-scale, increased external and internal migration, which continues to be spontaneous and uncontrolled, particularly where labour migration is concerned. In the latter instance, the main problem is that only 5 per cent may be considered managed migration, whereas the remaining 95 per cent is unmanaged and typically geared towards the shadow economy.

52. International migrant workers or migrants leaving to take up permanent residence in other countries are primarily economically active citizens. The outflow of the population continued for 5 years, with emigration significantly outstripping immigration. During this period, the negative migration balance amounted to more than 176,000 persons, or an annual average of over 35,000. Migration peaked in 2007, when 4,000 people arrived in the country and 54,600 left, equalling a migration outflow of 50,600. Migrants' main destinations are the Republic's traditional foreign trade partners, Russian and Kazakhstan. Kyrgyz citizens who leave the country are mostly driven to do so by force of circumstances, such as material hardship, low quality of life, extremely low family income and lack of regular employment with a fair wage. Wage levels continue to be among the lowest in the Commonwealth of Independent States (US\$ 125 in 2008, US\$ 138 in 2009 and US\$ 158 in 2010).

53. Up until 2010, Kyrgyzstan implemented a national employment policy programme, approved by Government Decision No. 591 of 17 August 2006. The programme was designed to reduce poverty by boosting total employment at an annual average rate of 2 per cent, or by creating an average of 30,000–40,000 jobs, by steadily pursuing reforms. Plans are underway to continue the programme until 2015. Also, the Decent Work Country Programme for the Kyrgyz Republic 2012–2015 is now being drafted in collaboration with the International Labour Organization (ILO).

54. A number of laws have been adopted by the Zhogorku Kenesh and implemented as part of measures to improve migration policy and to regulate migration flows so that migrant numbers and movements are compatible with State interests. They include Act No. 61 of 17 July 2000 on International Migration, Act No. 133 of 30 July 2002 on Internal Migration, Act No. 44 of 25 March 2002 on Refugees, Act No. 4 of 13 January 2006 on External Labour Migration and Act No. 55 of 17 March 2006 on Preventing and Combating Human Trafficking.

55. Unemployed citizens registered with the public employment services are entitled to attend vocational training and retraining courses and to receive a grant while studying; to be given advice and financial support with regard to becoming self-employed and setting up their own business; to take part in welfare-to-work programmes; to participate in labour market initiatives and to receive unemployment benefits.

56. The public employment services provide unemployed citizens wishing to start their own business with advice and financial support in the form of a lump sum payment equal to the amount of unemployment benefit due to them over a 12-month period.

57. Protection against unfair dismissal is one of the principles regulating labour and associated relations set out in the Labour Code, which, like other legislative instruments stipulating employment and labour standards, is a legal safeguard protecting workers from wrongful discharge. The Labour Code specifies the grounds on which an employer is entitled to terminate an indefinite contract.

58. Employees may be dismissed only on the grounds established by law, i.e. only in cases where the specified legal prerequisites obtain. These fall into two categories: a request by one of the parties concerned to terminate the employment contract or by a third party (i.e. a court or military registration and enlistment office) entitled to demand the employee's discharge, or events such as the employee's death, the expiry of the contract or of a specified-purpose contract. By law, a contract of employment may be terminated only subject to three conditions: that there are legal grounds for dismissal, that correct dismissal procedure is adhered to and that the employee receives a legal document confirming termination of employment. Additional grounds for dismissal are stipulated for specific special categories of workers.

59. In the event that an employee's suspension, dismissal or transfer to other duties is deemed unlawful, the body considering the individual labour dispute must ensure that he/she is reinstated. Employees have the right to contest their dismissal by referring the matter to an employment tribunal within one month of receiving their statement of termination or their employment record book. The same timeframe applies in cases where employees apply to the procuratorial authorities, the State Labour Inspectorate or trade unions.

### **Article 7<sup>5</sup>**

60. Articles 9 and 42 of the Constitution state that everyone has the right to freedom of employment, to make use of their occupational abilities and to choose a profession and occupation, to employment protection and to working conditions consistent with occupational safety and health standards, and to remuneration not less than the living wage established by law.

61. Workers are guaranteed a wage under the Labour Code and other labour standards regulations. The Code provides that increases in real wages allow for rises in consumer prices for goods and services. In 2009, the living wage was 3,263 soms. In 2009, real (CPI-adjusted) median monthly earnings rose 107.3 per cent year-on-year<sup>6</sup>.

62. Act No. 210 of 13 October 2008 on the Minimum Wage defines the minimum wage (the minimum rate of pay) as the monthly remuneration rate guaranteed for work performed by an unskilled employee who completes the standard number of working hours, carrying out simple tasks in normal conditions. The minimum wage is established by the Act on the national budget for the corresponding year, with due regard given to the principle of gradually raising it to cover the minimum cost of living for an able-bodied person.

63. On 27 January 2006, the Zhogorku Kenesh adopted Act No. 13 on the Standard Unit in order to eliminate the correlation between the minimum wage and social benefits, compensation, economic sanctions, administrative penalties, fines and other payments or economic indicators set in proportion to the minimum wage but not linked to remuneration for work. Parliament Decision No. 1115-III of 15 June 2006 fixed the standard unit at 100 soms. Under Presidential Decree No. 519 of 30 October 2006, the minimum wage was raised to 340 soms, effective since 1 January 2007.

64. Notwithstanding the reforms undertaken, the minimum wage rate remains significantly lower than the living wage benchmarks established in the Constitution. Today, the minimum wage rate is dependent upon the possibilities of the budget and Kyrgyzstan has no method for calculating the rate that takes into account the needs of workers and their families.

65. By 2009, real wages had increased 50 per cent compared with 2005, while, in the same period, the average monthly nominal wage rose 2.4 times. The average monthly nominal wage in 2009 totalled 6,161 soms, or US\$ 143.60, based on the official exchange rate set by the National Bank of the Kyrgyz Republic, compared with US\$ 63.70 in 2005. Data for January–July 2011 show the average monthly minimum wage to be 8,185 soms, or 23.5 per cent higher than in 2010.

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<sup>5</sup> Article 7 draws on NSC publications: *Social Trends of the Kyrgyz Republic, 2005–2009*, and *Living Standards of the Population of the Kyrgyz Republic, 2005–2009*.

<sup>6</sup> *Statistical Yearbook of the Kyrgyz Republic 2010*, NSC, Bishkek, 2011.

66. Recent years have seen wages rise annually in proportion to the living wage of the country's labour force, increasing from around 23 per cent in 2005 to 70 per cent in 2009. Nevertheless, Kyrgyzstan has the lowest minimum wage of any CIS country: as of December 2010 it was equivalent to US\$ 20, compared with US\$ 311 in Ukraine, US\$ 250 in Belarus, US\$ 223 in Russia, US\$ 165 in Kazakhstan, US\$ 144 in Armenia, US\$ 121 in Azerbaijan and US\$ 48 in Tajikistan<sup>7</sup>.

67. Substantial disparities in wage rates make it difficult to recruit qualified professionals and senior managers to the public sector and are prompting many public officials to leave and join the private sector, which is taking a toll on the work of government bodies, as well as on the occupational, age and gender composition of public sector workers. Wage levels in the sector are currently below those in other areas. In the period January–October 2009, for example, finance workers earned 17,900 soms, government administrators 7,400 soms, manufacturing workers 7,200 soms and transport and communications workers 10,400 soms, whereas public employees in health and education received 3,900 and 3,700 soms, respectively<sup>8</sup>.

68. Aimed at promoting progressive and democratic relations between men and women, Act No. 184 of 4 August 2008 on State Guarantees of Equal Rights and Equality of Opportunity for Men and Women establishes State safeguards ensuring equal rights and opportunities for both sexes in the political, economic, cultural and other areas of human activity and protects men and women against sex discrimination.

69. In 2009, owing to the gender distribution of jobs, women employees were paid on average nearly two thirds of men's wages. Women account for 74 and 80 per cent, respectively, of the total number of workers employed in education and health care, sectors in which wages are low. In addition, men occupy the bulk of well-paid managerial positions, while women constitute the majority among significantly lower-paid junior staff. In the past five years, women's earnings relative to men's have changed only marginally, rising from 62.5 per cent in 2005 to 63.9 per cent in 2009.

70. Given the 30–40 per cent male–female income disparity and that women spend less time in employment in order to undertake their traditional commitments caring for children and other family members, it is estimated that women's pension accruals will equal 70–77 per cent of men's<sup>9</sup>.

71. Under article 157 of the Labour Code, an employer who fails to pay out wages, holiday pay or other compensations on time must pay, on the day payment is made, an additional 0.15 per cent of the unpaid amount for each calendar day of delay. Act No. 23 of 26 June 1996 on Timely Payment of Wages, Salaries, Pensions, Allowances and Other Social Benefits states that this penalty also applies with regard to missed deadlines for the payment of pensions, allowances and other social benefits. Pursuant to article 70 of the Code on Administrative Responsibility No. 114 of 4 August 1998, an administrative fine may be imposed on administrators who pay wages late.

72. All workers are guaranteed decent working conditions under the Labour Code and Act No. 167 of 1 August 2003 on Occupational Safety and Health. Employers are required

<sup>7</sup> Global Wage Report 2010/2011: Wage Policies in Times of Crisis. ILO Decent Work Special Support Team and Country Office for Eastern Europe and Central Asia, 2010, Moscow 2010 (<http://www.for.kg/ru/news/143494>).

<sup>8</sup> Decent Work Country Programme for the Kyrgyz Republic 2012–2014. Official website of the Ministry of Labour, Employment and Migration (<http://www.mz.kg/stranprogram>).

<sup>9</sup> *Yearbook on Human Rights in the Kyrgyz Republic 2005*, Bishkek, 2006, p. 111.

to ensure that employees work in a safe and healthy environment and to provide them each year with paid and unpaid leave in compliance with legislation.

73. The Labour Code states that providing a safe and healthy working environment and meeting occupational safety standards are the responsibilities of the employer, who must also bear the respective costs. In order to ensure and monitor compliance with occupational safety and health standards, manufacturing organizations with over 50 workers are required to have a work safety department or a suitably qualified or experienced workplace health and safety officer.

74. The law provides that persons responsible for occupational safety who breach technical safety and industrial hygiene regulations or other procedures are subject to criminal prosecution. Likewise, employers who violate these regulations or health and safety legislation are held administratively liable.

75. State oversight and control of compliance with labour legislation and occupational safety and health regulations is carried out by the competent authority and public prosecution offices, as well as by trade union labour inspection services performing public monitoring duties. Having ratified the ILO Labour Inspection in Industry and Commerce Convention, Kyrgyzstan is committed to ensuring that labour protection standards are met. The Occupational Safety and Health Act stipulates that the State Labour Inspectorate is responsible for monitoring compliance with labour laws and safety and health requirements on behalf of the State.

76. Recent years have seen an increasingly high prevalence of occupational diseases and injuries in the workplace, including fatalities. Thus, 156 cases were registered in 2007, including 23 workers killed, their number rising in 2009 to 195, with 38.62 per cent of total disease prevalence among the workforce directly or indirectly linked to poor working conditions. It should be noted that these figures refer only to officially recorded cases and that occurrences of occupational diseases and accidents are, for a variety of reasons, not documented. Kyrgyzstan currently has no statistics on occupational injuries in the informal economy<sup>10</sup>.

77. Occupational injuries occur predominantly in mining (22 cases in 2005, 28 in 2009), manufacturing (62 in 2005, 33 in 2009), production and distribution of electricity, gas and water (23 in 2005, 28 in 2009), transport and communications (26 in 2005, 12 in 2009) and construction (14 in 2005, 15 in 2009)<sup>11</sup>.

78. Cases of occupational injury and disease are investigated and recorded pursuant to Government-approved Regulation No. 64 of 27 February. The severity of an injury is determined on the basis of a medical report, which is issued by a health-care facility within 24 hours at the request of the employer or State supervisory authorities.

79. Current legislation stipulates equal promotion opportunities for all categories of workers, career advancement being dependent solely upon their qualifications and work experience. In this regard, article 197 of the Labour Code cites performance appraisal as a procedure for ascertaining an employee's suitability for his/her present position, as well as possibilities for promotion.

80. The Labour Code also establishes statutory rest periods and breaks. Legislation governing employee leave is underpinned by the ILO Holidays with Pay Convention, ratified by the Soviet Union. Rest from work includes breaks during the working

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<sup>10</sup> Decent Work Country Programme for the Kyrgyz Republic 2012–2014. Official website of the Ministry of Labour, Employment and Migration (<http://www.mz.kg/stranprogram>).

<sup>11</sup> *Statistical Yearbook of the Kyrgyz Republic 2010*, NSC, Bishkek, 2011.

day (shifts), daily rest periods between shifts, days off (uninterrupted rest each week), public holidays and leave. The minimum period for rest and food during the working day (shift) has been increased from 20 to 30 minutes, while the maximum period has, conversely, been reduced from 2 hours to 1 hour in total.

81. A normal working week may not exceed 40 hours, except as provided for in the Labour Code. With the agreement of the parties, employment contracts may specify shorter working hours. Certain employee categories work a shorter week: persons aged 14–16 may work a maximum of 24 hours and those aged 16–18 a maximum of 36 hours, while workers engaged in heavy physical labour or working in harmful or dangerous conditions and persons with category I or II disabilities may work no more than 36 hours.

82. Legislation stipulates annual job-protected leave paid at the average wage rate, thus ensuring that workers are provided with substantive guarantees to exercise their right to a long period of uninterrupted rest. The right to annual job-protected leave paid at the average wage rate extends to all workers as part of their employment contracts irrespective of the form of ownership or incorporation of the organization concerned and regardless of the employee's nationality, sex, ethnic or religious background.

83. Employers must also provide unpaid leave to, *inter alia*, veterans of the Great Patriotic War and persons of equivalent status entitled to similar privileges, persons involved in emergency measures to fight the effects of the Chernobyl Nuclear Reactor disaster, parents and spouses of military personnel who died as a result of wounds, contusion or injuries sustained in the country's defence or from diseases contracted during frontline duty, and employees with disabilities.

## Article 8

84. Kyrgyzstan is a party to the International Covenant on Civil and Political Rights.

85. Kyrgyzstan has not ratified the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the ILO Labour Relations (Public Service) Convention, 1978 (No. 151).

86. If the rules specified in international treaties ratified by Kyrgyzstan are more to the worker's advantage than those established by domestic laws, other legislative instruments, collective bargaining and other agreements, the rules of the international treaties take precedence, as stated in article 3 of the Labour Code.

87. Under article 4 of the Constitution, Kyrgyz citizens may establish political parties, trade unions and other voluntary associations on the basis of a free expression of will and community of interests for the exercise and protection of their rights and freedoms, and for the satisfaction of their political, social, occupational, cultural and other interests.

88. Pursuant to labour legislation, freedom of association, including the right to establish trade unions and other employee representative bodies in order to protect workers' rights, freedoms and interests, is one of the core principles underpinning the regulation of labour and associated relations and ensures that employer-employee relationships are subject to public scrutiny (article 2 of the Labour Code).

89. Trade union activity is currently regulated by Act No. 130 of 16 October 1998 on Trade Unions, Act No. 164 of 30 June 2004 on Collective Agreements, Act No. 154 of 25 July 2003 on Social Partnership in Labour Relations, and the Labour Code.

90. Article 1 of the Trade Unions Act defines trade unions in Kyrgyzstan as voluntary associations uniting citizens on the basis of common occupational interests, whether in the

manufacturing or non-manufacturing sectors, and having as their purpose the protection of their members' occupational, social and economic rights and interests.

91. Trade unions and their associations acquire the capacity of a legal person once they are publicly registered in accordance with the procedures established in Act No. 57 of 20 February 2009 on State Registration of Legal Entities and their Branches and Representative Offices. The registration process is for information purposes and includes verifying the foundation documents of the legal entity in question for compliance with domestic laws, issuing a State registration certificate together with a taxpayer identification number and a business/organization code, recording the date of registration and legal address and adding the entity's details to the unified State register.

92. New, reorganized and dissolved legal entities are publicly registered by the Ministry of Justice and its local offices in the area where the entity is located or has been established.

93. To register a legal entity, the founder or his/her authorized representative must submit a registration application and a set of documents certified in the manner defined by law. Pursuant to the article 2 of the Act on State Registration of Legal Entities and their Branches and Representative Offices, a trade union must be publicly registered within ten days of the receipt of the application and documents.

94. Between the year 2000 and May 2011, the Ministry of Justice entered 109 trade unions into the unified State register<sup>12</sup>.

95. Under the Trade Unions Act and the Labour Code, joining or leaving a trade union is voluntary. Neither membership nor non-membership of a trade union entails any limitation of citizens' constitutionally guaranteed occupational, social, economic, political or individual rights. It is prohibited to make the employment, promotion or dismissal of a worker conditional on membership or non-membership in, or the joining or leaving of, a trade union (article 5 of the Trade Unions Act).

96. Trade unions may be established within companies, institutions and organizations, irrespective of their form of ownership, provided that they have three or more employees. They are represented by committees or shop stewards elected at trade union meetings or conferences. All citizens aged 14 and over who are in employment or studying at an educational institution, as well as pensioners, are entitled to establish a trade union or to join one on the condition that they comply with its charter (article 2 of the Act). Kyrgyzstan has no special legal provisions dealing with the establishment of trade unions by specific categories of workers.

97. Pursuant to legislation, trade unions operate independently and are subject solely to Kyrgyz law. They are neither accountable to, nor controlled by, State authorities employers, political parties or other voluntary associations. Unless otherwise provided by law, all interference which may restrict trade union rights or prevent the exercise of their statutory activities is prohibited (article 4 of the Act).

98. Workers may be represented by trade union bodies or associations thereof that are authorized to act in a representative capacity in accordance with their charters, or other workers' delegates and organizations established in accordance with domestic law. Workers who are not trade union members may authorize trade unions to represent their interests.

99. Pursuant to articles 29–31 of the Labour Code, bodies set up or financed by employers, State executive authorities and local administrations or political parties are not permitted to represent workers' interests.

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<sup>12</sup> Reply from the Ministry of Justice of 8 July 2011, No. 03-6/6002.

100. Trade union organizations in Kyrgyzstan may form inter-union and inter-industry associations.

101. The Federation of Trade Unions of Kyrgyzstan (FPK) is the country's biggest trade union association, comprising 8,296 primary organizations, one regional association and 21 sectoral associations<sup>13</sup>. As of 2011, it had 729,312 members. The Federation is affiliated to the General Confederation of Trade Unions of CIS countries and since July 2007 has been an associate member of the International Trade Union Confederation<sup>14</sup>.

102. Pursuant to the Labour Code and the Social Partnership in Labour Relations Act, a system of social partnership operates between workers (their representatives) employers (their representatives) and the network of public authorities on the basis of tripartite collaboration between the Government, the trade unions and employers, extending from local to national government level and encompassing all economic entities irrespective of their form of ownership.

103. Within the social partnership system, public authorities, employers' associations and trade unions work together to determine and implement coordinated socio-economic and labour relations policies. The partnership is also based on bilateral relations between employers and trade unions, with the State defining the parameters within which the two sides interact (article 1 of the Social Partnership in Labour Relations Act).

104. In accordance with article 25 of the Labour Code, the system of social partnership operates at the following levels:

- The national level: establishes the framework for regulating labour relations in the Kyrgyz Republic;
- The sector level: establishes the framework for regulating labour relations in a given sector or sectors;
- The territorial level: establishes the framework for regulating labour relations in municipal entities;
- Organization level: establishes mutual labour-related obligations between employees and employers.

105. Social partnership takes the following forms:

- Collective bargaining aimed at negotiating and concluding collective agreements;
- Mutual consultation (negotiations) aimed at regulating labour and associated relations, enforcing guarantees of workers' labour rights and improving labour legislation;
- Participation by workers' and employers' representatives in the pre-action resolution of labour disputes.

106. As part of the social partnership process, on 16 July 2009 the Government, the Federation of Trade Unions and the National Employers' Confederation of the Kyrgyz Republic entered into a 3-year (2009–2011) General Agreement establishing a framework for regulating social, labour and associated economic relations, which also provides guidelines for concluding sectoral, territorial and collective bargaining agreements.

107. Representatives of FPK-affiliated trade union associations pursue an average of 45–48 claims in court each year to defend workers' labour rights. As a result of their

<sup>13</sup> Reply from the Federation of Trade Unions of Kyrgyzstan of 29 June 2011, No. 01-7/300.

<sup>14</sup> As reported by the Federation of Trade Unions of Kyrgyzstan, 2007.

efforts, the rights of some 250–320 employees are redressed annually, with around 100 of these workers being reinstated in jobs from which they had been unlawfully dismissed<sup>15</sup>.

<i>FPK grievance issues</i>	2005	2006	2007	2008	2009	2010
Number of court cases pursued in defence of workers' interests:	30	61	46	21	32	287
Successful outcomes	25	47	36	19	26	219
Number of petitions and complaints considered from non-unionized citizens	378	910	1 311	569	470	621

108. In the period 2000–2010, the Federation sought recourse with the prosecutor's office and the courts 20 times in order to protect real estate owned by trade unions and the trade union movement<sup>16</sup>.

109. Pursuant to article 48 of the Constitution, citizens have the right to strike. Under current legislation, a strike is deemed to be a temporary, deliberate refusal by workers to perform all or part of their work duties with the aim of resolving a collective dispute (article 428 of the Labour Code).

110. Workers or their representatives are entitled to organize a strike provided that the conciliation process has failed to resolve the collective labour dispute or the employer refuses conciliation or to abide by the agreement reached during efforts to settle the dispute. Participation in a strike is voluntary. Nobody may be compelled to join, or not join, a strike.

