



Economic and Social Council

Distr.: General
30 August 2023
English
Original: Russian
English, French, Russian and
Spanish only

Committee on Economic, Social and Cultural Rights

Seventy-sixth session

9–27 September 2024

Consideration of reports: reports submitted by States parties
in accordance with articles 16 and 17 of the Covenant

Replies of Kyrgyzstan to the list of issues in relation to its fourth periodic report*

[Date received: 18 July 2023]

* The present document is being issued without formal editing.



Information concerning the list of issues of the Committee on Economic, Social and Cultural Rights in relation to the fourth periodic report of Kyrgyzstan (E/C.12/KGZ/Q/4)

1. The preparation of information for the list of issues in relation to the fourth periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights prepared by the Committee on Economic, Social and Cultural Rights on 4 April 2022 was based on statistical data and other information from ministries and departments under the guidance of the Chair of the Coordinating Council on Human Rights attached to the Cabinet of Ministers.
2. The information includes an analysis of the legal framework, statistical data and other information relating to the fulfilment of obligations to implement the provisions of the Covenant.

A. Replies to list of issues prior to reporting

Replies to the issues raised in paragraph 1 of the list of issues

3. Under article 6 (3) of the Constitution, adopted on 11 April 2021, the generally recognized principles and rules of international law and international treaties that have entered into force in accordance with national law form an integral part of the legal system. The procedure and conditions for the application of international treaties and the generally recognized principles and rules of international law are determined by law.
4. The second section of the Constitution was drafted in accordance with the Covenant and consists of six chapters and 43 articles, as follows:
 - Chapter I. General principles, comprising 2 articles
 - Chapter II. Personal rights and freedoms, 12 articles
 - Chapter III. Political rights, 3 articles;
 - Chapter IV. Economic and social rights, 11 articles
 - Chapter V. Nationality rights and duties of a citizen, 4 articles
 - Chapter VI. Guarantee of human and civil rights and freedoms, 11 articles
5. For the first time, a full-scale review of all laws was conducted in accordance with Presidential Decree No. 26 of 8 February 2021 on the conduct of a review of Kyrgyz legislation.
6. The rapid pace of rule-making in recent years, caused by repeated amendments to both the Constitution and the entire legal and regulatory framework, and various reforms that have taken place, have given rise to a number of problems both in the legislation itself and in the practice of its application. A review the entire legislative framework was therefore overdue.
7. An interdepartmental expert group was established to conduct the review by Government Order No. 55-r of 10 March 2021, including six groups divided into the following sectors:
 - (1) Principles of the system of government and international relations;
 - (2) Justice and law enforcement;
 - (3) Social development, health, labour, education, science, culture and sport;
 - (4) Economic and financial matters;
 - (5) Transport, communication, architecture, construction, energy, industry, fuel and energy complex, and digitalization;
 - (6) Agriculture, water management, regional development and environmental science.

8. A review of 356 laws in the period 1990–2020 was conducted. To date, some 330 bills have been prepared and are actively being put forward.

9. To date, the statistics on the bills put forward are as follows:

- (1) In preparation, 38;
- (2) Under public debate, 11;
- (3) Under negotiation with public bodies, 32;
- (4) Under consideration by the Office of the President, 41;
- (5) Under consideration by the Zhogorku Kenesh, the parliament of Kyrgyzstan, 85.

Of them, 123 laws were passed.

Replies to the issues raised in paragraph 2 of the list of issues

10. As part of the implementation of Presidential Decree No. 147 of 8 August 2012 on measures to improve justice, work was carried out to further reform the judicial system. However, despite the ongoing reform of the judiciary, the effectiveness of the justice and law enforcement system has been criticized by civil society.

11. In this regard, the Presidential Council for the Improvement of Judicial and Law Enforcement Activities was established by Presidential Decree No. 83 of 31 March 2021. In the Council, expert working groups carried out work on improving judicial and law enforcement activities, drafting relevant laws and regulations and other measures. The following steps have been taken as a result of the reform:

- (1) New laws and codes have been adopted;
- (2) Staffing of the judiciary has been renewed by 70 per cent;
- (3) Basic infrastructure has been restored.

12. Constitutional Act No. 134 of 15 November 2021 on the Supreme Court and Local Courts was adopted to improve the judicial system. Work is also under way on digitalization to manage and store documents in a digital database. Furthermore, the most significant achievement in promoting true reforms will be the introduction of audio and video recording of court proceedings.

