



# **Convention on the Rights of Persons with Disabilities**

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## **Committee on the Rights of Persons with Disabilities**

### **Initial report submitted by Kyrgyzstan under article 35 of the Convention, due in 2021\***

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\* The present document is being issued without formal editing.



## **Introduction**

1. Kyrgyzstan ratified the Convention on the Rights of Persons with Disabilities on 13 March 2019. The Convention entered into force for Kyrgyzstan on 15 June 2019.
2. Pursuant to article 35 of the Convention, Kyrgyzstan hereby submits its initial report to the Committee on the Rights of Persons with Disabilities.
3. General information on Kyrgyzstan, its population and political structure, the various human rights protection agencies and efforts to disseminate human rights information can be found in the common core document, which was approved by Government Decision No. 141 of 20 February 2012 on national reports relating to the implementation of international human rights treaties and submitted to the Human Rights Committee in March 2012.
4. The present report was prepared in accordance with the guidelines for the preparation of reports by States Parties, contained in documents CRPD/C/2/3 and CRPD/C/3. The report contains an analysis of the legal and regulatory framework in Kyrgyzstan, statistical data and other information on measures taken to fulfil the obligations assumed by Kyrgyzstan under the Convention over the two years following its entry into force, the progress made, the difficulties encountered and plans for its further implementation.
5. The report was prepared by the Ministry of Labour, Social Security and Migration, in cooperation with State bodies responsible for the observance and protection of the rights of persons with disabilities.
6. The preparation process for the report involved consultations and discussions with representatives of non-governmental organizations (NGOs) and voluntary associations of persons with disabilities. United Nations system organizations participated in the consultations and also facilitated consultations with all stakeholders in the preparation process.
7. Kyrgyzstan is committed to implementing the 2030 Agenda for Sustainable Development, which includes 17 universal, inclusive and interconnected Sustainable Development Goals. The Sustainable Development Goals have been incorporated into State policy and are reflected in the National Development Strategy for the period 2018–2040, which was approved by Presidential Decree No. 221 of 31 October 2018.
8. The Strategy is based on the vision of ensuring a high quality of life and decent living standards as part of the framework for sustainable economic growth. Since Kyrgyzstan began implementing the Sustainable Development Goals, it has ratified two important international agreements, namely, the Convention on the Rights of Persons with Disabilities and the Paris Agreement on climate change; this has created further opportunities to accelerate progress towards achieving the Goals.

## **Article 1 Purpose**

9. State policy in relation to persons with disabilities is defined in the Act on Rights and Guarantees for Persons with Special Needs of 2008; it is aimed at ensuring that such persons enjoy the same opportunities as other citizens to exercise rights and freedoms, eliminating obstacles to their everyday activities and creating conditions in which they can lead a full life, participate actively in the economic, political and cultural life of society and fulfil their duties as citizens under the Constitution, the generally recognized principles and rules of international law and the international instruments to which Kyrgyzstan is a party and which have entered into force under the legally established procedure.
10. The Act sets out the guarantees of protection and assistance that are accorded to persons with disabilities, in addition to measures aimed at protecting public health, preventing disability and creating conditions conducive to the integration of persons with disabilities into society.

11. The purpose of the State policy on the protection of persons with disabilities in Kyrgyzstan is consistent with the purpose stated in article 1 of the Convention.
12. The Constitution of 2021 provides that the State is to ensure the implementation of a system of social protection for persons with special needs, based on their full and equal enjoyment of human and civil rights and freedoms, their social integration without discrimination of any kind, the creation of an accessible environment for them and the improvement of their quality of life.
13. The term “person with special needs” first began to be used in Kyrgyzstan in 2008 with the adoption of a number of State programmes to provide support for persons with disabilities.
14. In 2008, the term was incorporated into the Act on Rights and Guarantees for Persons with Special Needs. It has been used in all subsequent legislation, in which a “person with special needs” is deemed to be a person with impaired health and persistent impairment of body function caused by illness or the consequences of trauma or defects and resulting in the limitation of everyday activities and the need for social protection and rehabilitation.
15. In the Convention, other United Nations documents and international official practice, the term “person with disabilities” is used to imply the social nature of disability. Persons with disabilities in Kyrgyzstan also support the use of international official terminology, and the term “person with disabilities” is used in practice in the application of the law.
16. Given that Kyrgyzstan became a Party to the Convention in 2019, it would now be advisable to harmonize and unify the conceptual framework and the terminology used in national legislation.

## Article 2

### Definitions

17. The amended version of the Constitution, which was adopted in 2021, provides that Kyrgyzstan must ensure the protection of the rights and freedoms of all persons within its territory and subject to its jurisdiction.
18. No one may be subjected to discrimination on the basis of sex, race, language, disability, ethnicity, religion, age, political or other beliefs, education, origin, property or other status, or other circumstances.
19. Those who commit acts of discrimination are liable to the penalties provided by law.
20. Under the Act on Rights and Guarantees for Persons with Special Needs, sign language is recognized and supported in Kyrgyzstan as a means of interpersonal communication, and measures are taken for its development and use in various spheres of activity. Television and radio broadcasting organizations are obliged by law to broadcast news programmes with sign language interpretation or subtitles.
21. The State is required to provide sign language interpretation services where necessary to protect the rights of persons with special needs.
22. Accordingly, to ensure the provision of State-guaranteed sign language interpretation services to persons with disabilities, a procedure for the provision of such services and the payment of sign language interpreters was approved by Government Decision No. 101 of 18 March 2021.
23. The draft “Accessible Country” State programme for persons with disabilities and other groups with reduced mobility, covering the period 2021–2040, was developed with a view to the effective implementation of the Convention.
24. The draft programme contains eight priority areas:
  - (1) Refinement of the legal and regulatory framework;
  - (2) Accessibility of infrastructure and all types of service in all areas of life;
  - (3) Optimization of the medical and social assessment of disability;

- (4) Rehabilitation and habilitation;
- (5) Accessible education;
- (6) An accessible labour market;
- (7) Modernization of the system for the provision of prosthetic and orthopaedic services;
- (8) Provision of assistance to persons with disabilities and other groups with reduced mobility in emergencies and pandemics.

25. The terms “reasonable accommodation” and “universal design” have been incorporated into the draft programme.

26. The principle of universal design is being incorporated into technical regulations governing the development and roll-out of equipment, programmes and services, and transport and social infrastructure, with the aim of making the physical environment (buildings/facilities), transportation, information and communications, and other facilities and services that are open or provided to the public, in both urban and rural areas, more accessible to persons with disabilities.

27. Implementation of the principle of reasonable accommodation is facilitating the expansion of access to general tertiary education, vocational training, adult education and lifelong learning for persons with disabilities without discrimination and on an equal basis with others.

### **Article 3**

#### **General principles**

28. Kyrgyzstan places the highest value on human beings and their lives, rights and freedoms.

29. The principles of Kyrgyzstan in the area of social protection for persons with disabilities are: legality, humanity and respect for human rights; guaranteed social protection and accessible medical, social and vocational rehabilitation; accessibility of, and enjoyment by persons with disabilities on an equal basis with others of the rights to, healthcare, education and a free choice of occupation, including employment; cooperation between government agencies, civil society associations and other organizations involved in the protection of the rights and legitimate interests of persons with disabilities; and prohibition of discrimination on the basis of disability.

30. The basic principles and rules governing the creation of conditions conducive to gender equality in all areas of State and public life are enshrined in the Act on State Guarantees of Equal Rights and Opportunities for Men and Women of 2008.

31. The basic principles governing the protection of children’s rights and interests are reflected in the Children’s Code of 2012; they are founded on recognition of the primacy of the rights and interests of children, including those with disabilities, with a view to the safeguarding of their best interests.

### **Article 4**

#### **General obligations**

32. The provisions of the Convention apply to all administrative divisions of the country without any limitation or exception.

33. In accordance with the National Development Strategy for the period 2018–2040, one of the principles of State policy on the social support system is that a system of social services should be developed for children and families in difficult circumstances, persons with special needs and older citizens in all regions. The goal is to strengthen the social support system for children and families in difficult circumstances, persons with special needs and older persons

living alone with a view to the prevention and timely identification of difficult situations and the adoption of effective measures to address them.

34. At the time of compilation of the present report, a review of existing legislation, including laws governing the protection of the rights of persons with disabilities, was being conducted pursuant to Presidential Decree No. 26 of 8 February 2021 on the conduct of a review of Kyrgyz legislation. The findings of the expert review will form the basis for the amendment of laws and regulations.

35. To ensure the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities, in 2012 the Government stepped up its efforts in three priority areas: establishing accessible social and transport infrastructure, promoting employment and encouraging positive social attitudes towards persons with disabilities.

36. Implementation of the rights of persons with disabilities now falls within the remit of the Ministry of Labour, Social Security and Migration; the Ministry of Health; the Ministry of Education and Science; the Ministry of Internal Affairs; the Ministry of Transport and Communications (which oversees architecture, construction, and housing and communal services); the Ministry of Justice (which is responsible for the penal correction service, the forensics service and the State registration service); the Ministry of Digital Development; the Ministry of Emergency Situations (which oversees the environmental and technical safety inspectorate and environmental science and protection); the procuratorial authorities; local executive bodies (State administrations at the district level); and local government authorities (rural administrations (*aiyl okmotu*)).

37. Recently, there have been positive developments in terms of environmental accessibility, social attitudes towards persons with disabilities and awareness-raising about the lives of persons with disabilities through the media. Cooperation with government agencies is reaching a new level, with both sides addressing issues of relevance to persons with disabilities through dialogue.

38. To ensure coordination between State bodies, local government authorities, voluntary associations, academic institutions and other organizations in addressing issues related to the social protection of persons with disabilities, the Government's Council for Persons with Disabilities was established and its rules of procedure approved by Government Order No. 175-r of 15 May 2020.

39. Under those rules of procedure, the Council is guided in its actions primarily by the Constitution, the Convention, the laws and regulations of Kyrgyzstan, including acts promulgated by the President and the Cabinet of Ministers, and the international treaties to which Kyrgyzstan is a party and which have entered into force under the legally established procedure.

40. The Chair of the Council is the Prime Minister of Kyrgyzstan, while its Vice-Chair is a representative of civil society.

41. The Council includes members of the Cabinet of Ministers, the head of the Cabinet of Ministers unit responsible for social issues, deputies of the Zhogorku Kenesh, the parliament of Kyrgyzstan, heads of government agencies and local government bodies, and representatives of non-profit organizations.

42. Under the Ombudsman (Akyikatchy) Act, parliamentary monitoring of respect for human and civil rights and freedoms guaranteed under the Constitution, within Kyrgyzstan and in territory subject to its jurisdiction, is carried out by the Ombudsman on a continuous basis.

43. Furthermore, systematic efforts have been made to involve representatives of non-profit organizations, including persons with disabilities themselves, in the drafting process for laws, regulations and policies containing provisions that affect the interests of persons with disabilities.

44. In 2020, 29,439 non-profit organizations were in operation in Kyrgyzstan. Such organizations play an active role in national dialogue on the latest issues in the country's development, participate in parliamentary and other public hearings and take a stand on the most pressing questions.

45. The Government cooperates with non-profit organizations within the framework of consultative and advisory bodies, including, in particular, the Government's Council for Persons with Disabilities. The voluntary position of adviser to the Ombudsman on disability matters has been introduced, and persons with disabilities are included in the composition of commissions on social issues at the level of rural administrations and district State administrations.

46. The calculation of the total population by age (at the beginning of each calendar year) is made by the National Statistics Committee.

47. The data are published on the website of the Committee in the "Spreadsheets" section (<http://www.stat.kg/ru/statistics/naselenie/>) and in the Demographic Yearbook. As at 1 January 2021, the resident population of Kyrgyzstan was 6,637,000 people, of whom 3,294,134 were male and 3,342,669 were female. One third (34 per cent) of the resident population lived in urban areas and two thirds (66 per cent) in rural areas. As at 1 January 2021, there were 197,000 persons with disabilities in Kyrgyzstan, or 3 per cent of the total population.

<i>Distribution of the resident population by sex and age group (estimate at the beginning of the year, persons)</i>							
<i>Indicator</i>	2019	2020	2021	<i>Indicator</i>	2019	2020	2021
Male	3 169 634	3 237 606	3 294 134	Female	3 219 866	3 285 923	3 342 669
<i>Breakdown by age:</i>				<i>Breakdown by age:</i>			
Less than 1 year	86 596	87 433	80 007	Less than 1 year	82 205	83 673	75 996
1 year	77 509	86 376	87 243	1 year	73 519	81 993	83 523
2 years	79 608	77 403	86 269	2 years	75 543	73 440	81 914
3 years	82 726	79 543	77 308	3 years	77 263	75 500	73 386
4 years	81 347	82 655	79 460	4 years	76 794	77 223	75 456
5 years	78 003	81 281	82 584	5 years	74 146	76 754	77 180
6 years	77 681	77 946	81 232	6 years	73 938	74 106	76 715
7 years	74 732	77 620	77 880	7 years	71 347	73 906	74 065
8 years	72 974	74 690	77 570	8 years	70 065	71 312	73 878
9 years	67 266	72 934	74 644	9 years	63 691	70 020	71 277
10 years	59 107	67 222	72 897	10 years	56 707	63 664	69 988
11 years	62 870	59 068	67 170	11 years	60 933	56 662	63 640
12 years	56 920	62 826	59 023	12 years	54 716	60 906	56 634
13 years	54 539	56 873	62 773	13 years	52 756	54 677	60 871
14 years	56 086	54 484	56 826	14 years	53 829	52 717	54 658
15 years	52 588	56 039	54 435	15 years	50 458	53 808	52 684
16 years	50 210	52 552	56 013	16 years	48 320	50 441	53 780
17 years	48 016	50 175	52 522	17 years	46 403	48 299	50 421
18 years	49 999	47 961	50 130	18 years	48 309	46 350	48 264
19 years	51 250	49 934	47 919	19 years	49 221	48 252	46 302
20–24 years	274 817	266 640	259 144	20–24 years	263 675	255 879	248 840
25–29 years	291 314	290 865	287 790	25–29 years	282 972	279 939	276 085
30–34 years	270 172	279 212	287 286	30–34 years	269 978	279 216	285 837
35–39 years	208 010	218 077	228 047	35–39 years	205 736	215 957	226 476
40–44 years	172 791	177 392	183 064	40–44 years	177 353	180 520	184 474
45–49 years	155 658	157 097	157 408	45–49 years	165 957	166 858	168 167
50–54 years	140 195	141 588	144 448	50–54 years	154 343	155 391	157 667
55–59 years	128 484	130 091	129 055	55–59 years	147 242	149 307	148 777
60–64 years	89 279	95 858	102 911	60–64 years	109 891	117 474	125 349

*Distribution of the resident population by sex and age group (estimate at the beginning of the year, persons)*

Indicator	2019	2020	2021	Indicator	2019	2020	2021
65–69 years	54 414	57 632	60 780	65–69 years	74 812	78 387	82 243
70–74 years	25 744	31 195	35 498	70–74 years	39 026	47 082	53 917
75–79 years	16 840	14 009	12 377	75–79 years	27 668	23 133	20 681
80–84 years	12 629	13 540	12 851	80–84 years	23 923	25 847	25 442
85 years and older	9 260	9 395	9 570	85 years and older	17 127	17 230	18 082

48. In 2020, the population growth rate was 1.7 per cent, which is quite high by global standards. The highest rates were observed in Osh (3.1 per cent), Batken Oblast (2 per cent) and Bishkek (1.9 per cent), and the lowest rates in Issyk Kul Oblast (1.2 per cent) and Naryn Oblast (0.9 per cent). The larger part (50.4 per cent) of the country's total population is female. However, in regions with high birth rates (Batken, Osh and Jalal-Abad Oblasts), the male population exceeds the female population. By approximately 40 years of age, there is an imbalance between the sexes, and there are almost twice as many women as men over the age of 80 years. This preponderance is mainly due to differences between the age-specific mortality rates of the male and female populations.

49. The National Statistics Committee is planning to conduct a census in 2022. The questionnaire for the upcoming census includes questions on functional limitations developed by the Washington Group on Disability Statistics.

## Article 5

### Equality and non-discrimination

50. The Constitution provides that Kyrgyzstan must ensure the protection of the rights and freedoms of all persons within its territory and subject to its jurisdiction.

51. No one may be subjected to any discrimination on grounds of origin, social, official or property status, sex, race, ethnicity, language, attitude to religion, beliefs or place of residence, or on any other grounds.

52. Human dignity is sacrosanct. National law does not contain any provisions that are discriminatory towards persons with disabilities, and it is underpinned by the basic principle that all persons are equal before the law.

53. The Civil Code establishes the principles of equality under civil law, inadmissibility of any kind of arbitrary interference in private affairs, and restoration and judicial protection of violated rights. It prohibits restrictions on the civil rights of persons with disabilities in connection with their use of a facsimile signature in place of a handwritten signature, defines legal and dispositive capacity and prohibits the restriction or deprivation of either other than in the cases and under the procedure established by law.

54. Article 18 of the Code of Criminal Procedure of 2021 establishes the principle that criminal proceedings must be conducted on the basis of equality of rights of the parties and adversarially.

55. The Penalties Enforcement Code of 2017 is based on the principles of legality, humanity, public participation, the equality of convicted persons before the law, the differentiated and individualized enforcement of penalties and coercive measures under criminal law, the rational application of coercive measures and measures to encourage law-abiding behaviour, and the combining of penalties and coercive measures under criminal law with remediation and resocialization.

56. The Code guarantees convicted persons with disabilities related to speech, hearing or visual impairments the right to the services of specialists proficient in sign language or Braille.

57. The Code of Offences of 2021 contains special provisions to ensure that other provisions defining the particularities of liability for persons with disabilities and certain other groups are not interpreted as discriminatory.

58. Under article 30 of the Code, penalties of community service may not be handed down to women over the age of 55, men over the age of 60, pregnant women, women with children under the age of 3 or persons with category I or II disabilities. Persons with category I or II disabilities are also exempt from short-term rigorous imprisonment.

59. Persons who use vehicles in connection with a disability may be deprived of the right to operate them only in cases where they have done so under the influence of alcohol or drugs or have abandoned the scene of a road traffic accident in which they were involved.

60. To prevent discrimination and ensure the participation of persons with disabilities in political life, the 2011 Constitutional Act on Presidential Elections and Elections to the Zhogorku Kenesh, the 2016 Constitutional Act on Referendums and the 2011 Local Council Elections Act have been amended as necessary (see article 29).

61. Video surveillance cameras are being installed in most ministries and departments to prevent abusive practices in their work, monitor the observance of citizens' rights, improve the quality of public services and ensure non-discrimination.

62. The procuratorial authorities have approved instructions on working with vulnerable groups in the prevention of HIV. These instructions provide for a set of anti-discrimination measures for vulnerable groups and a training module to explain the particularities of procuratorial supervision of the implementation of legislation on rights and guarantees for persons with disabilities, including in respect of women with disabilities.

63. The specific nature of work with vulnerable groups, including women, and efforts to address intersecting forms of violence is reflected in the instruments governing the work of the internal affairs authorities. For example, internal affairs officials are required to ensure equal access to justice for women in vulnerable groups, including women with disabilities, women released from places of deprivation of liberty, women with drug or alcohol dependence and lesbian, gay, bisexual and transgender persons.

## **Article 6**

### **Women with disabilities**

64. As at 1 January 2020, of the 197,000 persons with disabilities living in Kyrgyzstan, 93,511 (47.2 per cent) were female, including 17,479 girls with disabilities. A total of 12,355 women and girls with disabilities were living in the cities of Bishkek and Osh.

65. To eliminate all forms of discrimination, the Act on State Guarantees of Equal Rights and Opportunities for Men and Women and the 2017 Act on Safeguards and Protection against Domestic Violence have been adopted.

66. The Constitution establishes the family as the foundation of society. The family, fatherhood, motherhood and childhood are protected by society and the State. It is the sacred duty of children to respect and care for their mothers and fathers.

67. It is the natural right and duty of parents to care for and educate their children, while adult, able-bodied children must care for parents who are unable to work.

68. All women, including women with disabilities, have the right to motherhood. This right is supported by the provision of healthcare to women, among them women with disabilities, including during pregnancy.

69. Kyrgyzstan has a developed network of family planning and reproductive health centres, which specialize in maintaining and restoring the reproductive functions of men and women, and which operate within gynaecological clinics, hospitals and perinatal centres and even independently.

70. Kyrgyzstan has made significant progress in providing working women with various guarantees relating to pregnancy and childbirth. The main sources of maternity protection



measures for working women are the Constitution, the International Labour Organization (ILO) Maternity Protection Convention (Revised), 1952 (No. 103), and the Labour Code.

71. Given the importance of maternity protection in the application of international standards for the protection of motherhood, the National Strategy for the Achievement of Gender Equality for the period up to 2020 includes measures to facilitate the country's ratification of the ILO Maternity Protection Convention, 2000 (No. 183).

72. Certain standards of that Convention have already been incorporated into Kyrgyz law. Maternity protection in the area of employment is aimed at eliminating and preventing threats to working women's reproductive role. Article 307 of the 2004 Labour Code establishes the rights of women with regard to maternity leave benefits.

73. As maternity benefits are financed from two sources, namely, the employer's own funds and funds from the national budget, the existing financing mechanism does not violate ILO Convention No. 103. Maternity benefits cover women working under an employment contract, women working under a permit, members of farming households and unemployed persons entitled to unemployment benefit.

74. Under the Healthcare Act of 2005 and the 2015 Programme of State Guarantees for the Provision of Healthcare to Citizens, women registered as pregnant and women in labour belong to the category of beneficiaries who are entitled to free outpatient and inpatient healthcare on the grounds of having an underlying health issue.

75. Services covered under the Programme of State Guarantees include consultations with a specialist, basic laboratory and diagnostic tests and emergency and specialized outpatient medical care, in implementation of paragraph 3 (a) of ILO Maternity Protection Recommendation, 2000 (No. 191).

76. At the time of preparation of the present report, 352 women with disabilities were registered as pregnant.

77. National legal guarantees for working women with breastfed children give effect to the ILO recommendations on the provision of breastfeeding facilities at or near the workplace.

78. Article 37 (3) of the Constitution states that all citizens are equally entitled to enter the civil service at the State and municipal levels and to be promoted to positions as provided for by law.

79. This norm is also reflected in article 3 of the 2021 State Civil Service and Municipal Service Act, which sets out the following principles underpinning State and municipal service:

- Supremacy of the Constitution
- Professionalism, competence and initiative
- Equal access for citizens to positions in the service, regardless of sex, race, language, disability, ethnicity, religion, political or other beliefs, origin, property or other status

80. At the same time, vacant career positions in the State civil service and vacancies in the municipal services are filled on a competitive basis.

