



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**

Concluding observations on the initial report of Kyrgyzstan

Addendum

**Information received from Kyrgyzstan on follow-up to the
concluding observations***

[Date received: 29 May 2018]

* The present document is being issued without formal editing.



1. With regard to paragraphs 27, 29, 31 and 33 of the recommendations put forward by the Committee in its concluding observations following the consideration of the national report of Kyrgyzstan, we wish to state the following.

Paragraph 27

2. Under the Constitution, foreign nationals and stateless persons enjoy the same rights and have the same obligations as citizens of Kyrgyzstan, unless otherwise provided by law or international agreements to which Kyrgyzstan is a party. Under the Legal Status of Foreign Nationals Act, foreign nationals may not stand for election or vote in State body elections or participate in national elections or referendums, nor are they under the obligation to perform military service in the armed forces of Kyrgyzstan. Furthermore, under the law, foreign nationals in Kyrgyzstan have the right to appeal to the court and other State authorities to defend their personal, property, family and other rights. They enjoy the same procedural rights in court as Kyrgyz citizens. Foreign nationals in Kyrgyzstan are given the opportunity to contact the diplomatic or consular missions of their Governments and, where no such missions exist, those of another State empowered to defend the rights and lawful interests of citizens of the State of which the foreign national is a citizen.

3. It should be noted that the management of international migration is based on the following principles:

- Protection of the human rights established under the Constitution to the free choice of place of residence, free choice of occupation and profession and freedom of movement
- Prohibition of any form of discrimination on the basis of sex, race, language, disability, ethnic background, faith, age, political or other beliefs, education, origin, wealth or other status, or other circumstances
- Harmonization of national legislation with the generally accepted rules of international law and the international agreements on international migration that have entered into force in the manner prescribed by law to which Kyrgyzstan is a party
- Prevention of spontaneous and irregular migration under programmes of action based on forecasts of potential population movements and flows of migration caused by changes in the social, economic and political situation
- Participation of relevant State bodies in the regulation of international migration processes
- Migrant workers' respect for and compliance with the laws of Kyrgyzstan

Paragraph 29

4. The Ministry of Foreign Affairs has consistently implemented a policy aimed at increasing the diplomatic and consular presence of Kyrgyzstan abroad with a view to enhancing the effectiveness of the protection of the rights and interests of Kyrgyz citizens.

5. Between 2010 and 2017, 22 honorary consulates of Kyrgyzstan were opened in 15 foreign countries.

6. In recent years, honorary consulates were established in: Voronezh, Orenburg, Khabarovsk, Tomsk and Yuzhno-Sakhalinsk (Russian Federation); Kōchi (Japan); Gliwice (Poland); Helsinki (Finland); Petropavlovsk (Kazakhstan); Hrodna (Belarus); and Byureghavan (Armenia).

7. Plans are being developed to set up honorary consulates in the following Russian cities: Ufa; Krasnogorsk (Moscow province); and Kazan.

8. In the period 2014–2015, embassies of Kyrgyzstan were opened in Azerbaijan, the United Arab Emirates, Kuwait and Qatar and a consulate general was set up in Guangzhou, China.