13. According to article 95 (1) of the Constitution, judges are independent and subject to the Constitution and laws. Courts are guided by the Constitution and legislative acts in making their decisions.

Replies to the issues raised in paragraph 3 of the list of issues

14. Under article 109 of the Constitution, parliamentary control over the observance of human and civil rights and freedoms is exercised by the Ombudsman (Akyikatchy). The Ombudsman currently operates under the Ombudsman (Akyikatchy) Act, No. 136 of 31 July 2002.

15. In order to strengthen the Ombudsman's control over the protection of human and civil rights and freedoms proclaimed in the Constitution and laws and the international treaties and agreements that have been ratified, a draft constitutional law on the Ombudsman of Kyrgyzstan has been drawn up in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The above-mentioned bill is currently under examination and will be submitted to the Zhogorku Kenesh under the established procedure.

Replies to the issues raised in paragraph 4 of the list of issues

16. In order to mitigate the impact of the coronavirus disease (COVID-19) pandemic on the enjoyment of economic, social and cultural rights, particularly among the most disadvantaged and marginalized individuals and groups, the following measures have been taken to ensure universal and equitable access to diagnosis, treatment and immunization:

- Free testing for all citizens
- Treatment of patients in specialized medical facilities
- Vaccination of the population
- Establishment of mobile units to deliver medical care to remote areas
- Establishment of special centres with the necessary equipment to treat patients
- Provision of medical and personal protective equipment for medical workers in health-care centres
- Construction of new experimental prefabricated isolation hospitals in Bishkek, Osh and Naryn
- Performance of major repairs to nine hospitals
- Provision of blood gas analysers to 67 hospitals
- Provision of centralized liquid oxygen supply systems and gasifiers to 27 hospitals
- Provision of humanitarian assistance to 551,000 vulnerable families
- Information campaign on the importance of testing, treatment and immunization

17. In addition, work has been done on amending legislative acts:

- (1) Act No. 123 of 23 December 2022 amending the Labour Code was adopted, in particular articles 54, 58 and 3601–3605 in which provisions on the legal regulation of telecommuting were added;
- (2) In order to ensure the timeliness of social support to vulnerable groups in states of emergency or emergency situations, the Cabinet of Ministers adopted a decision amending the Government Decision No. 307 of 29 June 2018 on the implementation of the State Benefits Act, providing for the acceptance of applications and documents for the issuance of benefits in electronic format.

Replies to the issues raised in paragraph 5 of the list of issues

18. In order to coordinate the activities of State executive authorities, local self-government bodies and other stakeholders, and to develop a coordinated State policy in the field of climate change and green economy, on 30 January 2020 the Government established the Coordination Council on Climate Change, Environment and Green Economy Development. The work of the Coordination Council is supported by a secretariat, the Climate Finance Centre. The Centre is tasked with coordinating the activities of all climate change stakeholders.

19. The Centre currently acts as a liaison with major international climate funds – the Climate Investment Funds, the Green Climate Fund, the Adaptation Fund and the Global Environment Facility – and other international and non-profit organizations.

20. In order to fulfil the country's emissions reduction commitments under the Paris Agreement, it is currently implementing a number of climate projects:

- (1) Building the capacities of vulnerable food-insecure communities through climate services and diversification of climate-sensitive livelihoods;
- (2) Carbon sequestration through climate finance for forests and grasslands;
- (3) Enhancing the resilience of water resources to climate change and natural disasters;
- (4) Modernization of hydrometeorology in Central Asia.

21. All the above-mentioned projects include specific measures for both greenhouse gas emission reductions and adaptation of the population, with special attention to disadvantaged individuals and groups, including rural women, persons with disabilities and children, and those in areas highly vulnerable to climate change.

Replies to the issues raised in paragraph 6 of the list of issues

22. Under the Subsoil Assets Act, “social package” means a voluntary agreement between a subsoil user and the local authorities to promote the socioeconomic development of a region where national subsoil assets are located, which is prepared on the basis of a local community social development programme; it may include, for example, the construction of roads, water supply systems, power stations, medical facilities and general education schools; it also opens up job opportunities and improves the living standards of local residents.

23. The law also defines the concept of licence fees for the right to use subsoil assets, which the local authorities collect from organizations engaged in mining activities for the right to use such assets in a certain area. The amount of the fee may depend on many factors, including the type of subsoil, the volume of extraction, the period of validity of the licence and others.

24. The funds collected from licence fees for the use of subsoil assets can be substantial for local budgets, especially if large mining companies operate in the area. These funds can be used for infrastructure development, social programmes, environmental projects and other priority areas.