81. In 2020, there were 179 persons with disabilities in career positions in the State civil service, 83 of whom were women, and 199 persons with disabilities working in municipal services, 58 of whom were women.

82. In 2019, there were 157 persons with disabilities in career positions in the State civil service, 75 of whom were women, and 191 persons with disabilities working in municipal services, 57 of whom were women.

83. Since 2008, the Ministry of Labour, Social Security and Migration has been implementing the 2017 Government Social-Sector Procurement Act; this is a mechanism for putting into effect elements of national, sectoral, regional and municipal social programmes aimed at providing social services or achieving other socially useful goals under contracts funded from the national budget and/or local budgets. To implement the State social-sector procurement programme, public benefit projects are put out to competitive tender in a process

involving non-profit organizations that provide social services to persons with disabilities as well as services delivered by women with disabilities themselves.

84. During the implementation of public benefit projects in the period 2019–2020, a total of 6,075 people, including 905 persons with disabilities and 410 children with disabilities, received social services.

85. In 2019, 56 social projects were supported, 23 of which were projects aimed at providing services to persons with disabilities, including 3 projects implemented by women with disabilities themselves.

86. In 2020, 51 social projects were supported, 20 of which were projects aimed at providing services to persons with disabilities, including 2 projects implemented by women with disabilities themselves.

87. The Ministry of Labour, Social Security and Migration operates 16 residential care homes: 5 institutions for older persons and adults with disabilities, 6 for adults with neuropsychiatric conditions and 5 children's homes, including 2 for children with neuropsychiatric conditions. In 2021, there were 2,381 persons with disabilities and older citizens living at those facilities, of whom 1,140 were women and girls with disabilities, including 158 girls.

## **Article 7**

### **Children with disabilities**

88. The Cabinet of Ministers has adopted and implemented a number of State programmes to support persons with disabilities, including children with disabilities, in a manner that takes into account the standards of the Convention on the Rights of Persons with Disabilities.

89. Kyrgyzstan acceded to the Convention on the Rights of the Child on 6 November 1994. The Children's Code provides that all children have equal rights regardless of their state of health and other circumstances concerning the child and his or her parents or other legal representatives.

90. Under the Constitution, the Family Code, the Children's Code, the Act on Rights and Guarantees for Persons with Special Needs, the Education Act and other laws and regulations, children with disabilities in Kyrgyzstan, from birth, are accorded all human rights and freedoms and are guaranteed protection thereof and of their legitimate interests.

91. The Children's Code provides that every child has the right to life, personal liberty and inviolability of dignity and privacy. It is prohibited to restrict children's rights.

92. Every child has the right to freedom of speech and expression of his or her opinion and to be heard in any judicial, administrative or other proceedings, directly or through a legal representative, in accordance with the procedure provided for by law. Exercise of the child's right to freedom of expression may be restricted only when provided for by law to ensure respect for the rights or reputations of others or the protection of national security, public order, or public health or morals.

93. Article 5 of the Children's Code provides that children with special needs are those who have health-related functional impairments caused by diseases or the consequences of trauma or defects resulting in the limitation of everyday activities as a consequence of physical and/or mental disabilities and necessitating their social protection.

94. Under article 10 of the Children's Code, special provision is made for children with special needs who are unable to attend educational institutions under the usual arrangements set out in Kyrgyz law and for orphans and children without parental care, including the establishment of special groups or classes or State or municipal rehabilitation and adaptation centres that provide them with free education, vocational training and support for social adaptation and social integration.

95. According to the National Statistics Committee, in each of the four years from 2016 to 2019, approximately 11,000 adults were first registered as having a disability. In 2020, this

figure fell significantly, with approximately 9,000 persons first registered as having a disability, approximately 4,000 of whom were children and 1,600 of whom were girls.

96. As at 1 January 2021, there were 197,000 persons with disabilities living in Kyrgyzstan, including approximately 33,000 children with disabilities.

97. The total number of children with disabilities in the country increased by 11.3 per cent between 2016 and 2020, from 29,300 children to 32,600 children.

98. Children with disabilities under the age of 18 account for 16.5 per cent of the total number of persons with disabilities and 1.3 per cent of the total number of children in this age group.

99. In recent years, as in the rest of the world, the number of sick children in the country has been growing, and there has been an annual increase in the number of children under 18 years of age assessed for disabilities, with a parallel increase in the number of children whose disability status was renewed.

#### **Children under 18 years of age assessed for disabilities by medical and social assessment commissions**

Category	2018		2019		2020	
	Total	%	Total	%	Total	%
Assessed	14 735		16 061		14 359	100
Registered as having disabilities	13 463	92.6	14 206	89.6	13 229	92.2
<i>Of whom:</i> Newly registered	4 208	31.3	5 026	35.4	3 659	27.6
Status renewed	9 255	68.7	9 180	64.6	9 570	72.4

100. Children with cerebral palsy make up approximately one sixth of the total.

101. The increase in the number of children with disabilities is mainly due to improved diagnosis and detection among children. Poor maternal health, anaemia and iodine deficiency, diseases suffered by the mother during pregnancy (such as intrauterine infections and influenza) and poor environmental conditions are also resulting in the birth of sick, weakened and premature babies who do not survive or who subsequently acquire disabilities.

102. The largest numbers of children with disabilities are in Jalal-Abad, Osh and Chüy Oblasts, which have more than 7,000, approximately 6,000 and more than 5,000 children with disabilities, respectively.

#### **Distribution of disability by class of disease among children under 18 newly registered as having a disability in 2018–2020**

Disease type	2018		2019		2020	
	Total	%	Total	%	Total	%
Congenital developmental anomalies	1 422	35.3	1 644	32.7	1 204	32.8
Disorders of the nervous system	1 021	25.3	1 173	23.3	742	20.3
Mental health disorders	625	15.5	807	16.0	560	15.3
Injuries	207	5.1	244	4.8	151	4.0
Disorders of the sensory organs, including:	150	0.3	121	2.4	127	2.7
Eyes	66	1.6	117	2.3	48	1.2
Ears	84	1.9	22	0.4	79	1.5
Disorders of the musculoskeletal system	107	2.7	108	2.1	103	2.7
Blood disorders	46	1.1	61	1.2	86	1.3
Disorders of the endocrine system, including:	104	2.6	153	3.0	131	3.5
Diabetes mellitus	73	1.8	112	2.2	111	3.0

<i>Disease type</i>	2018		2019		2020	
	<i>Total</i>	<i>%</i>	<i>Total</i>	<i>%</i>	<i>Total</i>	<i>%</i>
Tuberculosis	11	0.3	19	0.3	17	0.4
Cancers	94	2.3	143	2.8	101	2.7
Conditions originating in the perinatal period	50	1.2	49	0.9	45	0.9
Echinococcosis	27	0.6	29	0.5	19	0.4
HIV/AIDS	31	0.8	24	0.4	14	0.4
Other disorders	90		218		248	
<b>Total new registrations</b>	<b>4 208</b>		<b>5 026</b>		<b>3 659</b>	
Rate of new registrations	29.5		21.7		14.9	

103. The greatest increases in disability among children were due to: congenital developmental anomalies (32.8 per cent), disorders of the nervous system (20.3 per cent) and mental health disorders (15.3 per cent).

104. To give effect to the right of every child to receive education in accordance with the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the Constitution, the Framework and Programme for the Development of Inclusive Education for the period 2019–2023 was approved by Government Decision No. 360 of 19 July 2019.

105. Under the Framework and Programme, there are plans to refine the existing legislative framework taking into account the educational needs of children with special needs, to conduct a broad campaign to raise awareness of inclusive education, to introduce measures to support children in the educational process through the establishment of various services, to train a new level of specialists, to upgrade the skills of teaching staff, to create training and resource centres focusing on the education and upbringing of children with disabilities, and to introduce the position of nurse in general education establishments to provide medical care to children who were previously deemed unsuited to education in mainstream schools.

106. The application of elements of the International Classification of Functioning, Disability and Health in the assessment of disability and the development of individual rehabilitation plans for children with cerebral palsy was piloted between 2017 and 2018 as part of efforts to optimize the practices of the medical and social assessment commission.

107. During the pilot, special emphasis was placed on developing inter-agency cooperation on key systems, improving the International Classification as a basic tool in the provision of services to persons with disabilities and upholding the principle of accessibility in accordance with the Convention on the Rights of Persons with Disabilities.

108. In the course of the pilot on the use of elements of the International Classification in work with persons with disabilities, a register of organizations providing rehabilitation services, regardless of their form of ownership, was developed. The proposed format of the register will facilitate the implementation to a high standard and further application of the International Classification by both government agencies and persons with disabilities.

109. To regulate the procedure for providing State support to parents, legal representatives and close relatives caring for a child with disabilities who requires constant care and supervision and to improve the quality of care services for children with disabilities, the Regulations on the terms of payment for personal assistant services for children with special needs who require constant care and supervision were approved by Government Decision No. 556 of 23 November 2018. On 1 January 2019, personal assistant services were introduced, with payment for such services tied to the average per capita minimum subsistence level for the previous year.

110. The State covers the additional costs of obtaining a document that enrolls personal assistants, on a voluntary basis, in a special tax regime and a social insurance policy that entitles caregivers of children with disabilities to receive a pension.

**Number of children receiving personal assistant services**

<i>Year</i>	<i>Number of children</i>	<i>Number of personal assistants</i>
2019	6 557	6 476
2020	7 674	7 502
2021	8 281	8 148

111. Under the aforementioned Regulations, care services provided to children with disabilities are regularly monitored to track improvements in the condition of the children and their emotional and behavioural development.

112. Special emphasis is given to the introduction of new methods of working with children with disabilities by non-profit organizations. Buildings have been renovated to meet the requirements for children with disabilities and transferred to Ruka v Ruke (Hand in Hand), a voluntary association of parents of children with autism, and Obereg (Talisman), a rehabilitation centre, for their use. These organizations provide services to children with autism and their families and facilitate the comprehensive development of children with mental and physical disorders such as cerebral palsy, epilepsy and Down syndrome.

113. The Raatbek Sanatbayev Olympic Reserve School has departments for chess, handball, table tennis, basketball, football and Graeco-Roman wrestling.

114. In 2020, 15 out of 51 social projects approved under the Government Social-Sector Procurement Act were aimed at providing services to children in difficult circumstances, including children with disabilities.

115. According to the situation analysis on “Children and Adolescents with Disabilities in Kyrgyzstan”, conducted by the United Nations Children’s Fund (UNICEF) in 2021, the country’s legal and policy framework is insufficient to adequately protect the rights of persons with disabilities, including children. Two of the concepts fundamental to compliance with the Convention on the Rights of Persons with Disabilities, namely, reasonable accommodation and universal design, are missing entirely from the existing legislation.

116. The definition of disability continues to reflect the medical model of disability and provides conflicting guidance.

117. The process of early identification and early intervention, when it exists, is fragmented between different departments. Comprehensive analysis of early identification and early intervention mechanisms in Kyrgyzstan and the implementation of the rights of children with disabilities is difficult owing to the lack of an actual early identification and early intervention system.

118. The rehabilitation programme for persons with disabilities developed by the medical and social assessment commission is not provided with the necessary high-quality habilitation and rehabilitation knowledge and services.

119. To realize the rights of all children, including children with disabilities, the Government must ensure that universal public services are inclusive, accessible for all and adapted to the specific needs of all persons, including children with disabilities.

120. It should, however, be noted that consistent steps are being taken to develop rehabilitation and early development and intervention services.

121. The Family Support and Child Protection Programme for the period 2018–2028, approved by Government Decision No. 479 of 14 August 2017, provides for the introduction of an early intervention programme for children with special needs, and a draft early intervention programme has now been developed.

122. One of the measures included in the draft “Accessible Country” State programme for persons with disabilities and other groups with reduced mobility for the period 2021–2040 is the improvement of current legislation with a view to the introduction of provisions on the development of reasonable accommodation and universal design.

123. Furthermore, an early intervention department and a children's rehabilitation department have now been established at the State Centre for Rehabilitation, Child Development and Family Support under the Ministry of Health.

124. In addition, the Ministry of Labour, Social Security and Migration runs the Centre for the Rehabilitation of Persons with Disabilities, which provides rehabilitation services to between 600 and 650 persons with disabilities every year.

## **Article 8**

### **Awareness-raising**

125. The Cabinet of Ministers implements an awareness-raising policy aimed at increasing public understanding of disability issues and fostering a positive perception of persons with disabilities.

126. State television channels are carrying out their media plans for public awareness-raising campaigns, preparing publications and appearances in the media to promote a positive attitude towards disability issues in society and providing coverage of the implementation of the Convention. News features and special reports on this topic are prepared in both the State and the official language.

127. Awareness-raising campaigns have the following key objectives: disseminating the ideas, principles and means for the creation of an accessible environment for persons with disabilities; raising awareness throughout society regarding persons with disabilities and overcoming prejudices against persons with disabilities; preparing and publishing study guides, information, reference materials, toolkits and guidelines on creating a barrier-free environment; fostering tolerance towards persons with disabilities when dealing with issues related to their employment and education; promoting recognition of the capacities and contributions of persons with disabilities in all areas of public life.

128. Briefings, seminars, meetings and round tables are organized on a regular basis to discuss the most pressing topics, such as the rights and obligations of persons with disabilities, the delivery of services, access to general secondary and vocational education, job placement and other issues.

129. Awareness-raising is also conducted among athletes with disabilities. For non-Olympic sports, an annual workplan is drawn up each year that includes sections on awareness-raising activities and serves as a programme of work for the Paralympic sports, deaf sports and Special Olympics divisions.

130. To encourage persons with disabilities to take up regular physical training and sport and to regulate legal relations in connection with the development of disability sports in Kyrgyzstan, annual athletic games (Spartakiads) are held, in accordance with the 2014 decision of the Zhogorku Kenesh on the status and challenges of Paralympic sports in the Kyrgyz Republic.

131. In 2016, the Paralympic Sports Act was adopted, under which the Cabinet of Ministers officially recognized the National Paralympic Committee as the highest authority for Paralympic sports. The Committee represents the country abroad, engages with the International Paralympic Committee and coordinates the work of branch federations and movements.

132. Kyrgyzstan has established and operates adaptive sports schools; Paralympic reserve schools for children and young people; Paralympic training centres; sports classes in special (remedial) education establishments, and adaptive and Paralympic sports departments and teams in sports schools for children and young people; physical training clubs for children and young people; specialized schools of the Olympic reserve for children and young people; schools of sporting excellence; sports training centres; and other specialized sports organizations.

133. The central authorities responsible for physical education and sport, healthcare, education and social development, Paralympic sports organizations and the media determine the priority areas, forms and methods of promoting Paralympic sport, taking into account its

specific nature and social importance as a means of physical education, sports rehabilitation and social adjustment and integration for persons with special needs.

134. The media, including television and radio broadcasting corporations, newspapers, magazines and other periodicals, make regular broadcasts and publish relevant features on Paralympic sport. They also encourage persons with special needs to engage in physical exercise and Paralympic sport and to lead a healthy lifestyle.

135. National legislation ensures that persons with disabilities have access to competition venues and training facilities. The schedule of Paralympic sports competitions is an integral part of major national and international events. It determines which official sports competitions and events the national Paralympic teams of Kyrgyzstan will train for and participate in. On average, around 15 major sporting events for persons with disabilities are held each year.

136. In Kyrgyzstan, there are 91 persons with disabilities who participate in Paralympic sports (judo, Para powerlifting, Para athletics, Para judo and Para taekwondo). Overall, the number of persons with disabilities involved in physical education and sport is below 1,000.

137. The initial reaction of others is crucial for persons with disabilities, as the first encounters are very important for further communication and establishing a sense of security and comfort for the person with disabilities.

138. In 2018, research was conducted in Kyrgyzstan to identify negative stereotypes regarding women and men with disabilities and rural women.<sup>1</sup>

139. More than half of the survey respondents (53 per cent) said that their initial response to persons with disabilities was emotionally positive. Among them, 29 per cent mentioned feeling sympathy and 24 per cent had tried to offer assistance.

140. Group discussions also confirmed that encounters with persons with disabilities have a positive effect on the attitudes of those involved. There were examples of people whose attitudes improved after getting to know each other better.

141. Ensuring access to public services for persons with disabilities, developing disability-friendly infrastructure, promoting inclusive education for children and creating favourable conditions for learning a profession and finding employment are all important ways of challenging negative stereotypes about persons with disabilities.

## **Article 9 Accessibility**

142. In view of the critical importance of ensuring that the physical environment and facilities and services open or provided to the public are accessible to persons with disabilities, the Cabinet of Ministers is constantly striving to create conditions in which persons with disabilities can live independently and participate fully in all aspects of life.

143. Requirements for the design and construction of facilities and guarantees of access to infrastructure for persons with disabilities are regulated by the Act on Rights and Guarantees for Persons with Special Needs and the Act on the Principles of Technical Regulations in the Kyrgyz Republic of 2004.

144. Work is also under way on inter-State building standard MSN 3.02-05-2003, Accessibility of buildings and structures for persons with reduced mobility.

145. All regulatory documents are harmonized with international standards. For example, by order of the State Agency for Architecture, Construction and Housing and Communal Services attached to the Cabinet of Ministers, updated versions of the following building standards and regulations were adopted:

<sup>1</sup> Centre for the Study of Democratic Processes, Report on the identification of negative stereotypes regarding women and men with disabilities and rural women, 2018.

- SN KR 35-01:2018, Designing living environments to accommodate the needs of persons with special needs (Standard No. 29 of 28 December 2018)
- SP KR 35-101:2018, Ensuring living environments for persons with special needs in building planning decisions (Regulation No. 28 of 13 December 2018)

146. The design and development of settlements, the building of residential areas, the development of design solutions and the construction and reconstruction of buildings and structures, including airports, railway stations, complexes and communications, must be carried out taking into account the adaptation of these facilities and means of access and use by persons with disabilities, including persons who use wheelchairs and other assistive technology and devices.

147. The matter of commissioning these facilities must be considered with the participation of representatives of the social protection authorities and voluntary associations of persons with disabilities in the State Acceptance Commission. This question was examined by the Government's Council for Persons with Disabilities.

148. As part of the implementation of the Convention, work to ensure accessibility has been intensified in the following areas:

- Refinement of current laws
- Standardization
- Strengthening of accountability and monitoring of compliance with current laws
- Assessment of the accessibility of transport and social infrastructure for persons with disabilities
- Legislative and financial resources for the provision of accessible transport and social infrastructure
- Accessibility of public services for persons with disabilities

149. Central authorities, local State administrations and local government bodies, and legal entities regardless of the form of ownership, must ensure that persons with disabilities have access to residential, public, administrative and industrial buildings, structures and rooms, recreational facilities and other cultural and entertainment institutions. They must also ensure that persons with disabilities can use public transport, transport links and communications and information systems, without hindrance, and that they are able to find their way around and move about freely.

150. Legal entities, regardless of their form of ownership, must ensure that infrastructure facilities owned or operated by them are accessible to persons with disabilities.

151. The Urban Planning and Architecture Act of 1994 defines State supervision and monitoring of compliance with construction standards and regulations, which is carried out by authorized State bodies responsible for developing and implementing policy on architectural and construction activities.

152. From the start of the construction process to commissioning of the building, compliance with State standards concerning accessibility for persons with reduced mobility is subject to special monitoring.

153. The following violations were identified during the examination of construction documentation for compliance with regulations and technical documents, as shown by the results of the inspections conducted from 2019 to the first half of 2021:

- Between 1 January and 1 July 2021, 184 design documents were returned for revision out of 621 building projects to be finalized.
- In 2020, 249 design documents were returned for revision out of 704 building projects to be finalized.
- In 2019, 186 design documents were returned for revision out of 803 building projects to be finalized.



154. When the regulatory conditions for architectural and planning approval of facilities for various purposes are prepared, it is mandatory to ensure that they are accessible to persons with disabilities. This includes arranging for ramps, call buttons and other appropriate measures to provide persons with disabilities and persons with reduced mobility with the necessary conditions for living, working and gaining access to everyday services.

155. Despite the approved standards, there are limitations on access for persons with disabilities to social infrastructure facilities in older buildings constructed between the 1970s and 1990s. In this regard, greater attention is now being paid to ensuring compliance with the requirements for the provision of ramps in the construction of new buildings so that they can be safely used by persons with disabilities and other groups with reduced mobility.

156. To ensure safety at pedestrian crossings adjacent to general education establishments, special institutions and residential buildings or dormitories located along public roads, push-button pedestrian signals have been installed in two stages at 43 locations near the roadway over the past three years.

157. According to the Road Transport Act of 2013, certain categories of passenger, including persons with disabilities, are entitled to priority boarding of buses and taxis and priority purchase of tickets. Devices to assist persons with disabilities when boarding and alighting are also being installed at stations.

158. Railway stations of all kinds are subject to accessibility requirements: there must be parking spaces reserved for persons with disabilities; the entrances to buildings and internal staircases and passages must be adapted; information display devices and means of communication accessible to persons with visual or hearing impairments must be installed; a spare wheelchair must be available; public lavatories must be equipped with accessible toilet cubicles; specialized payphones must be installed; and railway carriages must be equipped with lifting devices and special seating.

159. At present, not all persons with disabilities are able to use public transport. Certain difficulties arise in travelling on public transport owing to the lack of facilities for boarding wheelchair users, the lack of a regular audio announcement system for stop names and the lack of assistive devices.

160. To ensure that public transport is accessible to persons with disabilities, the Bishkek Mayor's Office is purchasing low-floor trolleybuses. There are plans to purchase buses equipped with additional devices for persons with disabilities, including ramps for boarding and alighting and separate seating areas in the passenger compartment. The installation of an automatic stop announcement system on all buses and trolleybuses is currently being considered.

161. The International Civil Aviation Organization (ICAO), a specialized agency of the United Nations, was established following the signing of the Convention on International Civil Aviation in Chicago on 7 December 1944. ICAO monitors the safe and orderly development of international air transport services. Kyrgyzstan acceded to the Convention on 25 March 1993.

162. With 94 per cent of the country's territory covered by mountains, civil aviation is the most efficient and convenient form of transport in Kyrgyzstan, facilitating passenger travel and the delivery of mail, luggage and cargo.

163. There are 11 airports in Kyrgyzstan, which are operated by Manas International Airport joint stock company. These include the international airports of Manas, Osh, Issyk-Kul (Tamchy) and Karakol.