111. Employers must be notified in writing of imminent strike action no later than ten calendar days before it begins.

112. Under article 440 of the Labour Code, strikes are deemed unlawful and prohibited:

(a) When martial law, a state of emergency or special measures have been imposed under emergency legislation; in the staff and organizations of the armed forces of Kyrgyzstan, other military and paramilitary formations and units entrusted with maintaining the country's defence capability and State security and conducting emergency, relief, search, rescue, fire-fighting, natural-disaster and emergency prevention and response operations; in law-enforcement agencies and in organizations directly involved in the operation of highly hazardous facilities or equipment and at first aid stations;

(b) At organizations rendering vital public services, including those supplying power, heat, water and gas, and operating air, rail and water transport, telecommunications and hospitals if strike action would endanger the defence and security of the State, human lives and health.

113. A strike may be declared unlawful only by a court order on the basis of an application submitted by an employer or procurator.

114. Article 442 of the Labour Code states that lockouts, namely the dismissal of employees by the employer for engaging in industrial or strike action, are forbidden while efforts to settle a collective labour dispute are ongoing, including the holding of strikes.

115. Pursuant to article 7 of Act No 1360-XII on Internal Affairs Authorities, adopted by the Zhogorku Kenesh on 11 January 1994, internal affairs personnel are prohibited from organizing or participating in strikes.

<sup>15</sup> Reply from FPK of 29 June 2011, No. 01-7/300.

<sup>16</sup> *Ibid.*

116. Under article 14 of Act No. 132 on the Civil Service, adopted on 30 November 1999, civil servants were not entitled to participate in strikes, public demonstrations and other activities, impede the work of State bodies or prevent civil servants from exercising their authority. In 2004, the Zhogorku Kenesh adopted the new Civil Service Act (No. 114 of 11 August 2004), which excluded the foregoing restrictions.

117. In the period 1996-2010, industrial disputes in Kyrgyzstan resulted in strikes at no fewer than 19 enterprises, prompted by pay cuts, late payment of wages or poor working conditions. Strikes were held at a number of major enterprises in the hydro and air navigation sectors (1997), at Bishkek Thermal Power Plant and by the Bishkek market association (2003), at Kadamjay Mercury Plant (1999), by minibus drivers (2005), workers at the Kumtor Operating and Dzherui companies (2006) and by drivers at the Bishkek Passenger Transport Company (2011)<sup>17</sup>.

### Article 9<sup>18</sup>

118. Pursuant to article 9 of the Constitution, the State must ensure support for socially vulnerable groups, a guaranteed minimum wage and occupational safety and health protection, develop the system of social and health-care services and provide public pensions, welfare benefits and other social safeguards.

119. Under article 53 of the Constitution, citizens are also guaranteed social security in old age, in the event of sickness, incapacity or the loss of a breadwinner in accordance with the cases and procedures provided by law. Pensions and social assistance are provided in accordance with the economic possibilities of the State to ensure a standard of living corresponding at least to the legally-established living wage. Voluntary social insurance, securing supplementary means of maintenance and charity are all encouraged. This notwithstanding, the State's social programmes should not become a form of public guardianship restricting citizens' economic freedom and activity and their opportunities to pursue material prosperity for themselves and their families.

120. Act No. 318 of 29 December 2009 on State Benefits provides for a monthly allowance for low-income families with children (EPMS) and a monthly social security allowance, which are funded from the national budget.

121. The allowance for low-income families is allocated in cases where the median income per household member does not exceed the guaranteed minimum income.

122. The guaranteed minimum income level is fixed once a year by the Government and calculated with regard to the budget resources available, the state of the economy and the living wage rate. Through the provision of subsidies, it ensures that low-income families with children have sufficient money for their basic needs. Pursuant to Government Decision No. 134 of 4 April 2011, designed to improve social protection for children, on 1 June 2011 the guaranteed minimum level of income was raised from 310 to 370 soms in order to set the monthly allowance for low-income families with children. As of 1 June 2011, the allowance paid to families in this category averaged 243.60 soms, or 14 per cent of the general poverty line.<sup>19</sup> Detailed information on allowances for low-income families is provided in Article 10 of this report.

<sup>17</sup> Reply from FPK of 19 June 2011, No. 01-7/300; FPK data for 2007.

<sup>18</sup> Article 9 draws on data compiled by the Ministry of Social Protection, materials of the Social Fund of the Kyrgyz Republic and the NSC publication *Social Trends of the Kyrgyz Republic 2005–2009*.

<sup>19</sup> In monetary terms, the general poverty line in 2010 was 1,725 soms per head of population, while the extreme poverty line was 1,051 soms (Poverty Level in the Kyrgyz Republic in 2010, NSC).

123. Monthly social allowance is allocated in cases where citizens do not qualify for a pension and irrespective of median income per household member. Persons entitled to this allowance include:

- Children under 18 years of age with disabilities, with infantile cerebral paralysis or living with HIV/AIDS;
- Persons disabled since childhood in categories I, II or III;
- Persons with category I, II or III disabilities;
- Elderly citizens;
- Mother-heroines;
- Children who have lost the breadwinner and orphan children;
- Children under 18 months of age born to mothers living with HIV/AIDS.

124. As of 1 June 2011, average monthly social allowance was 1,487.70 soms, or 82.3 per cent of the general poverty line.

125. Temporary incapacity and maternity benefits are disbursed in accordance with the regulations governing their allocation, payment and size, approved by Government Decision No. 272 of 11 November 2011. Workers receive benefits if they are sick or have sustained an injury, are caring for a sick family member or child, are quarantined, are undergoing treatment at a sanatorium or spa, medical rehabilitation or prosthetic restoration, or on maternity leave.

126. Temporary incapacity benefit covers all working days, whereas maternity benefit is paid only for the first ten working days, after which it is disbursed from the national budget.

127. Moreover, workers receive the full amount of maternity benefit directly from their employer. As of the eleventh working day employers are reimbursed by the State upon submitting a payment confirmation statement to the district or municipal social security (development) department of the authorized State social welfare agency.

128. Allowances are also given to citizens working and living in high-mountain and remote regions where supplements are paid at fixed rates proportionate to the workers' wages, the allowance amount being determined in accordance with these rates. Workers employed by companies whose head office is not located in high-mountain regions receive an allowance calculated on the basis of their wages and adjusted to take into account their supplemental pay.

129. In 2010, a total of 23,100 persons received maternity pay.

130. Benefit allocations and payments are governed by regulations, approved by Government Decision No. 727 of 11 November 2011, which specify the respective procedures, as well as bereavement (funeral) allowance rates.

131. Bereavement allowances are paid following the death of:

- A person who is an employee, i.e. in an employment relationship, or his/her dependent family member;
- A person who is a self-employed entrepreneur, or his/her dependent family member;
- A member of a farm business: the head of the farm, an employee aged 18 years or older, or his/her dependent family member;
- A person officially unemployed, registered with an authorized State employment agency, or his/her dependent family member;

- A person receiving social security benefit;
- An unemployed person not registered with an authorized State employment agency;
- A pensioner or his/her dependent family member.

132. The State currently provides support for the families of persons killed or injured in the disturbances that occurred in Kyrgyzstan in April-June 2010. Thus, material assistance in the form of a lump sum payment has been given to 87 families of those killed in the events of 6–7 April, 2 families of those killed in Jalal-Abad on 13–14 May and 348 families of those killed in the south of the country in June 2010.

133. Social security payments are financed by the State and with allocations from the Social Fund. In 2009, Social Fund outlays (inclusive of payments made using national budget and other receipts) increased 2.4 times compared with 2005. Most were allocated to pensions, which in 2009 made up 84.6 per cent of total Fund expenditure. In the period 2005–2009, pension payments rose year-on-year and accounted, on average, for 10–14 per cent of State social security spending (including subsidies to the Social Fund).

#### State social security spending<sup>20</sup>

<i>Total expenditure</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Soms, millions	2 858.2	3 610.6	3 815.3	4 678.8	5 599.1
As percentage of GDP	2.9	3.2	2.7	2.5	2.8
As percentage of total expenditure	14.2	14.3	10.6	10.4	10.6

134. As at year-end 2009, State benefits were paid to 433,900 persons registered with social security agencies. These included 125,500 families, or 370,800 individuals, receiving single monthly benefit for economically disadvantaged families and citizens, as well as 63,100 recipients of social security benefits for incapacitated persons ineligible for pensions and requiring additional assistance. Furthermore, if the number of single monthly benefit recipients fluctuates, the number of persons paid social security benefits rises steadily, increasing almost 14 per cent in 2005–2009. During this five-year period social security benefit rates rose 2.3 times overall, while single monthly benefit virtually doubled.

135. As at year-end 2009, Kyrgyzstan had just over 21,000 children under 18 years old with disabilities, accounting for 17 per cent of the total number of persons with disabilities. Social security benefits are paid to orphans with no surviving parents, children with disabilities, infantile cerebral paralysis or HIV. In late 2009, monthly social security benefit for a child with a disability averaged 961.60 soms, i.e. only 34 per cent of the minimum consumer budget for a single child, which that year amounted to a monthly average of 2,802.20 soms.

136. Since 1991, Kyrgyzstan has successfully operated a single self-regulatory State social insurance and pension scheme, administered by the Social Fund. The Fund formulates and implements coordinated State policies with regard to pensions, social insurance, collecting and accumulating insurance contributions, allocating and paying pensions and benefits, and financing mandatory health-care insurance and workers' rehabilitation funds.

<sup>20</sup> Ministry of Finance data, 2011.

137. Under legislation, basic and insurance components have been introduced for pensions, the retirement age has been increased, conditions have been established for recalculating insurance payments and clear eligibility criteria have been specified for the State's social insurance and social assistance programmes. Today, pension rates are directly dependent on contributions to the pension scheme made by insurance policy holders.

138. In the period 2005–2009, pensioners accounted on average for 10 per cent of the population. As at year-end 2009, 565,000 pensioners were registered with the Social Fund pension agencies, other ministries and departments, or 5.4 per cent more than in 2005.

139. Over 17 per cent of old-age pensioners have taken early retirement on preferential terms. Persons eligible to claim a preferential old-age pension include persons working in highly hazardous and difficult conditions; who were involved in emergency measures to fight the effects of the Chernobyl Nuclear Reactor disaster; who have pituitary dwarfism (midgets); who have lived and worked in high-mountain regions; women who have given birth to five or more children and raised them until they were 8 years old and the mothers of persons disabled since childhood who have raised them until they were 8 years old.

140. Data compiled by the Social Fund show that as at year-end 2009 around 10 per cent of old-age pensioners were in work.

141. Since 1 January 2010, Kyrgyzstan has operated funded and unfunded pension systems. Underpinned by the principle of solidarity, the unfunded scheme has been joined by 530,200 pensioners, or 9.6 per cent of the population. Over the past three years, the Social Fund has seen a sustained increase in receipts and has reported a budget surplus, with revenue growth driven largely by insurance contributions, which rose from 4.9 to 5.6 per cent of gross domestic product (GDP) between 2008 and 2010. However, insurance contributions dropped from 87 per cent of total Social Fund revenue in 2008 to 54 per cent in 2010 primarily due to the gradual transition to funding the basic pension component from the national budget and slower economic growth in 2010.

142. Bigger budget outlays prompted by the sizeable increase in pensions, which rose 48 per cent in 2009, and the growing number of pensioners spell heavier financial liability for the Social Fund now and over the long term. In 2008, for example, spending on pensions rose from 4.2 per cent of GDP to 5.8 per cent in 2009, increasing to 8 per cent in 2010. Pension rates are systematically increased in order to maintain pensioners' standard of living and to protect pensions against inflation, with consistent efforts made to buttress the mechanism for paying the various forms of compensation. Pension payments cover the current month and are issued solely in monetary form.

143. Since 1 January 2010, a funded pension system has been operating. The tariff rate for employers' insurance contributions has been reduced by 2 per cent, contributions being allocated to the funded pension component. Participants in the funded pension system are persons employed in the formal economy. At present, however, investments are not regulated by legislation. The disbursement of payments from the funded system are set to commence three years after the funded component was made part of the country's pension system, i.e. starting in 2013.

144. For the past three years, the Social Fund has had a budget surplus. In 2008, the average pension was 1,426 soms, rising 90 per cent to 2,800 soms by year-end 2010. It is noteworthy that pensions grew at a faster rate than wages (135.4 per cent) and insurance contributions receipts (133.5 per cent).

## Article 10

145. Kyrgyzstan is a party to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the ILO Maternity Protection Convention (Revised), 1952 (No. 103) and the ILO Minimum Age Convention, 1973 (No. 138).

146. The Family. The Family Code No. 201 of 30 August 2003 defines the family as a group of people affiliated by the property and personal non-property rights and duties arising from marriage, kinship, adoption or other forms of child-rearing and aimed at strengthening and developing family relations.

147. Article 36 of the Constitution recognises the family as the foundation of society. The family, fatherhood, motherhood and childhood are matters of concern to all society and are to be accorded priority of protection under the law.

148. Family law proceeds from the need to strengthen the family, to found family relations on feelings of mutual respect, mutual assistance and responsibility towards all family members, to prevent arbitrary interference by anyone in family affairs, to ensure that family members exercise their rights without hindrance and enjoy judicial protection of these rights.

149. The age of majority. The minimum age for marriage in Kyrgyzstan is 18. Article 14 of the Family Code states that if there are valid reasons for doing so, executive and administrative bodies in the place of residence of individuals wishing to marry may permit girls who have reached 16 years of age to marry at the request of the intending spouses.

150. In accordance with part 1, article 56, paragraph 1, of the Civil Code No. 15 of 8 May 1996, once they reach 18 years of age, citizens become fully able, by their actions, to acquire and exercise their civil rights, to create civil responsibilities for themselves and perform them (civil-law dispositive capacity).

151. In cases where the law permits marriage under 18 years of age, a citizen under 18 acquires civil-law dispositive capacity to its fullest extent as of the time he/she marries, which is retained if the marriage is dissolved.

152. Pursuant to article 56, paragraph 1, of the Civil Code, a court that declares a marriage invalid may also rule that a spouse under the age of 18 be deprived of dispositive capacity as of the time specified by the court.

153. Under labour legislation, a minor may be engaged as an employee after reaching the age of 16 or, in exceptional circumstances, the age of 15, subject to approval by the body representing workers' interests at the organization concerned or by an authorized State employment authority. Students over 14 years old may enter into an employment contract with the written consent of one of their parents (tutor, guardian) or a tutorship and guardianship agency in order to perform light duties in their free time that are not injurious to health and do not interfere with their studies.

154. Article 302 of the Labour Code states that employees under 18 shall be held fully liable for wilfully causing damage, for damage caused while under the influence of alcohol, drugs or other intoxicants, as the result of administrative misdemeanours specified in the regulations of the respective State body or through the commission of actions adjudged criminal by a court of law.

155. The Criminal Code No. 68 of 1 October 1997 establishes 16 as the age of criminal responsibility for most offences. Article 18 of the Code contains an exhaustive list of offences entailing responsibility from the age of 14, e.g. for the commission of serious

crimes such as murder, intentionally causing grievous or actual bodily harm, kidnapping, rape, sexual battery, larceny, assault with intent to rob, extortion, etc.

156. Founding, strengthening and supporting a family. Persons who have reached the marriage age have the right to marry and start a family. No marriage may be entered into without the free and mutual consent of the intending spouses. Marriages are registered by the State pursuant to article 36 of the Constitution.

157. Family relations are regulated in accordance with the principles that marriage is a voluntary union between a man and a woman, that both spouses have equal rights in the family, that family matters are settled by mutual consent, that priority is accorded to raising children within the family, that concern is shown for their well-being and development, and that the rights and interests of minor children and incapacitated family members are properly protected. Gender discrimination in family relations is prohibited.

158. Pursuant to article 11 of the Family Code, only marriages performed in civil registry offices are recognized. The mutual and voluntary consent of the intending spouses and their having reached the marriage age are the main requirements for entering into marriage.

159. Article 155 of the Criminal Code No. 191, as amended on 15 December 2004, establishes responsibility for forcing a woman into marriage or into continuing marital cohabitation, kidnapping her in order to compel her to marry or preventing a woman from marrying.

160. Bride kidnapping is practiced in Kyrgyzstan, however, and occurs in all regions, including cities and rural areas, in the north and south of the country. Typically, women under 25 are targeted for abduction and occasionally minors. While there are no official statistics documenting the number of abductions each year or the percentage of marriages resulting from this practice, sociologists, representatives of non-governmental organizations (NGOs) and officials of specialized State bodies agree that bride kidnapping is widespread. The number of criminal cases instituted under article 155 of the Criminal Code rose from 15 in 2002 to 27 in 2005<sup>21</sup>. Although this represents a two-fold increase, the number of actions brought is negligible compared with the frequency of abductions. Expert estimates as to the percentage of marriages due to bride kidnapping vary from 30 per cent to, in specific regions, 80 per cent<sup>22</sup>. According to a survey conducted by the Association of Crisis Centres of Kyrgyzstan, analysis of the regional distribution of families founded as a result of abduction or under parental pressure shows bride kidnapping to be more prevalent in the north of the country, whereas in the south women are more likely to be forced into marriage by their parents<sup>23</sup>.

161. The actions taken by the State to eradicate bride kidnapping are described in the third periodic report of Kyrgyzstan submitted to the Committee on the Elimination of Discrimination against Women (CEDAW/C/KGZ/3) on 2 March 2007, article 5, paragraphs 98–101.

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<sup>21</sup> Third periodic report of Kyrgyzstan to the Committee on the Elimination of Discrimination against Women (CEDAW/C/KGZ/3).

<sup>22</sup> Human Rights Watch study. Human Rights Watch interview with A. Eliferenko (Chance Crisis Centre, Bishkek, 28 October 2005), Zh. Saralaeva (Association of Women Leaders of Jalal-Abad, Jalal-Abad, 10 November 2005), M. Aitieva (American University of Central Asia, Bishkek, 31 October 2005), T. Isakunova (National Council on Women, Family and Gender Development, Bishkek, 31 October 2005).

<sup>23</sup> Monitoring report: The Scale and Character of Gender and Domestic Violence in Kyrgyzstan, Association of Crisis Centres, Bishkek, 2009, p. 30.

162. Marriage and divorce<sup>24</sup>. Kyrgyzstan retains its traditionally high marriage rate. According to the 2009 population and housing census, 57 per cent of men and 55 per cent of women aged 15 and over are married. Few people remain single: only 1.2 per cent of men and 1.5 per cent of women over 50 have never been married.

163. The number of people aged 20–29 who remain single has increased. The percentage of unmarried men rose from 48.7 per cent in 1999 to 60 per cent in 2009, and that of unmarried women from 23.5 per cent to 35.2 per cent in the same period. Significantly, the raising of the marriage age has meant that people are not starting a family until they finish education, take up a profession, find a job and begin earning enough to support a family of their own. Another contributory factor is the inability to secure accommodation in which to begin married life, with the result that cohabitation, particularly among the young, is becoming more common.

164. There has been a sustained increase in the number of registered marriages since 2001. Most men and women marry between the ages of 20 and 29, with around 70 per cent of newly-weds falling into this age group. In 2009, the average age of women marrying for the first time was 23.4 and that of men 26.8. Compared with the year 2000, the average marriage age among men and women alike has increased by 1.3 years.

165. The divorce rate increased 17 per cent in the period 2005–2009, rising from 1.2 per 1,000 population in 2005 to 1.4 in 2009, which indicates that not all marriages are stable. One in six marriages breaks down. In rural areas, 101 of 1,000 marriages end in divorce, whereas in urban districts the divorce rate is three times higher.

166. According to a population census, 4.2 per cent of women and 4.8 per cent of men aged 15–49 have not legally registered their marriage. Of the total number of spouses covered by the census, 8.5 per cent of women and 8.2 per cent of men in this age group had unregistered marriages. By and large, marriages of this kind are most commonly found among women aged 20–24 and men aged 25–29. Around one third of infants are born to mothers in unregistered marriages (31 per cent in 2009). Some 60 per cent of children born out of wedlock are registered jointly by both parents, while 40 per cent are registered by the mother alone and will, in all likelihood, be brought up without a father. It is noteworthy that over 75 per cent of children born out of wedlock are born to mothers under 30 years of age<sup>25</sup>.

167. A marked feature of the country's marriage structure is the disproportionately high number of widows and divorced or separated women compared with men. This is a consequence of the Second World War, shorter male life expectancy and the fewer opportunities that divorced women and widows have for remarrying.

168. Maintaining the child's family environment. Kyrgyzstan has over 125,000 families, 81 per cent of which have children under 18 years of age<sup>26</sup>.

169. Not a single State authority is currently able to cite the exact number of children and families living in vulnerable circumstances. The fragmentary and unsystematic nature of official statistics and the absence of a single database are major problems when it comes to coordinating child and social protection<sup>27</sup>.

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<sup>24</sup> Social Trends of the Kyrgyz Republic 2005–2009, NSC, Bishkek, 2010, pp. 33–36.

<sup>25</sup> Social Trends of the Kyrgyz Republic 2005–2009, NSC, Bishkek, 2010, p. 25.

<sup>26</sup> The Status of Children in the Kyrgyz Republic, Human Rights Council, Bishkek, 2008, p. 12.

<sup>27</sup> Situation Assessment of Children in the Kyrgyz Republic: summary report by the Ministry of Social Protection, 2011.

170. In 2003 the country began reforming its family and child protective services. Under the “New generation” programme for the realization of children’s rights in Kyrgyzstan up to 2010, approved by Government Decision No. 431 of 14 August 2001, pilot studies were conducted with a view to organizing a social services network by setting up family and child welfare offices in collaboration with the United Nations Children’s Fund (UNICEF) and EveryChild (United Kingdom). Translating this mechanism into practice has shown the benefits to be gained from cross-sector interaction when delivering family social support, specifically with regard to protecting the rights and interests of children. In compliance with the new Children’s Code No. 132 of 27 April 2009, as of 1 January 2007 family and child welfare offices have been set up in all regions of Kyrgyzstan.