B. Issues relating to the general provisions of the Covenant (arts. 1–5)

Maximum available resources (art. 2 (1))

Replies to the issues raised in paragraph 7 of the list of issues

25. Information on the evolution of the following indicators over the last 10 years:

(a) Proportion of the population living below the nationally defined poverty line;

2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
38.0%	37.0%	30.6%	32.1%	25.4%	25.6%	22.4%	20.1%	25.3%	33.3%

(b) In 2021, according to the household survey, the expenditure of the richest 20 per cent of the population exceeded that of the poorest 20 per cent by 4.2 times the ratio between the assets owned by the richest decile of the population and those owned by the poorest 50 per cent.

(c) Share of tax revenues in total State budget revenues (in percentage terms):

2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
73.7	71.6	69.2	66.0	71.8	69.1	77.0	72.6	70.3	72.1

(d) The rate of corporate income tax is 10 per cent, personal income tax 10 per cent and value-added tax 12 per cent.

(e) State budget expenditures to gross domestic product (GDP) (excluding external grants and public investment programme loans), in percentage terms:

2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
28.0	27.6	27.3	28.7	29.0	27.8	25.8	27.1	28.6	26.4

Percentage of the State budget allocated to defence;

Name	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Social sphere (total)										
As a percentage of GDP	17.2	16.7	16.3	16.6	16.9	16.2	15.1	14.8	16.5	14.1
As a percentage of total expenditure	61.6	60.7	59.6	57.7	58.2	58.3	58.4	54.7	57.8	53.5

Including:

Name	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
1. Health care										
As a percentage of GDP	3.7	3.4	3.2	3.1	2.9	3.2	2.5	2.4	3.1	3.1
As a percentage of total expenditure	13.1	12.4	11.8	10.7	10.0	11.5	9.7	8.7	10.9	11.9
2. Culture										
As a percentage of GDP	0.8	0.8	0.8	0.9	1.2	1.1	0.8	0.8	0.6	0.5
As a percentage of total expenditure	3.0	3.0	3.0	3.0	4.3	3.9	3.2	2.8	2.2	1.9
3. Education										
As a percentage of GDP	7.3	6.7	6.4	6.9	7.5	6.8	6.4	6.4	7.0	5.6
As a percentage of total expenditure	26.0	24.5	23.5	23.9	25.9	24.6	24.8	23.7	24.6	21.3
4. Social protection										
As a percentage of GDP	5.5	5.7	5.8	5.8	5.3	5.1	5.3	5.3	5.7	4.9
As a percentage of total expenditure	19.5	20.8	21.3	20.1	18.1	18.3	20.7	19.5	20.0	18.4

(f) In accordance with the Protection of State Secrets Act, information on expenditures of the military, police and security forces is categorized as State secrets.

(g) The following measures were taken to protect public health and mitigate the economic impact of the pandemic: emergency health expenditures, the expansion of the food security programme for the vulnerable, temporary tax deferral and subsidized loans to support small and medium-sized enterprises, and bank liquidity support.

Corruption (art. 2 (1))

Replies to the issues raised in paragraph 8 of the list of issues

26. The fight against corruption remains a priority and one of the main areas of strategic development. As part of the implementation of the Presidential Decree No. 26 of 8 February 2021 on the conduct of a review of Kyrgyz legislation, an anti-corruption bill was drafted by the Office of the Procurator General, with the involvement of experts and taking into account the comments of the United Nations Office on Drugs and Crime, and submitted to the Zhogorku Kenesh for consideration on 6 October 2022.

27. In accordance with the new Criminal Code, Code of Criminal Procedure and Code of Offences, which came into force on 1 December 2021, the Procurator's Office is empowered to initiate and investigate criminal cases of corruption and other crimes against the interests of the State and municipal service.

28. According to the criminal law statistics, law enforcement and procuratorial authorities:

- (1) In 2019, registered 55 pretrial proceedings for offences covered under article 319 (Corruption) of the Criminal Code, of which 3 cases were referred to the courts, 1 case was terminated, 1 case was suspended, 2 cases were combined with others and 48 were pending;
- (2) In 2020, registered 48 pretrial proceedings for offences covered under article 319, of which 2 cases were referred to the courts, 2 cases were terminated, 4 cases were combined with others and 40 were pending;
- (3) In 2021, registered 131 pretrial proceedings under article 319 and article 336 (Corruption) of the new Criminal Code, of which 5 cases were referred to the courts, 15 cases were terminated, 3 cases were suspended, 8 cases were combined with others and 100 cases were pending.