164. Ground handling services ensure that passengers with disabilities are able to travel by air on an equal basis with other passengers.

165. With regard to airports and airlines, persons with disabilities are assisted in clearing customs and border checks and other formalities and are given special seating on board the aircraft. The airports have special elevators, escalators and rooms, information displays in the State and Russian languages, illuminated displays and signs, ramps at entrances and exits, wheelchairs for persons with disabilities and special handrails in the lavatories.

166. In accordance with the State and Municipal Services Act of 2014, persons with disabilities must be provided with the necessary conditions to receive State and municipal services on an equal basis with others.

167. The requirements for the procedure and conditions for the provision of State and municipal services to this category of consumer are contained in the relevant standards.

168. In accordance with specific public service standards, specialists visit persons with disabilities who are not able to present themselves in person so as to receive and issue completed documentation at their place of residence.

169. As part of the digitalization process, work is currently under way to switch to electronic provision of certain types of service.

170. Persons with visual impairments have the opportunity to use the services of guides, readers and audio recording equipment covered by the State budget at all stages of criminal, civil, economic and administrative proceedings in courts.

171. Persons who are hard of hearing and signing deaf persons have the opportunity to use the services of a professional sign language interpreter covered by the State budget at all stages of criminal, civil, economic and administrative proceedings in courts.

172. Throughout initial inquiries, pretrial investigations and criminal proceedings, from the moment of detention, persons with disabilities are provided with legal assistance in the form of a lawyer chosen by them, with funding from the State budget.

173. If one of the participants in the court proceedings is a person with disabilities, the court hearing must be held in a room that is accessible to persons with disabilities.

174. Persons with disabilities and voluntary associations of persons with disabilities are exempt from paying State fees and notarial fees in all courts. In cases provided for by the Code of Civil Procedure, persons with disabilities may apply to courts near their place of residence.

175. Representatives of voluntary associations of persons with disabilities have the right to act as public defenders of persons with disabilities and association members during criminal court proceedings and pretrial investigations.

176. When considering cases involving persons with disabilities, the courts strictly adhere to the basic principles of State policy regarding persons with disabilities and are guided by the Act on Rights and Guarantees for Persons with Special Needs, the Convention on the Rights of Persons with Disabilities and other laws and regulations on protecting the rights and freedoms of persons with disabilities.

177. There are currently 68 buildings housing local courts in Kyrgyzstan. Appropriate infrastructure that meets the requirements for persons with disabilities is provided in the buildings of the Oktyabr and Pervomai district courts in Bishkek, which are equipped with ramps, stairs with markings, wall-mounted tactile guidance strips, Braille signage and audio information systems for persons with visual impairments. In addition, signage for persons who are deaf or hard of hearing has been prepared.

178. Forty-seven court buildings provide access for persons with disabilities to the ground floor, including 20 with ramps and 27 with no obstacles to entering the building – in other words, no steps.

179. According to the National Centre on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the internal regulations establish special requirements for the detention of prisoners with disabilities. For example, prisoners with category I or II disabilities are placed in living quarters located on the ground floors of buildings.

180. Correctional institution administrations afford prisoners with disabilities the opportunity to use assistive technology. Convicted persons with disabilities have the right to independently decide on the provision of specific assistive devices or forms of rehabilitation, including wheelchairs, prosthetic and orthopaedic devices, printed materials with special

fonts, sound amplification and signalling devices, video materials with subtitles or sign language interpretation, special exercise equipment and similar tools.

181. Convicted persons with disabilities may have assistive devices with them when they are placed in a punishment cell, a solitary confinement cell, a cell-type room or a temporary holding facility.

182. However, a special study conducted by the National Centre for the Prevention of Torture in 2019<sup>2</sup> revealed that facilities of the Penal Correction Service of the Ministry of Justice, where preventive visits were conducted, are not fully equipped with assistive technology and devices to enable convicted persons with disabilities to use all the facilities they need.

## Article 10

### Right to life

183. The right to life is guaranteed by the Constitution and the laws based on it. Kyrgyzstan prohibits arbitrary deprivation of life and the use of the death penalty. On 6 January 2011, Kyrgyzstan became a Party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.<sup>3</sup> A moratorium on the death penalty was in effect in Kyrgyzstan prior to the entry into force of the Second Optional Protocol. The laws provide for liability for attempts on life and health and also establish liability for acts that may result in death or loss of health. Specific issues relating to the protection of life are addressed in the context of healthcare in the relevant section of the report on article 25.

184. The Criminal Code protects human life and health and the inviolability and security of the person as the highest values and provides for liability for various acts that threaten human life and health.

185. Liability is incurred for offences relating to sexual inviolability and sexual freedom, offences against the spiritual and moral health of the individual, offences against family relations and the interests of minors and others.

186. Civil law provides for civil liability for harm caused to life and health, both by private individuals and by officials in the exercise of their powers.

187. The procedure for the provision of medical care is regulated by law to ensure the protection of life and health by establishing requirements for conditions of detention in closed institutions and penal institutions and by granting the necessary powers to the authorized State and local government bodies, including monitoring, conducting visits and receiving communications and applications, with the cooperation of civil society organizations and organizations of persons with disabilities.

188. In accordance with the Constitution, Kyrgyzstan ensures the protection of the rights and freedoms of all persons within its territory and subject to its jurisdiction.

189. The Code of Criminal Procedure sets out the rules for protecting the rights of persons with disabilities during pretrial and court proceedings.

190. According to article 189 of the Criminal Code, the violation of equality of rights, namely, the direct or indirect restriction of rights or establishment of direct or indirect privileges based on sex, race, nationality, language, disability, ethnicity, religion, age, political or other beliefs, education, origin, property or other status, causing significant harm through negligence, is punishable by punitive work for a term of 2 months to 1 year, or a fine

<sup>2</sup> See the official website of the National Center at <http://npm.kg/ru/analitika-i-dokumenty/spetsialnye-doklady/>.

“Review of the situation of vulnerable categories of persons held in correctional institutions and pretrial detention centres of the State Penal Correction Service of the Government of Kyrgyzstan,” 2019.

<sup>3</sup> See [https://www.un.org/ru/documents/decl\\_conv/conventions/deathpro.shtml](https://www.un.org/ru/documents/decl_conv/conventions/deathpro.shtml).

of 200 to 500 notional units, or deprivation of liberty for up to 2 years, with or without forfeiture of the right to hold certain posts or engage in certain activities for up to 2 years.

191. Under article 1 of the Act on Rights and Guarantees for Persons with Special Needs, as amended, disability-based discrimination is defined as any distinction, exclusion or restriction on the basis of disability that has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

192. The Ministry of Labour is responsible for 16 residential care homes: 5 institutions for older persons and adults with disabilities, 6 for persons with neuropsychiatric conditions and 5 children's homes. A total of 2,381 persons with disabilities live in these institutions, including 418 children. The activities of these institutions are carried out in accordance with the national minimum social standards for the maintenance of service recipients in residential care homes and rehabilitation centres for persons with special needs under the Ministry of Labour and Social Development, No. 640 of 30 December 2007.

193. A total of 95 service recipients (including 2 children) died in residential social care institutions in 2019; 120 (including 6 children) in 2020, 1 of whom died from coronavirus disease (COVID-19); and 98 (including 4 children) in 2021, 1 of whom died from COVID-19.

194. From 1 January 2020, a total of 34 people died in institutions run by the State Penal Correction Service.

195. The causes of death among the prison population were as follows:

- Tuberculosis, 2 persons
- Tuberculosis and HIV, 1 person
- Non-specific physical illnesses, 28 persons
- Cancer, 2 persons
- Suicide, 2 persons

196. In order to improve the quality and nutritional value of food for children and adults living in residential social care institutions in the social protection, education and healthcare systems, on 1 January 2022 the standard allocation for food for service recipients was increased by 100 per cent in accordance with Presidential Decree No. 545 of 6 December 2021.

## **Article 11**

### **Situations of risk and humanitarian emergencies**

197. Kyrgyzstan has in place regulations on the State civil protection system, approved by Government Decision No. 179 of 18 April 2019.

198. The State civil protection system is a nationwide system, comprising management bodies, forces and assets of State and local government bodies, civil society associations and voluntary organizations. It is responsible for protecting the population and territory of Kyrgyzstan during peacetime and wartime emergencies.

199. Among the most dangerous natural processes in Kyrgyzstan, approximately 4,554 landslides have been recorded, including 1,186 landslides that pose a threat to 543 settlements and 321 critical infrastructure facilities (roads, bridges and power lines).

200. The country is also prone to mudflows, with a total of 3,103 mudflow-bearing rivers; 2,503 hazardous zones and areas where mudflows pass during the mudflow-flood period have been registered.

201. Based on the results of surveys carried out, relevant conclusions were drawn, and the district departments of the Ministry of Emergency Situations then issued 4,182 directives to the heads of local government bodies, instructing them to respond to emergencies and resettle the population from hazardous areas, including 584 families living in hazardous areas who had left their homes temporarily at the time that the directives were issued.

202. In 2020, 662 families were relocated from potentially hazardous areas across the country.

203. The protection and safety of persons with disabilities and other individuals are ensured in situations of risk caused by humanitarian emergencies or natural disasters, in accordance with the provisions of the Civil Protection Act of 2018.

204. This Act guarantees all citizens, including persons with disabilities, the right to obtain advance warning about emergency situations to which they may be exposed and essential safety measures; to protection of life, health and personal property in the event of an emergency; to compensation for harm to their health and damage to their property resulting from natural and human-caused emergencies, in the manner prescribed by law; and to submit court claims for compensation for harm to their health and damage to their property resulting from natural and human-caused emergencies.

205. Kyrgyzstan has a unified 112 emergency response service, which receives and processes communications from individuals and legal entities regarding the risk or occurrence of emergency situations, fires, threats to life or harm to health and other events requiring emergency measures to be taken in coordination with the emergency services, within the limits of their powers.

206. In accordance with existing legislation, telephone companies must offer free assistance to the 112 service in identifying the location of callers and sending short text messages to their mobile phones in the event of the threat or occurrence of an emergency. This provision ensures that persons with hearing impairments receive information on their mobile phones on an equal basis with others.

207. Authorized representatives of the President in the regions and local State administrations carry out activities in their respective territories to forecast and assess disaster risks and prevent emergencies. They coordinate with the authorized State body in the field of civil protection to make decisions on the allocation of land plots for the construction of residential, administrative and industrial buildings and structures in order to prevent the allocation of plots in areas subject to hazardous natural processes (State standards on architecture, urban planning and construction are described under article 9).

208. According to the Fire Safety Rules, approved by Government Decision No. 381 of 22 August 2018, buildings and structures (assets to be protected) are provided with automatic fire protection systems that include sound, light and voice warning systems, evacuation control systems and light signal displays at emergency exits to accommodate persons with disabilities.

209. All regulatory documents are harmonized with international and regional standards.

## **Article 12**

### **Equal recognition before the law**

210. The Constitution guarantees equality before the courts and the law to everyone in Kyrgyzstan. Equality before the law, including the introduction of special measures, is ensured by the provisions of the Civil Code, the Criminal Code, the Code of Criminal Procedure, the Penalties Enforcement Code, the Code of Offences, the Labour Code, the Constitutional Act on Presidential Elections and Elections to the Zhogorku Kenesh, the Local Council Elections Act and others.

211. The provisions contained in the Civil Code ensure judicial protection of rights and redress for violations. The Criminal Code establishes the principle of equality before the law, while the Code of Criminal Procedure takes into account the physical or mental condition of victims who are unable to defend their rights and legitimate interests independently and stipulates the involvement of legal representatives or representatives in criminal cases and cases involving other offences. The Penalties Enforcement Code establishes the principle of equality before the law for convicted persons, while providing for differentiation and individualization of the enforcement of penalties and coercive measures under criminal law. The Code of Offences establishes the principle of equality before the law, regardless of

various characteristics, including disability, while also providing for a differentiated approach to determining the procedure and conditions for serving sentences and coercive measures under criminal law depending on various circumstances.

212. Liability is also incurred for violations of equality of rights, direct or indirect restrictions on rights, or the establishment of direct or indirect privileges based on any characteristic, including disability. This applies in cases where significant harm is caused through negligence or where torture or crimes against humanity are motivated by discrimination.

213. As a full Member of the United Nations, Kyrgyzstan condemns discrimination against persons with disabilities in all its forms and takes all appropriate legislative, administrative and other measures to implement the rights set out in the Convention.

214. According to the Constitutional Act on the Procurator's Office of 2021, the Procurator's Office is a State body designed to ensure the rule of law, the unity and strengthening of the rule of law and the protection of the legally protected interests of the individual, society and the State.

215. The Procurator's Office forms a unified system that is entrusted with oversight to ensure that laws and regulations are correctly and consistently applied by State authorities (except in the area of respect for constitutional human and civil rights and freedoms, which is monitored by the Central Commission for Elections and Referendums and the Ombudsman), local government bodies, State and municipal institutions and organizations whose activities are funded from State and local budgets, State and municipal institutions and enterprises operating on a fully cost-accounting and self-financing basis and other legal entities in which the State holds an ownership stake.

216. Procuratorial authorities ensure the protection of constitutional rights and freedoms of individuals and citizens through procuratorial supervision of compliance with the Constitution and the enforcement of national laws and regulations. Measures are taken to prevent violations of the law, redress violated rights and bring those who have committed such violations to justice in accordance with the law.

217. Thus, ensuring effective monitoring of respect for the rights and freedoms of persons with disabilities and affording them equal rights and opportunities alongside other persons is a priority area of activity for the procuratorial authorities.

218. According to data from the procuratorial authorities for 2020, 114 checks were carried out to ensure that State authorities complied with the requirements of the law in upholding and protecting the rights and freedoms of persons with disabilities. The checks revealed more than 300 violations, resulting in procuratorial action in 125 cases to address the violations, 70 persons being subject to various types of disciplinary action, and 1 case being registered in the unified register of offences, an automated information system.

219. In accordance with article 59 of the Constitution, all detained persons must immediately be informed of the reasons for their detention and their rights must be explained to them. From the moment they are detained, the safety of detained persons is ensured, and they are afforded the opportunity to defend themselves in person or obtain legal assistance from a qualified lawyer and have the right to a medical examination and care.

220. According to article 6 of the State Legal Aid Act of 2016, State legal aid is provided in the form of legal advice and professional legal assistance. All Kyrgyz citizens, foreign citizens, stateless persons and refugees have the right to receive this assistance.

221. In accordance with article 8 of the Act, persons with category I or II disabilities are provided with free professional legal assistance in civil, administrative and criminal proceedings, regardless of their income.

222. Liability is also incurred for violations of equality of rights (Criminal Code, art. 189), direct or indirect restrictions on rights, or the establishment of direct or indirect privileges based on any characteristic, including disability. This applies in cases where significant harm is caused through negligence or where torture or crimes against humanity are motivated by discrimination (Criminal Code, art. 403). The Penalties Enforcement Code sets out the details of enforcing penalties and coercive measures under criminal law in respect of persons with

disabilities. Under the Code of Offences and the Criminal Code, certain individuals, including persons with category I or II disabilities, may not be subject to specific forms of liability because of their health condition.

223. Civil society organizations, including those working to provide safeguards for persons with disabilities, cooperate with State and local government bodies to monitor the rights and freedoms of persons with disabilities in various areas, including the justice system.

224. The National Centre for the Prevention of Torture and the Ombudsman, in collaboration with civil society organizations, conducted a study on the situation of vulnerable categories of persons held in correctional and reform institutions and remand centres of the Penal Correction Service.

225. At the time of writing of the present report, 248 convicted persons, based on the results of periodic comprehensive medical examinations (screening), required recognition of disability status. However, paragraph 30 of the Regulations on the Recognition of Citizens as Persons with Special Needs, approved by Government Decree No. 68 of 31 January 2012, provides that the medical and social assessment commissions do not conduct assessments of citizens serving sentences in places of detention.

226. To overcome this obstacle, measures to ensure the recognition of disability are included in the road map for the penal system development strategy for the period 2018–2023, approved by Government Decision No. 478 of 15 October 2018.

227. The results of the monitoring of the rights of persons with disabilities and the recommendations to competent authorities are included in publicly available annual or special reports of the National Centre for the Prevention of Torture, the Ombudsman's Office and other bodies.

228. Independent monitoring is also conducted by non-profit organizations, which submit their reports to the relevant competent authorities. For example, in 2019, Bir Duino Kyrgyzstan and the League of Defenders of the Rights of the Child, voluntary associations, conducted a study of the situation of the rights to freedom from torture and ill-treatment, and humane conditions of detention of persons receiving services in residential social care institutions.

## **Article 13**

### **Access to justice**

229. The Constitution provides that justice is to be administered solely by the courts and that judicial power is to be exercised through constitutional, civil, criminal, administrative and other forms of legal proceedings.

230. Specialized courts may be established under the Constitutional Act on the Supreme Court of the Kyrgyz Republic and Local Courts of 2021. The establishment of extraordinary courts is prohibited. Judges are independent and are subject only to the Constitution and the law.

231. All persons have guaranteed judicial protection of the rights and freedoms provided for in the Constitution, other laws, international treaties to which Kyrgyzstan is a party and the generally recognized principles and rules of international law.

232. Everyone has the right to defend his or her rights and freedoms by all means not prohibited by law. Everyone has the right to professional legal assistance. In the circumstances specified by law, legal assistance is to be publicly funded.

233. Everyone has the right to compensation for damage caused by unlawful actions of State or local government bodies and their officials in the performance of their duties.

234. The Criminal Code provides for liability for various offences against the judiciary: obstruction of justice; obstruction of the professional activities of a defence lawyer; threats or violence in connection with the administration of justice; the delivery of a knowingly unjust sentence or other judicial act; obstruction of the activities of a procurator, investigator or authorized official of an investigative body; threats or violence in connection with pretrial

proceedings; unlawful exemption from criminal liability; unlawful accusation of committing a criminal offence; coercion to give false testimony; falsification of evidence; provocation of bribery; knowingly false reporting of a crime, false testimony or false expert opinion, or knowingly incorrect translation; refusal or avoidance of testimony; coercion to commit perjury; and concealment of a crime.

235. The Procurator's Office exercises oversight to ensure that the law is correctly and consistently applied.

236. As part of the constitutional reforms introduced in 2021, the powers of the procuratorial authorities were revised. Under the Constitution of 2010, the Procurator's Office was entrusted with supervision of the activities of the central authorities and other State bodies determined by constitutional law, local government bodies and their officials and investigative agencies. The Office was also responsible for ensuring that court decisions in criminal cases and coercive measures involving the restriction of personal freedom were enforced in accordance with the law; that the interests of citizens or the State were represented in cases specified by law; that cases for the State prosecution were supported in court; and that criminal cases were brought against public officials, as determined by law, and referred to the relevant authorities for investigation.

237. In accordance with the Constitution of 2021, the procuratorial authorities carry out criminal prosecutions, participate in court proceedings, supervise the enforcement of court decisions and exercise other powers provided for by the country's constitutional law.

238. When supervising the enforcement of laws, procurators have the right to visit the bodies and institutions within their jurisdiction, including penal institutions, internal affairs bodies, national security bodies and institutions, bodies and institutions that enforce coercive measures related to restricting the personal freedom of citizens, central authorities and authorized State bodies that enforce non-custodial criminal penalties and coercive measures under criminal law, and to monitor persons released on parole from correctional institutions.

239. They may question detained persons, convicted persons and persons remanded in custody or subject to coercive measures involving restrictions on personal freedom. They may also give written instructions to the administrations of penal, internal affairs, national security and healthcare bodies and institutions on compliance with the procedures and conditions established by law for the custody of the persons held in them and on the establishment of the necessary conditions to uphold the rights of these persons.

240. In addition, the procurator may cancel disciplinary measures imposed on persons remanded in custody and convicted persons in violation of the law and immediately order their release from disciplinary units, special cells or punishment cells.

241. The procurator must immediately order the release of any person who is being held without legal grounds in penal institutions and institutions implementing coercive measures, or who has been detained, remanded in custody or committed to a forensic psychiatric institution in violation of the law.

242. The Ombudsman exercises parliamentary oversight of the observance of human and civil rights and freedoms. The Ombudsman (Akyikatchy) Act of 2002 grants the Ombudsman the power to: apply to the Constitutional Chamber to declare laws and regulations affecting human and civil rights and freedoms unconstitutional; visit State and local government bodies, institutions and military units without hindrance; require officials to conduct inspections of organizations under their control or jurisdiction; visit at any time places of detention, pretrial detention facilities, institutions where convicted persons are serving sentences, compulsory treatment and re-education institutions and psychiatric hospitals; speak in private with persons held in these places, obtain information about their conditions of detention and check the documentation certifying the legality of their stay in these institutions; attend court hearings at all levels, including closed court hearings with the consent of the person in whose interests the court proceedings have been declared closed; apply to a court for the protection of human and civil rights and freedoms of persons who, for health or other valid reasons, are unable to do so themselves; and participate in court proceedings in person or through a representative in the cases and under the procedure established by law.



243. Under the Act, in the event of violations of human and civil rights and freedoms, the Ombudsman may take a response measure by requesting the relevant authorities to take action; inspect any authority in connection with cases in which a final decision has been made; have access to facilities used by the armed forces and the State Security Service; and submit proposals to the Supreme Court for the study and distillation of judicial practice and provide guidance to courts on the application of legislation and universally recognized principles and rules of international law and the protection of human and civil rights and freedoms. The Ombudsman's response measure consists of a submission requesting disciplinary or administrative proceedings against officials and employees who have violated human and civil rights and freedoms.

244. National law guarantees everyone access to justice on an individual basis, including through a legal representative and authorized State bodies. Cases involving persons with disabilities may be considered in constitutional, civil, criminal, administrative and other forms of legal proceedings provided for by law.

245. In accordance with the State Legal Aid Act, all persons in the cases specified by law are entitled to professional legal assistance in civil, administrative and criminal cases, provided at public expense, at all stages of the civil, administrative and criminal proceedings. The following persons are entitled to receive State legal aid:

- (1) Persons whose annual income does not exceed 60 times the minimum wage;
- (2) Persons with category I or II disabilities, among others;
- (3) Persons with mental illness;
- (4) Older persons living in State residential care facilities and in other cases provided for by criminal procedure law.

246. The Ombudsman's reports for 2019–2021 provide, among other things, information on response measures requesting disciplinary action against officials for violations and the outcome of these requests. Referral of response measures ensures that identified violations of human and civil rights and freedoms are remedied. Among the issues involving access to justice raised by the Ombudsman is access to judicial and other State bodies, proper supervision of institutional activities and the provision of adequate detention conditions and promotion of the rights of persons with disabilities.

