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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of
the initial report of Kyrgyzstan concerning the rights covered by
articles 1 to 15 of the International Covenant on Economic, Social
and Cultural Rights (E/1990/5/Add.42)

I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT
IS IMPLEMENTED

1. Please indicate which of the rights set forth in the Covenant are guaranteed in the Kyrgyz Constitution so that those responsible for their non-realization can be brought to justice. Have any cases of this kind come before the courts?
2. Does the Government of Kyrgyzstan cooperate with public organizations in the human rights sphere? Are there any mechanisms for dialogue between government organs and such organizations, and has such cooperation yielded any practical results?
3. What action is the Government of Kyrgyzstan taking on the recommendations of the World Conference on Human Rights and, in particular, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights?
4. Have the activists of the Human Rights Committee, arrested before the constitutional referendum, been released? Has the Committee's registration been renewed?

5. What measures, if any, have been undertaken to fight corruption in the period during which President Akayev stopped, and then resumed, privatization?

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2.1. Full realization of rights under the Covenant

6. Please analyse the experience of the Republic of Kyrgyzstan since independence in terms of the Government's success and difficulties in the implementation of rights under the International Covenant on Economic, Social and Cultural Rights.

7. Has there been an economic recovery after the crisis of 1998? If "yes", please describe it in some detail, in particular, how the realization of economic, social and cultural rights has been affected.

Article 2.2. Non-discrimination

8. Please provide more information on the actual realization of the rights relating to non-discrimination on grounds of origin, sex, race, nationality or language set forth in this article of the Covenant and proclaimed in the Kyrgyz Constitution. Do violations of these rights still occur, and how are the authorities dealing with them? Please provide information about the de facto and de jure situation of stateless persons.

Article 3. Equality between men and women

9. Are there any short-term or long-term programmes designed to reduce unemployment among women, particularly skilled specialists laid off by enterprises in line with reductions in output before men?

10. Are any special measures envisaged to assist women graduates of higher and secondary educational establishments in finding employment?

11. Please explain the causes for the decline in numbers of women attending higher educational establishments.

Articles 4 -5. Limitation of rights and freedoms

12. Please provide more detailed information about the 207 officials disciplined in 1996/1997 for violating citizens' social rights. Precisely which social rights were involved? What was the official rank of the persons responsible for these violations?

Article 5

13. Have there been any cases of Kyrgyz courts adopting decisions which limit or violate citizens' rights under the Covenant? Describe the procedure by means of which citizens can appeal the decision in such cases?

III. ISSUES RELATING TO SPECIFIC RIGHTS RECOGNIZED
IN THE COVENANT (arts. 6-15)

Article 6. Right to work

14. Considering the detailed picture of unemployment presented in the report, is it possible to speak of reducing it in the next five years? What role can the State sector and the private employment sector play in this connection?

15. Please provide more detailed information about “authorized” and “unauthorized” types of work and explain how they relate to “self-employed” or “non-self-employed” activity. Does Kyrgyz law provide any definition of these social categories?

16. Please provide more information on the effectiveness of programmes for the employment of senior citizens. How is it possible to reconcile such programmes with the forced early retirement of many people before retirement age?

Article 7. The right to just and favourable conditions of work

17. Are there any State mechanisms for checking and monitoring the policy of ensuring healthy and safe working conditions guaranteed under the Kyrgyz Labour Code? Please describe the most typical violations of article 281 of the Code.

18. What measures are taken by the Government to reduce the disparity between the minimum wage and the minimum cost of living?

19. On what grounds other than ill-health are citizens granted special leave and how is remuneration for such leave correlated with citizens' wages?

20. What is the duration of the minimum annual leave entitlement?

Article 8. Trade union rights

21. Have there been any cases of workers being forced to join trade unions, and how do the Kyrgyz authorities react in such cases?

22. Have there been any cases of trade unions or other public organizations being banned in Kyrgyzstan in the interests of national security, public order, etc.?

23. What are the legal guarantees and possibilities for trade unions and other public organizations that make it possible to influence the social policy pursued by the Government of Kyrgyzstan?

24. Please indicate how many strikes, and by which segments of society, have taken place over the past five years, and how they were dealt with by the Government.

Article 9. Right to social security and social insurance

25. Please describe the social security system in the private sector. What special features does it have and how does it differ from the public system?

26. What is the present situation with regard to the blueprint for wage reform and the proposals on tackling poverty submitted to the Government by the Federation of Trade Unions in 1996 and 1997?

27. How is the “social partnership” between the Government and the trade unions reflected in social welfare and social security policies?

28. Does the “Ardager” national programme of social protection for disabled people and the elderly supplement the social welfare system or replace it? To what percentage of these categories of the population does the “Ardager” programme extend, and how and by whom are beneficiaries selected?

29. Please indicate whether there are any segments of society not covered by social security.

30. Please comment on the UNDP Kyrgyzstan National Human Development Report for 1998, which states that the State party “is unable to provide social guarantees to certain social grades, including maternity, unemployment and means-tested benefits, minimal pensions and so on”.

Article 10. Protection of the family, mothers and children

31. Does the Labour Code or any other legal instrument contain provisions regulating child labour? How do they correlate with international instruments on the rights of the child? Can you explain the contradiction in paragraph 158 of the report which says that employment contracts may not be concluded with persons under the age of 16 and at the same time refers to regulations governing the employment of children aged between 14 and 16? Is there a practice of disguised exploitation of child labour?

32. How does the Government try to prevent early forced (i.e. illegal) marriages, and violence against women, including domestic violence?

33. What is the reason for the decrease in the number of child-care institutions in Kyrgyzstan?

34. What is the legal status of children born out of wedlock?
35. How did the purchasing power of the minimum wage evolve between 1997 and 2000?

Article 11. Right to an adequate standard of living

36. Please supply statistical data and social and demographic information concerning homeless persons and vagrants.
37. What is the explanation for the disparity in levels of poverty between the urban and rural population, and between the northern and southern regions?
38. What steps are being taken by the Government to reduce the poverty level of the Uzbek and Kyrgyz ethnic groups and to bring their standards of living into line with that of other ethnic groups? Has there been any violence amongst ethnic groups?

Article 12. Right to the highest attainable standard of physical and mental health

39. Please provide information on the volume and sources of funding of the State's "Healthy nation" programme referred to in paragraph 193 of the report.
40. Please provide more information on the measures taken by the State party to combat alcoholism, drug addiction, tuberculosis, sexually transmitted diseases and other infectious diseases.
41. Please provide information on the HIV/ AIDS epidemic, including measures taken by the State party to combat the transmission of the disease and prejudice against HIV-positive persons.

Articles 13 and 14. Right to education

42. Please provide more detailed information on the decentralization of the education system referred to in paragraph 224 of the report and on the activities of non-State higher educational establishments.
43. Is the reform of the vocational training system correlated with developments in the sphere of industrial and agricultural production? How do the technical secondary schools transformed into lycea (more than 40 per cent according to the report) draft their technical curricula? Why are vocational schools being turned into lycea?
44. How is the Act on compulsory general education being implemented in the parts of the country referred to in paragraph 174 of the report, where half or more of the population are living in poverty?
45. Please provide information on human rights education in Kyrgyz educational establishments, judicial organs and the armed forces.

Article 15. Right to take part in cultural life and to enjoy the benefits of scientific progress

46. Please provide information about the activities of NGOs concerned with the preservation of the cultural heritage.

47. What is the ratio of State to private funding of scientific research? How and by whom are research priorities determined? Please also provide information on the source of private funding.

48. Please provide information on the means to facilitate better access to cultural events for students, the elderly and disabled people.