29. For the period 2019–2021, 17 criminal cases were referred to the courts (from among those opened prior to 2019), 3 cases were terminated, 7 cases were reopened from among those previously suspended, 1 case was reopened from among those previously terminated and 2 cases were suspended.

30. In 2022, as of November, 42 pretrial proceedings were registered under article 336 of the Criminal Code, including 4 cases that were referred to the courts, 5 that were terminated, 17 that were suspended, 1 case in which the procurator's office declined to institute criminal proceedings and 15 cases that were pending.

31. In many cases, victims of corruption offences at trials change their testimony in favour of the accused. Consequently, the courts have ordered acquittals of the accused. Despite this, the prosecutorial authorities are taking measures to ensure that decisions in this category of cases are lawful and well-founded. In 2019, 9 persons were prosecuted and convicted in this category of case, 15 in 2020 and 17 in 2021.

For reference: on 6 December 2019, the Sverdlovsk District Court of Bishkek passed a guilty verdict against the following high-level officials – S. Isakov (former Deputy Chief of Staff of the President's Office), A. Kaliev (former Deputy Minister of Economic Affairs), S. Avazov (former Director General of Electric Power Stations open joint-stock company), Z. Satybaldiev (former Prime Minister), Z. Nazarov (former Deputy Director General of Electric Power Stations), T. Brimkulov (former Executive Director of the Modernization Management Group of Bishkek Thermal Power Station), O. Artykbayev (former Minister of Energy) and O. Lavrova (former Minister of Finance) – under which they were given various penalties, including the recovery of property and cash assets from S. Isakov, Z. Satybaldiev, O. Artykbaev, A. Kaliev, S. Avazov, Z. Nazarov, T. Brimkulov and O. Lavrova in favour of Electric Power Stations and the Ministry of Finance in the amount of 5,439,527,482 soms.

32. The amount of 100 million soms deposited for O. Artykbayev to the deposit account of the Office of the Procurator General as compensation for damages in this criminal case was recovered and transferred to the account of the Ministry of Finance as compensation for damages.

33. Furthermore, on 23 March 2020, the Bishkek City Court changed the sentence of the Sverdlovsk District Court of Bishkek of 6 December 2019 against S. Isakov, Z. Satybaldiev, O. Artykbaev, A. Kaliev, S. Avazov, Z. Nazarov, T. Brimkulov and O. Lavrova: category IV penalties were excluded from the operative part of the judgements passed on S. Isakov, A. Kaliev, S. Avazov and Z. Satybaldiev, and category I penalties from the operative part of the judgements passed on Z. Nazarov, and T. Brimkulov.

34. The penalty of serving a sentence in a colony with a strengthened regime was also excluded from the operative part of the judgements passed on S. Isakov, A. Satybaldiev, A. Kaliev, S. Avazov, Z. Nazarov and T. Brimkulov.

35. A. Kaliev was sentenced under article 59 to 14 years' deprivation of liberty, deprivation of his Certificate of Merit, awarded by Presidential Decree No. 183 of 17 September 2015, and his Dank Medal, awarded by Presidential Decree No. 256 of 14 November 2017, and forfeiture of the right to hold positions in State bodies for a period of 3 years.

36. A total of 5,439,527,482 soms in damages was recovered from S. Isakov, Z. Satybaldiev, O. Artykbaev, A. Kaliev, S. Avazov, Z. Nazarov, T. Brimkulov and O. Lavrova in favour of the Ministry of Finance.

37. The restraining orders in the form of recognizance not to leave the area imposed on O. Lavrova, Z. Nazarov, T. Brimkulov and O. Artykbayev were lifted. The rest of the sentence of the Sverdlovsk District Court of Bishkek from 6 December 2019 was left unchanged.

38. On 17 April 2020, the State prosecution filed an application with the Supreme Court for judicial review of the above-mentioned sentences of the two instance courts.

39. The Supreme Court amended the verdict of the Bishkek City Court with regard to the recovery of damages (the damages should be recovered from the defendants jointly and severally), while the rest of the verdict of the city court was left unchanged.

40. The following has been achieved under the Plan of Action to Combat Corruption for the period 2019–2021, approved by Government Decision No. 474 of 13 September 2019:

- (1) Arrangements for broad and open participation of civil society in discussions of draft laws and regulations and strategies and programmes through a single portal for public discussion of such draft legislation;
- (2) Electronic processing of applications for licences for the import and export of specific goods subject to licensing through the single window information system.