247. Persons with visual impairments are afforded the opportunity to use the services of guides, readers and audio recording equipment covered by the State budget at all stages of criminal, civil, economic and administrative proceedings in courts.

248. Persons who are hard of hearing and signing deaf persons are afforded the opportunity to use the services of a professional sign language interpreter covered by the State budget at all stages of criminal, civil, economic and administrative proceedings in courts.

249. Throughout the initial inquiry, pretrial investigation and criminal proceedings, persons with disabilities are provided with legal assistance in the form of a lawyer chosen by them from the moment of detention, with funding from the State budget.

250. Currently, the local courts in Kyrgyzstan and the Judicial Department of the Supreme Court are located in 73 buildings, including 68 local court buildings, 1 building of the central office of the Judicial Department and 2 buildings of the regional offices of the Judicial Department; two local courts are located in the building of the State Buildings Department. Signage for deaf persons and persons who are hard of hearing has been prepared in the court buildings as part of a project by the United Nations Development Programme (UNDP) and the Ministry of Foreign Affairs of Finland, entitled "Widening Access to Justice for Legal Empowerment in the Kyrgyz Republic". In court cases involving persons with disabilities, the Judicial Department provides interpreters to the court upon written request from local courts.

251. Based on the principle of equality before the law and the courts, the statistical reports available in the courts in the country do not contain information on abuse and violence against persons with disabilities as a separate category of citizen.

252. No statistical data on criminal cases related to violations of human rights considered by the courts from 2020 to 2021 were received by the country's courts.

## **Article 14**

### **Liberty and security of person**

253. The Constitution guarantees the right of every person to liberty and security of person. No one may be deprived of liberty except by a court decision and only on the grounds and under the procedure established by law.

254. No one may be detained for more than 48 hours without a court order. All detained persons must be brought promptly, and in any case within no more than 48 hours of their arrest, before a judge for a decision on the lawfulness and validity of their detention.

255. All detained persons must immediately be informed of the reasons for their detention and must be informed of and able to exercise their rights, including the right to a medical examination and to medical assistance. From the moment they are detained, the safety of detained persons is ensured, and they are afforded the opportunity to defend themselves in person, obtain legal assistance from a qualified lawyer and be represented by defence counsel.

256. The Constitution contains provisions under which restrictions affecting the physical and mental integrity of a person are permissible only on the basis of the law. These provisions are subsumed in the general objectives of permissible restrictions on rights and freedoms in order to protect national security, public order, public health or morals or the rights and freedoms of others. Any restrictions introduced must be commensurate with these objectives.

257. The Constitution guarantees the right to compensation for damages covered by the State, with compensation paid in accordance with the procedure and amounts established by law. Officials are held criminally liable in the event of a knowingly unlawful and unjustified arrest and detention. The right to compensation for damage caused by unlawful actions or omissions of State and local government bodies and their officials in the performance of their official duties is also guaranteed.

258. For persons with disabilities with persistent mental and intellectual impairments, the relevant legal provisions are laid down in the Psychiatric Care and Patients' Rights Guarantees Act of 1999.

259. Article 38 of the Act provides for the establishment of a service in Kyrgyzstan that is independent of the health authorities to protect patients in psychiatric hospitals. Representatives of this service protect the rights of patients in psychiatric hospitals and receive their complaints and applications, which are dealt with by the administration of the psychiatric institution or forwarded, depending on their nature, to the representative or executive authorities, the procurator or the courts.

260. Information on the service's activities is included in the Ombudsman's annual report on the situation of human and civil rights in Kyrgyzstan, which describes the current situation and provides recommendations. The report is considered by the Zhogorku Kenesh and posted on the Ombudsman's website.<sup>4</sup>

261. Persons may be admitted to a psychiatric hospital if they have a mental disorder and a psychiatrist decides they need to be examined or treated as an inpatient, or if a court orders it. Article 13 of the Act provides for compulsory medical measures for persons suffering from mental disorders who have committed socially dangerous acts; such measures are applied by court decision, on the grounds and in the manner established by the Criminal Code and the Code of Criminal Procedure.

262. Persons suffering from mental disorders may be committed to a psychiatric hospital without their consent or that of their representative before a court order has been issued if examination or treatment can only be carried out in an inpatient setting and if the mental disorder is severe enough to cause one or more of the following: immediate danger to

<sup>4</sup> <https://ombudsman.kg/>.

themselves or others; a state of helplessness, or an inability to meet basic vital needs without assistance; and substantial harm to their health as a result of a deterioration in their mental state if they are left without psychiatric care.

263. Placement of a person in a psychiatric hospital may also be based on the need to conduct a psychiatric examination, as established by law. Placement of a person in a psychiatric hospital, except in cases of commitment to a psychiatric hospital without the consent of the person or without the consent of his or her legal representative before a court order has been issued, is to be voluntary and done at the person's request or with his or her consent. A minor under the age of 18 is placed in a psychiatric hospital at the request or with the consent of his or her parents or other legal representative.

264. The Criminal Code establishes liability for unlawful deprivation of liberty (art. 169) and unlawful placement in a psychiatric hospital (art. 171). It also regards prolonged unlawful deprivation of liberty (of more than 30 days) as "serious harm".

265. The Criminal Code refers to the concept of "insanity" (art. 25), which may be brought on by chronic mental illness, a temporary mental disorder, dementia or another mental health condition.

266. A person is not criminally liable for exceeding the limits of extreme necessity if, owing to intense mental distress caused by the imminent danger, he or she was unable to assess whether the harm inflicted by his or her actions was proportionate to this danger.

267. In accordance with article 91 (2) of the Criminal Code, if a person becomes mentally ill after being sentenced, the court is to release him or her from serving his or her sentence on the basis of the findings of a panel of psychiatrists, guided by the provisions of chapter 16 of this Code.

268. The objectives of compulsory medical measures are administration of required treatment and prevention of further offences by the person concerned. The Code establishes the list of persons to whom the court may apply compulsory medical measures, taking into account the degree of danger posed by the mentally ill persons to themselves or others; the grounds for imposing such measures, their extension, modification and termination; credit for time spent under compulsory medical measures; and the application of such measures to persons with a mental disorder that does not exclude criminal responsibility.

269. Compulsory medical measures may be applied by a court to a person who has:

- (1) Committed an unlawful act specified in the Code while legally insane;
- (2) Committed a crime while in a state of diminished capacity;
- (3) Committed a crime while sane but developed a mental illness or temporary mental disorder before the judgment was rendered or while serving the sentence.

270. Under the Civil Code, citizens who cannot understand the meaning of their actions or control them owing to a mental disorder may be declared by a court to have no dispositive capacity and consequently be placed under guardianship. Guardianship is established over citizens who have been declared by a court to have no dispositive capacity owing to a mental disorder. Guardians are the representatives of wards by virtue of the law and perform all necessary transactions on their behalf and in their interests.

271. Staff at the National Centre for the Prevention of Torture are also granted the right to visit psychiatric institutions to prevent torture and cruel, degrading treatment and punishment.

272. The Ombudsman and the Centre cooperate with civil society organizations in monitoring closed institutions.

273. The Ministry of Health operates three mental health centres (the National Mental Health Centre and the Osh and Jalal-Abad centres) and two national psychiatric hospitals (in the villages of Chym-Korgon and Kyzyl-Zhar for adults).

274. Specialized outpatient psychiatric care for persons suffering from mental disorders and persons receiving monthly social benefits, laboratory diagnostic tests and consultative and therapeutic care, and inpatient care for persons suffering from mental disorders, are provided free of charge.

275. Expert medical and social assessments in the area of mental health are carried out by regional and inter-district medical and social assessment commissions.

276. At the invitation of the Federal Bureau of Expert Medical Assessment of the Ministry of Labour and Social Protection of the Russian Federation, eight medical experts from the National Centre for Expert Medical and Social Assessments attended advanced training courses as part of the action plan for implementing the protocol of the 21st meeting of the Kyrgyz-Russian Intergovernmental Commission on Trade, Economic, Scientific, Technical and Humanitarian Cooperation. The training took place between 9 September and 19 October totalling 288 hours on the following topics: expert medical and social assessment and the rehabilitation and habilitation of persons with disabilities in cases of internal, neurological, surgical, orthopaedic, mental health, paediatric, tuberculosis-related and ophthalmological conditions. Upon completion, participants received certificates in expert medical and social assessment and the basic clinical speciality.

277. Currently, expert psychiatrists undergo advanced training in their speciality at the Kyrgyz State Medical Institute for Initial and Refresher Training of Personnel of the Ministry of Health every five years and receive certificates upon passing the qualification category exam.

## Article 15

### Freedom from torture or cruel, inhuman or degrading treatment or punishment

278. The Constitution guarantees everyone freedom from torture and other cruel, inhuman or degrading treatment or punishment. Every person deprived of liberty has the right to be treated humanely and to have his or her dignity respected. Medical, biological or psychological experimentation without the free, express and properly documented consent of the person concerned is prohibited. Restrictions affecting physical and mental integrity are permissible only on the basis of the law, by court order as punishment for a crime committed.

279. Kyrgyzstan is a party to all the main international legal instruments for the prevention of torture.

280. In Kyrgyzstan, the activities of the National Centre for the Prevention of Torture are aimed at preventing torture and ill-treatment in closed institutions, including of persons with disabilities. The Centre's reports are available at <https://npm.kg/>.

281. Practical guidelines for medical professionals in Kyrgyzstan on the effective documentation of violence, torture and cruel treatment address the challenges of accurately and fully documenting and recording all cases of violence, torture or cruel treatment, making targeted referrals of victims to the appropriate authorities for comprehensive support (including the investigation of such cases), providing them with information and ensuring State reporting and recording at the national level, in order to improve the quality of forensic medical and psychiatric assessments and ensure a more sensitive approach to vulnerable groups.

282. The legislation on the enforcement of criminal penalties is based on observance of the guarantees of protection against torture, violence and other cruel or degrading treatment of convicted persons.

#### Number of persons with disabilities in correctional institutions of the Penal Correction Service of the Ministry of Justice

	2021		2020		2019	
	90		76		53	
<i>Disability category of convicted persons with disabilities</i>	86 men	4 women	74 men	2 women	49 men	4 women
Category I	9	–	4	–	2	–
Category II	41	–	27	1	21	3
Category III	36	4	43	1	26	1

283. The procedure for serving custodial sentences, including for persons with disabilities, is regulated by the Penalties Enforcement Code. Convicted persons with disabilities related to speech, hearing or visual impairments have the right to use the services of specialists who are proficient in sign language or Braille (Code, art. 26 (3)).

284. If a convicted person sentenced to community service is recognized as a person with category I or II disabilities or if a convicted woman sentenced to community service becomes pregnant, the probation authorities are to submit a request to the court for his or her release from further serving the sentence (Code, art. 45 (4)).

285. Convicted pregnant women, convicted women with children, convicted persons with category I or II disabilities and convicted persons committed to secure hospitals are able to buy foodstuffs and basic necessities using funds available in their personal accounts, without any restriction (Code, art. 88).

286. Convicted women who are pregnant or breastfeeding, children and convicted persons who are ill or have category I or II disabilities are entitled to better living conditions and higher nutritional standards (Code, art. 99).

287. Convicted men and women who have reached retirement age and convicted persons with category I or II disabilities may work if they wish to, taking into account their state of health (Code, art. 103).

288. Convicted persons with category I or II disabilities also receive basic general and secondary general education at their request (Code, art. 113).

289. It is envisaged that rooms in which convicted persons with disabilities are held will be provided with assistive technologies and devices.

290. The administration of a penal institution affords convicted persons with disabilities the opportunity to use assistive technology.

## **Article 16**

### **Freedom from exploitation, violence and abuse**

291. Slavery is prohibited in Kyrgyzstan and forced labour is not permitted, except in the event of war, disaster relief operations and other emergencies or in enforcement of a court decision. Military or alternative service (or military training for civilians) is not considered to be forced labour.

292. Under the Criminal Code, persons with disabilities are protected from ill-treatment, violence and exploitation on an equal basis with others.

293. The Protection against Domestic Violence Act was adopted in 2017 to reduce and eradicate violence against women and children. The Act is focused mainly on the prevention and suppression of domestic violence and the provision of social and legal protection to victims of domestic violence.

294. In Kyrgyzstan, the forms of protection orders and instructions on the work of the internal affairs agencies for protection against domestic violence have been approved by a departmental act of the Ministry of Internal Affairs.

295. The Labour Code prohibits forced labour and discrimination in labour relations and the worst forms of child labour. This Code regulates labour relations and the exercise of State supervision and monitoring of compliance with labour legislation.

296. The Code of Offences provides for liability for assault or other violent acts causing physical pain, if these acts do not contain indicia of a crime, and for intentionally causing minor harm to a person's health that did not result in short-term health problems. The penalty is a fine of 200 notional units or community service for a period of 20 to 40 hours.

297. The Criminal Code provides for liability for causing serious harm to health, less serious harm to health, serious harm to health through negligence, torture, torment, threat of the use of violence endangering life or health and for committing a crime against an

individual known to be a person with disabilities, an older person or a person who is in a helpless state, which constitutes an aggravating circumstance.

298. Enslavement and the commission of a number of crimes aimed at discriminating against persons with disabilities are considered by law to be crimes against humanity.

299. For the purpose of early detection and prevention of violence against children, including children with disabilities, the Emergency Plan for the Prevention of Child Abuse and Violence against Children for the period 2019–2020, which was approved by Government Order No. 82 of 29 March 2019, has been implemented.

300. To organize inter-agency cooperation between State and local government bodies on the protection of children in difficult circumstances, the Ministry of Internal Affairs and other relevant ministries and agencies issued an inter-agency order, No. 124 of 14 December 2018, on strengthening inter-agency cooperation to prevent suicide, delinquency and crime among minors and young people in Kyrgyzstan for 2019–2020.

301. Provisions outlawing the diminution of children's dignity and the corporal punishment of children are also contained in other laws and regulations, including the Education Act of 2003, the Act on the Status of Teachers of 2001, the Model Regulations on General Education Schools, the Model Regulations on the Children's Affairs Commission and the qualification requirements for teachers and managers of general education and preschool establishments.

302. In accordance with the Education Act, teachers of educational establishments are required to refrain from using physical or psychological violence against students.

303. Since 2015, in order to ensure that there are effective detection, identification and child protection mechanisms, the Government has operated the 111 Children's Helpline Centre. The helpline operates 24 hours a day; calls from all regions of the country are free.

304. The Ombudsman's Office also operates a 115 hotline, which is listed in the directory of emergency services and is open 24 hours a day.

305. In addition, the Ministry of Emergency Situations operates the 112 unified State emergency call service for crisis management, which receives calls regarding incidents of domestic and gender violence against women and children, including persons with disabilities.

306. In 2020, the 112 emergency call service received 101,346 urgent calls and provided 80,482 consultations. Of these calls, 713 were redirected to the fire service's 101 number; 4,135 to the 102 service of the Ministry of Internal Affairs; 11,395 to the medical service's 103 number; 526 to the Ministry of Emergency Situations rescue service; 3,141 to city halls; and 435 to duty officers at the Crisis Management Centre of the Ministry of Emergency Situations, where the necessary assistance was provided to people in need.

307. In addition, in 2020, there were 463 calls about gender-based violence, 440 of which were from women, 2 from men and 21 from children who had been subjected to violence.

308. Furthermore, professionals from the 112 call service provided advice on what to do in the event of infection with COVID-19 in the State and official languages. A total of 51,591 calls related to COVID-19 have been received by the 112 call service since March 2020.

309. During the pandemic period, from 22 March to 26 November 2020, 340 calls regarding incidents of domestic and gender-based violence were registered, 323 of which involved violence against women, 16 against children and 1 against men. Compared to the same period in 2019, there were 24 per cent more calls about domestic and gender-based violence in 2020.

## Article 17

### Protecting the integrity of the person

310. The Constitution guarantees the right to integrity of the person, prohibits discrimination on various grounds, including disability, and provides that no one may be subjected to torture or other inhuman, cruel or degrading treatment or punishment. The death penalty is prohibited.

311. Medical, biological or psychological experimentation without the free, express and properly documented consent of the person concerned is prohibited. In the event of deprivation of liberty, everyone is guaranteed the right to be treated humanely and to have his or her dignity respected.

312. The right to respect for physical and mental integrity is ensured under the Healthcare Act, the Act on Rights and Guarantees for Persons with Special Needs, the Psychiatric Care and Patients' Rights Guarantees Act, the Human Organ and/or Tissue Transplantation Act of 2000 and others.

313. The Psychiatric Care and Patients' Rights Guarantees Act establishes as grounds for admission to a psychiatric hospital the presence of a mental disorder in a person and the decision of a psychiatrist to conduct an examination or treatment in a hospital setting, or a judge's ruling. Compulsory medical measures for persons suffering from mental disorders who have committed socially dangerous acts are applied by court decision, on the grounds and in the manner established by the Criminal Code and the Code of Criminal Procedure. The procuratorial authorities are responsible for monitoring compliance with the law regarding the provision of psychiatric care.

314. The Psychiatric Care and Patients' Rights Guarantees Act provides for the establishment of a service that is independent of the health authorities to protect patients in psychiatric hospitals, which operates under the Ombudsman.

315. Under the Criminal Code, compulsory re-education and medical measures may only be applied in accordance with the law in force at the time that a case is adjudicated in court.

316. Persons who commit a socially dangerous act specified by this Code while in a state of insanity, meaning that they are unable to recognize the actual nature and social danger posed by their actions or omissions or to control them owing to chronic mental illness or a temporary mental disorder, dementia or another mental illness, are not held criminally liable.

317. Persons who commit a crime while sane but who become mentally ill before the court hands down its sentence, rendering them incapable of understanding their actions or omissions or controlling them, are not subject to punishment. However, such persons may be subject to compulsory medical treatment by court order, and upon recovery, they may be punished.

318. Recognition of a person as having diminished capacity may be grounds for applying compulsory medical measures but does not exempt the person from punishment. Information on compulsory medical measures is also included under article 14.

319. In order to improve the effectiveness of social protection, including for women and girls with disabilities, several types of healthcare are provided under the Programme of State Guarantees for the Provision of Healthcare to Citizens, approved by Government Decision No. 790 of 20 November 2015, namely primary healthcare, specialized outpatient healthcare and inpatient care.

320. In addition, by order of the Ministry of Health, persons with categories I, II or III disabilities from childhood and persons with categories I, II or III disabilities who are not entitled to pension benefits were included in the health and social risk group for whom budget funds are allocated for the purchase of contraceptives in order to meet their needs and prevent unwanted pregnancies. For the past two years, the Ministry of Health has purchased hormonal contraceptives and provided them free of charge to women of reproductive age who are part of the health and social risk group. In addition, intrauterine contraceptives, namely copper intrauterine devices (IUDs), are available in all family doctor group practices or family medicine centres and maternity hospitals for all women.

321. According to official statistics from the Electronic Health Centre of the Ministry of Health, in 2019, 99,679 adults and 27,312 children with disabilities were under medical supervision.

322. The physical and mental integrity of the person is safeguarded and appropriate liability for wrongful acts is provided for through civil, criminal, administrative and other forms of legal proceedings.

323. In order to prevent torture, unlawful acts and improper practices, officials of the National Centre for the Prevention of Torture systematically conduct unannounced preventive visits to places of deprivation and restriction of liberty, cells in temporary holding facilities and remand centres, young offenders' institutions, children's homes, social care institutions and psychiatric hospital wards. Following its visits, an annual report is prepared for the country's parliament. The report describes the current state of affairs with regard to the observance of the right to freedom from torture and ill-treatment and sets out relevant recommendations for State bodies.

324. The Ombudsman and the Centre cooperate with civil society and international organizations, experts, lawyers and other specialists in carrying out their activities, such as considering appeals, developing legislation and monitoring the activities of State and local government bodies, including closed institutions.

## **Article 18**

### **Liberty of movement and nationality**

325. The Constitution guarantees everyone the right to freedom of movement and choice of place of stay or residence in the country. The right to leave the country may only be restricted on the basis of the law. The right of Kyrgyz citizens to return without hindrance is not subject to any restrictions.

326. No one may be deprived of his or her nationality or the right to change it. Persons who are Kyrgyz citizens may be recognized as citizens of another State in accordance with the law and international treaties to which Kyrgyzstan is a party.

327. Every Kyrgyz living outside the country, regardless of whether he or she holds citizenship of another country, is guaranteed the right to obtain Kyrgyz citizenship through a simplified procedure.

328. The right to freedom of movement and freedom to choose one's place of residence and citizenship is also exercised in accordance with the 1951 United Nations Convention relating to the Status of Refugees and the 1967 Protocol thereto, the Legal Status of Foreign Nationals Act of 1993, the International Migration Act of 2000, the Citizenship Act of 2007, the Regulations on Work with Refugees in the Kyrgyz Republic of 2003 and other laws and regulations relating to human rights.

329. Kyrgyzstan grants all refugees, including those with disabilities, equal legal status without any distinction on grounds of sex, race, language, ethnicity, religion, age, political or other opinion, education, country of origin, property or other status, or other circumstances.

330. Issues relating to the protection of the rights of ethnic Kyrgyz people resettling in their historical homeland and refugees are an important part of regulating migration processes in Kyrgyzstan. In the area of protecting the rights and interests of ethnic Kyrgyz returnees (*kairylman*) who have resettled in Kyrgyzstan, about 2,000 people annually apply for *kairylman* status and for protection of their rights.

331. Thus, in 2020, 314 ethnic Kyrgyz received *kairylman* status (164 men and 150 women). In 2021, only 577 people received *kairylman* status.

332. In accordance with the State Guarantees for Ethnic Kyrgyz Resettling in the Kyrgyz Republic Act of 2007, the Government's "Kairylman" programme to assist ethnic Kyrgyz people resettling in Kyrgyzstan for 2017–2022 and its implementation plan (Government Decision No. 518 of 30 September 2016) are being carried out.



333. Kyrgyzstan also fulfils its international obligations. To date, 184 foreign nationals (112 men and 72 women) have been granted refugee status in Kyrgyzstan, including 1 person with a disability, and 693 people have applied for asylum.

334. The number of asylum-seekers was 683 (298 women and 385 men).

335. Refugees have priority in the processing of applications for citizenship of Kyrgyzstan.

336. In accordance with the Citizenship Act, the period for which a person is required to reside in Kyrgyzstan before applying for citizenship is reduced to three years for those who have been recognized as refugees.

