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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 COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

Kyrgyzstan

1. The Committee on Economic, Social and Cultural Rights considered the initial report of Kyrgyzstan on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.42) at its 42nd, 43rd and 44th meetings, held on 23 and 24 August 2000, and adopted, at its 51st meeting, held on 29 August 2000, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of Kyrgyzstan, which has been prepared in general in conformity with the revised reporting guidelines established by the Committee. While commending the efforts made by the delegation from the Permanent Mission of Kyrgyzstan in Geneva in answering the questions put to it, the Committee regrets the absence of an expert delegation from the capital, a matter which greatly reduced the constructiveness of the dialogue.

B. Positive aspects

3. The Committee acknowledges the efforts made by the State party to improve the macroeconomic conditions for the implementation of the rights enshrined in the Covenant, such as integration into the international economic system, the formulation of stabilization measures for 1999-2000, the 80 per cent completion of structural reforms and success in cutting back inflation. The Committee notes that there are good prospects for growth of GDP in 2000.

4. The Committee notes with appreciation the information provided by the United Nations Development Programme (UNDP), and reiterated by the delegation, that courts in Kyrgyzstan are pursuing violations of economic and social rights.

5. The Committee notes the establishment of the Presidential Commission on Human Rights and the Parliamentary Committee on Human Rights.

6. The Committee notes with appreciation the steps taken by the State party, with the assistance of the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNDP and the Organization for Security and Co-operation in Europe (OSCE), to establish an independent national human rights institution (Ombudsman's office).

7. The Committee welcomes the initiatives taken by the State party to combat poverty, including "Araket", the National Programme on Overcoming Poverty (1998-2005), and the related government programmes to address problems of employment, older persons, women, health and education, as well as the establishment of the National Poverty Alleviation Commission in 1998. The Committee also notes with appreciation the monitoring of the situation of poor families and the compilation of "maps of poverty".

8. The Committee welcomes "Ayalzat" (1996-2000), the national programme for the support of women, designed to enhance the role of women in society and to improve their economic and social situation.

9. The Committee also welcomes the "Education for all" programme, which benefits more than one third of the population.

C. Factors and difficulties impeding the implementation of the Covenant

10. The Committee is aware that the State party is currently confronted with the difficulties commonly encountered by the countries in transition and that this process is exacerbated by the Kyrgyz economy's high level of dependence on the external economic environment, and by the diverting of resources to service the country's sizeable foreign debt.

11. The Committee also acknowledges that the ongoing armed conflict in the south of the country is a serious impediment to the implementation of economic, social and cultural rights in Kyrgyzstan.

D. Principal subjects of concern

12. The Committee is concerned that the independence of the judiciary may be impaired in cases where the designation of high court judges is effected without full participation of the legislature. The Committee is particularly concerned to learn about cases of criminal prosecution of human rights activists, and the dissolution of the Kyrgyz Committee for Human Rights, which now operates in exile.

13. The Committee notes with concern that, according to information at the disposal of the Committee, the “tribunals of eminent persons” convened informally to discuss issues of law and order in local communities often take upon themselves the functions of the judiciary, including recommendations on the death penalty.

14. The Committee notes with concern the recent estimates of unemployment reaching 26 per cent in Kyrgyzstan. The Committee regrets that despite the efforts of the Government to raise the statutory minimum wage to match the minimum consumer budget, the minimum wage does not provide a decent standard of living to the worker and his/her dependants. Furthermore, the Committee notes with regret that the Government is in arrears in payments of pensions and of civil servants’ salaries.

15. The Committee regrets the extensive limitations on the right to strike at present in force in Kyrgyzstan. The Committee is disturbed to learn that some employers are hampering the activities of trade unions and that trade union rights in general are not protected by law as vigorously as they should be.

16. The Committee is disturbed about the reassertion of traditional attitudes towards women in Kyrgyz society. The Committee notes with concern that although polygamy is illegal, it is nonetheless practised in some regions. The Committee also notes with deep concern the re-emergence of the old tradition of bride kidnapping.

17. The Committee regrets the absence of information on the extent of violence against women and the trafficking of women in Kyrgyzstan. The Committee is also concerned at the classification of lesbianism as a sexual offence in the Penal Code.

18. The Committee notes with alarm the repressive measures taken against female journalists for their protest against inequality between men and women in Kyrgyz society. The Committee also notes with concern that the unemployment rate among women is high, and that women predominantly work in spheres characterized by low wages.