171. Family and child welfare offices are tasked, inter alia, with identifying families in crisis, children with negligent parents, and children without parental care; selecting guardians, adoptive parents and foster families; keeping records of children placed under tutorship or guardianship; monitoring the activities of guardians, adoptive parents and foster families to ensure they are performing their assigned duties; assisting guardians, adoptive parents and foster families; monitoring conditions at institutional care homes, health-care facilities, social welfare and similar institutions in which children are kept, cared for and educated entirely at the expense of the State; referring to the court matters relating to the withdrawal of parental rights or the removal of children from parents without terminating those rights, participating in court hearings on termination of parental rights and in the adoption process by submitting pre-placement assessment reports. The work of family and child welfare offices often involves resolving key issues at the local level, such as identifying low-income families in order ensure they receive targeted social assistance; conducting initial means tests in rural areas to assess a family’s eligibility for EPMS.

172. Unfortunately, family and child welfare offices lack the technical, administrative and human resources required to meet the real needs of the population, having on their staff, for example, only three specialists to serve an entire district of over 100,000 inhabitants<sup>28</sup>. Evaluation of the challenges facing these offices underscores their immense scope, including the need not only for qualified specialists but also for sufficient time and resources to carry out their assigned tasks. Given the present authorized staff specifications, family and child welfare offices will find it impossible to perform all the above-listed duties effectively.<sup>29</sup>

173. Notwithstanding ongoing efforts to reform the country’s family and child social welfare services, the number of residential care facilities and the number of children deprived of their family environment continue to grow.

174. Residential childcare facilities operate under the authority of the Ministry of Education and Science, the Ministry of Health, the Ministry of Social Development and local government agencies. Figures vary as to the number of care homes and the number of children they accommodate. Thus, according to the Ministry of Social Development, the country has 77 residential childcare institutions currently catering for 5,500 children, 3,200 of whom are boys and 2,300 girls. Those run by the State have a total of 3,220 children, while private institutions have 2,280. NGO figures indicate that Kyrgyzstan has 134 residential care facilities<sup>30</sup>. According, however, to a UNICEF survey, the number of children in residential care increased 20.4 per cent from 17,230 in 2004 to 20,750 in 2007, accounting for 0.4 per cent of the population or around 0.8 per cent of the country’s

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<sup>28</sup> e.g. Ysyk-Ata district, Chuy province.

<sup>29</sup> Human Rights Compliance in Institutions for Children Deprived of a Family Environment. Monitoring report, 2009–2010, Youth Rights Protection Group, Bishkek, 2011, p. 39.

<sup>30</sup> *Ibid.*, p. 7.

children. Around 90 per cent of children in residential care institutions have a family, whereas half the children in homes for abandoned infants are orphans (54.7 per cent are healthy children and 49.2 per cent have mental and physical developmental defects)<sup>31</sup>.

175. State residential institutions are financed from the national budget not on the basis of the type of services they provide, but in accordance with the number of children they accommodate. This is an incentive for institutions to care for as many children as possible and can be instrumental in keeping them separated from their parents without good cause.

176. Given that around 90 per cent of children in residential settings are social orphans with parents or relatives, it is impossible for them to be adopted. Additionally, care homes are overcrowded and paying for their charges to be looked after costs the State a great deal even despite the meagre budget allocations they receive<sup>32</sup>. Owing to the country's serious economic difficulties, the provision of family-support services is extremely limited and family childcare placement services, such as private-home fostering,<sup>33</sup> are developing only very slowly.

177. Articles 158–162 of the Family Code establish the procedures for fostering. After concluding a childcare placement agreement with a family and child welfare office, the foster family assumes care of the child (children) without parental care, which may be a child who has been staying in a foster home, a health-care facility, a social welfare institution or a similar establishment

178. With help from the NGO “My Family”, a foster family centre providing children family reintegration services was set up under the auspices of the Belovodsk Children's Home, which comes under the authority of the Ministry of Education and Science. Staff at the centre draw up individualized plans for working with the children's families, specify timeframes and provide opportunities for resolving family problems while the children are at the centre. As of October 2009, 20 children had been returned to their families and only 7 moved to residential childcare institutions. Assisted by Save the Children Denmark, day care centres were set up for children with special needs, each catering for 20 children. Three are already operating and another is under formation. The aim of the centres is to enable parents with special-needs children to go out to work<sup>34</sup>.

179. Various NGOs are making an important contribution to the development of alternative family-type forms of care for children deprived of a family environment and to children's reintegration into their biological families. They include<sup>35</sup>: SOS Children's Villages Kyrgyzstan (since 1996), the Child Protection Centre (since 1998) and Children of Tien-Shan (since 2005).

180. Adoption is one of the most common care placement options for orphaned children. Legislation regulating adoption currently includes the Family Code, the Children's Code, the Civil Code, the Regulation on the rules governing the adoption of children left without parental care by Kyrgyz or foreign citizens, approved by Government Decision No. 521 of 27 August 2011, and the Parliament Decision of 24 April 2009 on enforcing legislation governing the adoption by foreign citizens of children left without parental care.

<sup>31</sup> Combined third and fourth report of the Kyrgyz Republic to the Committee on the Rights of the Child, 2010, para. 58.

<sup>32</sup> *Ibid.*, para. 67.

<sup>33</sup> The term “foster family” is specified in the Children's Code and in bylaws regulating the activities of foster families (not adopted as of 2011).

<sup>34</sup> Combined third and fourth report of the Kyrgyz Republic to the Committee on the Rights of the Child, 2010, para. 61.

<sup>35</sup> Human Rights Compliance in Institutions for Children Deprived of a Family Environment. Youth Rights Protection Group, Bishkek, 2011, pp. 48–49.

181. The Family Code stipulates that adoption is a procedure for protecting the rights and lawful interests of a child deprived of parental care within his/her family environment. It is recognized as the preferred placement option for a child in this category and is permitted solely in his/her best interests. The placement of brothers and sisters with different adoptive parents is prohibited except when it is undertaken in the interests of the children concerned.

182. Pursuant to the Children's Code, specially designated bodies protecting children's rights and interests, i.e. the Commission on Children's Affairs and family and child welfare offices, are responsible for adoption issues and accrediting adoption services.

183. Information regarding children without parental care must be entered into the State database on children left without parental care<sup>36</sup> who are subject to placement with families. Managed by an authorized State agency reporting to the Government, the database is used to keep records of children without parental care, to facilitate their placement with families and to uphold the right of citizens wishing to bring children up as part of their family to be given full and accurate information about the children concerned (Regulation concerning the establishment and use of the State database on children left without parental care, approved by Government Decision No. 125 of 2 March 2010).

184. Article 130 of the Family Code states that family and child welfare offices are required to inspect the living conditions of a potential adopter, check if there are any obstacles precluding adoption and establish whether adoption is in the child's best interests. The adoption placement process, as well as procedures for monitoring the living and care arrangements for children in adoptive families, are specified by the Government, unless adoption is by foreign citizens, in which case the process is handled by the courts in accordance with the rules of civil procedure in the presence of one of the adoptive parents or his/her authorized representative (article 172 of the Family Code). Kyrgyzstan gives precedence to domestic adoption.

185. According to data compiled by the Republican Medical Information Centre, affiliated to the Ministry of Health, as of 1 January 2010 the country's homes for abandoned infants accommodated 262 children, including 49 in Osh, 117 in Bishkek and 96 in Tokmok. The Centre also reported that 180 children from such homes were adopted in the period 2006–2009<sup>37</sup>, comprising 51 per cent of total adoptions<sup>38</sup>. Furthermore, 19 children with special needs and severe disabilities were adopted from homes for abandoned infants in 2005–2010<sup>39</sup>.

186. In 2010 an interdepartmental working group was set up composed of personnel from the Ministry of Education and Science, the Department of Juvenile Protection and NGOs in order to monitor the activities of residential childcare facilities and to assess their suitability for conversion into family and child support centres providing a wider range of educational services for children of preschool and school age<sup>40</sup>.

187. As part of efforts to tackle important social issues not or insufficiently addressed by State agencies, secure additional human, material and financial resources from private sources for social services, improve the targeting of welfare interventions and establish a legal mechanism regulating the effective and smooth delivery of social services to the

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<sup>36</sup> Established in 2010.

<sup>37</sup> From data included in the Combined third and fourth report of the Kyrgyz Republic to the Committee on the Rights of the Child, table 4.

<sup>38</sup> Reply from the Ministry of Health, No. 02-1-7414 of 12 November 2010.

<sup>39</sup> *Ibid.*

<sup>40</sup> Reply from the Ministry of Education and Science No. 01-03/7373 of 8 December 2010.

population, each year, pursuant to Act No. 162 of 21 July 2008 on Government Social-Sector Procurement, the Ministry of Social Protection holds a social venture competition<sup>41</sup>:

- In 2008/2009: entitled “Prevention of the worst forms of child labour and the social reintegration of children with special needs” (24 social ventures implemented);
- In 2010: entitled “Development of rehabilitation opportunities and services for persons with special needs” (20 social ventures shortlisted) and “Prevention of social orphanhood, juvenile offending and the exploitation of child labour” (19 social ventures shortlisted).

188. State family assistance benefits. At present, social support for families with minor children is delivered primarily by way of State benefits, which include EPMS and monthly social security benefits paid to children who have lost their breadwinner, children with special needs, children born to mothers living with HIV/AIDS, persons with special needs unentitled to a pension, elderly citizens and mother-heroiners unentitled to a pension, as well as social welfare benefits and monetary compensations allocated to particular population groups and social services provided to vulnerable social groups. Benefits paid to low-income families and mothers caring for a child under 3 years old, monthly social security benefit and pensions for mothers with large families are categorized as State budget items protected against cuts. In 2000 a low-income family identification card was introduced at the local level as a way of identifying the social support needs of economically disadvantaged families and ensuring that they received targeted support.

189. According to the National Statistics Committee, 23 per cent of extremely poor families were receiving low-income benefits in 2008, which is indicative of a positive trend, given that in 2007 the coverage rate was 14.8 per cent. There are currently 848,200 children living in families below the extreme poverty line, or 39.1 per cent; 739,500, or 34.1 per cent, are from poor families and 359,600, or 16.6 per cent, economically disadvantaged families. In view of the large number of persons receiving State benefits and the State budget’s limited resources, the amount of help provided is negligible and not enough to improve the living standards of recipients.

190. In 2009, even though low-income families with children were allocated food allowances in response to rising food prices, the coverage rate for extremely poor families receiving this form of benefit dropped to 18 per cent. This showed that social support interventions in this area were reaching too few families and that the State benefits system needed to be improved in order to increase the coverage rate for low-income families while excluding families with higher incomes.

191. In 2010 the State benefits system was overhauled and legislation regulating the provision of benefits was revised. The new legislation is designed to:

- Improve EPMS targeting;
- Enhance the role and responsibility of local government authorities in the initial assessment of a family’s need for benefit by setting up village council social affairs committees as a measure to reduce the number of self-sufficient families receiving benefits and increase coverage of families in urgent need of income support;
- Extend the eligibility period for maternity benefit payments from 18 months to 3 years, thus ensuring social support for mothers and infants;
- Vest village council committees with the right to recommend that children without birth certificates be allocated benefit for 3 months and to assist them in obtaining it;

<sup>41</sup> Ministry of Social Protection data, 2011.

- Take into account the opportunities families have for working land allotments when assessing their needs;
- Screen families on the basis of family numbers and on whether they possess livestock when assessing their needs;
- Take into account earnings from land allotments, with due regard for the right of village council committees to demonstrate flexibility and ensure that genuinely needy families are included among child benefit recipients;
- Carry into effect new criteria governing earnings from land allotments and garden plots.

192. In 2010, EPMS equal to the guaranteed minimum income was allocated to 3,200 families with children without birth certificates; 800 families without passports; 4,200 families unable to work land allotments due to disabilities or lack of access to irrigation and 80,500 families with children aged between 18 months and 3 years. Over the same period, the benefits paid to 3,600 families in possession of durable goods and 4,300 families with livestock were discontinued. In 2011, there are plans to monitor the innovations in order to assess the impact of the new EPMS targeting criteria.

193. Support for motherhood. Kyrgyzstan protects and encourages motherhood through the provision of entitlements, as specified in national legislation.

194. The State guarantees pregnant women the right to work in conditions appropriate to their physiological characteristics and health. Every woman during pregnancy and during and after childbirth is provided with free medical care at health-care facilities under the State-guaranteed benefit package (SGBP).

195. Pursuant to article 67 of Act No.6 of 9 January 2005 on Public Health, women are entitled to maternity benefit, to an allowance when caring for a sick child and to paid holidays.

196. Article 307 of the Labour Code states that pregnant women who submit a request and a medical report are entitled to maternity leave of 70 calendar days before delivery and 56 calendar days after delivery (or 70 calendar days if there are perinatal complications or multiple births) and to maternity benefit during this period equal to the amount established by Kyrgyz law.

197. Maternity leave is calculated in total and granted in its full length irrespective of the number of days the woman has actually used before giving birth. For women working in high-mountain conditions, the length of maternity leave with payment of maternity benefit equal to a full wage irrespective of length of service is fixed at:

- 140 calendar days in the event of a normal delivery (70 calendar days before delivery and 70 calendar days after delivery);
- 156 calendar days in the event of perinatal complications (70 calendar days before delivery and 86 calendar days after delivery);
- 180 calendar days in the event of multiple births irrespective of the actual length of pre-maternity leave (70 calendar days before delivery and 110 calendar days after delivery).

198. The guarantees and entitlements stipulated by article 312 of the Labour Code granted to a woman in connection with motherhood (restrictions on night and overtime work, working on weekends and public holidays, work-related travel, as well as additional leave, preferential work conditions and other benefits and entitlements established by laws and other legislative instruments) also apply to fathers raising children without a mother and to tutors (guardians) caring for minors.

199. National legislation also stipulates leave for workers who have adopted a child. Specifically, workers with an adopted child under 3 months are granted leave from the day the adoption placement commences until 70 calendar days after the adoptee was born or, if two or more children are adopted simultaneously, until 110 calendar days after they were born.

200. Pursuant to article 308 of the Labour Code, if a child is adopted by both the spouses specified in the first paragraph of this article, either may take leave as they see fit.

201. Exploitation of child labour. Kyrgyzstan does not compile national child labour statistics on an ongoing basis. A child labour survey conducted by the National Statistics Committee in collaboration with ILO in 2007 showed that children made up 21.9 per cent of the country's total workforce<sup>42</sup>.

202. The number of child workers increases in proportion to their age, rising from 32.6 per cent among children 5–11 years old to 55 per cent among 12–14-year-olds and 62.3 per cent among 15–17-year-olds. More boys (49.6 per cent) work than girls (41.5 per cent). However, more girls (78.1 per cent) than boys (59.6 per cent) are engaged in housework.

203. The vast majority of children (95 per cent) work in farming, primarily producing items for home consumption. Only 2 per cent of economically active children are in paid employment, over 90 per cent of them working without a written contract. Most children (55 per cent) work throughout the entire year, on weekdays and at weekends<sup>43</sup>.

204. Irrespective of their age group, more rural children work than children in urban areas. Whereas in urban settings only 20 per cent aged 5–11, less than 33 per cent aged 12–14 and 35.5 per cent aged 15–17 work, the percentage of child workers in the corresponding age groups in rural areas is 38.1 per cent, 65.5 per cent and 74.4 per cent, respectively<sup>44</sup>.

205. Although 92.7 per cent of economically active children attend school, the attendance rate among children in employment is only 57.8 per cent<sup>45</sup>. Eighty-eight per cent of children from broken homes have jobs.

206. Of the country's 672,000 child workers, 592,000, or 40.3 per cent of all children aged 5–17, work in jobs that are inappropriate for their age and development<sup>46</sup>. Working conditions need to be improved.

207. Government Decision No. 20 of 22 January 2008 approved the Programme of Action of Social Partners to Eliminate the Worst Forms of Child Labour in the Kyrgyz Republic for 2008–2011, as well as a matrix of actions for funding these objectives. The programme specifies the legislative and administrative measures to be applied in preventing and eradicating child labour, the main forms of which, under the programme, are trafficking, transportation, loading and unloading cargoes, waste scavenging, menial work, begging, shoe shining and repairing, car washing, farm labour and prostitution,

208. The exploitation of child labour is prohibited under article 23 of the Constitution.

209. Pursuant to article 294 of the Labour Code, it is illegal to employ persons under the age of 18 for work in harmful and/or dangerous conditions and underground, as well as in

<sup>42</sup> Working Children in Kyrgyzstan: Results of the 2007 Child Labour Survey, ILO/NSC, Bishkek, 2009, p. 10.

<sup>43</sup> *Ibid.*, pp. 11–12.

<sup>44</sup> *Ibid.*, p. 45.

<sup>45</sup> *Ibid.*, p. 34.

<sup>46</sup> *Ibid.*, p. 71.

forms of employment that could damage a child's health and moral development (the gambling industry, work in nightclubs and cabarets, the production, transportation and trade of alcoholic beverages, tobacco goods, drug and toxic preparations).

210. Government Decision No 548 of 2 December 2005, which specifies the maximum weight that can be manually lifted or moved by women and child workers, prohibits workers under 18 years old from carrying or moving loads heavier than the prescribed limits. The list of jobs in which workers under 18 may not be employed and maximum weight limits are approved under a procedure established by the Government. On 2 July 2001, a list of industries, jobs and professions with hazardous and hard working conditions in which persons under 18 years old may not be employed was approved by Government Decision No. 314.

211. More detailed information regarding ongoing measures to eradicate child labour is provided in the combined third and fourth report of Kyrgyzstan submitted to the Committee on the Rights of the Child in 2010 in accordance with article 44 of the Convention on the Rights of the Child.

## **Article 11**

212. The right to a decent standard of living is guaranteed in several articles of the Constitution. Pursuant to article 46, for example, everyone has the right to housing. Central and local authorities encourage home construction and take appropriate measures to ensure that this right is realized. The economically disadvantaged and other persons in need are provided with free or affordable housing from State, municipal and other housing stock or are accommodated in social care facilities in accordance with the grounds and procedures established by law. Under the Constitution, children are accorded special protection and guarantees as part of their right to a decent standard of living. Article 36 recognizes the right of every child to a standard of living appropriate for his/her physical, mental, spiritual, moral and social development. Both parents or other persons raising a child are responsible for providing appropriate living conditions for his/her development within their abilities and financial capacities.

213. The period 2005–2009 saw a tangible improvement in the country's core standard of living indicators. The results of a household survey show that per capita household income rose 2.4 times and that by 2009 the monetary income of urban residents was 20 per cent higher than that of the rural population.

214. Minimum nutritional requirements and the structure of the subsistence minimum for the country's main socio-demographic groups were approved by Government Decision No. 694 of 6 November 2009. In the subsistence minimum structure, expenditure for food totalled 65 per cent, non-food items 16 per cent, services 17 per cent and taxes 2 per cent. In 2009, the monthly per capita subsistence level was 3,263.22 soms, up 1.9 per cent on 2008, or 43.7 per cent of the 2005 minimum consumer budget. The cost of the family food basket (2,121.10 soms) accounted for the bulk of the subsistence minimum due to higher prices for staples.

215. In 2003, the National Statistics Committee introduced a quarterly integrated household and labour force budget survey, which was used to revise criteria for measuring poverty rates. The poverty line from the previous year, pegged to the average annual consumer price index, was used as a poverty measure threshold. The results of the survey showed that, measured by consumer expenditure, the poverty rate had dropped from 41.1 per cent in 2005 to 33.7 per cent in 2010. Also, whereas in 2005 1 out of every 9 of the country's residents fell into the category of "very poor", in 2010 the figure was 1 out of every 32, evidencing a sizeable reduction in extreme poverty.

216. The poverty gap index can be used to identify disparities in standards of living. The year-on-year downward trend in the index is reflective of positive changes in the lives of the poorest sections of Kyrgyz society. In the period 2005–2010, the poverty gap index fell from 10.5 to 7.5 per cent.

217. Nonetheless, NSC data show that in 2009 37.9 per cent of children aged 0–17 were living in poverty, with 4.2 per cent of them falling into the category of “extremely poor”. The poverty rate in rural areas was 43.2 per cent, or 17.1 per cent higher than in urban districts.

218. The percentage of children living in poor households is higher than the overall poverty rate. This is due to the dependency rate, which is higher in poor households, as well as to the substantial impact on this rate exerted by the number of children aged 0–17.

219. In 2009, the poverty rate in rural areas stood at 37.1 per cent, up 0.3 per cent on 2008, whereas in urban districts the rate declined 0.7 per cent to 21.9 per cent.

220. In 2009, 1,718,200 persons were living below the poverty line, 75.6 per cent of whom were rural residents.

221. The number of persons living close to the poverty line remains high. This situation not only suggests the poverty rate could increase but also threatens to undermine efforts to effect a durable reduction in poverty. Given no change in current living standards, a 5 per cent rise in inflation, for example, would push the poverty rate up to 35.6 per cent.

222. Poverty incidence varies across regions and not all of them witnessed a reduction in poverty in 2009. The biggest improvement in living standards was recorded in Talas province, where the poverty rate declined 10 per cent, in Issyk-Kul province 6.2 per cent, in Jalal-Abad province 3.2 per cent, as well as in Bishkek, where it fell 2 per cent. At the same time, poverty increased in Batken province 10.7 per cent, in Chuy province 5.5 per cent, in Naryn province 1.4 per cent and in Osh province 0.8 per cent.

#### Changes in the physical quality of life index, 2004–2009

<i>Year</i>	<i>Infant mortality % per 1,000 live newborns</i>	<i>Average life expectancy<sup>47</sup>, years</i>	<i>Literacy rate<sup>48</sup>, %</i>
2004 <sup>49</sup>	25.70	68.20	98.7
2005	29.70	67.90	98.7
2006	29.20	67.70	98.7
2007	30.60	67.90	98.7
2008	27.10	68.40	98.7
2009 <sup>50</sup>	25.00	69.10	99.2

223. On 11 February 1998, the National Poverty Alleviation Programme “Araket” (1998–2005) was approved by Presidential Decree No. 34. The programme sets out the main ways and methods for reducing poverty in the country, including, inter alia, a poverty-targeting

<sup>47</sup> Living Standards of the Population of the Kyrgyz Republic, 2005–2009, NSC, Bishkek, 2010, p. 9.