337. A residence permit can be obtained by foreign nationals or stateless persons who were previously citizens of Kyrgyzstan.

338. Kyrgyz citizens who are also citizens of another State are restricted in their right to hold political office or to become judges. This restriction may also be established by law for other public posts.

339. A Kyrgyz citizen who is a citizen of another State is considered by Kyrgyzstan only as a Kyrgyz citizen, except in cases provided for by the Citizenship Act and international treaties to which Kyrgyzstan is a party that have entered into force in accordance with the procedure established by law. The acquisition of another nationality by a Kyrgyz citizen does not entail termination of Kyrgyz citizenship.

340. A Kyrgyz citizen's marriage to a foreign national or stateless person, or the dissolution of such a marriage, does not change his or her citizenship. A change in the citizenship of one spouse does not entail any change in the citizenship of the other. The dissolution of the marriage does not entail a change in the citizenship of children born to or adopted by the spouses during the marriage.

341. The Act provides that Kyrgyz citizenship may be acquired:

- (1) By birth;
- (2) Through the procedure for acquisition of Kyrgyz citizenship;
- (3) Through the restoration of citizenship;
- (4) On the grounds or in the manner provided for by international treaties to which Kyrgyzstan is a party that have entered into force in accordance with the procedure established by law.

342. The Act establishes the following provisions regarding the acquisition of Kyrgyz citizenship by birth.

343. If the parents were Kyrgyz citizens at the time of the child's birth, the child is a Kyrgyz citizen irrespective of his or her place of birth. If the parents have different nationalities but one of them is a Kyrgyz citizen, the citizenship of the child is determined with the written consent of the parents, irrespective of his or her place of birth.

344. If one of the parents was a Kyrgyz citizen at the time of the child's birth while the other was stateless or was unknown, the child is a Kyrgyz citizen irrespective of his or her place of birth. A child born in the territory of Kyrgyzstan whose parents are stateless and live permanently in Kyrgyzstan is a Kyrgyz citizen.

345. A child whose parents are both unknown and who is present in Kyrgyzstan is a Kyrgyz citizen.

346. The Act sets out the following conditions for acquisition of Kyrgyz citizenship under the general procedure. Foreign nationals and stateless persons who have attained the age of 18 years have the right to apply for Kyrgyz citizenship under the standard procedure, if they:

- (1) Have permanently and continuously resided in Kyrgyzstan for the five years prior to filing an application; a period of residence is considered uninterrupted if the person left Kyrgyzstan for no longer than three months within a single year;

(2) Have sufficient command of the State or official language to communicate; the procedure for determining the level of knowledge of the State or official language is set out in the regulations on the procedure for the consideration of citizenship;

(3) Undertake to comply with the Constitution and laws of Kyrgyzstan;

(4) Have a livelihood.

347. The Citizenship Act provides for a simplified procedure for foreign nationals and stateless persons who have reached the age of 18 and have resided in Kyrgyzstan for one year to acquire Kyrgyz citizenship, unless otherwise provided for by international treaties to which Kyrgyzstan is a party that have entered into force in accordance with the procedure established by law, if they:

(1) Have at least one parent who is a Kyrgyz citizen and resides in Kyrgyzstan;

(2) Were born in the Kyrgyz Soviet Socialist Republic and were citizens of the former Soviet Union;

(3) Are restoring their Kyrgyz citizenship.

348. Ethnic Kyrgyz who are foreign nationals or are stateless, former Kyrgyz citizens returning to Kyrgyzstan for permanent residence and foreign-national or stateless women married to a Kyrgyz citizen and arriving for permanent residence in Kyrgyzstan are granted Kyrgyz citizenship without having to meet the conditions regarding the length of stay in the territory of Kyrgyzstan or those set forth in articles 13 and 14 (1) of the Act within the time limits established by law.

349. The Act also governs: the grounds for refusing to grant Kyrgyz citizenship; the acquisition of Kyrgyz citizenship by a child in the event of adoption or placement under tutorship or guardianship; the retention of Kyrgyz citizenship by a child in the event of adoption; the retention of Kyrgyz citizenship by a child under tutorship or guardianship; the acquisition of Kyrgyz citizenship by a child if one of the parents acquires Kyrgyz citizenship; and recognition of Kyrgyz citizens as citizens of another State.

350. A change in the citizenship of children aged between 14 and 18 in cases where parents change their citizenship, or in adoption cases, is only permitted with the children's notarized written consent.

351. Kyrgyz citizenship is terminated as a result of:

(1) Renunciation of Kyrgyz citizenship;

(2) Loss of Kyrgyz citizenship;

(3) On other grounds provided for by the Act and international treaties to which Kyrgyzstan is a party that have entered into force in accordance with the procedure established by law.

352. Under the Civil Registration Act of 2020, the State registers births on the basis of:

(1) A standard certificate of birth issued by the health facility where the delivery took place or, for births outside a health facility, a certificate of birth issued by a physician or other medical worker authorized by the health authority;

(2) Identity documents of the child's parents and marriage certificate (or the mother's identity documents if there is no marriage);

(3) Documents (medical certificate of birth, extracts from the register, birth certificate, etc.) issued by the competent authorities of foreign countries attesting to the birth of children born in a foreign country whose parents (or one of whose parents) are Kyrgyz nationals;

(4) Standard application form.

353. In the absence of a medical birth certificate, State registration of the child's birth is carried out on the basis of a court decision that has entered into legal force establishing that the woman in question has given birth to the child.

354. If one or both parents lack identity documents, the State registration of the child's birth is to be carried out by drawing up a record of birth and issuing an extract from the record of birth. This extract has the force of a document giving entitlement to social and medical services until the parent or parents can provide their identity documents. The child's birth certificate is issued when one or both parents provide their identification documents. The State registration of birth is carried out for children under 1 year of age.

355. Under article 7 of the Convention on the Rights of the Child, every child must be registered immediately after birth and has the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

356. Article 24 of the International Covenant on Civil and Political Rights of 16 December 1966 (which entered into force for Kyrgyzstan on 7 January 1995) includes a similar provision, namely the requirement that every child must be registered immediately after birth and must have a name.

## **Article 19**

### **Living independently and being included in the community**

357. In Kyrgyzstan, citizens, including persons with disabilities, may choose their place of residence on an equal basis with others. No one may be arbitrarily deprived of housing.

358. In accordance with article 31 of the Act on Rights and Guarantees for Persons with Special Needs of 2008, persons with disabilities and persons who acquire a disability in the course of their employment, provided that they work for an employer until retirement, retain the right, on an equal basis with other employees, to avail themselves of healthcare services, housing, vouchers for wellness and preventive care centres and other social services and benefits provided for in collective agreements.

359. The Act also provides that the local authorities are to maintain a list of persons with disabilities in need of housing and provide them with homes, and ensure that the housing provided to persons with disabilities or families including persons with disabilities is supplied with assistive technologies and devices.

360. Children with disabilities living in social care institutions who are orphans or have been deprived of parental care, upon reaching the age of 18, are provided with accommodation on a priority basis if their individual rehabilitation programme makes provision for self-care and independent living.

361. According to the Housing Code of 2013, housing is to be provided on a priority basis to persons with category I or II disabilities owing to common illnesses or occupational injuries or diseases, military personnel with category I or II disabilities and families raising children with disabilities.

362. Persons with disabilities, older persons and persons with cardiovascular and other serious illnesses are provided with accommodation on the lower floors or in buildings with elevators, taking their wishes into account.

363. In accordance with the Act on the Principles of Social Services in the Kyrgyz Republic, persons with disabilities who require regular assistance receive various social services, namely, welfare, medical, psychological, pedagogical, vocational, cultural, economic and legal services, free of charge (covered by the State budget) at their place of residence or at a location near their place of residence.

364. The Ministry of Labour has 16 residential care homes (for older persons, neuropsychiatric patients and children), which provide services to more than 2,000 people, including 418 children with disabilities. In addition, 915 social workers provide services at home to 10,000 persons in need of constant comprehensive care.

365. In 2020, 18 general education establishments (schools) for children with special educational needs were operating in the country, with 3,300 children enrolled in them.

366. Non-profit organizations play a special role in the inclusion and involvement of persons with disabilities in the local community by providing special social services at the

place of residence of persons with disabilities pursuant to the Government Social-Sector Procurement Act of 2017.

367. The implementation of the policy of providing special social services at the recipient's place of residence and the simultaneous adoption of family assistance measures have made it possible to return children with neuropsychiatric disorders from residential social care institutions to their families.

368. The priority areas for further refining social policy in order to ensure that persons with disabilities can live independently in the community include developing innovative forms of social services (development of day-care centres and independent living facilities, placement of children with disabilities in foster families and others) and promoting competition in the provision of social services for such persons.

369. As part of the streamlining and automation of public services, according to the Instruction on the procedure for accepting documents and registration, production (personalization), recording, issuance and destruction of identification cards – the 2017 model Kyrgyz passport and the 2006 and 2020 model Kyrgyz internal passport – approved by Government Decision No. 238 of 21 April 2017, the acceptance of documents for processing, production and issuance of passports in cases involving persons with category I disabilities is carried out at the production facility's expense.

370. Under Government Decision No. 174 of 27 April 2021 on conducting a national campaign for the free issuance of 2017 model identification cards to Kyrgyz citizens, a national campaign was launched on 1 May 2021 for the free issuance of identification cards, namely the 2017 model Kyrgyz passport, for persons with all categories of disability who are under the full care of the State and living in residential social care institutions.

371. In accordance with the Action Plan for Reforming Residential Care Homes for Children for 2019–2021, approved by Government Decision No. 479 of 14 August 2017 on the Government Programme for Family Support and Child Protection for the period 2018–2028, measures are being taken to develop social services for children, including children with disabilities, and to develop alternative forms of care for children. Measures are also envisaged to regulate the establishment of children's institutions so as to advance the deinstitutionalization process for children, including children with disabilities.

372. In order to improve the quality of care services for children with disabilities and support for persons caring for children with disabilities, the Regulations on the terms of payment for personal assistant services for children with special needs who require constant care and supervision were approved by Government Decision No. 556 of 23 November 2018. On 1 January 2019, personal assistant services were introduced along with payments for personal assistants caring for children with disabilities, as mentioned under article 7.

## Article 20

### Personal mobility

373. The Cabinet of Ministers is taking measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

- Taking measures to remove barriers and create an accessible environment
- Providing persons with disabilities with assistive technology and mobility aids
- Providing accessible transport services
- Offering the services of personal assistants and sign language specialists
- Training specialist staff to work with persons with disabilities

374. The measures taken to ensure the accessibility of social and transport infrastructure are described under article 9.

375. In order to facilitate personal mobility for persons with disabilities, the State works to provide them with assistive devices, for example to ensure their personal mobility.

376. Each year, persons with disabilities receive over 15,000 products free of charge to replace missing body parts or compensate for body functions that have been impaired or lost through illness or injury.

377. Assistive devices are issued in accordance with the Regulations on the procedure for providing the Kyrgyz population with prosthetic and orthopaedic products, approved by Government Decision No. 182 of 27 March 2014.

378. The following prosthetic and orthopaedic products are provided by the National Prosthetic and Orthopaedic Products Institution: prosthetic arms, devices for prosthetic arms, wrist braces, prosthetic legs, woollen and knitted stump socks, orthopaedic devices, corsets, bandages, knee braces, orthopaedic shoes and insoles, orthopaedic prosthetic shoe inserts, back/shoulder braces, leather leg prostheses with foot attachment, compact wheelchair platform lifts, mobility aids (crutches, canes), state-of-the-art leather gloves and other products, and repair of such products.

379. The following have been developed and put into production: below-knee prosthetics using a new process for the manufacture of interim prosthetic sleeves; new models of orthopaedic footwear in new styles and with a greater assortment of accessories (insoles, supports and braces); and a device designed by S.A. Zhumabekov, which is widely used in paediatric orthopaedics to treat children with developmental dysplasia of the hip and congenital dislocations.

380. In 2020, prosthetic and orthopaedic devices were provided to 13,617 persons with disabilities (4,277 men and 3,016 women), including 5,984 children (3,142 boys and 2,842 girls). More than 50 persons with disabilities receive related rehabilitation services annually, including training in independent prosthetic mobility skills.

381. Special funds are allocated from the State budget to ensure personal mobility for persons with disabilities. For example, in 2021, about 4 billion soms were allocated for the purchase of mobility aids and other assistive technologies for persons with disabilities.

382. Reduced public transport fares for persons with disabilities are also helping to increase their personal mobility. In the majority of regions, reduced fares for persons with disabilities for travel by all forms of urban and suburban public transport have been introduced pursuant to decisions of the local authorities.

383. To ensure safety at pedestrian crossings adjacent to general education establishments, special institutions and residential buildings or dormitories located along public roads, push-button pedestrian signals have been installed in two stages at 43 locations near the roadway over the past three years.

384. According to the Road Transport Act of 2013, certain categories of passenger, including persons with disabilities, are entitled to priority boarding of buses and taxis and priority purchase of tickets. Devices to assist persons with disabilities when boarding and alighting are also being installed at stations.

385. To encourage private road carriers to purchase vehicles equipped with special devices for persons with disabilities, the Government has included a provision in the Rules for the organization of passenger transport by road in the Kyrgyz Republic, approved by Government Decision No. 519 of 23 September 2013, to award higher scores to vehicles equipped with special devices (ramps, etc.) for persons with disabilities.

386. In order to make vehicles accessible to persons with disabilities, 103 low-floor trolleybuses with retractable ramps have been purchased in recent years.

387. Local authorities are currently studying the operations of taxi services for persons with disabilities throughout the country through a social-sector procurement process among non-profit organizations.

388. In addition to the measures undertaken to ensure unimpeded access for persons with disabilities to public transport services, the State is taking steps to facilitate travel in private vehicles for such persons.

389. In accordance with the Act on Rights and Guarantees for Persons with Special Needs, every parking area, including those near retail and service facilities and medical, sports,

cultural and entertainment venues, must allocate parking spaces for special vehicles belonging to persons with disabilities. These spaces must not be occupied by other vehicles. Persons with disabilities can park their special vehicles free of charge.

## **Article 21**

### **Freedom of expression and opinion, and access to information**

390. The Constitution guarantees everyone freedom of expression, freedom of speech and freedom of the press and prohibits forcing persons to express or renounce their opinion. Advocacy of ethnic, racial or religious hatred or of gender-based or any other social supremacy that gives rise to discrimination, hatred or violence is prohibited.

391. The adoption of secondary legislation that restricts human and civil rights and freedoms is prohibited. The law may not impose restrictions on rights and freedoms that go beyond those set out in the Constitution. Everyone has the right to freely seek, receive, store, use and impart information, either orally or in writing or through any other media. Everyone has the right of access to personal data held by State or local government bodies, institutions and organizations.

392. The Constitution holds that human rights and freedoms are inalienable and belong to everyone from birth and prohibits discrimination on various grounds, including disability.

393. The Act on Rights and Guarantees for Persons with Special Needs establishes accessibility and the right of equal access to information as fundamental principles of State policy with respect to persons with disabilities and guarantees the establishment of the necessary conditions for access to information.

394. Access to information for persons with disabilities is ensured by the State through:

- (1) Issuing periodical, scientific, educational and reference works and fiction, including publication in formats such as audio tapes, compact discs, Braille and videotapes with sign language interpretation;
- (2) Arranging sign language interpretation of television programmes on at least one national television channel;
- (3) Ensuring the accessibility of websites of State and municipal authorities.

395. Since gaining independence, Kyrgyzstan has remained a leader among Central Asian countries in terms of freedom of speech and freedom of the press.

396. Freedom of speech, freedom of the media and freedom of expression remain key areas of the human dimension. Kyrgyzstan offers a good example of the development of the media and freedom of expression in the languages of ethnic groups.

397. The Media Act contains no restrictions on the development of media in the languages of the ethnic communities. Sufficiently liberal conditions have been created in the country for the preservation of the ethnic and cultural diversity of the people of Kyrgyzstan. In addition, representatives of ethnic groups in Kyrgyzstan have a sufficient understanding of Russian and Kyrgyz to make full use of the national media, to be informed about major events and processes in the country, to obtain and share knowledge, and to communicate and stay connected with other cultural communities.

398. Persons with disabilities have the right to express their opinions through peaceful assemblies. The Peaceful Assemblies Act of 2012 ensures the implementation of freedom of assembly. The Act grants State authorities (internal affairs bodies, the courts) and local government bodies the necessary powers, defines the procedure for cooperation in preparing and holding assemblies, establishes judicial oversight of restrictions on freedom of assembly in accordance with the grounds provided for by law (in terms of time, place and route) and the use of force during assemblies.

399. Specific information is needed on ensuring freedom of expression and the right of access to information for persons with disabilities, depending on their physical, mental, intellectual or sensory impairments (Convention, art. 1).

400. As a first step, hotlines could be set up in government agencies.

401. In addition, to ensure the provision of State-guaranteed sign language interpretation services to persons with disabilities, the procedure for the provision of such services and the payment of sign language interpreters was approved pursuant to Government Decision No. 101 of 18 March 2021.

## **Article 22**

### **Respect for privacy**

402. The Constitution guarantees everyone the right to respect for privacy and protection of his or her honour and dignity. It states that everyone has the right to privacy of correspondence, telephone and other conversations and of postal, telegraphic, electronic and other communications. These rights may be subject to restrictions only in accordance with the law and on the basis of a judicial instrument or decision.

403. The collection, storage, use and dissemination of confidential information or information about a person's private life without his or her consent is prohibited, except in cases provided for by law.

404. Protection, including judicial protection, against the unlawful collection, storage and dissemination of confidential information or information about a person's private life is guaranteed, as is the right to compensation for material and moral damage caused by unlawful actions.

405. The Civil Code recognizes personal dignity, honour and good name, the inviolability of private life and personal and family privacy as personal non-property rights belonging to citizens.

406. Under the Healthcare Act, information on in vitro fertilization treatment and the identity of the donor are covered by patient confidentiality. The information contained in a patient's medical records is confidential medical information. The grounds for disclosing this information without the consent of the patient or his or her legal representative are set out in article 91 (Medical confidentiality) of the Act. The Act provides for the following grounds for disclosure:

- (1) For the purpose of examining and treating persons who are unable to express their will because of their condition;
- (2) In the event of a threat of the spread of infectious diseases, mass poisoning or injuries;
- (3) At the request of an agency conducting initial inquiries or investigations, the procurator's office or the courts in connection with an investigation or court proceedings;
- (4) In cases involving care for minors under the age of 16, to inform their parents or legal representatives;
- (5) If there is reason to believe that harm to a person's health was caused by unlawful actions.

407. Health and pharmaceutical professionals are liable under national legislation for violations of medical ethics, damage caused to the health of citizens and breaches of medical confidentiality. Individuals and legal entities working in private medical practice are also responsible for ensuring medical confidentiality.

408. The Code of Criminal Procedure upholds the principle of the right to privacy and privacy of correspondence, telephone and other conversations and of postal, telegraphic, electronic and other communications. Monitoring and recording telephone and other communications and obtaining call detail records may only be carried out on the basis of a court decision.

409. Special investigative measures may be taken without informing the persons involved in criminal proceedings whose interests they affect. These measures are aimed at clarifying circumstances and obtaining information that can be used as evidence in criminal proceedings when it is not possible to establish this through regular investigative measures. It is the investigating judge who decides whether to conduct special investigative measures.

410. The Criminal Code provides for liability for breaches of medical confidentiality and confidentiality in relation to adoption. It also provides for criminal liability for violations of privacy consisting in the unlawful collection, storage, use and dissemination of confidential information about a person's private life without his or her consent, except in cases provided for by law. Criminal liability is also incurred for the unlawful use or dissemination of confidential personal or family information in a piece of work or in a media or other public appearance.

411. Violations of the confidentiality of correspondence, telephone and other conversations, postal, telegraphic, electronic and other communications transmitted by communication tools or using a computer, and the commission of such acts using special equipment designed for covertly obtaining information, are acts that entail criminal liability.

412. According to the Guarantees and Freedom of Access to Information Act, State and local government bodies, voluntary associations, businesses, institutions, organizations and officials may not provide information containing State or other secrets protected by law, or information to which access is restricted.

413. In accordance with the State Civil Service and Municipal Service Act, civil servants must keep confidential any information obtained in the course of their duties that affects the personal lives, honour or dignity of citizens. They must also not require citizens to provide such information, except in cases provided for by law.

414. The Protection against Domestic Violence Act lays down the fundamental principles to guide those responsible for its implementation, based on international standards. Specific tasks are set for each of them, and the mechanism for interdepartmental coordination and cooperation in the implementation process has been approved. In particular, it provides for a referral mechanism to ensure that victims of domestic violence, including persons with disabilities, can access the necessary legal, medical, psychological and social support and advisory services.

415. The Act contains groundbreaking provisions:

- The internal affairs agencies have a strict obligation to respond to all reports of domestic violence and not only those made by victims.
- A single type of restraining order has been introduced to replace the two previous ones: temporary restraining orders and court orders.
- For the first time, rehabilitation programmes are to be introduced to help perpetrators to change their violent behaviour.

416. The Act on the Procedure for Considering Citizens' Appeals prohibits the disclosure of information contained in citizens' appeals and information relating to a citizen's private life without their consent.

417. In accordance with the Act on Access to Information within the Jurisdiction of State and Local Government Bodies in the Kyrgyz Republic, information pertaining to private life is classified as confidential information containing the legally protected secrets of other people.

418. Under the Personal Information Act, personal data is to be handled in a manner that respects the rights to privacy and freedom of speech.



## Article 23

### Respect for home and the family

419. In accordance with article 20 of the Constitution, marriage and the family, motherhood, fatherhood and childhood are under the protection of the State. The law does not restrict the right to marry on the basis of disability.

420. In the Family Code, marriage is defined as an equal and voluntary union between a man and a woman, concluded with the free and mutual consent of the parties, under the procedure prescribed by law, for the purpose of founding a family, and giving rise to property and personal non-property relations between the spouses.

421. The age of marriage is 18 years for men and women. Where there are valid reasons for so doing, the age of marriage may be lowered by one year on the basis of a joint opinion from the local units of the competent State child protection agency. The law contains a list of persons who may not marry; the list does not include persons with disabilities.

422. Thus, all Kyrgyz citizens of marriageable age have the right to choose a spouse and marry without restriction.

423. The Criminal Code provides that the parents or persons in loco parentis of a person who has been married in a religious ceremony in contravention of the legislation on the legal age for marriage, the person who conducted the ceremony and an adult married to a minor in such a ceremony are liable to imprisonment for 3 to 5 years.