9. In 2015, chanceries of the Embassy of Kyrgyzstan in the Russian Federation were established in Vladivostok, Krasnoyarsk and Saint Petersburg.
10. Work is ongoing in this area.
11. In 2017, the Consular Services Department of the Ministry of Foreign Affairs drafted instructions for consular officers of Kyrgyzstan on the provision of legal assistance to Kyrgyz citizens abroad.
12. The work begun in 2017 on a list of lawyers in foreign countries for the provision of such assistance is being finalized.
13. The list is for information purposes only and will be posted on the official websites of the Ministry of Foreign Affairs, the Consular Services Department and diplomatic and consular offices of Kyrgyzstan.
14. With a view to enhancing the effectiveness of efforts to defend the rights and interests of citizens living abroad, the Ministry is actively working with the State Registration Service of the Government to deploy the identity document (*Pasport*) and Civil Registry Office computerized data system, both of which will help dramatically reduce the length of time required for processing applications from Kyrgyz citizens abroad.
15. The system is at the adoption stage.
16. A representative of the Ministry has taken an active part in the work of the interdepartmental working group set up to assess the status of implementation of the national programme of action aimed at combating trafficking in persons for the period 2013–2016 and to develop a programme for the period 2017–2020.
17. A representative of the Ministry is taking part in the efforts at monitoring compliance with the Act on the Principles of State Policy to Support Fellow Kyrgyz Abroad by the working group attached to the Committee on Social Affairs, Education, Science, Culture and Health of the Jogorku Kenesh, the parliament of Kyrgyzstan.
18. A representative of the Ministry is taking part in drafting the new version of the government decision on the return of remains of deceased Kyrgyz citizens abroad to Kyrgyzstan.
19. The Government entered into agreements with the Russian Federation in 2015 and Kazakhstan in 2016 on the procedure for Kyrgyz citizens to stay in these countries for up to 30 days without registering.
20. In addition, government decision No. 96 of 2 March 2016 was approved under an interim order on the State Migration Service office in the Russian Federation. Nine persons are employed in the office in order to enhance the effectiveness of the protection of Kyrgyz citizens' rights and interests.
21. The Service's Information and Advisory Centre provides ongoing information and counselling on opportunities for legal employment in countries close to home and further abroad with a view to ensuring full protection of the rights and interests of migrant workers and prevent various forms of illegal labour migration.
22. The Centre sets up information stands, distributes handouts with the necessary information on the rules for entry and stay in the main countries of destination for migrant workers from Kyrgyzstan and shows video materials on legal employment created with the support of the International Organization for Migration (IOM). Among the measures to improve access to services, an electronic information kiosk has been put in place in the lobby of the Centre with the assistance of IOM.
23. The kiosk allows citizens to avoid having to go directly through officials and to obtain timely and complete information about employment opportunities and the rules of the organized employment programmes in the country and abroad.
24. Furthermore, the Centre runs an official website in conjunction with IOM, where citizens may obtain detailed information on the areas of work of the Centre and the measures it is currently taking. Up to 1,000 persons visit the site every day, with as many as 25,000 persons accessing it in the span of a week.

25. The State Migration Service, together with IOM, has developed a mobile phone application for migrant workers that contains information on the following:

- Preferences for migrant workers within the framework of the Eurasian Economic Union
- Job placement and vacancy announcements for citizens abroad
- List of persons who are banned from entering the Russian Federation (black list)
- Contacts for the Office of the State Migration Service in the Russian Federation, diplomatic missions and leaders of the Kyrgyz diaspora in all countries

Paragraph 31

26. In accordance with the Legal Status of Foreign Nationals Act, No. 1296-XII of 14 December 1993, article 9 (Health protection), foreign nationals permanently residing in Kyrgyzstan have the same right to medical care as Kyrgyz citizens. Medical care is provided to temporary residents under the terms set by the Ministry of Health under government order Nos. 530 of 28 August 2000 and 44 of 31 January 2005 on health-care services for foreign nationals.

27. Compulsory health insurance is one aspect of health-care provision in Kyrgyzstan. Basic national health insurance covers Kyrgyz citizens and foreign nationals in cases provided for in international agreements. Workers who are nationals of States members of the Eurasian Economic Union have the same right to receive health-care services under the programme of State guarantees for the provision of medical care provided they have an employment contract with an employer and insurance premiums have been paid to the National Health Insurance Fund. The basic national health insurance programme is carried out through the executive authority of the medical insurance system, i.e. the Fund and its regional governing bodies. Foreign nationals temporarily or permanently residing in Kyrgyzstan are subject to compulsory health insurance. Insured persons have the right to receive medical, preventive health, rehabilitation and health-oriented services under the compulsory health insurance programme throughout the country in health-care facilities that have entered into compulsory health insurance agreements. Insured persons are required when seeking medical care under the compulsory health insurance programme to present documents attesting to their right to medical and preventive health-care services. The policyholder for foreign nationals temporarily residing in the country is the employer or the foreign nationals themselves in accordance with the national law, unless otherwise provided by international agreements.

28. (Health Insurance Act, No. 112 of 18 October 1999.)