19. The Committee is deeply concerned about the high rate of poverty, estimated to affect more than 50 per cent of the population. The most affected areas are the remote southern rural areas, where persons over the age of 60, women and children, especially, suffer from poverty. In particular, the Committee is concerned about malnutrition, which mostly affects infants (19.7 per cent), children and adolescents.

20. The Committee notes the decrease in the resources available to the Government to fund social insurance, due to the need to reduce the national budget deficit.

21. The Committee is concerned that the right to adequate housing is hampered in Kyrgyzstan by the decrease in housing construction, the lack of living space for rural migrants arriving in cities, and the insufficient provision of sanitation and potable water.

22. The Committee notes with concern that, although the general state of health of the population is satisfactory, new health threats such as increasing alcoholism and drug abuse, the

growing incidence of sexually transmitted diseases and the re-emergence of communicable and vaccine-preventable diseases such as tuberculosis, and above all the decreasing resources allocated to the health sector demand the State party's urgent response.

23. As regards education, the Committee is concerned about the phenomenon of children dropping out of school to provide for their families. The situation of girls is particularly alarming, as their access to education is being curtailed by a revival of the tradition of early marriage, and a decrease in the prestige of having a formal education.

E. Suggestions and recommendations

24. The State party is urged to continue more actively the pursuit of perpetrators of human rights violations.

25. The Committee encourages the State party to establish, as soon as possible, a national human rights institution in conformity with the Paris Principles (1991).

26. The Committee also encourages the State party to elaborate and implement a national plan of action for human rights in accordance with the 1993 Vienna Declaration and Plan of Action.

27. The Committee would appreciate information, in the second periodic report of the State party, on the application of labour standards in the Free Economic Zones used as export processing areas.

28. The Committee encourages the State party to review the limitations in the Labour Code on the right to strike with a view to bringing them into conformity with the Covenant. The State party is also urged to apply all legal means to put an end to the interference of employers with the freedom of trade union activity by discouraging workers from forming trade unions.

29. The Committee would appreciate information, in the State party's second periodic report, on the progress made in the implementation of "Araket", the National Poverty Alleviation Programme, and related governmental programmes. The Committee urges the State party to continue to seek international financial and technical assistance, as provided for in articles 2.1 and 23 of the Covenant, in its efforts to improve the enjoyment of economic, social and cultural rights in Kyrgyzstan, and to continue to direct resources to those most in need. The Committee also feels strongly that Kyrgyzstan should assess the impact of its economic reforms on the well-being of the population. In this regard, the Committee would like to remind the State party of its obligation, even under severe resource constraints, to protect the vulnerable groups of society, as stated in paragraph 12 of the Committee's General Comment No. 3.

30. The Committee requests the State party to provide information, in its second periodic report, on the extent of violence against women and the measures taken by the Government to address this phenomenon, including facilities and remedies provided for victims. The Committee further recommends that the State party continue more actively to implement the law with regard to the practice of polygamy and bride kidnapping. The Committee recommends that

the State party proceed to remove lesbianism from the Penal Code, as indicated by the delegation. The Government is advised to step up its efforts to promote the rights of women in employment.

31. The Committee requests the State party to discuss, in its second periodic report, the results of the future International Labour Office (ILO) study on child labour in Kyrgyzstan and to report to the Committee on the status of ratification of ILO Convention No. 182, as well as the practical measures taken by the State party to address the problem of child labour.

32. The Committee recommends that the right to housing be ensured to all and that problems of the lack of housing be solved in the most expedient manner possible. In this regard, the Committee wishes to draw the attention of the State party to its General Comment No. 4 on the right to adequate housing. The Committee also requests the State party to provide, in its second periodic report, information on the extent of homelessness in Kyrgyzstan.

33. The Committee urges the State party to continue its efforts to address the prevailing health threats, and to target progressively resources to health services. The Committee requests the State party, in its second periodic report, to provide information on how the recently adopted health laws and policies are implemented. The Committee would also appreciate statistics on the progress made by the Government in its efforts to fulfil the right to health for its population by providing comparative statistics with reference to the information given in its initial report.

34. The Committee calls upon the State party to take special care to ensure the right to education, in particular of the girl child. The Committee also requests the State party to provide information, in its second periodic report, on the extent of the phenomenon of school dropout and abandoned children, including measures taken to address the problem.

35. The Committee requests that the State party disseminate these concluding observations as widely as possible among its citizens.

36. The Committee requests the State party to address, in its second periodic report, the implementation of these concluding observations.

37. The Committee requests the State party to submit its second periodic report before 30 June 2005.