<sup>48</sup> *Ibid.*, p. 7.

<sup>49</sup> Statistical Yearbook of the Kyrgyz Republic 2008, NSC, Bishkek, 2008. Information covering the period 2004–2008 has been taken from this source.

<sup>50</sup> Statistical Yearbook of the Kyrgyz Republic 2009, NSC, Bishkek, 2010.

mechanism that ensures social security benefits get to persons who need them most<sup>51</sup>. Implementing the programme, however, proved problematic, given that no specific funding arrangements had been made to carry it into effect.

224. On 31 March 2009, the Country Development Strategy for 2009–2011 was adopted under Presidential Decree No. 183. The programme's primary objectives are to pursue sustainable economic development; create new jobs; raise wages; improve household incomes; increase pension and benefit rates; make it easier for average citizens to build or buy homes; improve living conditions for the inhabitants of remote and high-mountain regions; ensure a decent standard of living for marginalized and homeless children and persons with disabilities and to show greater care and attention for the elderly.

225. Following the political events of 2010, an "Economy and Security" action plan was adopted under Government Decision No. 26 of 26 January 2011 with a view to sustaining economic growth and ensuring a stable budget and financial system in general. Work also began on drafting a medium-term country development programme for 2012–2014.

226. The right to adequate food. Under Act No. 183 of 4 August 2008 on Food Security and Government Decision No. 138 of 3 March 2009, approving regulations on national food security indicators and monitoring procedures, the Ministry of Agriculture and Melioration is tasked with monitoring nine primary commodities in order to ensure that the needs of the domestic food market are met. These include grain-based cereal products, potatoes, vegetables, fruit and berries, meat based on dressed weight, raw milk, sugar, eggs and vegetable oil.

227. Analysis of the food balance up until 2010 shows that the average monthly per capita supply of food products has remained stable. Based on data for 2010, the domestic food market's available supply of primary commodities, adjusted for ending inventories and in accordance with average nutritional requirements, was as follows: cereal products 281.3 per cent, potatoes 248.6 per cent, milk 113.2 per cent, meat 85.2 per cent, vegetable 178.8 per cent, vegetable oil 194.6 per cent, sugar 70.6 per cent, eggs 43.7 per cent and fruits and berries 23.8 per cent.

228. At the same time, the United Nations World Food Programme reports that around 1,400,000 persons living in Kyrgyzstan suffer food shortages. In 2010, 200,000 hectares of land, or double the amount in 2009, remained unsown. The same year, 84 per cent of the harvest was completed in Chuy province, 67 per cent in Jalal-Abad province, 55 per cent in Batken province and 51 per cent in Osh province. Food prices have risen 20–30 per cent since the start of 2011. Kyrgyzstan depends heavily on imports and around 70 per cent of food products come from abroad. The country requires 1,200,000 tons of grain annually, 70 per cent of which is produced domestically, the remainder being offset with imports from Kazakhstan<sup>52</sup>.

229. As of March-April 2011, around 14 per cent of households were severely food insecure, indicating that their diet lacked sufficient rations of grain crops and potatoes. Furthermore, the amount of money they had available for consumer expenditures was

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<sup>51</sup> National poverty alleviation strategy "Araket" (1998–2005), approved by Presidential Decree No. 34 of 11 February 1998.

<sup>52</sup> A.U. Zhaparov, Food Security in the Kyrgyz Republic: Problems, Risks, Solutions ([http://www.bulak.kg/sites/default/files/prodovolstvennaya\\_bezopasnost\\_analiticheskiy\\_dokument.pdf](http://www.bulak.kg/sites/default/files/prodovolstvennaya_bezopasnost_analiticheskiy_dokument.pdf)).

below the extreme poverty threshold. In absolute terms, 14 per cent of households, or 763,820 persons, experience severe levels of food insecurity<sup>53</sup>.

230. Low food security is far more widespread than in August 2010, when 4 per cent of households were severely food insecure. This situation has been caused by the depletion of reserves left over from earlier harvests, a reduction in the seasonal trade of food products, fewer job openings owing to the impact exerted by the civil disturbances of 2010 on the economy and household incomes, as well as by the sharp rise in food prices in 2011<sup>54</sup>.

231. Food security is markedly lower in rural than in urban areas. The lowest levels were recorded in Jalal-Abad province (rural and urban districts), rural parts of Osh province and in Batken province, followed by Talas and Issyk-Kul provinces<sup>55</sup>.

232. Households with low food security include families without livestock or land or with only enough livestock to feed themselves for a few months. This category also includes households with irregular or low per-capita incomes. The situation is aggravated by the fact that families tend to be large and have dependent members<sup>56</sup>.

233. A joint report published by UNICEF and the World Bank in June 2011 states that 22 per cent of deaths among children under 5 years old in Kyrgyzstan are caused by malnutrition. Undernourishment also stunts children's growth. In Kyrgyzstan, 14 per cent of children under 5 are small for their age, the proportion reaching 20 per cent in three provinces. Malnutrition is predominantly in rural regions, where 15.7 per cent of children under 5 are stunted, compared with 10.8 per cent in urban areas<sup>57</sup>.

234. The Kyrgyz Government is implementing the following measures aimed at improving food production, storage and distribution.

235. The National Fortification Alliance in the Office of the President is responsible for improving the country's diet. Pursuant to Regulation No. 85 of 9 March 2004, the Alliance's primary task is to increase the nation's consumption of micronutrients and vitamins by ensuring that food products are supplemented using fortification and other techniques.

236. The Health for All in the Twenty-First Century programme, approved by Government Decision No. 71 of 4 February 1999, stipulates measures for producing iodine-enriched foods containing essential nutrients, vitamins and minerals. Under the Comprehensive Development Framework (CDF) until 2010, enterprises producing iodine- and iron-enriched foods are to be set up or improved<sup>58</sup>.

237. A programme to reduce the incidence of iodine deficiency disorders in the period 2010–2014 has been approved by Government Decision No.22 of 19 January 2010. Enterprises continue to produce iodised salt. As part of measures to boost the immune status of children, reduce morbidity and mortality among children under 5 years old and effect a rapid improvement in vitamin A status, a nationwide vitamin A supplementation programme is being conducted. Under the programme, over 5,000 children aged between 6

<sup>53</sup> Food Security Assessment. April 2011. Overview. United Nations World Food Programme ([http://ru.wfp.org/sites/default/files/01\\_efs\\_a\\_kratkiy\\_obzor.pdf](http://ru.wfp.org/sites/default/files/01_efs_a_kratkiy_obzor.pdf)).

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*

<sup>56</sup> *Ibid.*

<sup>57</sup> A. Klevtsova. One in every five child deaths in Kyrgyzstan is due to malnutrition. Radio Azattyk, 17 August 2011 ([http://rus.azattyq.org/content/kyrgyzstan\\_children\\_hunger\\_/24298067.html](http://rus.azattyq.org/content/kyrgyzstan_children_hunger_/24298067.html)).

<sup>58</sup> The Kyrgyz Republic: New Perspectives. Comprehensive Development Framework until 2010: National Strategy.

months and 5 years annually receive an additional dose of vitamin A. Coverage is 98.7 per cent and includes over 100,000 new mothers and maternity homes.

238. The country's food security initiatives attach considerable importance to timely veterinary interventions aimed at preventing outbreaks of infectious animal diseases and producing and utilizing safe animal products consistent with veterinary sanitary standards.

239. In order to boost agricultural production and ensure food security, the State helps peasants and farmers by providing them with loans on easy terms through financial institutions in which the State holds equity. Financially distressed peasants and farmers receive fuels and lubricants, seed grain, fertilizer and chemicals from State reserves and, with support from international development partners, are supplied with farm equipment on preferential terms under leasing agreements<sup>59</sup>.

240. Housing stock. Over the past five years the country's housing stock has grown. By year-end 2009 housing resources had increased 22.4 per cent on 2005, totalling over 77 million square metres. In addition, 34,000 flats and houses with a total area of 3.5 million square metres were put into service and over 29,000 single-family homes (flats) built, while private housing construction increased 40 per cent. Moreover, the building and commissioning of homes is funded primarily by private sources.

241. Most people (93.7 per cent) own their homes, regardless of their poverty status. The population acquires housing in a number of ways: 40.1 per cent of homes are privately developed, 32.4 per cent are obtained via purchase or exchange transactions, 10.2 per cent are allocated by local authorities, 10.7 per cent are inherited or obtained in the form of a gift and 4.2 per cent of households rent accommodation from private landlords<sup>60</sup>.

242. By year-end 2005, average available floor area per capita equalled 12.4 square metres. This expanded to 14.2 square metres in 2009, including 18.8 square metres in urban areas and 11.9 square metres in rural areas. Around 43 per cent of the population has an average of 20–40 square metres of living space per capita. However, over 74 per cent of the country's very poor residents have only 10–20 square metres per capita<sup>61</sup>.

243. Development of housing stock. The past five years have seen a decline in the provision of housing stock services and amenities. During this period, gas provision has fallen almost 1.5 times compared with 2005 and only 29.9 per cent of homes are supplied with gas; the water supply has declined 15.5 per cent (38 per cent of homes); sewerage services 17.5 per cent (24.6 per cent), while central heating provision has halved (12.9 per cent). However, the biggest reduction has been in the hot-water supply, which has fallen 2.3 times, and in 2009 was available to just over 4 per cent of homes.

244. According to data from the United Nations Operational Satellite Applications Programme, during the events in southern Kyrgyzstan in June 2010, 2,843 buildings were damaged in the cities of Osh, Jalal-Abad and Bazar-Korgon. Among those, 2,677 were totally destroyed and 166 severely damaged. There was damage to industrial warehouses, government buildings, police stations and health and education facilities, although more limited than the destruction of private dwellings<sup>62</sup>. The Office of the United Nations High Commissioner for Refugees counted 1,943 damaged apartment complexes. Of those, 90 per

<sup>59</sup> A.U. Zhaparov, Food Security in the Kyrgyz Republic: Problems, Risks, Solutions ([http://www.bulak.kg/sites/default/files/prodovolstvennaya\\_bezopasnost\\_analiticheskiy\\_dokument.pdf](http://www.bulak.kg/sites/default/files/prodovolstvennaya_bezopasnost_analiticheskiy_dokument.pdf)).

<sup>60</sup> Living Standards of the Population of the Kyrgyz Republic, 2005–2009; NSC, Bishkek, 2010, p. 31.

<sup>61</sup> *Ibid.*

<sup>62</sup> Report of the International Independent Commission of Inquiry into the Events in Southern Kyrgyzstan in June 2010 ([http://kyrgyzembassy.ru/wp-content/uploads/2011/05/IKK\\_001.pdf](http://kyrgyzembassy.ru/wp-content/uploads/2011/05/IKK_001.pdf)).

cent were badly damaged or required complete reconstruction. Around 14,000 persons had lived in these complexes.

245. Pursuant to Government Decision No. 164 of 17 August 2010, citizens who were casualties of the events of June 2010 in Osh, Osh province and Jalal-Abad province receive State allocations from the national budget, which are being used to build high-rise apartment buildings, reconstruct social and cultural facilities, and roads in these areas.

246. In order to design and construct new homes, the State Directorate for reconstruction and development of the cities of Osh and Jalal-Abad has come up with eight standard house designs. According to the NGO Citizens against Corruption, however, the residents of some districts in Osh are not happy with the project or the construction plan for their homes. Be that as it may, for the building authority to change the technical documentation an additional fee is required, which the residents are not able to pay<sup>63</sup>.

247. Nevertheless, 1,780 two- and three-room temporary houses were built in Osh, Osh province and Jalal-Abad province in 2011 with the help of donor organizations. At present, the State Directorate is overseeing the construction of 18 multi-storey houses comprising 1,070 flats, including 14 houses with 926 flats in Osh, 1 house with 120 flats in Kar-Suu district, 2 houses with 120 flats in Jalal-Abad and 2 houses with 24 flats in Bazar-Korgon. By August 2011 9 multi-storey houses had been built in Osh with a total of 417 flats.

248. The current Housing Code was adopted on 20 May 1983, since when housing relations have altered considerably, while legal regulations have remained unchanged. A draft Housing Code prepared by parliamentarians is under discussion<sup>64</sup>.

249. Other legislative instruments regulating housing include: the Civil Code, which specifies procedures governing residential lease agreements and grandfather provisions relating to the Housing Code; the Code on Administrative Responsibility, which stipulates the rules of responsibility for administrative offences in housing and utility services; the Land Code, which sets out the provisions regulating land rights, procedures for building land plots, etc. and Act No. 77 of 28 October 1997 on Condominiums and Act No. 1372-XII of 11 January 1994 on Town Planning and Architecture Act, which regulate only specific aspects of housing offences.

250. Since the year 2000, Kyrgyzstan has been moving ahead with implementing the Concept on the Development of Housing Construction until 2010, adopted under Presidential Decree No.76 of 6 April 2000 and the State Housing Development Programme until 2010, approved by Government Decision No.188 of 25 April 2001. The year 2005 saw the adoption of the Housing Construction in Rural Areas Development Programme until 2010, approved by Government Decision No.26 of 20 January 2005. These programmes have not been fully realized, however.

251. A national home development programme for the period 2012–2015 is currently being drafted which envisages the construction of social, affordable and rental housing. Additionally, casualties of natural disasters are provided with lump-sum, interest-free, repayable long-term loans on easy terms to restore or build homes.

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<sup>63</sup> The Main Areas of Activity of Human Rights Centre “Citizens against Corruption” after the inter-ethnic clashes in southern Kyrgyzstan in June 2010, p. 24, (<http://www.anticorruption.kg/ru/help-damaged-in-the-south-kyrgyzstana>).

<sup>64</sup> <http://www.ombudsman.kg/ru/ourwork/improvinglaw.html>.

252. On 15 February 2011, Government Decision No. 15 was adopted, approving provisional regulations governing procedures for delineating and formalizing the boundaries of land allotments attached to high-rise apartment buildings.

253. Amendments to the Land Code No. 45 of 2 June 1999 in July 2009 place the residents of multi-storey houses on the same footing as the owners of garden plots and require all flat owners to pay land tax. However, the methods used to calculate these payments have not been worked out. Moreover, the formalities involved in granting ownership of house plots to the residents of many multi-apartment buildings have either not been completed or are yet to begin<sup>65</sup>.

## Article 12

254. Health legislation and policy. Article 47 of the Constitution states that everyone has the right to health. The State ensures that everyone has access to medical care and undertakes measures to develop the State, municipal and private health sectors. Free medical care and health-care services on preferential terms are provided under State guarantees established by law. Public officials who conceal facts and circumstances endangering human life and health are subject to legal prosecution.

255. State health policy is underpinned by the principles of social justice, equality and universal access to curative and preventive health care. Accordingly, its aims are: to improve the health-care system by meeting the population's needs through delivering comprehensive and integrated health-care services and creating equal conditions in which health organizations may function, irrespective of their form of ownership; to provide scientifically-validated curative and preventive treatment; to focus on preventive health care and encourage the population to adopt healthy life styles; to hold central and local authorities, legal entities and public officials accountable for failing to comply with State guarantees protecting and enhancing citizens' health, and to hold health-care providers responsible for failing to render safe and proficient medical assistance (Act No.6 of 9 January 2005 on Public Health).

256. Pursuant to article 61 of the Act, Kyrgyz citizens have an inalienable right to health, which is ensured by:

- Protecting the natural environment, establishing favourable conditions for the employment, daily life, recreation, education and training of citizens, and producing and selling safe foods and medicines;
- According all citizens, irrespective of sex, race, ethnic background, language, social origin, employment status, place of residence, attitude to religion, convictions, membership of voluntary associations or other characteristics, equal opportunities to exercise their right to facility-based and home health care;
- Providing citizens with access to health care throughout the entire country;
- According citizens the right to protect their life and health;
- According citizens the right to free choice of a family doctor and general practitioner;
- Providing health care under the SGBP programme;
- Providing information on preventive medicine, hygiene and healthy life styles.

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<sup>65</sup> *Ibid.*

257. Under health legislation, citizens are entitled to receive regular, reliable and timely information on positive and detrimental health factors, including information regarding the ecological, sanitary and epidemiological safety of residential districts, dietary intake levels and the compliance of products, forms of employment and services with sanitation and hygiene standards and rules, and other factors. This information is provided by local State administrative bodies via the mass media or directly to citizens on request.

258. Throughout its territory Kyrgyzstan operates a comprehensive and integrated health system comprising both public and private health sectors. The public sector consists of central and municipal health-care organizations and general-health, curative and preventive departments. The private sector includes private health-care organizations, private health providers and pharmaceutical companies.

259. Pursuant to article 21 of the Public Health Act, Kyrgyz citizens have access to the following health-care services:

- Primary health care;
- Specialized health care;
- Home health care;
- Medical rehabilitation;
- Medical expert consultation.

260. Primary health care is the main universal form of medical care. It is provided free of charge by family doctors and general practitioners to all citizens, and includes:

- Protecting and strengthening the health of citizens, families and communities by way of personal consultations with family doctors or general practitioners which are integrated with the work of other health-care services;
- Providing emergency medical services;
- Maintaining interaction between different health-care services, irrespective of their form of ownership, referring patients to medical specialists and to home health-care and medical rehabilitation services (article 22 of the Public Health Act).

261. Kyrgyzstan drafts, adopts and implements political, legislative and other measures at the national and international levels with a view to guaranteeing and enforcing citizens' health rights. As part of efforts to realize State policy, in the reporting period numerous health-related laws and programmes were adopted:

- The Manas National Health-Care Reform Programme for 1996–2006, approved by Government Decision No.288 of 24 June 1996;
- Act No.65 of 18 May 1998 on Protection against Tuberculosis;
- Act No.66 of 22 May 1998 on Narcotic Drugs, Psychotropic Substances and Precursors;
- Act No.112 of 21 September 1999 on Medical Insurance;
- Act No.60 of 17 June 1999 on Psychiatric Care and Patients' Rights Guarantees;

- Act No.40 of 27 January 2000 on Prevention of Iodine-Deficiency Disorders;
- Act No.83 of 4 October 2000 on Oncological Care;
- Act No.60 of 26 June 2001 on the Sanitary and Epidemiological Welfare of the Population;
- The National Mental Health Programme for 2001–2010, approved by Government Decision No. 344 of 13 July 2001;
- Act No.56 of 26 June 2001 on Immunoprophylaxis of Infectious Diseases;
- Act No.159 of 30 July 2003 on the Single Payer System in Health-Care Financing;
- Act No.91 of 30 April 2003 on Medicines;
- The National Policy Framework for Healthy (Functional) Nutrition until 2010, approved by Government Decision No.785 of 19 December 2003;
- Act No.6 of 9 January 2005 on Public Health;
- The Manas Taalimi National Health-Care Reform Programme for 2006–2010, approved by Government Decision No.100 of 16 February 2006;
- Act No.116 of 13 August 2006 on Health-Care Organizations;
- Act No.175 of 21 August 2006 on Protecting the Health of the Population against the Harmful Effects of Tobacco;
- Act No.166 of 9 August 2006 on Diabetes;
- The Act on Blood Donation and Blood Components, adopted on 15 May 2007;
- Ongoing national programmes include: the National Immunoprophylaxis Programme for 2006–2010, approved by Government Decision No.369 of 22 May 2006, the National Tuberculosis-III programme for 2006–2010, approved by Government Decision No.331 of 6 May 2006, the National Strategic Plan to Fight Malaria for 2006–2010, approved by Government Decision No.348 of 12 May 2006 and the National Plan to Fight Highly Pathogenic Avian Influenza, approved by Government Decision No.25 of 16 January 2006; a targeted comprehensive programme to fight parasitic diseases in the period 2007–2011 has been approved under Ministry of Health Order No.161 of 30 March 2007 and a national medical waste management strategy has been drafted.

262. Health-care reform has been directed primarily at creating a consumer-centred infrastructure, decentralizing administration and increasing the managerial and financial autonomy of health-care organizations. Priority is given to improving primary care and family medicine, allowing citizens to choose their family doctor and ensuring greater public access to medical services under the SGBP programme. The Manas Taalimi programme was elaborated with the technical support of the World Health Organization (WHO).

263. The health-care reforms introduced under the SGBP programme have eased the financial burden on patients and improved access to health-care services for vulnerable social groups.

264. With the establishment of the Institute of Family Medicine, patients no longer have to pay for high-cost hospital services, but can use inexpensive primary health-care facilities instead.

265. The introduction of co-payments, i.e. fees payable to health-care facilities for medicines, food and various other medical services not covered by State entitlements, has

reduced not only the total number of informal out-of-pocket payments made by patients but also their predictability.

266. The SGBP programme was first introduced in 2011 as a way to offset the Government's health-care obligations using available resources, (Government Decision No.5 of 9 January 2001 concerning the adoption of a new health-care funding mechanism). Government Decision No. 363 of 24 August 2007 approved a framework SGBP, which was extended for the period 2008/2009.

267. As of 2011, the SGBP programme is primarily declaratory in nature, particularly as regards inpatient care, given that the right to free or reduced-price health-care services extends to 72 categories of citizens, including 51 categories that receive them entirely free of charge<sup>66</sup>. Up to 94 per cent of the SGBP budget is spent on treatment for concessional patients, with no more than 6 per cent allocated to other citizens<sup>67</sup>.

268. According to NSC, prices for medicines and medical products rose by a third in 2009/2010 alone, whereas State spending on medicines increased only 3 per cent. In 2010, budget outlays on medicines at inpatient facilities shrank by 25 million soms, despite prices increasing 16 per cent, and accounted for 4.4 per cent of their budget expenditures. Independent experts estimate that inpatients pay for over 50 per cent of medicines and medical products out of their own pockets<sup>68</sup>.