29. For citizens living outside Kyrgyzstan.

30. A protocol has been drafted in accordance with section XXVI of the Treaty on the Eurasian Economic Union (annex No. 30 to the Treaty), which covers matters involving the medical care of workers and members of their families who are nationals of the States parties. The State provides medical care to such workers and their family members on the terms and conditions specified by the law of the country of employment and international agreements. Member States grant such workers and members of their family the right to receive free (first-response and emergency) medical care on the same terms and conditions as those of citizens of the country of employment. Ambulance services (involving first-response and emergency care) are provided free of charge by organizations or health-care institutions of the State and municipal health-care systems of the country of employment to workers and members of their families who are nationals of the States parties regardless of whether there is an insurance policy. The costs borne by such health-care institutions that provide emergency care to those workers or family members are reimbursed from the relevant budget system of the country of employment in accordance with the existing health financing system.

Paragraph 33

31. In accordance with article 12 of the Act on the Legal Status of Foreign Nationals, foreign nationals have the right to receive an education on equal terms with Kyrgyz citizens in accordance with the procedure provided for by law. Foreign nationals admitted to Kyrgyz educational institutions assume the rights and responsibilities of pupils and students under the national law.

32. In accordance with the Treaty on the Eurasian Economic Union, the educational qualifications issued by educational establishments of the member States are recognized without having to undergo the established procedures for recognition of such qualifications so that citizens of the Union may carry out work in Kyrgyzstan. In cases in which the employment involves the medical, pharmaceutical, legal or teaching professions, the workers are required to go through the procedures for recognition of their educational qualifications. The division of the Ministry of Education and Science responsible for the recognition of qualifications concerning higher education is the Office of Vocational Education. Children of foreign nationals or stateless persons receive preschool education in accordance with the procedure established for Kyrgyz citizens. Preschool education establishments enrol children between the ages of 6 months to 7 years. Parents may take part in the development of preschool education establishments in order to make it possible for children of preschool age to receive an early childhood education. On enrolment in municipal educational establishments, there may be no restrictions on the basis of sex, race, ethnicity, language, origin, religion, beliefs, membership of voluntary organizations or associations or health or social status.

33. Students are enrolled in school at all levels of the education system without entrance examinations, fees or other charges. Children begin their studies at the age of 6 or 7, unless their health prevents them from doing so, but no later than 8 years of age. Harmonization of legislation and regulations in the field of education should facilitate greater freedom of movement for workers in the Union, which, in turn, will lead to the establishment of an orderly common labour market within the Union.

34. For citizens living outside Kyrgyzstan.

35. With the entry into force of the Treaty on the Eurasian Economic Union, workers who are nationals of member States are guaranteed immediate recognition of educational qualifications. In this respect, the Treaty confirms the right of employers to recognize educational qualifications, which had earlier been established in a number of agreements entered into by representatives of the countries in the Union at the bilateral and multilateral levels. The educational qualifications issued by educational establishments of member States are thus recognized so that citizens of the countries of the Union may engage in work without going through the procedures for recognition of educational qualifications established by law in the State in which the worker is employed. Workers applying for positions in the teaching, legal, medical or pharmaceutical professions in other States members of the Union may be allowed to carry out such work in accordance with the law of the State in which they are employed. This means that they should go through the employment procedure established by the national law of the State in which they are employed for recognition of their educational qualifications. Conducting training sessions with workers from the member States and dealing with training issues are among the most important areas of cooperation between the members of the Union, as training is a major factor in helping workers and members of their families adapt socially and culturally to the country of employment.

36. In an effort to raise awareness among citizens who have secured employment abroad under the organized employment programmes conducted by the Information and Advisory Centre of the State Migration Service, a pre-departure training course is offered — a significant step in the process of providing public services — entitled “Assistance in finding employment abroad for Kyrgyz citizens seeking work within the framework of State programmes, intergovernmental and other official agreements”.

37. The course of study includes five modules for preliminary training previously agreed upon with the Ministry of Education and partners abroad and approved by the Centre. The curriculum and syllabus for the course is designed to last for between two training days (for

the Russian Federation or Kazakhstan, for example) to nine days (for the Republic of Korea) and includes the following modules:

- Language, culture and way of life in the country of destination
- Legal culture, including the migration and labour legislation of the country of destination
- Occupational safety
- Social security and pension provisions
- Principles of financial planning (ways to manage earnings rationally)

38. It should be noted that the Centre's pre-departure programme to prepare migrant workers includes seminars led by officials at the Social Fund of Kyrgyzstan on the ways and means of ensuring that citizens going abroad are covered by pension and social insurance.