424. Under Kyrgyz law, persons with disabilities are not subject to any restrictions in matters relating to paternity, maternity and family planning services. This also applies to their right to determine the number of their children, to have access to family planning information and to retain their fertility under the same conditions as others.

425. There are legal provisions covering the upbringing of children without parental care: such children may be adopted or placed under tutorship or guardianship or in a foster family, or, as a last resort, they may be temporarily placed in an institution for orphans and children without parental care until they can be placed with a family.

426. Adoptions in Kyrgyzstan by citizens of the country, foreign nationals and nationals of States members of the Commonwealth of Independent States take place in accordance with the following:

- The Convention on the Rights of the Child
- The 1995 Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters
- The 1993 Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption (entered into force for Kyrgyzstan on 1 November 2016)
- The Children's Code
- The Regulations on procedures for the adoption of children by citizens of Kyrgyzstan and foreign nationals, approved by Government Decision No. 733 of 27 October 2015
- The Regulations on procedures for the creation and operation of State databases of children without parental care, approved by Government Decision No. 125 of 2 March 2010
- The Regulations on procedures for the accreditation in Kyrgyzstan of offices of foreign adoption agencies, approved by Government Decision No. 69 of 31 January 2018

427. Pursuant to article 44 of the Children's Code, foreign nationals may adopt children only if it is not possible to place them to be raised in a family of citizens or permanent residents of Kyrgyzstan or to be adopted by their relatives, regardless of the relatives' nationality or place of residence. Child adoption matters are decided by the courts.

**Information on adoption of children, including those with disabilities, in 2019–2021**

<i>Adoption</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
By citizens of Kyrgyzstan	700	636	751
By foreign nationals	13	7	9
<b>Total</b>	<b>713</b>	<b>643</b>	<b>760</b>

428. In order to enhance the role of the family, the State is developing alternative ways of raising children in a family environment. In 2021, 1,076 children, including children with disabilities, were placed under tutorship or guardianship, pursuant to a court decision, and 158 children, including children with disabilities, were being raised in 74 foster families, on the basis of an agreement.

429. In Kyrgyzstan, persons with disabilities have equal access to assisted reproductive technologies, on the same basis as other citizens. The Act on Human Reproductive Rights and Guarantees for Their Realization of 2015 establishes that a woman and a man, whether married or unmarried, have the right to use assisted reproductive methods and technologies where they have given mutual, informed and voluntary written consent to medical intervention. A single woman also has the right to use assisted reproductive methods and technologies where she has given informed, voluntary written consent to medical intervention.

430. In accordance with the Family Code (art. 71), a parent living apart from his or her child has the right to have contact with the child, to be involved in the child's upbringing and to participate in decisions on the child's education and other matters of importance to the child. The parent with whom the child is living must not prevent his or her contact with the other parent, provided that such contact does not cause harm to the child's physical or mental health or to his or her moral development.

431. The measures taken by Kyrgyzstan to ensure that not a single child is separated from his or her parents on grounds of the disability of either the child or one or both parents include enshrining in law the child's right to live and be raised in a family, to have contact with his or her parents and other relatives and to express his or her opinions (arts. 62 and 72). The child has the right to maintain ties with both parents, even if the parents live abroad.

432. The Government Family Support and Child Protection Programme for the period 2018–2028 was adopted by Government Decision No. 479 of 14 August 2017 to support, strengthen and develop the institution of the family, improve family well-being and protect the rights and interests of children and is now being implemented. The Programme is aimed at developing alternative services for children and families in difficult circumstances, including children with disabilities, and at reforming residential institutions for children.

433. The Framework Policy on Spiritual and Moral Development and Physical Education for the period 2021–2026 was approved to further enhance the quality of spiritual and moral education, revive folk traditions and create conditions conducive to the formation and development of spiritually rich and moral individuals, as part of efforts to implement Presidential Decree No. 313 of 24 July 2021.

434. Against a backdrop of rapid changes in the knowledge, outlook and awareness of the people, it is important to educate the country's citizens on the basis of national and universal values and to form a national and civic identity and a civic culture.

## **Article 24**

### **Education**

435. Kyrgyzstan recognizes the right of persons with disabilities, on an equal footing with others, to education, on a basis of equality of opportunity, without discrimination, at all levels and throughout the life cycle.

436. In accordance with the Constitution, all citizens are guaranteed free primary and secondary education at State schools. Citizens are entitled to receive free higher education, on a competitive basis, in a State higher education establishment.

437. The Education Act of 2003 establishes the child's constitutional right to education regardless of social or property status, ethnicity or religion and guarantees free primary and lower secondary education and vocational training and, on a competitive basis, free higher education. A number of special laws and regulations guarantee the rights of children in difficult circumstances, for example refugee children, children with disabilities and children without parental care.

438. One of the main priorities in the field of education is to maintain the level and quality of education. School education is the main component of the education system and comprises three stages: primary, lower secondary and upper secondary general education. In recent years, school education has become more diverse in terms of the type of school and form of ownership.

439. According to the National Statistics Committee, at the beginning of the 2020/21 school year, there were 2,300 full-time general education establishments in the country, 60 more than in the 2016/17 school year. Along with regular general education establishments, there are establishments offering advanced study of various subjects, including gymnasiums (secondary schools specializing in the arts and humanities) and lycées (secondary schools specializing in the sciences). There are currently 424 such establishments (compared to 409 in the 2016/17 school year), with a total enrolment of about 335,000 students. About 183,000 children study in 141 gymnasiums and more than 43,000 children study in the 64 lycées.

440. Over the past five years, the Republic's higher vocational education system, which provides training for specialists of different qualification levels and scientific and teaching personnel in educational establishments such as universities, academies and institutes, has seen an increase in the number of establishments, from 50 to 57 (14 per cent). In the 2020/21 academic year, private educational establishments accounted for about 30 per cent of the total number of higher vocational education institutions, and the students studying in them for more than 13 per cent of all students. Meanwhile, the admission of students to higher vocational education institutions in the 2020/21 academic year increased by 2.2 times compared to the 2016/17 academic year.

441. As a result of the measures taken in recent years to maintain the infrastructure and regularize the funding of preschools, their number increased from 1,296 in 2016 to 1,648 in 2020 and the number of children in preschools increased by 1.1 times compared to 2016, reaching 196,100 in 2020. At the same time, despite a steady increase in the number of children under the age of 7 attending preschools, the proportion remains low and currently stands at 22 per cent on average in the country. The number of full-time general education schools increased from 2,236 in 2016 to 2,296 in 2020, while the number of secondary vocational education institutions fell by 2 per cent over the period.

442. The following initiatives are being introduced in the education system: electronic kindergarten waiting lists, electronic enrolment of children in grade 1, pilot sites for multilingual education, innovative schools, State and independent accreditation, digital educational platforms offering extended activities for schoolchildren and a national repository of open educational resources. Internet coverage in schools has reached 99 per cent. Teachers' salaries are equal to the national average wage. Private kindergartens and schools are exempt from business tax.

443. In the 2019/20 school year, five online professional development courses for schoolteachers were introduced. A regional educational cluster of professional development institutions is being created; this cluster will expand its activities to ensure the quality of professional development through networking.

444. The ratification of the Convention on the Rights of Persons with Disabilities in 2019 led to the launch of new reforms, particularly in the education system. The Framework and Programme for the Development of Inclusive Education for the period 2019–2023, which form the basis for introducing a systematic approach to upholding the right to education of

children with disabilities, were prepared and then approved by Government Decision No. 360 of 19 July 2019 on issues relating to the development of inclusive education. The Framework and Programme consist of a vision and the necessary measures for organizing the education of children with disabilities in the country's educational establishments.

445. Work is under way to refine the existing legislative framework taking into account the educational needs of children with disabilities, to conduct a broad campaign to raise awareness of inclusive education, to introduce measures to support children in the educational process through the establishment of various services, to train a new level of specialists, to upgrade the skills of teaching staff, to create training and resource centres focusing on the education and upbringing of children with disabilities, and to introduce the position of nurse in general education establishments to provide medical care to children who were previously deemed unsuited to education in mainstream schools.

446. In parallel with the creation of a legal and regulatory framework, active efforts are being made to publish textbooks for students with disabilities; for example, textbooks in Braille and flat enlarged print have been produced, audio educational materials for children with total visual impairment are being published and a special smart class for such persons has been opened at a higher education establishment.

447. Reconstruction, reinforcement and major repair work on existing schools is carried out each year to ensure barrier-free access to schools for children with disabilities, under the State programmes adopted in that regard. In addition, when new educational facilities are commissioned, due regard is given to the requirements of children with disabilities.

448. New provisions have been introduced in the Education Act concerning the following: respect for the rights of persons with disabilities at all levels of the education system (arts. 3, 4 and 7); the right of pupils and students to free use of information resources in educational establishments, including in accessible formats for persons with disabilities and children with disabilities; the provision of textbooks, teaching materials and teaching aids, including for learners with disabilities (art. 7); and the organization of educational support for children with disabilities in educational establishments and the teaching of children on the basis of individual learning plans.

449. Parents of children with disabilities have the right to choose their child's place of education – either a regular or a special education establishment – taking into account the recommendations of specialists.

450. There are 14 special preschools (1,775 children) and 18 special general education establishments (3,496 children) for the education of children with hearing, speech, vision or intellectual impairments. A total of 5,496 children with speech, intellectual, locomotor, mental, hearing or vision impairments are covered.

451. Home-based education has been organized for 767 children with severe impairments. For children with mild impairments, remedial classes have been opened in six mainstream schools in Bishkek and four schools in Issyk-Kul Oblast, where 347 children are taught using an individualized approach. The total enrolment is 7,296 children aged from 3 to 18 years.

452. In order to ensure effective control of diabetes mellitus in schools for children with the condition, a manual for staff of general education establishments on supporting children with diabetes mellitus was developed and approved by order of the Ministry of Education and Science and booklets for students and teachers on diabetes mellitus were prepared.

453. The National Professional Development Institute has devised a 2-hour module on inclusive education, which is conducted during skills upgrading for all teachers of general education establishments. In addition, 72-hour and 36-hour professional development courses for educators on the education and upbringing of children with disabilities have been developed.

454. With the support of NGOs, training seminars have been organized for teachers, social educators and deputy directors. A total of 7,726 people have taken part in seminars, training sessions and other activities on the education and upbringing of children with disabilities over the past two years.

455. There are currently three resource centres for inclusive education and three psychological, medical and educational support services in mainstream general education establishments, where 380 children have received psychological and educational support services over the past few years.

456. Ramps have been built at 74.1 per cent of general education establishments (out of 2,289) and 43.2 per cent of preschools (out of 1,617) to provide access to the buildings for children with locomotor impairments.

457. There are 16 educational establishments with rehabilitation units for persons with disabilities in the initial vocational education system, with 282 students. Refurbishments have been carried out at 41 educational establishments and 33 dormitories (fitting or replacement of handrails, ramps, toilets, showers and other such features). Fifteen programmes have been developed to train persons diagnosed with mixed developmental disorders (F83) in occupations such as hairdressing, sewing, cookery and electrical and gas welding.

458. The Education Act establishes quotas for vocational education for persons with disabilities. Thus, when approving the list of specialized training courses and the number of students to be admitted to such courses with State educational grants, the Cabinet of Ministers sets a quota of grant-funded places to be set aside for persons with category I or II disabilities, orphans and children without parental care.

459. In addition, in order to expand access to higher education for persons with disabilities, in 2021 the Ministry of Education and Science lowered the threshold scores for the enrolment of persons with category I or II disabilities in the country's higher education establishments, with the exception of the scores for enrolment in medical and pharmaceutical specialisms.

460. The number of students with disabilities enrolling in higher education establishments under the quota system is increasing incrementally: in the 2016/17 academic year, there were 14; in 2017/18, 13; in 2018/19, 16; in 2019/20, 16; and, in 2020/21, 17 (mainly in courses in the medical, technical and educational fields and in social work training). Half of initial vocational education institutions have been refurbished to meet the needs of persons with disabilities.

461. Pursuant to Government Decision No. 718 of 30 December 2019, amendments were made to the model State educational standards for higher and secondary vocational education, including with regard to the specific aspects of providing educational services for persons with disabilities. In particular, it is stipulated that educational establishments must provide persons with disabilities (at their request) with the opportunity to study according to a basic educational programme that takes into account the specific features of their psychological and physical development and their individual capabilities while ensuring that they receive treatment for developmental defects and social adaptation training. In addition, educational establishments have the right to educate persons with disabilities according to an individual study plan and, if necessary, to extend the length of their studies compared with the period established for the form of education in question.

462. The issue of psychological and educational support for children with disabilities remains a problem in the roll-out of inclusive education.

463. As part of efforts in this regard, in the period 2022–2023 medical rooms will be opened and equipped in each school and positions of nurse will be introduced (between 0.25 and 1 full-time equivalent). It is also planned to gradually introduce positions of special educator in educational establishments.

464. Systematic work is being carried out to involve children with special educational needs in out-of-school clubs, sporting and creative activities.

## **Article 25**

### **Health**

465. Article 43 of the Constitution states that everyone has the right to healthcare and health insurance. The terms and conditions of health insurance are defined by law.

466. The State must create conditions in which medical care is accessible for everyone and must take measures to develop State, municipal, private and other healthcare organizations. Citizens have the right to use the network of State healthcare organizations free of charge. Medical care, including care provided on preferential terms, is funded by the State up to a guaranteed amount, as provided for by law.

467. One of the Sustainable Development Goals is to ensure healthy lives and promote well-being for all at all ages. The main standards with regard to medical rehabilitation and healthcare for persons with disabilities are contained in the Public Healthcare Act of 2009, which is aimed at improving the health of the population by increasing access to public health services and furthering the protection and promotion of health in society as a whole.

468. The implementation of State policy in the field of healthcare is based on the following principles: upholding citizens' equal right to safe, effective and quality medical care; ensuring a guaranteed amount of free medical care; ensuring the accessibility of medical care; and providing socially oriented healthcare aimed at meeting the needs and requirements of the population and improving quality of life.

469. Any medical intervention is carried out on the basis of the informed voluntary consent of the person concerned. In the case of a person declared under the legally established procedure to lack dispositive capacity, the right to give informed voluntary consent may be vested in his or her legal representative only if such a person, owing to his or her condition, is unable to consent to the medical intervention.

470. The Act on Rights and Guarantees for Persons with Special Needs sets out the guarantees of protection and assistance that are accorded to persons with disabilities, in addition to measures aimed at protecting public health, preventing disability and creating conditions conducive to the integration of persons with disabilities into society.

471. Persons with disabilities and their families benefit from:

- Medical care within the framework of the Programme of State Guarantees for the Provision of Healthcare
- Free of charge prosthetic and orthopaedic devices
- Activities for the protection and promotion of health and the development of healthy lifestyles

472. The following healthcare measures are being carried out: early diagnosis of congenital pathology; development of neonatal surgery; provision of medical care for patients with cancer; early detection and treatment of tuberculosis; screening for HIV and hepatitis C infection; vaccination of children and adults; and introduction of alternatives to inpatient care (day hospitals).

473. A preventive vaccination schedule for children and adults was approved by Ministry of Health Order No. 1131 of 23 December 2019 to implement the Immunoprophylaxis of Infectious Diseases Act of 2001, which is aimed at maintaining a high level of preventive vaccination coverage and reducing morbidity and mortality from dangerous vaccine-preventable infections; compliance with the schedule ensures maximum safety and protection from infections for children, families and society.

474. Under the updated national preventive vaccination schedule, 12 individual vaccines are used against 13 vaccine-controllable infections.

475. In accordance with article 17 of the Act on Rights and Guarantees for Persons with Special Needs, persons with disabilities have the right, on an equal footing with others, to a guaranteed amount of medical care, funded from the budget, which includes preventive, diagnostic and therapeutic medical services, as well as to receive paid medical and other services, including under voluntary medical insurance contracts.

476. As part of the guaranteed amount of free medical care, persons with disabilities are entitled, if indicated, to expensive diagnostic tests.

477. Drugs are provided in outpatient clinics in accordance with the list of medicines and medical devices approved for provision free of charge as part of the guaranteed amount of

free medical care at the outpatient level, which covers specific diseases and specialized therapeutic products. Today, the list includes more than 400 different medicines for 49 medical conditions.

478. Medicines available free of charge under the Programme of State Guarantees for the Provision of Healthcare are dispensed on prescription to all persons on the outpatient register for their place of residence, including persons with disabilities.

479. The list of categories of citizen entitled to receive healthcare free of charge or on preferential terms under the Programme of State Guarantees includes persons with category I or II disabilities due to work-related injury or occupational or general illness, persons with visual or hearing disabilities, persons who have had disabilities from childhood and children aged up to 18 years with disabilities.

480. The programmes at institutes of higher medical education, both those at the bachelor's, master's and doctorate levels and the further education programmes, include thematic lectures on the classification and criteria of the International Classification of Functioning, Disability and Health. The lectures cover both general issues relating to the International Classification and individual medical conditions.

481. The increase in the number of persons with disabilities is primarily due to population growth. Kyrgyzstan has seen a gradual increase in the population, from 4.4 million in 1990 to 6.6 million in 2020. The total number of children with disabilities in the country rose from 22,400 in 2010 to 32,000 in 2020. The child disability rate increased from 6.44 to 7.44 per 1,000 children between 2010 and 2018.

482. Regarding the structure of disability by class of disease among the adult population, diseases of the cardiovascular system are the leading cause of disability; they accounted for 22.8 per cent of all newly registered cases of disability in 2020 and 22.4 per cent in 2019.

483. In second place are malignant neoplasms, which accounted for 12.8 per cent of such cases in 2020 and 12.2 per cent in 2019.

484. In third place are injuries of all kinds, accounting for 10.6 per cent of newly registered cases in 2020 and 11.4 per cent in 2019.

**Distribution of disability by type (class) of disease among adults newly registered as having a disability in 2019–2020**

<i>Disease type</i>	<i>2019</i>		<i>2020</i>	
	<i>Total</i>	<i>%</i>	<i>Total</i>	<i>%</i>
Disorders of the circulatory system	2 474	22.4	2 000	22.8
Injuries of all kinds	1 259	11.4	950	10.6
Disorders of the sensory organs, including:	610	5.5	367	4.1
Eyes	587	5.3	335	3.8
Ears	19	0.1	32	0.2
Malignant neoplasms	1 353	12.2	1 132	12.8
Mental health disorders	650	5.8	528	5.6
Tuberculosis	488	4.4	348	3.9
HIV/AIDS	26	0.2	25	0.2
Other conditions	4 175		3 041	
<b>Total</b>	<b>11 035</b>		<b>8 758</b>	
Rate of new registrations		27.1		21.5

485. When comparing the figures for 2020 with those for 2019, a big difference can be seen; this is primarily due to the introduction of quarantine measures and emergency regulations in connection with COVID-19. In accordance with Government Order No. 123-r of 10 April 2020, re-assessments were conducted by means of a desk review, without

in-person participation by persons with disabilities, and with no changes being made to their category of disability. As can be seen from the table, the number of re-assessments conducted was almost at the same level. After the quarantine was lifted, the work of the medical and social assessment commissions returned to normal, and off-site meetings were resumed.

486. In the four years from 2016 to 2019, an average of nearly 11,000 adults each year were newly assessed as having a disability, with the number dropping to about 9,000 in 2020. The rate per 10,000 population decreased from 18.3 per cent in 2016 to 13.2 per cent in 2020. Of all individuals newly registered as persons with disabilities, more than 44 per cent were women and more than 95 per cent were of working age.

487. In 2020, among those newly registered as persons with disabilities, the largest proportion were persons with category II disabilities (about 72 per cent, compared to 69.5 per cent in 2016) and the smallest were persons with category I disabilities (about 13 per cent, compared to over 11 per cent in 2016).

488. According to official statistics from the Electronic Health Centre of the Ministry of Health, in 2019, 99,679 adults and 27,312 children with disabilities (individuals aged from 0 to 17 years, 11 months and 29 days) were under medical supervision. It should be noted that an additional 2,500 persons with disabilities seek medical care at family medicine centres each year.

489. According to data from the National Statistics Committee, there are 185 hospitals, 49 family medicine centres with 543 family doctor group practices, 16 legally independent family doctor group practices, 1,057 nursing and midwifery units, and 141 ambulance stations across the country.

490. The Public Healthcare Act is aimed at ensuring public health and well-being and enshrines State guarantees with respect to the implementation of citizens' constitutional rights to healthcare and an environment conducive to good health.

491. In accordance with the HIV/AIDS Act, persons living with HIV/AIDS who have been assessed as having a disability are awarded a disability pension or, where they are not entitled to a pension, a social benefit, as provided for by law.

492. One of the parents of a child under the age of 14 years living with HIV/AIDS, or the person actually caring for such a child, is entitled to stay with them in hospital, with payment of an allowance for temporary incapacity for work under the legally established procedure.

493. Discrimination against and stigmatization of persons living with HIV/AIDS and persons affected by HIV/AIDS, as well as infringement of their legitimate interests, rights and freedoms on the basis of their HIV infection, are prohibited.

494. It is not permitted to refuse to conclude or to terminate an employment contract with such a person, except in certain types of professional activity established in a special list, or to refuse such a person admission to an educational establishment or healthcare institution.

#### Number of new cases of HIV infection

<i>Indicator</i>	<i>2019</i>	<i>2020</i>
<i>Male</i>		
Persons who are HIV-positive or have AIDS	451	359
<i>Transmission route:</i>		
Parenteral	107	44
Sexual	276	263
Mother-to-child	14	5
<i>Female</i>		
Persons who are HIV-positive or have AIDS	337	277
<i>Transmission route:</i>		
Parenteral	1	5



<i>Indicator</i>	<i>2019</i>	<i>2020</i>
Sexual	289	228
Mother-to-child	4	6

495. The Protection against Tuberculosis Act (1998) is based on the generally recognized principles and rules of international law, which are an integral part of the legal system of Kyrgyzstan. Tuberculosis response measures are carried out by State agencies, within the limits of their powers, in line with the following principles: such measures should be provided free of charge, accessible to everyone and available to all citizens and stateless persons residing in Kyrgyzstan on an equal footing.

496. Children under treatment in a tuberculosis institution are given the opportunity to study under the primary and secondary education programme.

497. Persons with tuberculosis who are registered unemployed are provided with unemployment benefits for periods during which they are seeking work, including periods of temporary incapacity for work, in accordance with the legislation on employment promotion.