269. To ensure sufficient economic resources for the SGBP programme, in 2011 the Ministry of Health formulated a new, optimized version of the programme based on the State budget's actual funding ability, citizens' mandatory health insurance contributions and co-payments. Optimization took three forms:

- Revising the list of population categories entitled to inpatient treatment at reduced rates;
- Revising concession amounts for insured outpatients;
- Revising the average cost of inpatient treatment by modifying State budget and mandatory health insurance funding ratios and adjusting them to take account of resources left over from previous initiatives, and by pegging co-payment amounts to price inflation.

270. State health-care spending has increased amid stronger activity in the overall economy. In the period 2005–2009, total health expenditure rose from 5.9 per cent to 6.4 per cent of GDP<sup>69</sup>.

<sup>66</sup> The first version of SGBP was approved by the Government for 2001 and provided entitlements for only 27 population categories. This helped reduce informal patient payments considerably and improve the quality of reduced-price services.

<sup>67</sup> Assessment of the Manas Taalimi National Health Care Reform Programme, Ministry of Health, 2011.

<sup>68</sup> Explanatory notes to the State-guaranteed benefits package for 2011, Ministry of Health.

<sup>69</sup> Assessment of the Manas Taalimi National Health Care Reform Programme, Ministry of Health, 2011.

**Health-care spending trends, 2000–2009<sup>70</sup>**

	2000	2004	2005	2006	2007	2008	2009
As % of total health-care spending							
Budget	43.4%	34.5%	36.4%	34.3%	32.5%	37.6%	38.6%
FOMS	3.7%	6.5%	4.3%	6.6%	7.7%	4.6%	5.5%
Private	52.9%	59%	59.2%	55.5%	48.2%	46.9%	42.9%
Joint external funding				3.6%	5.8%	4%	7.6%
Parallel external funding	n/a	n/a	n/a	n/a	5.7%	6.9%	5.5%
<b>Total</b>	<b>100%</b>						
As % of total health-care spending							
Budget	43.4%	34.5%	36.4%	34.3%	32.5%	37.6%	38.6%
FOMS	3.7%	6.5%	4.3%	6.6%	7.7%	4.6%	5.5%
Private	52.9%	59%	59.2%	55.5%	48.2%	46.9%	42.9%
Joint external funding				3.6%	5.8%	4%	7.6%
Parallel external funding	n/a	n/a	n/a	n/a	5.7%	6.9%	5.5%
<b>Total</b>	<b>100%</b>						
As % of GDP							
FOMS	0.2%	0.4%	0.3%	0.4%	0.5%	0.3%	0.3%
Private	2.3%	3.3%	3.5%	3.5%	3.1%	2.6%	2.7%
Joint external funding				0.2%	0.4%	0.2%	0.5%
Parallel external funding	n/a	n/a	n/a	n/a	0.4%	0.4%	0.3%
<b>Total</b>	<b>4.4%</b>	<b>5.6%</b>	<b>5.9%</b>	<b>6.2%</b>	<b>6.5%</b>	<b>5.6%</b>	<b>6.4%</b>

271. Population health status. In 2009, 33,900 persons died in Kyrgyzstan. Over the past three years mortality rates have dropped 6 per cent, falling from 7.2 per cent in 2007 to 6.7 per cent in 2009 per 1,000 population. In the regional context, the highest number of deaths were recorded in Chuy province (8.7 per cent per 1,000 population in 2009), Issyk-Kul province (8.2 per cent) and Naryn province (7.8 per cent, which are home to a large proportion of the population over working age. The major causes of mortality in Kyrgyzstan are circulatory system diseases, respiratory diseases, diseases of the digestive system, infectious and parasitic diseases, neoplasms, nervous system diseases, injuries and poisoning. As of 2009, death was most commonly caused by circulatory system diseases (326.5 per 100,000 population), respiratory diseases (55.8 per 100,000), injuries and poisoning (64.4 per 100,000) and neoplasms (60.7 per 100,000)<sup>71</sup>.

<sup>70</sup> A. Temirov, U. Narmanbetov, K. Duishenaliev, K. Esengulov, National Health Accounts in Kyrgyzstan: overview of total health expenditures in 2009; 2010. Policy research paper No. 71, Health Policy Analysis Centre (www.hpac.kg).

<sup>71</sup> CDF/MDG: statistical development indicators for the Kyrgyz Republic and its regions, NSC, Bishkek, 2007.

272. In 2009, there were 12 diagnoses of bronchial asthma per 100,000 population, or 25 per cent fewer than in 2005. More than 31,000 persons were registered in 2009 as having diabetes, 214 of whom were children under 14 years old. There were new 3,400 cases of the disease, including 38 children<sup>72</sup>.

273. Tuberculosis morbidity and mortality rates were significantly reduced under the Manas Taalimi programme. Tuberculosis morbidity fell from 113.6 to 100.9 and tuberculosis mortality dropped from 11.2 to 8.7 per 100,000 population in the period 2004–2009.

274. Notwithstanding the progress achieved through HIV-prevention initiatives, HIV incidence is rising. The incidence rate reached 41 per cent in 2006 compared with the previous year, increasing to 67 per cent in 2007, later declining, however to 26 per cent in 2009. The higher incidence recorded in 2007 was largely due to the extensive nosocomial transmission of HIV in children's hospitals in Omsk province, where currently half of all HIV-positive persons in Kyrgyzstan reside<sup>73</sup>.

275. Under the Manas Taalimi programme a large number of HIV-prevention measures were conducted, including:

- Raising public awareness through media outlets and distributing educational materials (brochures, booklets and calendars dealing with HIV/AIDS-related issues, sexually-transmitted diseases and drug abuse) in Russian and Kyrgyz;
- Drafting and approving the layout for laboratories used to perform enzyme-linked immunosorbent assay for HIV diagnosis, as well as infrastructure and equipment specifications; with help from KfW Development Bank, physical facilities were improved at 34 HIV/AIDS diagnostic laboratories;
- Increasing HIV testing coverage among at-risk groups by, inter alia, making anonymous testing more widely available to persons wishing to learn their HIV status;
- Adopting initiatives to improve patient safety by, inter alia, meeting medical equipment requirements, testing all blood donations and developing educational programmes on safe medical procedure, with emphasis given to HIV/AIDS prevention;
- Introducing HIV/AIDS control procedures for injecting drug users by, inter alia, opening needle exchanges at health-care and other facilities, setting up a 24-hour hotline, distributing condoms and conducting sentinel surveillance among injecting drug users and other vulnerable groups;
- According special emphasis to preventing mother-to-child transmission of HIV by including a section on pregnant women with positive HIV test results in clinical protocols, introducing mandatory HIV testing for all registered pregnant women once their consent has been obtained after being provided with the relevant information;
- Supplying antiretroviral drugs for HIV prevention and treatment to all areas of the country using grants from the Global Fund to Fight AIDS, Tuberculosis and Malaria.

<sup>72</sup> Social Trends of the Kyrgyz Republic 2005–2009, NSC, Bishkek, 2010, pp. 88–90.

<sup>73</sup> Assessment of the Manas Taalimi National Health Care Reform Programme, Ministry of Health, 2011.

276. Infant mortality. Infant mortality is a critical indicator of a nation's health. Official figures and survey data show that infant and child mortality rates are declining. Perinatal death is the most common cause of child mortality and is primarily the result of respiratory disorders, congenital anomalies, infectious and parasitic diseases, injuries and poisoning. These complications are due to pregnant women failing to seek medical assistance at the right time, undiagnosed pregnancy problems, inadequate access to specialized pre- and postnatal care services, substandard labour and delivery staff and insufficient neonatal resuscitation resources. It is worth mentioning that the simultaneous introduction in 2004 of the new WHO live birth criteria and improvements to infant and child death registration procedures increased mortality statistics in the period 2005–2009<sup>74</sup>.

#### Infant and child mortality rates (per 1,000 live births)

	2004	2005	2006	2007	2008	2009
Child mortality (death of children under 5 years old per 1,000 live births)	31.8	35.2	34.6	36.6	31.5	29.3

277. A cause for concern is that 30 per cent of infants under 1 year old die on the day they are admitted to hospital and over 50 per cent die at home in the first 1–2 years of life<sup>75</sup>. This is a result of late hospitalization for serious health disorders, which could partly be due to parents' failure to recognize symptoms requiring immediate medical intervention.

278. In 2009, deaths among children under 1 year old were caused primarily by diseases and disorders occurring in the perinatal or postnatal periods (65 per cent of dead newborns), respiratory diseases (14 per cent), congenital anomalies (11 per cent) and infectious and parasitic diseases (5 per cent).

279. The infant mortality rate is higher in urban than in rural areas due to procedures for registering the death of children. Thus, child deaths that occur in maternity homes (perinatal death) are recorded immediately by health-care providers, rather than by the child's relatives, at the respective health-care facility. The death of a child is more likely to be registered here, given that the better equipped maternity homes are located in urban districts<sup>76</sup>.

280. Maternal mortality. The country's high maternal death rate is largely due to the mothers' poor state of health. Although the rate varies from year to year, it is rising steadily. Thus, in 2009 it stood at 75.3 per 100,000 live births. Analysis of the official statistics must allow for the fact that in 2009 the Ministry of Health and its partners launched, with technical support from the United Nations Population Fund (UNFPA) and WHO, a range of targeted initiatives to improve registration and identify the causes of maternal mortality. Part of these measures included imposing a moratorium on penalties for doctors in cases of maternal death<sup>77</sup>.

<sup>74</sup> *Ibid.*

<sup>75</sup> A. Abramov, G. Nazhimidinova, E. Boronbaeva and V. Shukurova: Social-medical causes of mortality of children under 2 years old who died at home or during the first 24 hours of hospitalization, 2009. Policy research paper No. 63, Health Policy Analysis Centre, ([www.hpac.kg](http://www.hpac.kg)).

<sup>76</sup> Social Trends of the Kyrgyz Republic 2005–2009, NSC, Bishkek, 2010, p. 28.

<sup>77</sup> Assessment of the Manas Taałimi National Health Care Reform Programme, Ministry of Health, 2011, p.15.

**Maternal mortality per 1,000 live births**

	2004	2005	2006	2007	2008	2009
Maternal mortality	46.4	61	53.0	62.5	58.9	75.3

281. Data for 2009 reported by the Republican Medical Information Centre reveal that the major causes of maternal mortality remain haemorrhaging (35.5 per cent), hypertensive disorders during pregnancy (26.3 per cent), sepsis (18.4 per cent) and severe extragenital pathology (14.5 per cent). In recent years the number of deliveries with labour and delivery complications has increased significantly. Analysis shows that in almost one in three cases the deceased woman was not registered with prenatal health care services, 44 per cent of women were in a risk group by virtue of their age and extragenital pathology is increasingly prevalent (cardiovascular decompensation, nephritis, leukaemia, tuberculosis, etc.). In rural areas, 70–80 per cent of maternal deaths are registered<sup>78</sup>.

282. It must also be borne in mind that the political disturbances of 2010, particularly the inter-ethnic conflict in the south of the country, inevitably took a toll on maternal and child health. The results of a rapid assessment report prepared by WHO, UNFPA and UNICEF<sup>79</sup> in July 2010 indicate an increased number of home births during the conflict, as well as difficulties in obtaining essential medical services and staple foods. As the report notes, this was caused by a general anxiety about seeking help from health-care facilities, blocked roads and a shortage of public transport<sup>80</sup>.

283. According to a report by the Asian Development Bank (*Reducing Neonatal Mortality in Osh Oblast*, ADB, 2006), 50 per cent of all cases of maternal death result from a failure to provide proper care, when death might have been avoided if, as well as the appropriate equipment, properly trained personnel had been on hand. These situations happen in spite of the high institutionalized delivery rate (96.9 per cent). In addition to general training, the quality of on-the-job training needs to be improved as a way of keeping up with changes as and when they occur<sup>81</sup>.

284. Reproductive health-care services are understaffed and underfinanced. Faced with salaries below even those of other public-sector workers, many health-care providers leave the country and those who stay feel overworked and undervalued. Additional funding is required to improve their motivation if they are to remain in Kyrgyzstan and deliver high-quality care to their patients. There is a marked geographical disparity in access to specialists, who are concentrated primarily in Bishkek, Osh and provincial capitals. Specialist health services are particularly scarce in sub-district hospitals (up to 0.1 per 10,000 population) and in some districts not provided at all.

<sup>78</sup> Assessment of the Manas Taalimi National Health Care Reform Programme. Ministry of Health, 2011

<sup>79</sup> Joint Inter-Agency Health and Nutrition Initial Rapid Assessment in the south of the country, Osh and Jalal-Abad oblast, 29 June–3 July 2010, WHO, UNFPA and UNICEF.

<sup>80</sup> Assessment of the Manas Taalimi National Health Care Reform Programme. Ministry of Health, 2011.

<sup>81</sup> *Ibid.*, p.84.

285. Various programmes and initiatives have been launched to reduce the country's infant and maternal mortality rates<sup>82</sup>:

- To improve the delivery of high-quality antenatal care, 18 clinical protocols with guidelines for antenatal and delivery care personnel have been elaborated and approved;
- Pursuant to Ministry of Health Order No. 315 of 20 June 2008, a programme has been launched to improve perinatal care in the period 2008–2017; effective perinatal technologies are gradually being introduced in provinces that previously lacked them with support from development partners WHO, USAID, UNFPA, UNICEF, GTZ, ADB, KfW Development Bank, the Aga Khan Foundation, *et al.*;
- 10 August 2007 saw the adoption of Act No. 17 on the Reproductive Rights of Citizens and Guarantees for their Realization, which regulates public relations in reproductive health care and establishes State guarantees and the core principles to be applied in this area;
- The Zhogorku Kenesh adopted Act No.78 of 11 March 2009 on Baking Flour Enrichment, which sets out the fundamental legal principles for ensuring the population is supplied with wholesome flour fortified with micronutrients as part of measures to reduce iron-deficiency anaemia rates among children and women of reproductive age;
- All medical services for pregnant and parturient women are provided free under the SGBP programme;
- Effective WHO technologies have been adopted at 60 per cent of the country's maternity facilities under the Making Pregnancy Safer/Promoting Effective Perinatal Care initiative;
- 47 per cent of deliveries take place at certified "baby-friendly" health-care facilities;
- The maternity home infrastructure has been much improved by, *inter alia*, fitting homes with modern equipment;
- Obstetrics and gynaecology programmes have been integrated at the Kyrgyz State Medical Institute of Further Training and Continuing Education to take account of WHO recommendations and the principles of evidence-based medicine.

286. Immunization. In accordance with Act No. 56 of 26 June 2001 on Immunoprophylaxis of Infectious Diseases, State immunization policy is designed to prevent, reduce and eliminate infectious diseases. Pursuant to this policy, the State undertakes:

- To provide universal access to vaccines;
- To administer free of charge at State health-care facilities vaccines included in the national preventive vaccination schedule and vaccines for disease-control purposes;
- To ensure social protection in the event of post-vaccinal complications;
- To develop and implement national targeted and regional programmes;
- To use effective medical immunobiological preparations when administering vaccines;

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<sup>82</sup> *Ibid.*, pp.14,16.

- To monitor the quality, effectiveness and safety of medical immunobiological preparations;
- To support vaccine research and the development of new medical immunological preparations;
- To make the study of vaccine immunology a mandatory requirement in the training of health-care providers;
- To improve the statistical data monitoring system;
- To implement an integrated State information policy;
- To develop international cooperation.

287. Implementing State immunization policy is the responsibility of the Government and local executive authorities. In the period 2006–2010, Kyrgyzstan operated a national immunization programme geared towards reducing morbidity rates for tuberculosis, diphtheria, pertussis, tetanus, measles, hepatitis B and epidemic parotitis.

288. A national polio eradication programme launched in 1996 resulted in catch-up vaccination being delivered to all children under 5 years of age and the adoption of an epidemiological acute flaccid paralysis surveillance system. In 2002, Kyrgyzstan was certified polio-free by WHO/Europe. Cases of dracunculiasis are not recorded in Kyrgyzstan<sup>83</sup>.

289. Immunization is one of the most effective measures for protecting child health. Although, at 95.6 per cent in 2009, the immunization rate has remained high throughout the country, it has nevertheless declined compared with previous years when it stood at 99 per cent. This is mostly likely the result of increased internal migration, given that internal migrants, particularly in Bishkek, constitute a niche not fully reached by vaccination coverage. Many of them are unaware that they are able to receive primary health care and vaccines without a residence permit confirming their registration at a new address<sup>84</sup>.

#### **Immunization coverage for all vaccinations of children under two years old, per cent<sup>85</sup>**

2004	2005	2006	2007	2008	2009
99	99	99	95.8	96.6	95.6

290. In 2009, measles vaccination coverage for 1 year-old children was 98.5 per cent, which was a good result, given that in 2000 it was 97.8 per cent. Such consistently high vaccination rates are due to the country's efficient immunization network and to the help received from international organizations<sup>86</sup>.

291. In 2007, cases of diphtheria and tetanus were not recorded among statistics for vaccine-controllable infections. After newborn infants were vaccinated against hepatitis B,

<sup>83</sup> First national report of the Kyrgyz Republic on implementation of the results of the twenty-seventh special session of the General Assembly on the status of children and the Plan of Action for a "World Fit for Children".

<sup>84</sup> Assessment of the Manas Taalimi National Health Care Reform Programme, Ministry of Health, 2011, p. 34.

<sup>85</sup> UNICEF-funded website on issues affecting children in Kyrgyzstan ([www.baldar.kg](http://www.baldar.kg)).

<sup>86</sup> Assessment of the Manas Taalimi National Health Care Reform Programme, Ministry of Health, 2011, p. 76.

incidence of the disease among children under 5 fell over 20 times compared with the pre-vaccine period (15 cases in 2007, as against 382 in 1999)<sup>87</sup>.

292. Using a US\$ 1,440,000 grant from the GAVI Alliance, on 1 April 2008 the country began inoculating all children with the pentavalent vaccine. As a result, the national preventive vaccination schedule has been revised<sup>88</sup>.

293. Training modules for doctor's assistants and nurses have been expanded to include vaccine delivery and emergency care in the event of post-vaccinal complications. In 2007, 17 per cent of health-care providers responsible for administering vaccines (300 persons) underwent training in safe immunization practices. In 2009, the number rose to 482 persons (38.5 per cent).

294. The State's contribution to funding purchases of vaccines for children increased from 30 per cent in 2006 to 60 per cent in 2008. Nevertheless, it is essential that a vaccine independence programme be implemented and an independent vaccine fund established<sup>89</sup>.

295. Access to professional health care. As of 1 January 2011, the Ministry of Health employed 12,541 doctors (22.9 per 10,000 population) and 28,499 mid-level practitioners (52 per 10,000 population). In the period 2006–2010, the doctor/population ratio fell from 19.6 to 18.7, while the attending nurse/population ratio decreased to 45.8 in 2006 and 43.6 per 10,000 population in 2009<sup>90</sup>.

296. There is a pressing need for more doctors in the regions. In some districts of Osh, Jalal-Abad, Issyk-Kul and Talas provinces the doctor/population ratio is less than 10 per 10,000 population. Also cause for concern is the fact that specialists are predominantly of retirement or pre-retirement age. Data for 2010, for example, show that the highest proportion of doctors of retirement age work in Naryn province and Issyk-Kul province, where they account for 36 and 24 per cent, respectively, of the physician workforce<sup>91</sup>.

297. Integrated household sample surveys conducted annually by the National Statistics Committee reveal that in the past five years there has been a decline in the percentage of people with no access to health-care services. Thus, in 2009 around 2.8 per cent of the total population fell into this category compared with 6.5 per cent in 2005. The main reason why not all persons use health-care services is because they find them too expensive. In rural areas another reason is that health-care facilities are too far away from their homes<sup>92</sup>.

298. Be that as it may, the Manas Taalimi programme has brought more equal access to primary health care. An integrated household survey conducted over the period 2001–2010 shows a marked decline in the number of respondents who said they had not sought the medical assistance they required on account of its being too expensive or too far away. Between 2000 and 2009, the percentage of respondents in this category fell from 11.2 per cent to 4.4 per cent<sup>93</sup>.

299. Access to clean drinking water. Clean drinking water contributes significantly to the health of the population. Since the year 2000, Act No.33 of 25 March 1999 on Drinking Water has remained in effect. In 2009, 90.4 per cent of the population had access to water.

<sup>87</sup> Infectious morbidity and measures to combat it in the Kyrgyz Republic, Ministry of Health, 2008.

<sup>88</sup>

<sup>89</sup> Assessment of the Manas Taalimi National Health Care Reform Programme, Ministry of Health, 2011, p. 76.

<sup>90</sup> *Ibid.*, p. 109.

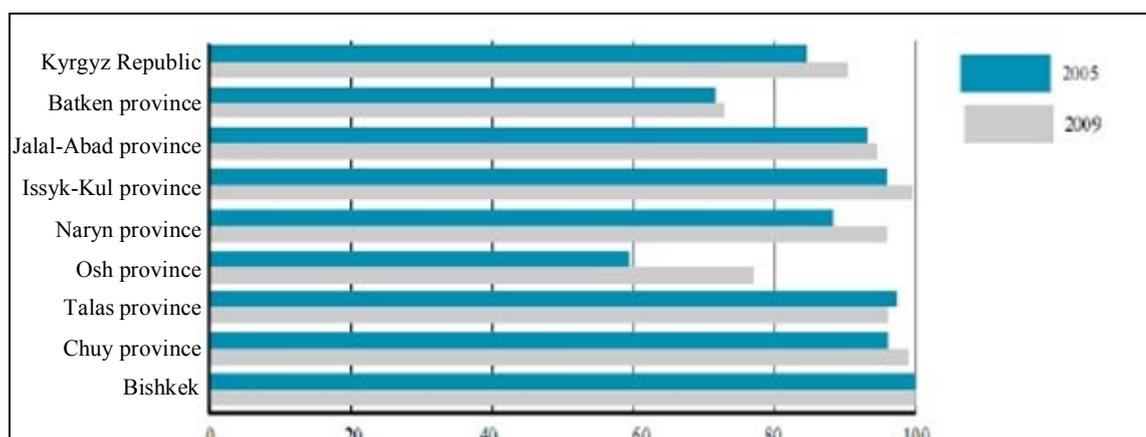
<sup>91</sup> *Ibid.*

<sup>92</sup> Social Trends of the Kyrgyz Republic 2005–2009, NSC, Bishkek, 2010, p. 95.