41. The single window information system is being modernized in the area of foreign trade under the Regional Improvement of Border Services project of the Asian Development Bank.

42. In accordance with Cabinet of Ministers Order No. 20 of 1 July 2021 applications for licences for the export and import of specific goods are processed electronically through the single window.

- (3) To ensure transparency of incoming requests, a feature has been developed for the Communications of Citizens and Entrepreneurs website that enables users to submit communications electronically.
- (4) Modern e-government tools have been introduced to reduce the risk of corruption when receiving public services. Currently, the State service for searching, selecting and providing copies of documents on standardization is provided through the State portal of electronic services.

43. An information system on the eAccreditation digital platform was developed, which is designed to automate accreditation processes carried out by employees of the Kyrgyz Centre for Accreditation, accredited entities, assessors and technical experts on accreditation and other participants of the national accreditation system.

44. The Centre's eAccreditation information system is connected to the portal of State electronic services, which, in turn, provides an opportunity to apply for accreditation through the portal in digital format through the Tunduk interdepartmental electronic communications system.

45. The official website www.proverka.gov.kg provides information about planned inspections by the State supervisory authorities. A function for receiving and handling complaints has also been introduced.

46. A unified automated information system for technical inspections has been set up at www.to.kg. The unified automated information system collects, stores and uses information on the technical inspection of vehicles.

- (5) The international standard ISO 37001:2016, Anti-bribery management systems – Requirements with guidance for use, has been implemented (Kyrgyzstandart Order No. 27 of 15 May 2019).
- (6) The position of Commissioner for the Protection of the Rights, Freedoms and Legitimate Interests of Business Entities (Business Ombudsman) was introduced pursuant to Government Decision No. 647 of 31 December 2018.
- (7) Regulatory impact assessments are published on an ongoing basis.
- (8) A unified web portal of regional development funds has been developed.

47. With a view to digitalizing the project application process, an information portal has been developed (www.frr.gov.kg), which has been tested in Chu and Osh Provinces.

48. In order to strengthen the declaration of income, expenditure, liabilities and property of persons holding or replacing State and municipal posts, a draft law on amendments to certain legislative acts was put forward and approved by Government Decision No. 269 of 22 May 2020 and submitted to the Zhogorku Kenesh for consideration.

Non-discrimination (art. 2 (2))

Replies to the issues raised in paragraph 9 of the list of issues

49. In accordance with article 24 of the Constitution, Kyrgyzstan provides for the protection of the rights and freedoms of all persons within its territory and subject to its jurisdiction.

50. 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.

51. Those who commit acts of discrimination are liable to the penalties provided by law.

52. Special measures established by law and aimed at ensuring equal opportunities for various social groups in accordance with international obligations do not constitute discrimination.

53. The commission of an offence for reasons of racial, ethnic, religious or interregional hostility or hatred constitutes an aggravating circumstance under criminal law.

54. An interdepartmental plan of action on the implementation of the recommendations of the Committee on the Elimination of Racial Discrimination for the period 2019–2022 was adopted by Government Order No. 7-r of 28 January 2019.

Equal rights of men and women (art. 3)

Replies to the issues raised in paragraph 10 of the list of issues

55. Under article 24 of the Constitution, men and women have equal rights and freedoms and equal opportunities to exercise them.

56. To ensure the effective implementation of the State policy on gender equality, the National Strategy for Achieving Gender Equality for the period up to 2030 and the National Action Plan for Achieving Gender Equality for the period 2022–2024 were approved by Cabinet of Ministers Decision No. 513 of 16 September 2022. The goal of the Strategy is to improve the institutional framework to ensure equal rights and opportunities, and conditions and ways to achieve de facto gender equality in all spheres of life of citizens.

57. Under article 37 of the Constitution, citizens have the right to vote and to be elected to State and local government bodies.

58. In addition, article 24 of the Constitution states:

“Special measures established by law and aimed at ensuring equal opportunities for various social groups in accordance with international obligations do not constitute discrimination.”

(1) Since 2011, a special measure has been in force for the elections to the national parliament and local councils under the proportional system: when putting forward lists of candidates, political parties must establish gender quotas to ensure that neither sex accounts for more than 70 per cent of candidates.

(2) In 2017, legislative provision was made for a mechanism to ensure that a seat left empty by a woman passes to another woman. The number of women members of the national parliament has increased threefold since January 2020.