498. Parents of children under the age of 16 years who have tuberculosis and, accordingly, are registered as persons with disabilities, or the persons actually caring for such children have the right to:

- Stay with seriously ill young children in a tuberculosis institution
- Take annual leave at any time convenient for them or at specified times, in accordance with labour law

499. Tuberculosis vaccination of newborns and tuberculin testing are mandatory. Tuberculosis vaccination and tuberculin diagnosis are carried out within the time frames established in the national preventive vaccination schedule in accordance with the legislation on immunoprophylaxis.

#### **Number of active tuberculosis cases by sex and age**

<i>Indicator</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
<b>Total</b>	<b>5 249</b>	<b>5 096</b>	<b>3 518</b>
<b>Male</b>	<b>3 047</b>	<b>2 921</b>	<b>2 014</b>
0–6 years old (before 1996, 0–9 years old)	49	57	37
7–14 years old (before 1996, 10–14 years old)	101	113	58
15–17 years old (before 1996, 15–19 years old)	94	101	62
18–24 years old (before 1996, 20–39 years old)	646	597	367
35–44 years old	444	416	293
45–54 years old (before 1993, 40–59 years old; in 2002, 45–59 years old)	426	422	346
55–64 years old	381	395	270
65 years and older (before 1993 and in 2002, 60 years and older)	287	269	228
<b>Female</b>	<b>2 200</b>	<b>2 175</b>	<b>1 504</b>
0–6 years old (before 1996, 0–9 years old)	49	47	23
7–14 years old (before 1996, 10–14 years old)	105	84	57
15–17 years old (before 1996, 20–39 years old)	103	70	54
18–24 years old (before 1996, 20–39 years old)	436	432	272
25–34 years old	496	488	362
35–44 years old	273	285	181

Indicator	2018	2019	2020
45–54 years old (before 1993, 40–59 years old; in 2002, 45–59 years old)	236	203	145
55–65 years	225	261	197
65 years and older (before 1993 and in 2002, 60 years and older)	277	305	213

500. According to the National Statistics Committee publication *Living Standards of the Population 2016–2020*, in Kyrgyzstan, as in all States members of the Commonwealth of Independent States (CIS), mortality from diseases of the circulatory system, which annually cause more than half of all deaths (20,909 deaths or 52.3 per cent of the total number of deaths in 2020), has the greatest impact on changes in the overall mortality rate.<sup>5</sup> The overwhelming majority of such deaths (16,600 deaths, or 79.4 per cent of deaths from cardiovascular disease) occur in persons over working age.

501. The second most common cause of death is neoplasms (oncological diseases, accounting for 10.5 per cent of all deaths in 2020), which have remained at a high level, as in most CIS countries, for many years. Respiratory diseases are still among the top five leading causes of death (2,700 deaths, or 6.8 per cent of all deaths in 2020). According to the Population and Civil Registration Department under the Ministry of Digital Development, some 1,400 people died of pneumonia in 2020 (51.8 per cent of the total number of deaths from respiratory diseases). By comparison, some 600 people died of pneumonia in 2019 (33.6 per cent of all deaths from respiratory diseases). Thus, the mortality rate from pneumonia in 2020 compared to 2019 increased by 2.2 times. In addition, there were 2,400 deaths from COVID-19, which accounted for 6.1 per cent of all deaths in 2020. The highest COVID-19 mortality rate was observed among those over working age (63.8 per cent) who were immunocompromised and had chronic and age-related diseases.

502. In connection with the declaration by the World Health Organization of a pandemic of a new coronavirus infection, COVID-19, and the detection of the infection in the territory of Kyrgyzstan, emergency regulations were introduced, pursuant to Government Order No. 93-r of 22 March 2020, to ensure the safety of the population and the implementation of prompt measures to prevent mass disease.

503. In January 2020, a set of measures was taken in response to the situation caused by the outbreak of the coronavirus infection, including the establishment of an operational headquarters, the strengthening of public health and quarantine controls at all crossing points on the State border and the installation of thermal imaging cameras at Manas and Osh international airports to check arriving passengers. The Government developed an action plan for the organization of public health and disease control measures to prevent the importation and spread of COVID-19 in the country.

504. The National Headquarters was entrusted with the following functions: rapid response and implementation of measures to prevent further spread of the coronavirus infection in Kyrgyzstan, and coordination of the efforts and resources of State agencies and organizations. The National Headquarters maintains two dedicated offices for health and socioeconomic responses to COVID-19.

505. In order to strengthen disease control and quarantine measures, in early March 2020 changes were made to the standard operating procedures of the relevant State agencies, according to which all persons arriving from countries where cases of COVID-19 had been registered were divided into three categories. Depending on the category assigned, such persons were either permitted to enter the country or denied entry (in the case of foreign nationals) and were placed under observation or in quarantine (in the case of Kyrgyz citizens and foreign nationals); on 17 March, the decision was made to ban entry of foreign nationals. During the same period, a temporary restriction was imposed on cultural, sporting and other public events until the epidemiological situation with respect to COVID-19 improved.

<sup>5</sup> www.stat.kg; e-mail: nsc\_mail@stat.kg.

506. Distance learning was introduced to ensure continuity of education for schoolchildren and students. In connection with the transition of the education system to distance learning, hotlines were opened in each district and city education department to provide psychological assistance to learners and methodological support to teachers.

507. As of November 2021, a total of 181,882 COVID-19 infections had been reported since the start of the pandemic.

508. Disease control measures were taken to prevent the entry of the coronavirus infection in the residential care institutions of the Ministry of Labour, Social Security and Migration, where children with disabilities, persons with disabilities and older citizens reside. In 2020–2021, two wards of the State died of COVID-19 in such institutions.

509. According to the findings of the situation analysis on “Children and Adolescents with Disabilities in Kyrgyzstan”, conducted in 2021 by UNICEF, the centralized healthcare system guarantees access to a range of free services, prioritizing hospital and curative care (rather preventative), with significant regional imbalances in accessibility and quality.

510. The healthcare system is praised for promoting family medicine and prioritizing its funding. However, it is noted that problems such as overtreatment and hospitalization of children, underdevelopment and centralization of child and adolescent mental health, the lack of medical professionals in remote rural areas, the low level of qualification of medical personnel and equipment, heavy workload and high outflow of health providers persist.

511. According to the study, at the primary level, persons with disabilities are entitled to receive healthcare services provided by family doctor group practices, family medicine centres and a limited number of general practitioners’ centres. In small villages with a population of 500–2000 people, primary services are provided by nursing and midwifery services, often by middle-level health professionals only. With regard to the provision of health services for children with disabilities, it was reported that, regardless of registration, access to quality care services was low, as the current system remained focused on treating illness or disorders, which in turn posed difficulties for early identification and targeted family support measures.

512. One of the strategic priorities of the Cabinet of Ministers, specified in the national health and health system development programme 2019–2030, entitled “Healthy Person – Prosperous Country”, is to improve the quality of life and health for mothers and children, which contribute in every way to the health of the entire nation, and to provide quality services throughout the life cycle, including with a view to reducing rates of disability (primary and secondary), preventable diseases and disability by focusing on the social perspective.

## **Article 26**

### **Habilitation and rehabilitation**

513. The rehabilitation of persons with disabilities entails a set of medical, social and vocational measures aimed at eliminating or, potentially, fully compensating for the limitation of everyday activities caused by health conditions resulting in persistent impairment of body function.

514. The medical and social assessment of persons with disabilities and their rehabilitation are interrelated elements of a single expert rehabilitation system. The development of rehabilitation and habilitation is aimed at: refinement of the regulations governing the rehabilitation and habilitation system in the Republic; transition from a medical model to a social model of disability, using elements of the International Classification of Functioning, Disability and Health; early identification of and early intervention for children with congenital pathologies; effective implementation of individual rehabilitation programmes; and provision of rehabilitation services at the place of residence of persons with disabilities.

515. Existing rehabilitation centres in the healthcare system operate according to the same standards as conventional hospitals, using the International Statistical Classification of Diseases and Related Health Problems (ICD 10); modernization is needed, involving the

preparation of modern standards that apply elements of the International Classification of Functioning, Disability and Health and the updating of supplies and equipment. It is necessary to develop a national framework and put innovative rehabilitation and post-rehabilitation support, early rehabilitation care and medical technologies into practice.

516. In order to assess the needs of persons with disabilities and maximize the realization of their rehabilitation potential, the medical and social assessment commissions are developing individual rehabilitation programmes; these are documents defining the specific scope, type and timing of rehabilitation.

517. The medical and social assessment commissions monitor the implementation of individual rehabilitation programmes and evaluate the effectiveness of the measures carried out during regular examinations of persons with disabilities.

518. The effectiveness of the comprehensive rehabilitation measures set out in the medical part of individual rehabilitation programmes is evaluated by a multidisciplinary team from the medical institution concerned.

519. As a result of rehabilitation and treatment measures in the period 2018–2021, 589 persons were no longer classified as persons with disabilities, and 3,444 persons, owing to the partial restoration of impaired functions, were transferred to a different category of disability (from category I to category II or III, or from category II to category III).

520. Healthcare for persons with disabilities in all healthcare institutions is provided within the framework of the Programme of State Guarantees for the Provision of Healthcare. The category of citizens entitled to receive medical and healthcare free of charge or on preferential terms includes:

- Persons with category I or II disabilities due to work-related injury or occupational or general illness
- Persons with visual and hearing disabilities
- Persons who have had disabilities from childhood
- Children aged up to 18 years with disabilities

521. To ensure the comprehensive rehabilitation of persons with disabilities, a State-funded network of institutions has been established under the social protection system providing expert habilitation and rehabilitation services and comprising:

- The medical and social assessment commissions
- The National Prosthetic and Orthopaedic Centre, which has 1 branch
- A rehabilitation centre
- 48 units providing home-based social assistance for children with disabilities, persons over 18 with neuropsychiatric conditions and older persons

522. State-guaranteed special social services are provided to citizens free of charge, and additional services are provided on a paid basis. At the same time, it is now possible to choose the form of social services: inpatient, semi-inpatient (day-care units) or home care.

523. In order to comply with one of the main principles of social services, namely, keeping the person in the family, work is under way to:

- Expand the network of day-care centres for children with disabilities by outsourcing their operation to non-profit organizations
- Transform residential medical and social care institutions into social service centres

524. The list of conditions that result in a person's being classified indefinitely as having a category I disability has been expanded (persons who have had disabilities from childhood and have severe impairments of body function are included).

525. Work has begun on the development of criteria for a points-based system for establishing disability status on the basis of the International Classification of Functioning,

Disability and Health. The introduction of such a system will make it possible to objectively determine a person's state of health and establish their disability status.

526. In order to improve the quality of life of persons with disabilities through the provision of equipment and services, persons with disabilities in both urban and rural communities are supplied with:

- Special mobility aids (wheelchairs)
- Sanatorium treatment
- Prosthetic and orthopaedic care and assistive (compensatory) equipment
- Services of sign language specialists

527. To increase the mobility of persons with disabilities, and in the light of the range and volume of rehabilitation and habilitation services available, which are insufficient, work has begun on the development of occupational therapy services, which will enable persons with disabilities to improve their functional abilities and participate in community life. Educational standards for the training of personal assistants have been developed; such training includes fundamentals of occupational therapy, for example.

528. The Association of Professional Occupational Therapists was established in 2020 to develop occupational therapy as a new type of activity and improve the quality of life of persons with functional impairments (through rehabilitation of post-stroke patients, older persons and persons with disabilities, for example).

## **Article 27**

### **Work and employment**

529. The Constitution and the Labour Code define the basic principles with respect to the legal regulation of labour relations; these principles, which apply without distinction on grounds of disability, are as follows: everyone has the right to freedom of labour, to make use of his or her professional skills, to choose a profession or trade and to enjoy labour protection and working conditions that meet health and safety requirements, as well as the right to remuneration, to rest, to a limit on working hours, a minimum period of rest each week and paid annual leave and to other basic conditions as defined in the laws of Kyrgyzstan.

530. The necessary legal conditions have been established in Kyrgyzstan for persons with disabilities to exercise their right to work. In accordance with articles 314 and 315 of the Labour Code, quotas for the employment of persons with disabilities, to be set at a minimum of 5 per cent of employees (provided the number of employees is at least 20), must be developed by the agencies of the State Employment Service, with the participation of organizations of persons with disabilities, and approved by local government bodies and local State administrations. Part-time positions may count towards fulfilment of the quotas.

531. Under article 317 of the Code, shorter working hours – not more than 36 hours per week – must be established for persons with category I or II disabilities. At the same time, the length of the working day for persons with category I or II disabilities may not exceed 7 hours.

532. As provided for in the State Civil Service and Municipal Service Act of 2021, in 2020, 179 persons with disabilities, 83 of them women, worked in career positions in the State civil service, and 199 persons with disabilities, 58 of them women, worked in municipal services.

533. In 2019, there were 157 persons with disabilities in career positions in the State civil service, 75 of whom were women, and 191 persons with disabilities working in municipal services, 57 of whom were women.

534. The Labour Code does not allow termination, on the employer's initiative, of employment contracts concluded with single mothers with children under 14 years of age or with children with disabilities under 18 years of age.

535. When redundancies are made, workers with disabilities are given preference in terms of job retention, provided that their productivity and qualifications are the same as those of

other workers. Persons with disabilities working in specialized organizations for the employment of persons with disabilities have a priority entitlement to be retained at work regardless of their productivity and qualifications.

536. Termination, on the employer's initiative, of employment contracts concluded with persons with disabilities is not allowed, except in cases where an organization (legal entity) is being wound up, the employer (natural person) is ceasing his or her activities on health grounds, as confirmed in a medical report, or there has been a single gross violation of employment duties by the employee.

537. It is not permitted to establish, in collective or individual labour contracts, working conditions for persons with disabilities (remuneration, working hours, rest time and leave, among others) that result in a worse situation for them than for other employees.

538. Employees with disabilities may be sent on business trips if such work is not prohibited for them on medical grounds, and they have the right to refuse to be sent on business trips. Employees bringing up a child with a disability have the right to refuse to be sent on business trips if it is established on the basis of a medical report that the child with a disability requires constant care.

539. In order to ensure healthy and safe working conditions for persons with disabilities, State labour inspectorates have been tasked with organizing and carrying out measures to monitor compliance with the labour legislation in relation to persons with disabilities and taking the necessary action in response to violations, within the limits of their powers. State labour inspectorates issue orders to eliminate the violations they have identified.

540. The Employment Promotion Act of 2015 stipulates the obligation of the State to provide to unemployed citizens free of charge, through employment centres:

- Services aimed at finding suitable jobs and assistance with job placement, including through active measures to promote employment
- Counselling, information and social vocational guidance services for the purpose of choosing or changing an activity (profession)
- Social payments in case of job loss for persons who were participants in the compulsory social insurance system
- Targeted social assistance

541. In 2020, the workforce comprised 2,594,400 persons, of whom 2,445,200 were part of the active population and 150,200 were unemployed. The number of registered jobseekers as at 1 January 2021 was 98,700, of whom 76,700 were officially unemployed. The total unemployment rate was 5.8 per cent, and the official unemployment rate 3 per cent. Persons with disabilities accounted for 0.6 per cent of all jobseekers.

542. Over five years, the number of persons with disabilities who applied to employment agencies for work tripled, from 116 in 2012 to 187 in 2016. From 2016 to 2020, assistance with job placement was provided to 1,089 individuals with disabilities.

543. In 2020, 118 persons with disabilities were enrolled in vocational training, of whom 77 (65 per cent) were employed.

544. In the first quarter of 2021, of the 224 persons with disabilities who applied for assistance (including 96 women), 17 per cent (38 persons with disabilities) were placed in jobs, 12 per cent (27 persons with disabilities) were referred for vocational training and 20 per cent (45 persons with disabilities) for paid community service.

545. According to the National Statistics Committee, at the end of 2021, only 76,000 persons were officially registered as unemployed. At the end of 2019, the number of persons officially registered as unemployed was 76,100. At the end of 2020, the number was 76,600.

546. State support plays an important role in policies to create and retain jobs for persons with disabilities. The Cabinet of Ministers provides support to voluntary associations of persons with disabilities and organizations established by them within the framework of the legislation on State procurement.

547. The State supports private initiatives for the employment of persons with disabilities, including those with mental disabilities.

548. As part of public benefit projects implemented under the Government Social-Sector Procurement Act of 2017, in 2019–2020, a total of 10,323 people received social services, of whom 1,592 were persons with disabilities, including 788 children with disabilities.

549. The involvement of persons with disabilities in productive employment with State support will continue through the implementation of regional development programmes, which will have a positive impact on the labour market situation of persons with disabilities.

550. Kyrgyzstan is working to change and humanize attitudes in society towards persons with disabilities and to eliminate direct and indirect discrimination in employment. It is to be noted, however, that the infrastructure of many workplaces does not comply with universal design principles.

551. Kyrgyzstan is characterized by a high level of female employment. According to the integrated sample survey of households conducted by the National Statistics Committee in 2020, the number of women in work was 949,800, or 38.8 per cent of the total active population. The share of women in the active population is highest in the services sector and especially in activities such as real estate (95.8 per cent), education (78.8 per cent), health and social services (78.2 per cent).

552. Women predominate among employees engaged in the preparation of information and documentation, accounting and other services (61.3 per cent), among specialists with higher (65.2 per cent) and intermediate level (50.0 per cent) qualifications, and workers in the services sector, housing and utilities, and trade (49.7 per cent). The highest proportion of men was noted among equipment operators and maintenance engineers, plant and machine operators and assembly fitters (97.9 per cent), skilled workers in industrial enterprises, construction, transportation, communications, geology and subsoil exploration (77.2 per cent), skilled workers in agriculture, forestry, hunting, fish farming and fishing (57.8 per cent), and managers at all levels (52.6 per cent). The proportion of women in positions requiring higher and specialized secondary education is quite high, but their share in leadership positions is low. While women represent 38.8 per cent of the total active population, they account for 47.4 per cent of managers at all levels. The largest share of female managers is employed in healthcare, education, real estate, and information and communications. In addition, women hold lower paid positions than men and their wages are 75.4 per cent those of men's.

## Article 28

### Adequate standard of living and social protection

553. The Constitution affirms that Kyrgyzstan is a social State (art. 1). Every citizen is guaranteed a minimum wage and pension and old-age, sickness, disability, survivor and other social security benefits.

554. Over the past five years, expenditure from the State budget on social protection has accounted for an average of between 16 and 20 per cent of total expenditure, and the funds allocated for this budget item have increased every year. In 2020, the funds allocated for social protection were 1.4 times greater than in 2016 and amounted to more than 34 billion soms.

#### State budget expenditure on social protection

	2016	2017	2018	2019	2020
Expenditure (millions of soms)	25 009.6	26 922.4	30 374.4	32 763.6	34 376.5
As a percentage of GDP	5.3	5.1	5.3	5.3	5.7
As a percentage of total expenditure	16.5	16.2	19.2	19.5	20.0

555. The Act on Rights and Guarantees for Persons with Special Needs defines measures to ensure the social protection of those persons in all the areas envisaged by the Convention.

556. The State Benefits Act of 2017 sets out four types of State benefit:

(1) *Balaga suiunchu* is a lump sum payable on the birth of each child, irrespective of family income, in the amount of 4,000 soms. Since 1 December 2019, the amount of the lump sum payable in the event of multiple births (defined as the birth of three or more children at the same time) has been set at 50,000 soms per child.

(2) *Ui bulogo komok* is a monthly benefit payable to low-income individuals and families with children under the age of 16 provided that the average per capita household income is below the guaranteed minimum income level for each family member. The guaranteed minimum income is an indicator based on a calculation of fiscal space and the state of the economy; it is set on an annual basis by the Government, taking into account the minimum subsistence level, and is used to determine whether households are in need of the monthly benefit for low-income individuals and families with children under the age of 16. As at 1 January 2022, the amount of the guaranteed minimum income was 1,000 soms. A monthly benefit payment of 810 soms is granted to children under the age of 16.

(3) A monthly social allowance is payable irrespective of average per capita household income.

(4) A monthly allowance for children both of whose parents are unknown is payable to children whose birth certificates do not contain information about their parents, including children under full State support, in the amount of 2,000 soms (prior to 1 October 2021).

557. According to the National Statistics Committee, the number of State benefit recipients at the end of 2020 was 435,900. At the same time, 105,800 families, or 340,500 people, were recipients of the monthly allowance for low-income individuals and families with children, and 95,400 people were recipients of social benefits. Over the past five years, the number of recipients of the monthly allowance has increased by 12.3 per cent and the number of those receiving social benefits by 11.3 per cent.

558. The average monthly social allowance for a child with a disability at the end of 2020 amounted to 4,000 soms. However, that sum was only 88 per cent of the minimum subsistence level per child (4,532.95 soms per month on average).

559. Prior to October 2021, the following monthly social benefits were granted to persons with disabilities caused by general illness:

- Category I disabilities – 2,000 soms
- Category II disabilities – 1,500 soms
- Category III disabilities – 1,000 soms

560. All children with disabilities up to the age of 18 received the same amount of money, namely, 4,000 soms, with the amount of the allowance after children reached the age of majority varying from 1,000 to 4,000 soms, depending on the category of disability to which they were assigned by the medical and social assessment commissions.

561. Older people not entitled to receive a pension are those who have paid no or insufficient insurance premiums. Pensionable age should be as follows: men, 65 years old, and women, 60 years old (hero mothers, 55 years old).

562. Children born to mothers with HIV/AIDS receive allowances until they are 18 months old. Children with HIV/AIDS receive allowances until they reach the age of 18.

563. Funds are allocated annually from the national budget for the payment of monthly social benefits to persons not entitled to a pension, including persons with disabilities:

Type of benefit	2019 (thousands of soms)	2020 (thousands of soms)	2021 (thousands of soms)
Monthly social benefits	3 440 650.7	3 570 794.2	3 648 500.0



564. To give effect to Presidential Decree No. 373 of 1 September 2021 on increasing the amount of monthly social benefits for certain categories of citizen, the Cabinet of Ministers adopted Decision No. 211 of 11 October 2021, which provides for an increase in the amount of State benefits in two stages:

(1) From 1 October 2021, by 50 per cent;

(2) From 1 January 2022, by 100 and 200 per cent (relative to the State benefits payable prior to 1 October 2021).