<sup>93</sup> Assessment of the Manas Taalimi National Health Care Reform Programme, Ministry of Health, 2011, p. 26.

300. Viewed in terms of region, communities in the city of Bishkek and in Chuy, Talas, Issyk-Kul, Naryn and Jalal-Abad provinces have the greatest access to clean drinking water. Around 600,000 persons have no option but to use water from irrigation channels and rivers for their household and drinking needs. Although 82.7 per cent of the population is supplied with piped water, 19.1 per cent of water pipes do not meet sanitation and hygiene standards and have an insufficient number of sanitary control areas, waste-water treatment plants and decontamination facilities<sup>94</sup>.

#### Access to clean drinking water by region, per cent<sup>95</sup>



301. With help from international donor organizations, efforts are being made to increase the population's access to good quality drinking water, improve the hygiene education of rural communities and promote the principles of healthy living.

302. For example, under the Community-Based Infrastructure Services Sector project for 2002–2007, the Asian Development Bank issued a loan worth US\$ 36 million to build and reconstruct water pipes in 730 villages and seven towns in Chuy, Osh, Jalal-Abad and Batken provinces with a total population of around 2 million. Similarly, the World Bank provided a loan of US\$ 24.5 million to build and reconstruct water pipes in 270 villages under the Rural Water Supply and Sanitation project for 2002–2007. During this period, the building and reconstruction of 162 water-supply installations, 78 of which have since been commissioned, was monitored for compliance with sanitary and epidemiological requirements<sup>96</sup>.

303. Access to adequate sanitation and hygiene facilities. Despite improving slightly from 23.9 per cent in 2005 to 25.2 per cent in 2009, the adequate sanitation and hygiene coverage rate is virtually unchanged, with Batken, Talas, Naryn and Jalal-Abad provinces mostly poorly served<sup>97</sup>.

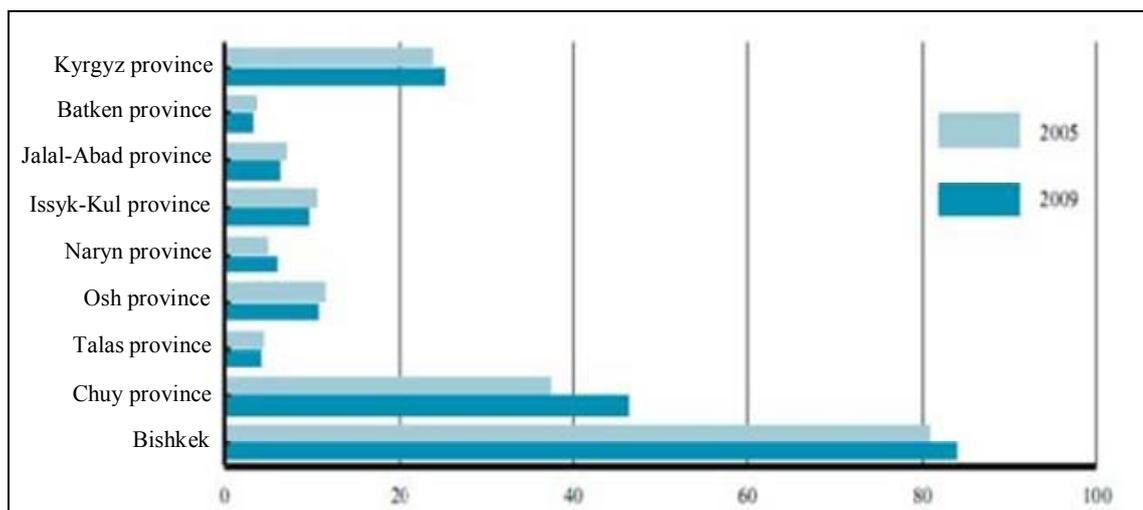
<sup>94</sup> Ministry of Health press office, 2009 ([www.for.kg/ru/news/82434](http://www.for.kg/ru/news/82434)).

<sup>95</sup> Social Trends of the Kyrgyz Republic 2005–2009, NSC, Bishkek, 2010, p. 96.

<sup>96</sup> First national report of the Kyrgyz Republic on implementation of the results of the twenty-seventh special session of the General Assembly on the status of children and the Plan of Action for a “World Fit for Children”, as well as the reply from the State Agency for Environment Protection and Forestry to an inquiry from the Ministry of Foreign Affairs, 2007.

<sup>97</sup> Social Trends of the Kyrgyz Republic 2005–2009, NSC, Bishkek, 2010, p. 96.

### Access to adequate sanitation and hygiene facilities by region, per cent



304. Mental health services<sup>98</sup>. The country's socio-economic problems have taken a toll on the population's mental health. As of the start of 2010, there were 1,157.7 registered persons suffering from mental illness per 100,000 population. Incidence of mental illness totalled 111.8 per 100,000 population.

305. The work of the Mental Health Service is regulated by Act No.60 of 17 June 1999 on Psychiatric Care and Patients' Rights Guarantees, whose aim is to ensure that citizens' rights are enforced.

306. Reporting to the Ministry of Health, the Mental Health Service comprises three mental health centres, the Republican Mental Health Centre, which has 490 beds, Osh Province Mental Health Centre (170), Jalal-Abad Province Mental Health Centre (70), as well as the Republican Psychiatric Hospital in Chim-Korgon village (600), the Republican Psychiatric Hospital in Kyzylzhar village (325) and the Republican Psychiatric Hospital for Children in Ivanovka village (40), making a total of 1,665 beds.

307. The Republican Mental Health Centre provides psychiatric, psychotherapeutic and psychological support and, besides being a health-care facility, is also the training and consultation centre for the country's entire mental health service.

308. The psychotherapeutic service includes the municipal centre of medical-psychological and psychotherapeutic care in Bishkek, psychosomatic wards with 100 beds and two psychotherapeutic clinics within the Republican Mental Health Centre (Family Medicine Centres No. 1 and 11), psychosomatic wards at the Republican Mental Health Centre and the Republican Psychiatric Hospital in Kyzylzhar village.

309. A WHO/Europe grant to fund mental health care services in the south of the country was used to open the Trust Centre, which operates under the auspices of a family medicine centre in Jalal-Abad province, and the Dialogue Centre, which is affiliated to the Osh sub-district hospital.

310. Two mobile units delivering mental health services to communities in the region have been set up at mental health centres in the cities of Osh and Jalal-Abad.

<sup>98</sup> Ministry of Health data, 2011.

311. Substance-abuse wards have been established at: a combined provincial hospital in Buzhum village, Batken province, with 20 beds; sub-district hospitals in Mailuu-Suu (15 beds) and in the city of Jalal-Abad under the auspices of the substance-abuse department at the Republican Psychiatric Hospital in Kyzylzhar village. In 2007, the Jalal-Abad Mental Health Centre was opened in the city of Jalal-Abad. A children's day hospital with 20 beds has been set up at the Republican Mental Health Centre. Mental health crisis facilities have been organized at sub-district hospitals in Uzgen, Toktogul and Jaiyl districts, each with 5–10 beds.

312. The number of psychiatric beds in large long-stay hospitals has decreased since the year 2000, falling from 2,380 in 2001 to 1,665 in 2010. Overall, their number has shrunk by 69 per cent, giving a ratio of 3.2 beds per 10,000 population. At the same time, mental health facilities have been reorganized, including provincial substance-abuse clinics in the cities of Naryn, Talas and Karakol, whose psychiatric beds have been assigned to combined provincial hospitals.

313. Establishing psychiatric wards at sub-district general hospitals is essentially a step towards community-based care. Besides cutting the amount of time that patients stay in hospitals, it has also increased their access to other medical services, with the result that most are hospitalized only for the minimum period prescribed for other patients. As appropriate, patients in psychiatric wards receive surgical, ophthalmic, gynaecological and other forms of care, as well as all the medicines procured by the hospital under the SGBP programme for treating somatic illnesses<sup>99</sup>.

314. As NGOs point out, however, for all the progress achieved within the mental health system, psychiatric wards vary from one hospital to another. Those located within the main hospital compound or in areas accommodating other wards are better off. The psychiatric wards of two sub-district hospitals in Isfana and Kyzyl-Kiya stand entirely alone<sup>100</sup>.

315. Social care for persons with mental disabilities is provided by psycho-neurological nursing homes. The Ministry of Social Protection operates seven of these institutions: two for children, two for women, one for men and two mixed. The Act on Fundamentals of Social Services for the Population of the Kyrgyz Republic of 2001 stipulates that citizens in difficult circumstances are to be accorded social, legal and material assistance and helped with social integration and rehabilitation. Despite these stipulations, the main way of "caring" for persons with mental disorders is, as before, to incarcerate them in psycho-neurological nursing homes for the rest of their lives<sup>101</sup>.

316. Physicians and surgeons study at four higher education institutions: Kyrgyz State Medical Academy, Kyrgyz-Russian Slavic University, Osh State University and Issyk-Kul State University, each of which has departments for teaching psychiatrists and medical psychologists. Even though five-six graduates undergo residency training programmes each year, only a handful stay on to work in psychiatric institutions, where poor pay and facilities hold little appeal for young specialists.

317. Mental health-care services are understaffed. In recent years the number of psychiatrists dwindled from 239 in 1999 to 176 in late 2008, the psychiatrist-to-population ratio declining from 0.5 to 0.4 per 10,000 population in 1999 and 2008, respectively. At most district and municipal family medical centres only 0.75 and 0.5 per cent of psychiatrist positions, respectively, are filled, moreover primarily by doctors who are also

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<sup>99</sup> Monitoring the Mental Health Care Budget in the Kyrgyz Republic, NGO "Mental Health and Society", Bishkek, 2009, p. 35 (<http://www.mhealth.in.kg/projects.html>).

<sup>100</sup> *Ibid.*, p.38.

<sup>101</sup> *Ibid.*, p.40.

employed elsewhere. The city of Sulyutka and Toguz-Toro, Chatkal, Bakai-Ata, Chong-Alay and Panfilov districts have no psychiatrists at all.

318. At present, mental institutions have around 40 per cent of the full-time staff they require. Only 13.75 per cent of child psychiatrist posts are filled (compared with 38 per cent in 1998) and the country has 29 medical psychologists. Child mental health services and medical psychologists are concentrated in the cities of Bishkek and Osh. The overall result is that too few children with mental and speech disorders are detected and registered.

319. The Republican Mental Health Centre has a psychiatric patients' rights protection service that routinely visits all closed wards, meets with patients and provides them with consultations. NGOs have held human rights training seminars with its psychiatrists and mid-level practitioners and also monitor compliance with patients' psychiatric care rights.

320. The biggest improvement in mental health care came in 2006 when various psychotropic medications were added to the outpatient drug benefit package in order to give persons with mental disorders greater access to primary care. Patients have had access to these medications since mid-2006. The drug benefit package provides a number of essential medications for persons suffering from epilepsy affective disorders and paranoid schizophrenia, i.e., patients who previously spent many years in institutions due to poverty and for want of medicines<sup>102</sup>.

321. Public participation in planning, organizing, administering and monitoring primary health care<sup>103</sup>. A programme aimed at strengthening health through community engagement was piloted in Jumgal district in 2002. This became known as the "Jumgal model" and was officially recognized by the Ministry of Health as the Community Action for Health (DSVZ) programme<sup>104</sup>. It has since been expanded and is currently operating in all provinces except for six districts in Jalal-Abad provinces. The Ministry of Health regards the programme as the country's core long-term mechanism for mobilizing communities and improving their health. Community Action for Health has created more opportunities to address important health-related problems at the local level and has encouraged the setting-up of village health committees throughout the country.

322. The Community Action for Health model currently encompasses all districts in Naryn, Talas, Chuy, Batken, Issky-Kul and Osh provinces, as well as Nookan and Bazar-Korgon districts in Jalal-Abad province, where the programme is being funded by the Kyrgyz-Swiss-Swedish Health Project. The DSVZ programme covers 2.7 million persons living in rural areas, i.e. 96 per cent of villages in the pilot districts and over 60 per cent of villages in Kyrgyzstan.

323. The pivotal role in the DSVZ model is played by village health committees, which, with help from health promotion specialists and family medical centres, adopt various health strategies known as "health initiatives". The committees implement these actions in villages with the assistance of health-care providers from family group practice associations and rural health posts, thereby facilitating integration on health-enhancement issues. The health strategies applied are devised by the Republican Centre for Health Promotion in collaboration with international partners.

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<sup>102</sup> *Ibid.*, p.33.

<sup>103</sup> Assessment of the Manas Taalimi National Health Care Reform Programme. Ministry of Health, 2011, pp. 36–37.

<sup>104</sup> Ministry of Health Order No. 132 of 2 April 2008.

324. In the period 2003–2010, village health committees and primary health-care providers implemented health-promotion initiatives relating to:

- Iodised salt use\*;
- Hypertension\*;
- Anaemia/nutrition\*:
  - Vegetable growing;
  - Correct food storage;
  - Rabbit breeding;
  - Exclusive breastfeeding;
  - Supplemental nutrition;
  - Nutrition during pregnancy;
  - Nutrition for children under 2 years;
- Reducing alcohol intake\*;
- Brucellosis prevention\*;
- Hygiene and sanitation\*;
- Dehelminthization;
- Sexual and reproductive health (HIV/AIDS);
- Reproductive tract infections\*;
- Vaccination;
- Malaria;
- Patients' rights.

325. Crucially, the number of initiatives is growing every year together with changes in the focus and scope of DSVZ activities. For example, whereas by the end of 2006 prevention programmes had been introduced in only 17 districts where just 8 initiatives had been put into practice, in 2009 alone 26 initiatives were conducted in village communities in 29 districts, including: 13 disease prevention campaigns, 3 household assessment and DSVZ self-assessment surveys, 7 monitoring surveys on ongoing initiatives and 3 food programme surveys.

326. Village health committees have become an important communications tool for most rural communities. For example, when mothers in Talas province were asked where they had learnt about correct nutrition during pregnancy and breast feeding, 80 per cent of pregnant women and 60 per cent of young mothers replied that they had received their information primarily from village health committees.

### **Article 13**

327. Education legislation and policy. Under article 45 of the Constitution, everyone has the right to education. Basic general education is compulsory. Everyone is entitled to free basic general education and secondary general education at State schools. The State ensures that everyone is taught the State language (Kyrgyz), the official language (Russian) and one foreign language, initially at preschool institutions and then as part of their basic general

education. The State undertakes appropriate measures to foster the development of State, municipal and private educational institutions.

328. Act No.92 of 30 April 2003 on Education guarantees all Kyrgyz citizens free compulsory education in primary general and basic general schools and in State and municipal educational institutions. The State ensures that citizens are able to exercise their right to free general secondary education commensurate with State educational standards at State and municipal educational institutions.

329. State educational standards are established for all levels of basic education and stipulate the minimum core curriculum, students' maximum study load, the level of education school leavers should attain and the format of qualification certificates.

330. All educational institutions, irrespective of type, method of instruction or form of ownership, must meet the State educational standards for the core curriculum.

331. The Kyrgyz education system provides:

- Free compulsory basic general education;
- Universal access to free secondary education;
- Free initial vocational training;
- Free intermediate vocational training (admission on a competitive basis);
- Higher vocational training;
- Postgraduate vocational training.

332. Citizens have access to all the above-mentioned forms of education at State educational institutions subject to the quotas set by the State and their educational qualifications and provided that they are studying at a particular level for the first time.

333. Higher education institutions train professional personnel sponsored by the State from the national or local budget, as well as by agreement with natural and legal persons paying the tuition fees (Regulation on higher vocational training institutions, approved by Government Decision No.53 of 2004). The number of State-sponsored students and the list of specialisms are specified by the Government.

334. Article 44 of the Education Act states that, subject to their respective licensing criteria, State lower intermediate and higher vocational institutions are entitled not only to teach State-sponsored students but also to provide training and further training for skilled personnel (blue- and white-collar workers) and specialists at the appropriate level by agreement with the natural and/or legal persons paying the tuition fees.

335. Men and women studying at educational institutions, regardless of their age, attend classes together, are taught the same curricula and use the same textbooks.

336. Education in Kyrgyzstan is secular and independent of political and religious institutions.

337. Level of education<sup>105</sup>. A population census conducted in 2009 showed educational levels to be fairly high. The country's literacy rate rose from 98.7 per cent in 1999 to 99.2 per cent in 2009.

338. Sixteen per cent of persons aged 15 and older had completed or partially completed higher education, 7.1 per cent had intermediate vocational training, 58 per cent had

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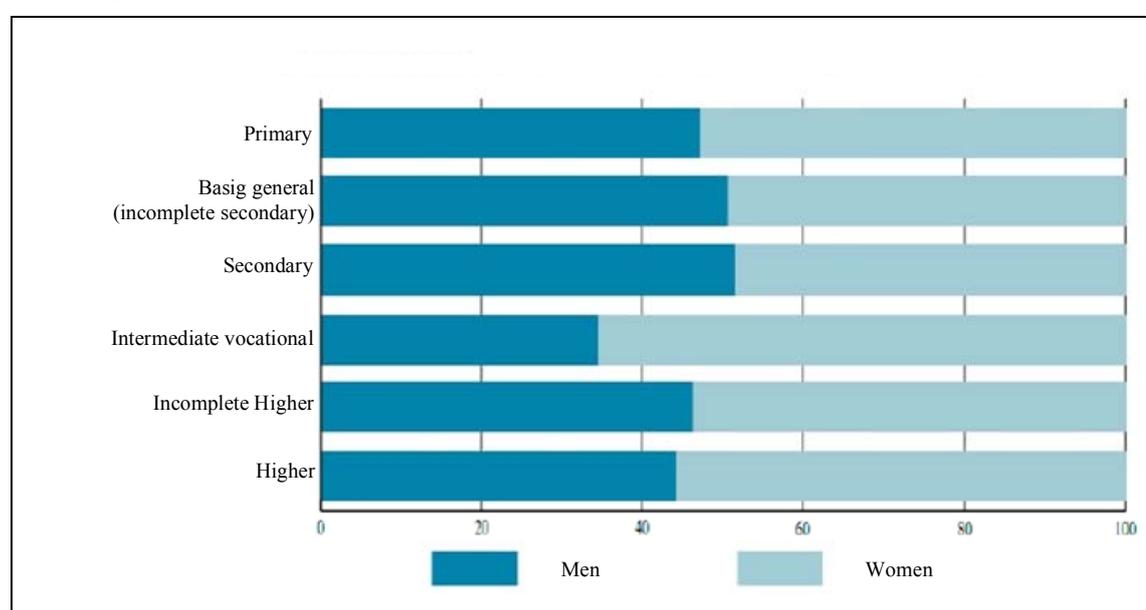
<sup>105</sup> *Social Trends of the Kyrgyz Republic 2005–2009*, NSC, Bishkek, 2010.

completed general secondary education and 11.9 per cent had basic eight- or nine-year general education. Just 5.4 per cent of the population had only primary education, while 1.7 per cent had not obtained it. Of this number, 28,400 persons, or 0.8 per cent of the adult population (1.3 per cent in the 1999 census) were illiterate, including 0.3 per cent of urban and 0.9 per cent of rural dwellers. Almost 70 per cent of the illiterate were persons over 55 years of age, as compared with the 1999 census when they accounted for 82 per cent.

339. According to the 2006 survey conducted by the Programme for International Student Assessment in 57 countries, functional literacy in Kyrgyzstan remains low. On average, over 88 per cent of 15-year-old pupils have not attained the minimum level of reading proficiency, while 89 per cent have substandard numeracy skills. In the opinion of the survey compilers, high school truancy rates are to blame for the poor academic results<sup>106</sup>.

340. The 2009 population census revealed a wide gender gap in levels of education, with twice as many illiterate women as men. At the same time, 17.2 per cent of women had completed or partially completed higher education, as opposed to 14.7 per cent of men. Ninety per cent more women than men had completed intermediate vocational education.

#### Percentage of women and men aged 15 and older by education level



341. The educational infrastructure comprises<sup>107</sup>:

- 503 preschool facilities;
- 2,191 general education schools (2,112 State schools, 55 State-subsidized private schools and independent private schools, 25 centrally-administered educational institutions);
- 109 initial vocational schools;
- 90 intermediate vocational schools;
- 50 higher vocational schools.

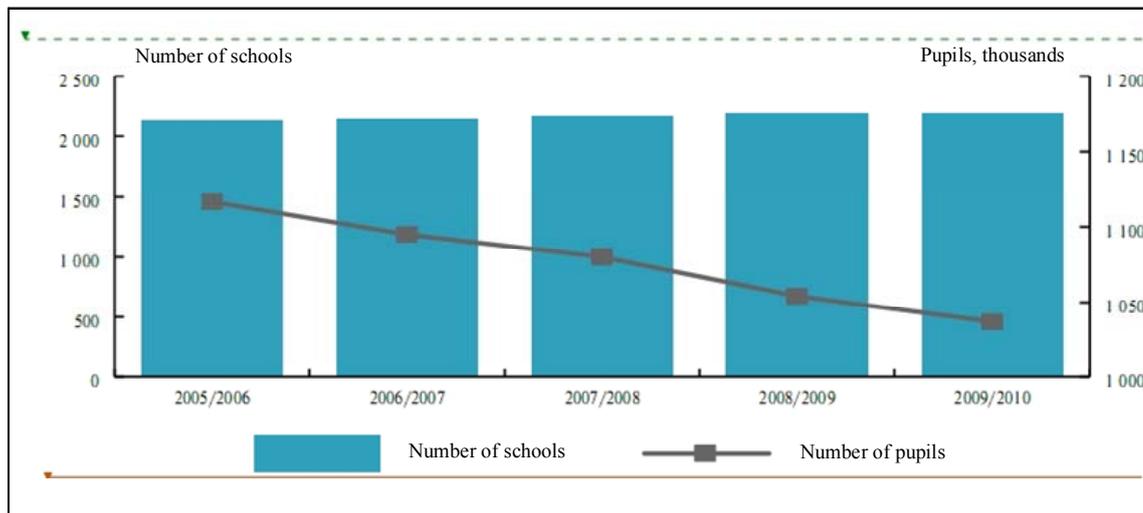
<sup>106</sup> National Study on Child Poverty and Disparities in the Kyrgyz Republic, UNICEF, Bishkek, 2009.

<sup>107</sup> Ministry of Education and Science data: ref No 14-025/3943,3951 of 9 June 2011.

342. Preschool education. Information on this subject is provided in the combined third and fourth report of the Kyrgyz republic submitted to the Committee on the Rights of the Child in 2010.

343. School education<sup>108</sup>. School education is the foundation of the education system and is divided into three stages: primary general, basic general and secondary (complete) general education.

#### Number of general education day schools and pupils



344. Besides State schools, there are also institutions, such as gymnasia and vocational schools, specializing in various subjects. The country currently has 325 of these establishments (as against 311 in the 2005/06 school year) catering for a total of 227,000 pupils.

345. Comparative figures for the number of secondary schools by language of instruction show that, between 1991 and 2011, the total number of schools in the country rose from 1,764 to 2,191. Of those, the number teaching in the Kyrgyz language increased from 1,121 to 1,379, and those teaching in Uzbek from 116 to 137. The number of Russian-language schools fell from 187 to 162, and the number of Tajik-language schools remained at 2. The number of schools with parallel languages of instruction, including Kyrgyz-Russian, Kyrgyz-Uzbek and Kyrgyz-Russian-Uzbek, rose from 338 to 431<sup>109</sup>.

346. For the most part, the construction of new school buildings has had little impact on the number of places available in schools or helped to improve teaching conditions. Classes in State schools continue to be held in several shifts. Schools operating a double-shift system are the norm. In 2009, around 64 per cent of pupils were taught in the first shift and 35 per cent in the second shift.

347. Over the past five years, the number of pupils dropping out during the school year or the summer vacation has scarcely changed. Most dropouts (75.5 per cent) are children who have transferred to other general education schools, followed numerically by pupils who

<sup>108</sup> *Social Trends of the Kyrgyz Republic 2005–2009*, NSC, Bishkek, 2010, p. 40.

<sup>109</sup> Draft Concept on Ethnic Policy and Society Consolidation in the Kyrgyz Republic. Plan of Action to 2015.

have gone abroad, have become full-time students at intermediate or initial vocational schools, and children who have taken up employment.

348. Pupils who drop out in grades 10–11 are among the increasing number of adolescents and young people who are compelled for financial reasons to pursue a profession earlier than usual. Students at initial vocational schools (professional training colleges, etc.) are entitled to social benefits in the form of grants, board and lodging. Enrolment in initial vocational training programmes does not require basic general or secondary general education. Some school dropouts attend short courses preparing them for rapid entry into the labour market. Between 2005 and 2009, the number of pupils leaving school to work in family businesses or become self-employed doubled.

349. Initial vocational training<sup>110</sup>. In 2009, Kyrgyzstan had 109 initial vocational schools with 31,000 students. Each year around 13,000 of them acquire a trade and receive a certificate of secondary education.

350. Initial vocation school students learn skills qualifying them for a particular profession, primarily as electricians, service technicians, fitters, electric and gas welders, tailors, drivers, cabinetmakers, carpenters, chefs, etc., demand for which has increased in recent years. Between 2005 and 2009, the number of tradesmen graduating vocational schools rose 32 per cent.

351. Intermediate vocational training<sup>111</sup>. Mid-level professionals receive training and further training at intermediate vocational schools (specialized institutes, colleges, technical schools, etc.).

352. Enrolment in intermediate vocational training programmes requires basic general or secondary general education. Unlike initial vocational schools, intermediate courses teach students the skills necessary for specialist work in the science, humanities, social, technical, education, economic, administrative, services, farming and fishing sectors, etc.

353. Between 2005 and 2009, the number of mid-level specialists rose 90 per cent.

354. In the past five years, the number of intermediate vocational schools has increased 40 per cent, inclusive of private institutions, whose number has quadrupled. By 2009, the number of students taught at these schools reached 116 per 10,000 population, as against 69 per 10,000 in 2005. At the start of the 2009/10 school year 26 per cent of students enrolled at intermediate vocational schools received State grants, 29 per cent of them at State institutions.

355. Higher numbers of students (up more than 67 per cent) and intermediate vocational schools have been achieved by opening State and private educational institutions in the regions and the capital. In the 2009/10 school year, the most popular majors were economics and management, which were studied by around 29 per cent of first-year students, health care (20 per cent), the humanities and social science (10 per cent) and education (9 per cent).

356. Higher vocational training<sup>112</sup>. The country's higher vocational training system, which is designed to prepare specialists with varying levels of expertise and teaching staff in universities, academies, institutes and colleges, has scarcely altered in the past five years. In the same period, there has also been little change in the number of students at higher vocational school per 10,000 population. At the start of the 2009/10 school year, over 12 per cent of students enrolled at higher vocational schools received State grants.

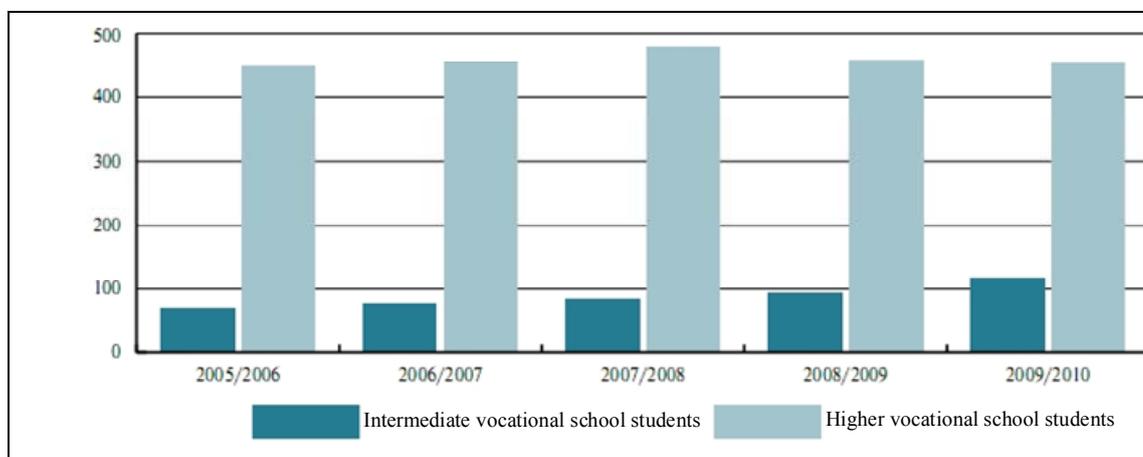
<sup>110</sup> *Social Trends of the Kyrgyz Republic 2005–2009*, NSC, Bishkek, 2010, p. 42.

<sup>111</sup> *Ibid.*, p.43.

<sup>112</sup> *Ibid.*, p.44.

357. In the 2009/10 school year, private higher vocational schools accounted for around 41 per cent of the country's higher vocational training network and taught just over 11 per cent of higher vocational students.

**Number of students at intermediate and higher vocational schools at the start of the school year per 10,000 population**



358. The increased number of students and higher vocational schools has been achieved primarily by opening State and private educational institutions in all provinces and by setting up a large number of affiliated colleges and branches, where over a third of students train. Nevertheless, in the 2009/10 school year, the enrolment of new students in higher vocational schools fell 25 per cent compared with 2005/06.

359. Teaching personnel<sup>113</sup>. Teachers play a unique role in implementing the reforms and initiatives geared towards improving the education system and learning outcomes.

360. Recent years have seen a steady increase in the number of educators working in preschool institutions, particularly at privately-owned establishments, where their number has risen 4.2 times since 2005, as opposed to a 17 per cent increase at State preschool institutions. As at year-end 2009, there were over 4,000 teachers employed in preschool institutions, or 22 per cent more than in 2005. This figure includes principals, counsellors, educators, music teachers, special education teachers, speech therapists and other educators. Of these, more than 5.3 per cent have higher education, while 33 per cent have intermediate vocational qualifications.

361. At general schools, however, the number of teachers has fallen 5 per cent since 2005, also declining 5 per cent at State schools. In the same period, teacher numbers at private schools rose 13 per cent. A point-in-time survey on facilities and equipment at general educational schools conducted in the 2007/08 school year by State statistical authorities showed that 95 per cent of teaching positions at these schools were filled. There was a pressing demand for teachers of foreign languages, mathematics, Russian language and literature, physics, and basic computer and information technology skills. Taken as a whole, around 34 per cent of teachers at the schools surveyed were under 35 years of age.

362. In order to tackle the shortage of teaching staff, the Ministry of Education and Science is running a programme entitled "Young Teacher Deposit", under which young

<sup>113</sup> *Ibid.*, p.46.

teachers are sent to schools in remote mountain regions. Two hundred were sent in 2004, 300 in 2005, 700 in 2006, 700 in 2007, 600 in 2008 and 500 in 2009<sup>114</sup>.

363. Teacher salary system<sup>115</sup>. The previous teacher pay system based on the Unified Rate Schedule proved inappropriate as it was not linked to performance. The education workers' pay system was consequently restructured in 2011.

364. In order to improve the education workers' pay system, provide material incentives and ensure better staff performance, the Government adopted Decision No.18 of 19 January 2011 with the specific aim of introducing new pay conditions for education personnel. As a result, on 1 May 2011, a new pay system based on hourly rates was adopted for teachers at general schools, educators at preschool institutions and residential schools of all types and categories, and teachers at initial vocational schools.

365. Guarantees, compensations and incentives are all built into the new pay system.

366. Guaranteed wages include the basic wage rate for teachers and the salaries of administrative, managerial, support and general service staff, while, in its turn, the basic wage (salary) rate incorporates all bonuses and supplements other than compensations and incentives.

367. Compensating wages include supplemental pay for education workers employed in high-mountain and remote regions, bonuses for duties performed in harmful or dangerous conditions, at night, on weekends and public holidays, supplemental pay for working in different capacities, combining duties, undertaking assignments covering a larger area and assuming a heavier workload. Incentive wages include extra pay for good work performance and displaying creative and professional initiative, as well as bonuses for holding postgraduate degrees and titles.

368. To determine the wage incentive component, performance criteria were established for scaling employee input based on the type of educational institution in question, as well as on employee categories (management, teaching staff, general service and support staff).

369. Pursuant to paragraph 32 of the Education Act, a teacher's wage must be no lower than the average national wage of 8,185 soms. Following the reform of the pay system, inclusive of all type of supplements a young teacher will receive more than 5,000 soms. In other words, with the introduction of a pay system based on hourly rates, teacher wages will range from 5,900 to 9,000 soms.

370. State spending on education<sup>116</sup>. In the past five years, education has received a substantial share of the national budget, with allocations averaging 22–26 per cent. However, after rising steadily in 2006/2007, they fell in the two years that followed. Over 52 per cent of allocations go to general education, i.e. to primary, basic and secondary (complete) education.

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<sup>114</sup> Combined third and fourth report of the Kyrgyz Republic to the Committee on the Rights of the Child, 2010.

<sup>115</sup> Reply from the Ministry of Education and Science No. 14-025/3943, 3951 of 9 June 2011.

<sup>116</sup> Social Trends of the Kyrgyz Republic 2005–2009, NSC, Bishkek, 2010, p. 48.

**State spending on education**<sup>117</sup>

	2005	2006	2007	2008	2009
Education expenditure, Soms, millions	4 917.6	6 315.8	9 176.5	1 116.3	1 2541
As % of GDP	4.9	5.5	6.5	6	6.2
As % of total spending	24.4	25	21.5	25.3	23.6

371. Development of inclusive education<sup>118</sup>. The education system provides learning opportunities for children in accordance with their developmental and special needs. In 2006, Kyrgyzstan had 20 specialized educational institutions, including 14 residential facilities, catering for 3,800 children and adolescents with mental and physical disabilities. Between 2002 and 2006 the number of special-needs children attending mainstream schools under inclusive education programmes rose considerably.

372. As of 2007, the country had 602 inclusive schools, including those operating fully in accordance with the principles of inclusivity. At present, 2,903 children with special needs are taught at inclusive schools.

Year	Number of schools operating in accordance with the principles of inclusivity	Number of children with special needs attending them
1999	10	18
2000	49	76
2001	142	600
2002	420	917
2006	501	1 400
2007	602	2 903

373. The Ministry of Education and Science has opened an inclusive education resource facility within the Interprovincial Psychological, Medical and Education Guidance Centre.

374. An inclusive education system for children with special needs has been established under the auspices of the Kyrgyz State Medical Academy, the National Academy of Arts, Kyrgyz National University and Bishkek Humanities University<sup>119</sup>. Musically gifted children with visual impairments are admitted to music schools, the National Conservatory and the Institute of Arts without having to compete against other applicants. The Republican Boarding School for Blind Children runs an extensive programme for training grade 8–11 pupils as professional masseurs.

375. Evening tuition and adult education. The expanding network of day educational centres runs evening classes for over 2,000 children. In some provinces evening schools have been converted into vocational colleges or training centres where students can acquire a school education and a trade (Bishkek, Kara-Balta, Kant and the village of Sokuluk). As part of efforts to provide greater access to education, in 2007 the country had seven general educational evening schools, as well as day schools running 108 extramural evening classes. In all, some 2,850 children attend extramural courses<sup>120</sup>.

<sup>117</sup> Ministry of Finance data, 2011.

<sup>118</sup> Ministry of Education data, 2007.

<sup>119</sup> *Ibid.*

<sup>120</sup> *Ibid.*

376. As of 2006, Kyrgyzstan had 11 adult education centres teaching special target groups, including single mothers, pregnant women, pensioners and the unemployed<sup>121</sup>.

#### **Article 14**

377. Free education. Under article 45 of the Constitution and the Education Act, general basic education is compulsory, free and everyone is entitled to receive it at State and municipal educational institutions. All citizens are entitled to pursue both free and paid education.

378. Free education is funded by allocating budget resources to the upkeep of State educational institutions, by paying for the educational services they provide or with public education grants.

379. Although the law provides for the establishment of private educational institutions, they are inaccessible to the majority of the population owing to the current payment system and fee rates.

#### **Article 15**

380. Cultural legislation and policy. The Kyrgyz Constitution establishes guarantees in the field of culture. Thus, article 49 of the Constitution guarantees everyone the freedom to engage in the creation and teaching of literature, art, science, technology and similar activities. Everyone has the right to participate in cultural life and to enjoy access to works of cultural value. The State undertakes to preserve historic monuments and other cultural heritage resources. Intellectual property is protected by law.

381. Articles 31–33 of the Constitution guarantee freedom of thought and opinion, the right to freedom of conscience and religion, and the right freely to receive, store and use information, thus enabling the full exercise of rights to science and culture.

382. Issues concerning the development of culture and science, as well as associated State policies and public relations are regulated by Act No. 119 of 7 April 2009 on Culture, Act No. 1485-XII of 15 April 1994 on Science and Foundations of State Policy on Science and Technology, and other legislative instruments. A new version of the Culture Act was adopted in 2009 on concern that the 1992 Act did not fully accommodate the new social and economic realities and was inadequate for regulating the country's cultural processes.

383. Government initiatives aimed at developing and preserving the country's culture and art have included the "Madaniyat" programme of 1997–2000, approved by Government Decision No.473 of 14 October 1996, the State programme of 2001–2005, and a national programme running up until 2010, approved by Government Decision No.592 of 23 October 2008.

384. With a view to protecting the country's cultural heritage and ensuring the right of all persons to participate in the cultural life of Kyrgyzstan, the following laws have been passed: Act No.83 of 22 November 1997 on Legal Deposits, Act No.145 of 16 November 1998 on Libraries, Act No.91 of 26 July 1999 on the Preservation and Use of Historical and Cultural Heritage and Act No.37 of 5 February 2000 on Museums and Museum Assets. Kyrgyzstan has ratified the following conventions: the Convention for the

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<sup>121</sup> First national report of the Kyrgyz Republic on implementation of the results of the twenty-seventh special session of the General Assembly on the status of children and the Plan of Action for a "World Fit for Children".

Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 17 November 1970 and the Convention on Stolen or Illegally Exported Cultural Objects of 24 June 1995.

385. The Ministry of Culture and Tourism is currently drafting a State “Culture of Kyrgyzstan” programme for the period 2011–2013.

386. A number of government decisions have been drafted and submitted for ministerial approval with regard to:

- Adopting State-funded integrated measures in culture, art and information;
- Approving qualification criteria for cultural, art, knowledge and film industry workers;
- Awarding longevity bonuses for length of service to employees of cultural, art and information organizations and institutions.

387. Draft laws have also been prepared on publishing, television and radio broadcasting, the National Television and Radio Broadcasting Council and ancient Kyrgyz writing. All these bills are currently open to wide public discussion<sup>122</sup>.

388. International collaboration between scientific bodies and their foreign partners is fully regulated by current legislation. Scientific research and the dissemination of its results are not subject to severe restrictions, unless they involve information constituting official secrets.

389. Funding of cultural development. Cultural activities are always financed with whatever funds remain. Expenditures on culture in 2008 and 2009 made up 0.9 per cent of national budget spending, even though the Culture Act stipulates 3 per cent.

390. In the reporting period, new legislation was passed, including, inter alia, Act No. 119 of 7 April 2009 on Culture, as well as a number of programmes designed to regulate and promote cultural activities. Owing to underfunding, however, these measures had little impact on cultural development.

391. The gap between society’s cultural needs and available resources continues to grow due to poor facilities at art and cultural institutions. The reduction, deterioration and obsolescence of library stock are a cause for concern. Equipment is in poor condition and furniture needs replacing. Art and cultural premises are in disrepair.

392. Human resources<sup>123</sup>. Teachers continue to be recruited at art and cultural institutions. The Ministry of Culture and Tourism oversees the following visual and performing arts colleges:

- Two higher education institutions: the National Conservatory and the Institute of Arts;
- Eight intermediate vocational schools: the Kurenkeev State Music College, the Chuyikov State Art College, the Bishkek Bazarbaev Choreographic College, the College of Drama affiliated to the Abdumomunov National Drama Theatre, the Osh Niyazaly State Music College, the Karakol Tumanov Music College, the Tokmok Republican Cultural College, the Jalal-Abad Barpy Cultural College.

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<sup>122</sup> Ministry of Culture and Information data (www.minculture.gov.kg).

<sup>123</sup> Ministry of Culture and Information data, 2007.

393. Kyrgyzstan also has 88 specialized cultural schools for children, including 73 music schools, 3 art schools, 11 visual and performing arts colleges and the Abdraev Republican Secondary Special Music Boarding School,

394. Theatres and concert organizations<sup>124</sup>. Kyrgyzstan currently has 21 professional theatre companies, or four more than five years ago. Eight are in the city of Bishkek, two in Jalal-Abad province, three in Osh, three in Osh province and two in Naryn province. Batken, Issyk-Kul and Talas provinces each have one theatre. As of year-end 2009, there were six concert organizations, three of them philharmonic societies.

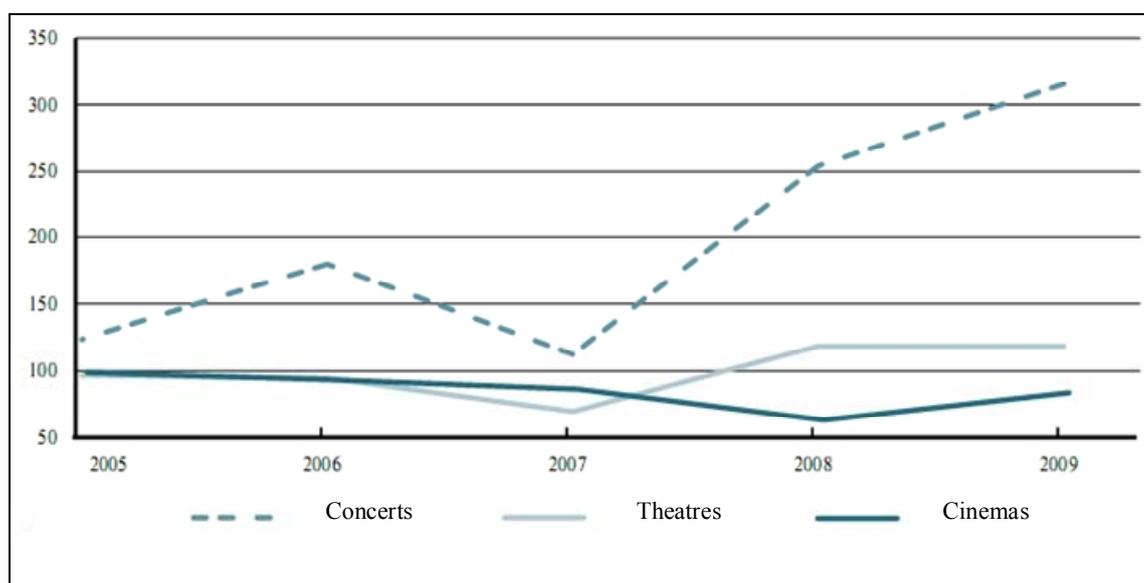
395. In 2009, theatre companies performed 1,312 plays and shows, or 21 per cent more than in 2005. The most popular companies are the State Academic Russian Drama Theatre, the Uzbek Music and Drama Theatre, the Osh Kyrgyz Drama Theatre and the Kyrgyz National Drama Theatre.

396. In 2009, orchestras and performers gave 495 concerts, or approximately the same number as in 2005. The most popular were those played by the Kyrgyz State National Philharmonic in Bishkek.

397. Cinemas<sup>125</sup>. Over the past five years the number of cinema installations fell from 64 to 22, declining 18-fold in rural areas. Auditorium seating capacity decreased 80 per cent and cinema attendance 18 per cent. Localities with the largest number of cinemas are Osh and Chuy provinces, with five and four cinemas, respectively, and Bishkek, which has five.