565. Thus, State benefits are payable in the following amounts:

<i>Category of social benefit recipient</i>		<i>Prior to 1 October 2021</i>	<i>From 1 October 2021</i>	<i>From 1 January 2022</i>
1	Children born to mothers living with HIV/AIDS	4 000	6 000	8 000
2	Children with disabilities	4 000	6 000	8 000
3	Children who have lost one parent	1 000	1 500	2 000
4	Children who have lost both parents (200 per cent increase relative to the sum payable before 1 October 2021)	2 000	3 000	6 000
5	Persons who have had category I disabilities since childhood	4 000	6 000	8 000
6	Persons who have had category II disabilities since childhood	3 300	4 950	6 600
7	Persons who have had category III disabilities since childhood	2 700	4 050	5 400
8	Persons with category I disabilities	2 000	2 500	2 500
9	Persons with category II disabilities	1 500	2 000	2 000
10	Persons with category III disabilities	1 000	1 500	1 500
11	Hero mothers	2 000	2 500	2 500
12	Older persons	1 000	1 500	1 500
13	Monthly allowance for children whose parents are both unknown	2 000	3 000	6 000

566. In accordance with the State Pension Social Insurance Act (1997), insured citizens residing in Kyrgyzstan and paying insurance premiums are entitled to pensions funded from State pension insurance under the conditions stipulated by national legislation.

567. Men are eligible for an old-age pension at 63 years of age and women at 58 years.

568. To receive a full old-age pension on general grounds, men must have paid pension insurance premiums for 25 years and women for 20 years.

569. Insured persons may receive disability pensions, among other entitlements if, at the time they acquire a disability, they have been paying pension insurance premiums for one year in the case of those aged up to 23 years, two years in the case of those aged 23–26 years, three years in the case of those aged 26–31 years and five years in the case of those aged 31 years or over.

570. Women who have given birth to five or more children and raised them up to the age of 8 are entitled to an old-age pension when they reach the age of 53 and have paid pension insurance premiums for 15 years.

571. Mothers of children with disabilities who have raised them up to the age of 8 are entitled to an old-age pension when they reach the age of 53 and have paid pension insurance premiums for 20 years.

572. Expenses arising from the early retirement of persons specified in this paragraph, before they reach the generally established retirement age, are financed from the national budget.

573. In 2017, as part of the implementation of the Framework Policy for the Development of the Pension System of Kyrgyzstan, in order to improve the efficiency of the pension system and strengthen the contributory principles underpinning the allocation of pensions, laws were adopted providing for new standards for pension indexation, simplification of the procedure for verification of salaries for pension determination purposes and fixing of the pension for persons with category I disabilities at a level not lower than the subsistence minimum for pensioners during the previous year.

574. The total number of persons receiving an old-age pension in the Republic in 2020 was 691,500, with an average pension of 5,894 soms. The number of persons receiving disability pensions was 122,400, with an average pension of 4,945 soms. The subsistence minimum for pensioners in 2020 was 4,785 soms.

575. Over the past five years, the average pensions for old age and disability have increased by 1.2 times, and the average survivor pension by 1.1 times.

#### **Number of recipients of disability pensions**

<i>Disability</i>	<i>Number of persons (thousands)</i>	<i>Average pension amount (soms)</i>
Category I	10.4	6 690
Category II	89.4	5 205
Category III	22.5	3 143
<b>Total</b>	<b>122.4</b>	<b>4 953</b>

576. In order to support persons with disabilities, Kyrgyz legislation provides for full exemption from payment of insurance contributions for persons with category I or II disabilities who engage in individual entrepreneurial activity without having formed a legal entity and for persons with category I or II disabilities who own a land share in a small farm without having formed a legal entity.

577. In addition, in accordance with the Act on the State Social Insurance Contributions Rate, preferential rates have been established for employees with disabilities, regardless of the employer's type of ownership and registration, as well as for enterprises, institutions and organizations of the Kyrgyz Society of Blind and Deaf Persons and their employees.

578. In addition to the social benefits or pensions received, in the regions additional entitlements and preferences are funded from local budgets.

579. Local authorities, employers and other organizations have the right to provide additional types of social assistance.

580. The National Statistics Committee analysed the measurement of well-being on the basis of data from an integrated sample survey of household budgets and the labour force with quarterly coverage of 4,993 households. The results show that the consumer spending-based poverty rate for the country as a whole was 25.3 per cent in 2020, which represents an increase of 5.2 percentage points compared to 2017.

581. The value of the general poverty line in 2020 was 35,268 soms per capita per year, and the value of the extreme poverty line was 19,774 soms.

582. The poverty rate increased by 6.1 percentage points in rural areas and by 3.6 percentage points in urban areas.

583. In 2020, 1,678,000 persons were living below the poverty line, 73.7 per cent of them in rural communities.

## Article 29

### Participation in political and public life

584. Article 3 of the Constitutional Act on Presidential Elections and Elections to the Zhogorku Kenesh of 2011, guarantees the right of citizens to participate in elections from the age of 18 years, irrespective of origin, social, professional or property status, sex, race, ethnicity, language, attitude to religion, beliefs, place of residence or any other circumstances.

585. Restrictions on the exercise of political rights may be established only by the law; it is provided, in particular, that citizens who have been declared by a court to lack dispositive capacity may not vote, stand for election or serve as members of electoral commissions.

586. Women, on an equal footing with men, are provided with equal opportunities to exercise the right to vote and to stand for election to the offices of President of Kyrgyzstan and deputy of the Zhogorku Kenesh.

587. Voters take part, on an equal footing, in the election of members of local government bodies and each has an equal number of votes. Candidates are guaranteed equal rights and conditions to participate in elections.

588. The Central Commission for Elections and Referendums is constantly taking measures to give effect to electoral rights and to increase the participation of persons with disabilities in the political life of society.

589. Such measures include: amending the Constitutional Act on Presidential Elections and Elections to the Zhogorku Kenesh, the Constitutional Act on Referendums and the Local Council Elections Act to establish a procedure for registering voters with disabilities; introducing the concept of “voters with disabilities”; setting up mechanisms to map the needs of persons with disabilities; establishing standards of accessibility for polling stations; determining requirements for the provision of informational and campaign materials in special formats, including to facilitate voting and registration of candidates with disabilities; and fixing quotas for the nomination of candidates with disabilities for election to the Zhogorku Kenesh.

590. In order to give full effect to the electoral rights of persons with disabilities and make electoral processes more inclusive, the Commission, by its Decisions No. 216 of 17 November 2016 and No. 506 of 7 October 2016, adopted regulations, respectively, on upholding the electoral rights of certain categories of citizen in elections and referendums and on ensuring the realization of the electoral rights of citizens with special needs in elections and referendums.

591. Pursuant to Commission Decision No. 2 of 20 June 2019, a working group was established to improve the implementation of the electoral rights of citizens with disabilities. By the same decision, the Commission approved a plan for the working group for the period up to and including 2020. The working group included representatives of State agencies, members of civil society representing the interests of voters with disabilities, civic activists from among voters with disabilities and representatives of international organizations.

592. The members of the working group took part in monitoring the accessibility audit of polling places, in drafting amendments to the Commission’s regulations on persons with disabilities and in giving expert advice on draft informational materials.

593. Thus, in 2019–2020, the working group audited all polling stations. In February 2020, the proportion of polling stations equipped with ramps reached 43 per cent; in August, 65.7 per cent; in September, 79 per cent; and, in December, 83.4 per cent. In September 2021, the proportion of such polling stations increased to 85 per cent. At 185 sites, there is no need for a ramp. During 2020, work to install ramps and other accessibility works were carried out at the premises of 989 precinct electoral commissions. Braille signs drawing attention to a call button that may be used to summon assistance are displayed at the entrance of every polling station. To date, work to ensure access to polling places continues, including with a view to bringing them into line with accessibility standards.

594. To enable registration of voters in inpatient facilities, voters held in places of detention as suspects or accused persons and voters with disabilities, the State bodies responsible for

such institutions, as well as the competent body in the field of social development, are obliged to provide information to the Commission on the actual number of such voters as of 1 February and 1 August each year.

595. In order to ensure that voting is accessible, the relevant precinct electoral commission, together with the local units of the competent State social protection body, must map the needs of voters with disabilities not later than 60 calendar days before election day. The needs map is used to collect quantitative and qualitative data on voters with disabilities who require special arrangements in polling places, with all data shown in the manner approved by the Commission.

596. Each precinct electoral commission assesses the accessibility of polling places and the availability of informational materials. The needs map for voters with disabilities indicates whether a ramp is available at the entrance to the polling place.

597. In the 10 January 2021 early presidential election, the number of persons with disabilities covered by the needs map was 18,285, of whom 3,659 voted outside and 3,522 inside polling places.

598. In order to increase the number of persons with disabilities taking part in elections, joint efforts are being made with the Ministry of Digital Development to register biometrics. As part of needs mapping, social campaigns such as “Grab Your Neighbour”, “Volunteer Help” and “Social Taxi” are being launched.

599. In elections, tables, voting booths and ballot boxes, as well as information stands at polling stations, are set up in such a way (in terms of their height, width, depth and positioning) as to ensure their accessibility for voters who use wheelchairs or have difficulty moving independently.

600. Voting booths must be equipped with a place for filling in ballot papers (a table, shelf or stand, etc.) not less than 40 cm wide and 30 cm deep, located at a height above floor level of not more than 75 cm. All polling stations must have ballot paper templates in Braille (in the Kyrgyz and Russian languages) and magnifying glasses.

601. Concerning outreach to voters with disabilities during campaigning, elections and referendums, the Commission prepared and supplied each local election commission, precinct electoral commissions and voluntary organizations with informational materials in special formats: over 5,000 posters setting out measures to uphold the electoral rights of citizens with disabilities, in the Kyrgyz and Russian languages; more than 2,500 brochures on measures to implement the electoral rights of voters with disabilities; and more than 2,500 leaflets on voting procedures for voters with disabilities. Audio and video materials with sign language interpretation were posted on the Commission’s official website. The provision of information to persons with disabilities in special formats has become a regular practice.

602. Article 60 (3) of the Constitutional Act on Presidential Elections and Elections to the Zhogorku Kenesh stipulates the inclusion of at least two persons with disabilities on the list of candidates, one of whom must be included among the first 25 candidates on the list. In the 4 October 2020 elections to the Zhogorku Kenesh, 43 persons with disabilities were included on the lists of candidates. In the elections to the Zhogorku Kenesh held on 28 November 2021, 46 persons with disabilities were included on the lists of candidates from political parties.

603. During campaigns, elections and referendums, the Commission employs persons with disabilities in call centres and as experts in working groups.

604. As part of efforts to implement the electoral rights of persons with disabilities, the Commission works closely with representatives of civil society working on issues in relation to persons with disabilities.

605. In some regions of the country, representatives of non-profit organizations of persons with disabilities were included in electoral commissions.

## Article 30

### Participation in cultural life, recreation, leisure and sport

606. The Constitution proclaims the right of everyone, including persons with disabilities, to enjoy their native culture (art. 21).

607. The Culture Act of 2009 guarantees the right of citizens, including persons with disabilities, to engage in cultural activities by upholding their right to participate in cultural life, have access to cultural property and receive education in culture and the arts.

608. Citizens, including persons with disabilities, have the right to engage in creative activity in accordance with their capabilities; to this end, they are entitled to choose independently the sphere and forms of such activity and to receive appropriate vocational education. All citizens are guaranteed the right to enjoy cultural property.

609. In accordance with the Act on Rights and Guarantees for Persons with Special Needs of 2008, persons with disabilities have the right to priority service in cultural organizations. Local authorities must create conditions in which persons with disabilities have access to cultural events and entertainment, as well as physical education and sports facilities, and provide them with special sports equipment on a preferential basis.

610. State bodies, with the participation of voluntary organizations of persons with disabilities, are taking measures to involve persons with disabilities in the cultural life of society and to carry out sociocultural rehabilitation activities for them.

611. Under the Library Services Act (1998), library users who are unable to visit libraries owing to disability or old age have the right of access to library holdings.

612. Three libraries for persons who are blind or partially sighted, located in the cities of Bishkek, Karakol and Osh, are working to familiarize persons with visual impairments with the treasures of world and national literature.

613. In order to broaden access to new literary works, every year the rollout (procurement and delivery to cultural institutions) of modern adaptive technologies is increased, and purchases are made of new reading machines that convert printed text into sound or Braille displays, printers that convert flat printed text into raised dot text and screen access programs with speech synthesis.

614. In order to attract persons with disabilities to take an active part in physical education and sport, measures are being taken to comprehensively address issues related to the accessibility of physical education, recreational activities and sports facilities, the development of the legal and regulatory framework and the training of specialist coaches and teachers skilled in the rehabilitation of persons with disabilities.

615. The physical rehabilitation and social adaptation of persons with disabilities through adaptive physical education and sport are carried out in sports clubs, schools and sections for persons with disabilities, and physical education and sports organizations.

616. The organization of physical education and sport for persons with disabilities, training of staff, provision of methodological and medical support and the medical supervision of physical education and sport for persons with disabilities are entrusted to education, healthcare, social protection, physical education and sports agencies.

617. The competencies of the local authorities and the Ministry of Culture, Information, Sport and Youth Policy in the development of physical education and amateur and professional sports in Kyrgyzstan are regulated by the Paralympic Sports Act of 2016.

618. The Ministry ensures the implementation of State policy in the field of physical education and sport; it is responsible for the holding of national competitions, the training and participation of national sports teams comprising persons with disabilities in international sporting competitions, including the Paralympic Games, the Deaflympics and the Special Olympics World Games.

619. Following the signing of the Convention, a department for national sports and for work with persons with disabilities in sport was established within the Ministry. Local

authorities ensure that conditions are in place for access to sports facilities for physical education and sport, provide special sports equipment, open sports clubs, schools and sections, hold local sporting events and organize the training and participation of persons with disabilities in national sporting competitions.

620. There are 23 voluntary organizations in Kyrgyzstan carrying out activities in relation to disability sports.

621. Each year, around 15 major sporting events for persons with disabilities are held.

622. Thanks to the measures taken in recent years, there has been an increase in the number of persons with disabilities systematically engaged in physical education and sport (in 2018, 98 persons with disabilities for whom sport was not counter-indicated and, in 2020, 105 persons with disabilities engaged in amateur and professional sports).

## **Article 31**

### **Statistics and data collection**

623. The Official Statistics Act of 2019 regulates the organization and operation of the national statistical system and establishes the legal framework for the development, production and dissemination of official statistics.

624. Under this Act, official statistics:

- (1) Include statistical data providing a representative picture of economic, demographic, social and environmental mass phenomena in Kyrgyzstan;
- (2) Are to be developed, produced and disseminated in accordance with the provisions of the Act and the Fundamental Principles of Official Statistics and take into account internationally agreed statistical standards and recommendations;
- (3) Are referred to as official statistics in statistical programmes.

625. The National Statistics Committee collects information on persons with disabilities based on indicators such as the number of registered persons with disabilities by region, the number of children with disabilities, the number of individuals in residential care homes for children with disabilities, the number of individuals in residential care homes for older persons and adults with disabilities, the number of residential care homes for children with disabilities and the number of residential care homes for older persons and adults with disabilities.

626. A national population and housing census is planned for 2022. The questionnaire for the upcoming census includes questions on functional limitations developed by the Washington Group on Disability Statistics.

627. In addition, departmental statistical information on the implementation of the rights of persons with disabilities is maintained by other central State bodies, within the limits of their powers, and by local authorities.

628. Data are collected and published in accordance with the legislation on personal data and personal data protection.

629. Data are disseminated in official statistical (printed) publications of the National Statistics Committee and on official websites of State bodies.

## **Article 32**

### **International cooperation**

630. To ensure the fulfilment of international commitments under General Assembly resolution 70/1, "Transforming our world: the 2030 Agenda for Sustainable Development", adopted on 16 July 2020 at the high-level political forum on sustainable development of the Economic and Social Council, Kyrgyzstan submitted its first Voluntary National Review of

the Sustainable Development Goals, as approved by Government Order No. 211-r of 9 June 2020.

631. Kyrgyzstan is committed to implementing the 2030 Agenda for Sustainable Development. The Sustainable Development Goals have been incorporated into State policy and are reflected in the National Development Strategy for the period 2018–2040.

632. The National Development Programme for the period up to 2026, approved by Presidential Decree No. 435 of 12 October 2021, was developed as part of the National Development Strategy and is aimed at improving well-being; the principle of continuity based on the country's long-term strategic development goals continues to be embraced, with a focus on the person and emphasis on the fundamental obligation to "leave no one behind" with regard to the Sustainable Development Goals.

633. The principle of "leaving no one behind" is a fundamental obligation of the 2030 Agenda and has been the driving force for sustainable development in Kyrgyzstan in recent years.

634. The strategic framework underpinning the country's human-centred policy sets out a pathway for sustainable development for present and future generations, prioritizing the most vulnerable groups of the population.

635. Putting the obligation to "leave no one behind" into practice means, first and foremost, targeting the most vulnerable and making sure that policies and programmes are planned and implemented with progressive prioritization of those in greatest need.

636. To achieve the Sustainable Development Goals by 2030, Kyrgyzstan has set a key priority: ensuring that its policies are focused on human development. To this end, national plans are being implemented to guarantee legal and judicial protection for human and civil rights and freedoms, reduce inequality, eradicate poverty, mitigate climate change, reduce disaster risk, invest in human development, build skills and knowledge for all segments of society, create jobs and support healthy lifestyles, and promote gender equality.

637. International and regional organizations and agencies that cooperate actively with the Cabinet of Ministers in the fields of human rights and social protection carry out activities in the Republic, including organizations such as UNDP, the United Nations Population Fund (UNFPA), UNICEF, ILO, the World Health Organization (WHO), the Organization for Security and Cooperation in Europe (OSCE), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the International Committee of the Red Cross (ICRC), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the World Bank and the Asian Development Bank. A total of 27 United Nations agencies are active in the country.

638. The Cabinet of Ministers and UNDP carried out joint projects with a view to the ratification by Kyrgyzstan of the Convention and continue to work together to achieve the fullest possible implementation of the country's obligations in relation to the rights of persons with disabilities.

639. To integrate persons with disabilities into society, as well as to foster a tolerant attitude towards those persons, the International Day of Persons with Disabilities, proclaimed by the General Assembly at its forty-seventh session, in 1992, in a special resolution, is celebrated each year on 3 December.

640. To date, Kyrgyzstan has become a party to eight major universal international human rights instruments of the United Nations:

- The International Covenant on Civil and Political Rights
- The International Covenant on Economic, Social and Cultural Rights
- The Convention on the Elimination of All Forms of Discrimination against Women
- The International Convention on the Elimination of All Forms of Racial Discrimination

- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- The Convention on the Rights of the Child
- The Convention on the Rights of Persons with Disabilities
- The Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

641. The universal periodic review is regarded as an important mechanism for the effective monitoring and evaluation of the human rights situation in all United Nations Member States. The country underwent its third universal periodic review in January 2020 and plans to implement effectively the recommendations it accepted.

642. Since 2008, Kyrgyzstan has hosted the OHCHR Regional Office for Central Asia.

643. In December 2020, all special procedures of the Human Rights Council were granted a standing invitation to visit the country.

## **Article 33**

### **National implementation and monitoring**

644. Under the Constitution, the procuratorial authorities are responsible for supervising the precise and uniform implementation of laws and other legal and regulatory acts. The procuratorial authorities carry out criminal prosecutions, participate in court proceedings, supervise the enforcement of court decisions and exercise other powers provided for by the country's constitutional law.

645. Social protection functions in relation to persons with disabilities are entrusted to the Ministry of Labour, which ensures the development and implementation of State policy in the areas of labour, social security, employment, unemployment, social protection, social services (including for persons with disabilities), rehabilitation of persons with disabilities, and medical and social assessments.

646. The Ministry of Labour carries out its activities through subordinate bodies, in cooperation with central and local authorities, voluntary associations and other organizations.

647. The Cabinet of Ministers has a Council for Persons with Disabilities, which includes representatives of competent State bodies, organizations of persons with disabilities and civil society organizations working on disability issues.

648. The Chair of the Council is the Prime Minister of Kyrgyzstan, while its Vice-Chair is a representative of civil society.

649. The Council includes members of the Government, deputies of the Zhogorku Kenesh, heads of government agencies and local government bodies, and representatives of non-profit organizations. The Council meets on a quarterly basis.

650. The Ombudsman and the Ombudsman for Children's Rights serve as the independent mechanism for the protection of the rights of persons with disabilities.

651. Protecting and promoting the rights of persons with disabilities is a priority for the Ombudsman, who prepares a special report on human rights.

652. A summary analysis of complaints submitted to the Ombudsman is provided in the annual report on the Ombudsman's activities. In addition, problematic issues raised by persons with disabilities are foregrounded in the recommendations sent by the Ombudsman to State bodies.

653. The Act on Public Councils of State Bodies was adopted in 2014 to provide for public monitoring of the activities of State bodies and their officials and to ensure that public opinion is taken into account in decision-making, including in the development and implementation of State policy.



654. The Act laid down the goals, principles, legal and organizational framework for the establishment and operation of public councils as consultative and supervisory organs of State bodies (ministries, State committees and administrative departments), provided for safeguards with respect to the independence and openness of the councils and stipulated that their work should be conducted in the public interest.

655. Various State bodies provide assistance to organizations of persons with disabilities and organizations working to address the issues facing those persons. The forms of such cooperation include the following: providing access to certain bodies or institutions, including closed institutions; enabling legal, social, medical and other projects for persons with disabilities to be carried out; preventing discrimination; and facilitating the implementation of the Convention in national law and practice. Through cooperation with civil society organizations, State bodies receive independent assessments and recommendations regarding measures that must be taken.

## Conclusion

656. During the preparation of the initial report of Kyrgyzstan on the implementation of the Convention in the period 2019–2021, the progress made in that regard was noted. State bodies, non-profit organizations and organizations of the United Nations system have been involved in monitoring and evaluating the implementation of the Convention.

657. Gaps and priority areas have been identified, and it is recognized that additional efforts are required. This points to the need for further localization of the Convention and the establishment of a system of local ownership, which should be expanded.

658. The commitment of Kyrgyzstan to the State's sustainable development priorities remains an important principle.

659. The long-term priorities of Kyrgyzstan in protecting the rights of persons with disabilities are reflected in the State's strategic documents on the country's development, the Act on the Principles of Social Services in the Kyrgyz Republic, the Act on Rights and Guarantees for Persons with Special Needs and other legislative acts aimed at improving the quality of life of persons with disabilities and eliminating various barriers to their participation in society. The next steps have been determined accordingly:

- Removal of obstacles and barriers to accessibility for persons with disabilities (through systematic provision of reasonable accommodation and universal design)
- Work to improve the types of social support available
- Development of social services at the local level
- Development and expansion of rehabilitation services
- Implementation of an early identification and intervention programme
- Promotion of inclusive policies, including gender-sensitive policies