398. Attendance at cultural venues. Between 2005 and 2009, theatre and concert attendance increased, whereas cinema attendance decreased.

#### Attendance at cultural events



399. Public libraries. Kyrgyzstan has an extensive network of mainstream and specialist libraries. Besides public libraries, there are school, further and higher education, medical, technical and agricultural libraries, as well as libraries operating under the auspices of the National Academy of Sciences.

<sup>124</sup> *Social Trends of the Kyrgyz Republic 2005–2009*, NSC, Bishkek, 2010, p. 132.

<sup>125</sup> *Ibid.*, p.133.

400. In the past five years, the number of public libraries has increased from 1,036 to 1,054. Most libraries are in Chuy (213), Jalal-Abad (102) and Osh (176) provinces. The number of rural libraries fell from 911 in 2005 to 875 in 2009<sup>126</sup>.

401. In 2009, there were around 1,076,000 library users (excluding school libraries), compared with 1,108,000 in 2005. An average library is able to offer readers 18,000 books, pamphlets and magazines. An increasing number of libraries provide Internet access in addition to traditional services. Over half of library users are women<sup>127</sup>.

402. Library patronage is highest in Bishkek (234,000 users), Jalal-Abad province (171,000 users) and Osh province (140,000 users).

403. In the past five years the country's library stock has changed only negligibly, with readers offered over 19 million copies of printed matter. The largest library holdings are in the capital, which account for more than 37 per cent of total national stock<sup>128</sup>.

404. The problem of how to increase stocks could largely be solved by connecting libraries to automated information systems. Unfortunately, computerization remains an acute problem, given that the population is unable to hook up to either domestic or foreign databases<sup>129</sup>.

405. The Eurasian Economic Community Library Cooperation Agreement signed in Moscow on 28 October 2003 was approved by Government Decision No.629 of 19 August 2004. The Concept on the Development of Library Services until 2010 was approved by Government Decision No.688 of 13 September 2004.

406. Libraries conduct their activities primarily with help from international organizations. Part of their work includes compiling law information resources and making them available to Kyrgyz citizens. Issyk-Kul, Naryn and Talas provinces have set up mini-resource centres affiliated to provincial libraries. A Russian Federation legal information centre has been opened at the National Library<sup>130</sup>.

407. An integrated catalogue facility has been established as a result of interlibrary collaboration and an integrated catalogue of the country's libraries has been organized by the National Library<sup>131</sup>.

408. A micrographics centre has been set up at the National Library as part of measures to improve information sharing practices and integrate the country's library resources. Wide-ranging efforts are being made to copy rare and valuable publications onto microforms so that irreplaceable stock may be systematically preserved.

409. Kyrgyzstan has various types of museums, including historical parks, ethnographic villages, open-air museums, architectural conservation areas, local heritage sites and memorial, art and literature museums, all of which paint a picture of the country's culture and heritage by way of exhibitions, displays, different events and guided tours and variously themed publications.

410. On 5 February 2000, the Zhogorku Kenesh adopted Act No.37 on Museums and Museum Assets, a primary function of which is to create a central inventory for the country's museums.

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<sup>126</sup> *Ibid.*, p.135.

<sup>127</sup> *Ibid.*

<sup>128</sup> *Ibid.*

<sup>129</sup> Ministry of Culture and Information data, 2007.

<sup>130</sup> *Ibid.*

<sup>131</sup> *Ibid.*

411. In the period 2005–2009, the number of museums rose from 58 to 63, together exhibiting some 187,000 artefacts. The largest collections of artefacts are held by museums in Bishkek (100,400) Osh (22,900) and Issyk-Kul province (24,600)<sup>132</sup>.

412. In 2009, museums had around 597,000 visitors, or 50 per cent more than in 2005. The most popular museums were Bishkek, which drew 45.8 per cent of visitors, Osh (23.2 per cent) and Issyk-Kul province (6.3 per cent). Museum staff conducted around 12,000 guided tours and 1,200 lectures on the country's history and cultural heritage. Roughly half of all museum buildings need extensive repairs.

413. Promotion of folk art and ethnic minority cultures. Since independence, new opportunities have arisen for promoting all forms and genres of folk art and amateur cultural activities. Culture has acquired a new role that is concerned primarily with rediscovering the roots of Kyrgyz cultural traditions and customs. Festivals, exhibitions and traditional music and dance competitions are held in all regions<sup>133</sup>.

414. At the same time, physical plant at cultural institutions is in a critical state of disrepair, particularly in rural areas. In the period 1991–2004, 528, or 55.6 per cent, of all workers' social clubs and 114, or 8.4 per cent, of clubs operating under the auspices of the Ministry of Culture and Information were closed<sup>134</sup>.

415. The Government is working to reopen these clubs. In the period 2004–2006, the club network expanded 9.4 per cent. In all, 31 workers' clubs were opened: 4 in Osh province, 4 in Jalal-Abad province, 11 in Batken province, 5 in Issyk-Kul province, 6 in Talas province and 1 in Bishkek<sup>135</sup>.

416. Preserving cultural heritage. Preserving the country's cultural heritage has remained a serious problem since independence in 1991. The funds occasionally allocated in Soviet times were insufficient for the purposes of studying or restoring Kyrgyzstan's architectural and archaeological monuments. With independence, all allocations ceased, even though the Ministry of Culture and Information annually requests funding for these objectives.

417. For more than 20 years, no funding has been made available for the restoration and conservation of historical and cultural monuments, resulting in the decay of globally important landmarks such as the Uzgen architectural complex, the Shakh-Fazil and Asaf-ibn-Burkhia mausoleums, the Tash Rabat caravanserai and the minaret and vestiges of the Buranin mausoleum complex.

418. In 2002, an American grant of US\$ 24,000 was used to implement the first stage of restoration work on the dome of the Shakh-Fazil mausoleum and to decontaminate the interior. The second stage, due to start in 2003 with government funds, has yet to begin, however, and the mausoleum continues to decay.

419. In the period 2004–2007, using a grant from UNESCO and Japanese Funds-in-Trust, extensive conservation work was carried out at the ancient settlements of Krasnaya Rechka, Buran and Ak-Beshim. Although work was supposed to resume in 2008, the project unfortunately remains unfinished.

420. Pursuant to articles 16, 21 and 29 of the Preservation and Enjoyment of Historical-Cultural Heritage Act, adopted by the Zhogorku Kenesh on 29 June 1999, and paragraphs 2.9 and 4.7 of the Regulation on recording, protecting, restoring and enjoying cultural property, approved by Government Decision No.568 of 20 August 2002, an inventory of

<sup>132</sup> *Social Trends of the Kyrgyz Republic 2005–2009*, NSC, Bishkek, 2010, p.135.

<sup>133</sup> Ministry of Culture and Information data, 2007.

<sup>134</sup> *Ibid.*

<sup>135</sup> *Ibid.*

cultural property is gradually being compiled. A State inventory of 583 historical and cultural landmarks of national status, approved by Government Decision No.568 of 20 August 2002, lists 66 historical, 335 archaeological, 122 urban development and architectural, 53 art and 7 historical, cultural and natural monuments.

421. Today, 292 of these 583 monuments are not protected by preservation orders: 40 in Bishkek, 32 in Chuy province, 55 in Issyk-Kul province, 32 in Naryn province, 34 in Osh province, 18 in Batken province, 43 in Jalal-Abad province and 38 in Talas province. No money has been allocated for inventory or preservation order procedures in the past 15 years. The assignment of protected monument status must be carried out in compliance with international standards and involve top scholars and experts, who must be remunerated for their contribution.

422. International cooperation. In the period 1996–2011, active efforts were made to develop international cultural cooperation. Kyrgyzstan adopted the following intergovernmental and interdepartmental cultural cooperation agreements:

- The Plan for cultural cooperation for 2006–2011 between the Ministry of Culture and Information of the Kyrgyz Republic and the Ministry of Culture of the People’s Republic of China;
- The Programme of cooperation for 2010–2013 between the Ministry of Culture of the Russian Federation and the National Agency for Culture in the office of the Government of the Kyrgyz Republic;
- The Protocol on cooperation for 2009–2012 between the Ministry of Culture and Information of the Kyrgyz Republic and the Ministry of Culture of Belarus;
- The Agreement on cultural cooperation between the Ministry of Culture and Information of the Kyrgyz Republic and the Ministry of Culture and Information of the Kazakhstan;
- The Agreement on cultural cooperation between the Ministry of Culture and Information of the Kyrgyz Republic and the Ministry of Culture of Tajikistan;
- The Plan for cultural cooperation for 2002–2004 between the Ministry of Education and Culture of the Kyrgyz Republic and the Ministry of Culture of the People’s Republic of China;
- The Protocol on cooperation for 2008–2011 between the Ministry of Culture and Information of the Kyrgyz Republic and the Ministry of Culture and Tourism of the Republic of Korea;
- The Protocol on cooperation for 2009–2011 between the Ministry of Culture and Information of the Kyrgyz Republic and the International Union of Charitable Organizations “World of Kindness”;
- The Cultural Exchange Agreement between the Ministry of Culture and Information of the Kyrgyz Republic and the Xinjiang Uyghur Autonomous Region of the People’s Republic of China;
- The Memorandum of Cooperation between the Government of the Kyrgyz Republic and the Government of Egypt;
- The Cultural Agreement between the Governments of member States of the Shanghai Cooperation Organization (16 August 2007, Bishkek);

- The Agreement on friendship and cooperation between the Kyrgyz Republic and the Republic of Armenia (4 April 2002, Bishkek);
- The Protocol Agreement on cultural cooperation between the Government of the Kyrgyz Republic and the Government of Turkey.

423. Kyrgyzstan held Chinese Culture Days in 2007 and Russian Culture Days in November 2011. Conducting similar and other initiatives proposed in international agreements is, however, improbable due to lack of funds.

424. Government offices are in the process of approving draft intergovernmental cultural agreements with the Islamic Republic of Iran, the Philippines and Azerbaijan.

425. Kyrgyzstan has signed the Convention for the Safeguarding of the Intangible Cultural Heritage, adopted in Paris on 17 October 2003.

426. Development of the mass media and communications<sup>136</sup>. To this day, neither the Ministry of Culture and Tourism, nor any other government agency has a department dealing with the media. In recent years, the mass media's development has been chaotic.

427. Kyrgyzstan has a very small number of media outlets. As of 1 May 2009, 1,331 outlets were registered with the Ministry of Justice. At the same time, 437 newspapers, magazines and radio and television broadcasting companies are actually active, i.e. only 32.9 per cent of those registered. Experts believe that these account for no more than 35–40 per cent of registered outlets. The Ministry of Culture and Information has no ties with the majority of quasi-media outlets as the respective data is at odds with the actual state of affairs. Many outlets have new owners, but given that previously no record-keeping procedures existed, the competent authority still has no knowledge as to their current whereabouts and is unable to find them.

428. When they register, most print media organizations state the number of copies they intend to print, which never actually materializes. Whereas they might, for instance, specify a print run of 10,000, the real figure turns out to be closer to 1,000. This makes analysing the market for a given periodical difficult, particularly where small-circulation and/or special-interest and regional publications are concerned. Likewise, discrepancies exist with registered digital media outlets, albeit on account of irregularities in transmission frequencies.

429. This state of affairs underscores the need for record-keeping procedures facilitating not only market analysis but also the adoption of a media-oriented strategy, including, *inter alia*, in the country's regions.

430. The regional press is at present largely inactive and poorly developed, primarily owing to the stunted print media market, the inefficient sales and distribution system, the absence of modern print shops and the underdeveloped advertising market. Virtually all publications find it hard to recruit new staff and purchase new equipment.

431. These issues could be resolved by increasing the role of the regional press in strengthening the country's level of information awareness, given that it is precisely print media that ought to be used to augment information resources in remote districts which still lack sufficient access to television and radio broadcasts. Additionally, implementing these measures would not only spur the development of regional newspapers but also give them the competitive edge against publications from neighbouring countries that are sold freely on the local market and promote the ideologies of their respective Governments.

<sup>136</sup> Ministry of Culture and Information data, 2011.

432. The country's regions currently have the following number of newspapers:

- Chuy province: 2 provincial, 2 municipal and 15 district newspapers;
- Issyk-Kul province: 2 provincial, 2 municipal and 3 district newspapers;
- Naryn province: 1 provincial and 4 district newspapers;
- Talas province: 1 provincial and 7 district newspapers;
- Jalal-Abad province: 2 provincial, 5 district newspapers, 1 bulletin and 1 newsletter
- Batken province: 1 provincial and 6 regional newspapers;
- Osh province: 3 provincial and 9 district newspapers.

433. The regions currently have six provincial State television and radio organizations broadcasting in all provinces except Osh province, which is served by ELTR, a public television station operating under the auspices of the Osh-3000 Television and Radio Company. Today, regional broadcasters are at a crossroads primarily owing to issues involving frequency allocations to provincial State studios. This situation is further aggravated by insufficient funding for them to commence transmission, as well as by the start of a project designed to develop digital broadcasting in the country's southern regions.

434. Specifying the status of provincial State television and radio broadcasting companies will enable them to establish a foundation on which to build that is independent of the development plans of the Kyrgyzstan Public Radio and Television Corporation, to which they formerly belonged. Given the importance of improving the information sphere in general, today regional broadcasting requires a clear road map to facilitate its development. This includes issues relating to personnel, finding new equipment and administrative resources, day-to-day funding and, crucially, broadcasting. It is only by adopting an integrated approach to this task that the proposed reforms have a chance of succeeding.

435. Science. The basic legal, economic and social conditions and guarantees for furthering the development of science and technology are enshrined in Act No.1485-XII of 15 April 1994 on Science and the Foundations of State Policy on Science and Technology. On 25 July 2002, the Zhogorku Kenesh also adopted Act No.132 on the National Academy of Sciences of the Kyrgyz Republic, which is designed to promote fundamental and applied science as the foundations of the country's scientific and technical progress, economic, social and cultural development. The Act's other objective is to create an auspicious climate in which the academic sciences may thrive as the crucial component of the country's scientific potential and scientists can be trained to the highest standards.

436. International collaboration between scientific bodies and their foreign partners is fully regulated by current legislation. Scientific research and the dissemination of its results are not subject to severe restrictions, unless they involve information constituting official secrets.

437. A draft law concerning innovation activities in the science sector is currently being drawn up that covers the interaction of scientific bodies both with one another and with the State. The highest State scientific institution is the National Academy of Sciences, which primarily focuses on<sup>137</sup>:

- Conducting and developing fundamental research in the natural, engineering and social sciences;

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<sup>137</sup> National Academy of Sciences data: summary report on reorganizing the activities of the Kyrgyz National Academy of Sciences ([www.nas.aknet.kg](http://www.nas.aknet.kg)).

- Studying current problems of the country's socio-economic, scientific-technical and cultural development;
- Optimizing the use of scientific research results and achievements;
- Providing training and further training for science personnel and senior specialists in all scientific disciplines;
- Promoting science in education and the intellectual life of Kyrgyzstan with a view to raising the country's intellectual potential.

438. Following structural and specialism-related changes at the National Academy of Science, over the past four years the number of academic institutions has declined and some laboratories working in similar areas in the same department have been merged. A number of new departments have been set up:

(a) The Technology Park of the National Academy of Sciences: set up in 2007 to foster the development of small innovative companies by helping them to harness scientific knowledge, inventions, know-how and high technology;

(b) The Phytotechnology Innovation Centre of the National Academy of Sciences: set up to assimilate technologies utilized in the integrated processing of plants in Kyrgyzstan and using them in medicine, veterinary science, livestock breeding and the chemical, pharmaceutical and food industries;

(c) The country's first gene bank of endemic, rare and economically valuable plants: set up to preserve biodiversity and rare and vanishing flora;

(d) The Book Conservation Laboratory: set up to preserve, clean and restore rare and old library books;

(e) The Social Research Centre: incorporated into the National Academy of Sciences; tasked with studying current social problems, analysing research to date and predicting social development going forward.

439. Academic and teaching staff. Postgraduate and doctoral programmes are the main forms used in the education system for training academic and teaching staff to a higher level of professional expertise, enabling specialists with higher professional education to obtain advanced academic and teaching qualifications.

440. The number of postgraduate students has fallen 7 per cent since 2005. In 2009 there were 2,200 postgraduate and 77 doctoral students, with women accounting for 63 per cent and 58 per cent, respectively<sup>138</sup>.

441. In order to improve the training of specialist personnel, integrated departments have been set up at higher education institutions affiliated to the National Academy of Sciences. These include the Centre of Research and Educational Programmes, which, besides directly involving the Academy's own science units, also works in partnership with the Kyrgyz National University, Bashkir State University and the Kyrgyz State University of Construction, as well as a number of institutions in France; the Kyrgyz Language Computerization Joint Research Group, made up of staff from the Institute of Theoretical and Applied Mathematics and the Kyrgyz National University, who have produced an electronic Kyrgyz language textbook that has been adopted by the Bishkek Department of Education and the Central Asian and Urals resource centres and is used by the International University of Kyrgyzstan, Indiana University, the Kyrgyz-Uzbek University, Jalal-Abad State University, Osh State University, the Kyrgyz State Academy of Law and the Kyrgyz

<sup>138</sup> *Social Trends of the Kyrgyz Republic 2005–2009*, NSC, Bishkek, 2010, p. 46.

National University. For some years now the Centre of Scientific Research at the International School of Medicine has been operating successfully under the auspices of the Institute of Mountain Physiology and the International University of Kyrgyzstan<sup>139</sup>.

442. The creation of joint institutes marked a major step in integrating research and higher education institutions. Working in collaboration with the Kyrgyz State Medical Academy, an intersectoral biomedical teaching and research centre studies current problems of biology and medicine, creates innovative technologies for use in medical practice and trains academic personnel.

443. In partnership with the Kyrgyz State Technical University, steps are being taken to set up an education and research institute, whose purpose will be to train senior specialists using combined intellectual, material, technical and information resources, as well as the innovations of partnership organizations and business entities.

444. Research institutes and higher education institutions are also being integrated through the creation of joint laboratories and departments. To date, five departments, one laboratory and one master's degree programme have been set up in collaboration with higher education establishments and operate under the auspices of National Academy research units. The Kyrgyz-Russian Slavic University, the International University of Kyrgyzstan, the Kyrgyz State University of Construction, the Kyrgyz National University and the Kyrgyz State Technical University have all helped to organize these facilities.

445. On average, one third of academic staff combines their research activities with teaching by taking lectures and training workshops, and supervising course and thesis work. At the National Academy, personnel are trained by way of internships, joint research projects, postgraduate and doctoral programmes covering a wide range of disciplines.

446. In many cases, funding received by research institutions under international grant programmes is commensurate with budget allocations.

447. Kyrgyzstan plays an active part in a wide variety of inter-State and intergovernmental treaties and agreements with CIS countries, the Shanghai Cooperation Organization and the Eurasian Economic Community (28 conventions in all), which cover specific aspects of scientific and technological cooperation in highly diverse areas of economic relations<sup>140</sup>.

448. Scientific and technological research and development are somewhat hampered by cuts in State funding for science and the loss of science's priority status in the country's economy. Furthermore, the high cost of innovations, long payback periods, low consumer demand and other factors are also impeding the development of science and technology in the country's economy<sup>141</sup>.

449. Steps have been taken to improve regulations protecting intellectual property. All intellectual property legislation has been adopted with a view to creating an auspicious climate for science, literature, technology and art and safeguarding proprietary rights to the results of creative labour.

450. Protection of intellectual property. The Civil Code devotes an entire section to intellectual property and specifies the legislative instruments regulating the results of intellectual activity and the intellectual property designations of merchandise, works, services and business entities.

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<sup>139</sup> National Academy of Sciences data: summary report on reorganizing the activities of the Kyrgyz National Academy of Sciences ([www.nas.aknet.kg](http://www.nas.aknet.kg)).

<sup>140</sup> Ministry of Education and Science data, 2007.

<sup>141</sup> *Ibid.*

451. Pursuant to part 2, article 1037, of the Civil Code, the following are recognized as intellectual property:

- Works of science, literature or art;
- Sound recordings, and programmes of broadcasting organizations;
- Computer programmes and databases;
- Integrated circuit topographies;
- Inventions, prototypes and industrial models;
- Organisms obtained by selection;
- Undisclosed information, including trade secrets (know-how).

452. The Zhogorku Kenesh has also adopted various laws designed to protect the interests of the owners and holders of intellectual property, as well as intellectual property designations:

- Act No. 6 of 14 January 1998 on Copyright and Neighbouring Rights;
- Act No. 7 of 14 January 1998 on Trademarks, Service Marks and Appellations on Places of Origin of Goods;
- Act No.8 of 14 January 1998 on Patents;
- Act No. 79 of 13 June 1998 on the Legal Protection of Selection Achievements;
- Act No. 29 of 31 March 1998 on the Legal Protection of Integrated Circuit Topographies;
- Act No. 28 of 30 March 1998 on the Legal Protection of Computer Programmes and Databases;
- Act No.27 of 30 March 1998 on Commercial Secrets;
- Act No. 145 of 23 December 1999 on Firm Names;
- Act No.107 of 8 October 1999 on Information Technology;
- Act No.108 of 8 October 1999 on the Scientific and Technical Information System;
- Act No.27 of 19 February 2001 on Patent Attorney.

453. Article 150 of the Criminal Code establishes responsibility for the unlawful use of inventions, copyrighted works and trademarks, for receiving information constituting a commercial or bank secret, or for gaining illegal access to computer information.

454. Analysis of intellectual property litigation cases in Kyrgyzstan shows that disputes in this area primarily involve trademark rights, failure to pay copyright royalties or reluctance to conclude copyright licensing agreements. Patent infringement cases are exceedingly rare<sup>142</sup>.

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<sup>142</sup> Judicial enforcement of the law in the Kyrgyz Republic, USAID Commercial Law Development Programme, vol.1, Bishkek, 2006.