Amendments were made to the Constitutional Act on Presidential Elections and Elections to the Zhogorku Kenesh (Act No. 96 of 5 June 2017, art. 65).

(3) In 2021, in accordance with the Constitution, the number of members of the Zhogorku Kenesh was reduced from 120 to 90.

59. As part of implementation of the Constitution, the Constitutional Act on Presidential Elections and Elections to the Zhogorku Kenesh was amended to provide that the 90 members of the national parliament are elected under a mixed electoral system:

- 54 members are elected from multi-member constituencies with open lists under a proportional system
- 36 members are elected from single-member constituencies under a majority system

60. In addition to pre-existing requirements relating to the representation of women on the candidate lists put forward by political parties for elections under the proportional system, special measures have been taken by way of a rule that at least 30 per cent of elected members must be women.

61. The application of these rules resulted in the election of 18 women to the Zhogorku Kenesh under the proportional system and 1 woman under the majority system. Accordingly, the Zhogorku Kenesh has 19 women members (21 per cent).

62. Although the overall number of members of the Zhogorku Kenesh fell from 120 to 90, the number of women members remained the same, at 19, which represents an increase of 6 per cent (in 2020, women held 15.38 per cent of the 120 seats).

63. There is one female cabinet minister in the Cabinet of Ministers. At the same time, women deputy heads of State bodies are represented in all State bodies.

64. Women account for 33.4 per cent of local court judges and 37.1 per cent of Supreme Court judges.

Safeguards and protection against domestic violence

65. In order to strengthen the preventive measures against domestic violence and implement the Act on Safeguards and Protection against Domestic Violence, the following was approved by Government Decision No. 390 of 1 August 2019:

- Procedure for cooperation between State bodies involved in safeguarding and protecting against domestic violence
- Procedure for providing assistance to victims of domestic violence
- Model domestic abuse perpetrator programme for changing violent behaviour

66. In accordance with these regulations, local authorities work to provide assistance to victims of domestic violence and work is also carried out with perpetrators of domestic violence to change violent behaviour.

67. In order to assist women and girls who are victims of domestic violence, including those living in rural areas, measures are taken to provide access to crisis centres, medical care, psychosocial support and socioeconomic services in accordance with the Government Social-Sector Procurement Act, and crisis centres and non-profit organizations are funded annually as part of such procurement.

68. In order to provide comprehensive assistance to victims of violence, a project has been launched to introduce a single window mechanism in Bishkek, which will aim to provide comprehensive one-stop services, including medical, counselling, social, psychological and legal services, and support in the area of criminal investigations for victims of violence.

69. The law enforcement agencies, in accordance with article 177 (Domestic violence) of the Criminal Code, investigate every case of domestic violence reported, and the perpetrators are held administratively and criminally liable.

C. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Right to work (art. 6)

Replies to the issues raised in paragraph 11 of the list of issues

70. Special attention is paid to employment, especially for women, persons with disabilities and young people, in accordance with the Employment Promotion Act and the programme to promote employment for the period 2022–2026. The programme will help to

promote the Sustainable Development Goal to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.

71. In order to introduce digital employment services, the labour market information system was implemented in 2019, which enabled the employment authority to provide services digitally.

72. As a result of the measures taken since 2015, the unemployment rate has decreased from 8 per cent to 5.3 per cent by 2022. The nominal number of unemployed persons is 142,600.

73. In the period 2015–2019, employers declared an average of 45,000 vacancies annually to the employment services and, from 2020, 20,000 vacancies. Due to the fact that there is a mismatch between the qualifications of labour resources and the needs of the labour market, about 5,000 vacancies announced by employers remained unfilled. Of the total number of jobs created each year, 90 per cent are jobs that are not sustainable.

74. In the previous seven years, about 100,000 unemployed people were registered annually. About 236,000 unemployed people found employment during this period. The employment rate is 43 per cent (45 per cent for women and 47 per cent for young people).

75. About 143,000 people (38 per cent women and 29 per cent young people) were provided with temporary paid public works jobs while they were looking for permanent employment. Vocational training, retraining and further training were provided to 58,000 unemployed persons (61 per cent women and 48 per cent young people).

76. Furthermore, the gap between supply and demand for jobs is growing. Employers' declared need for employees to fill vacant jobs in 2021 decreased by 37 per cent.

77. It should be noted that, from 2015 to 2022, the number of women registered with the employment authorities is not susceptible to major fluctuations. In 2015, the figure was 44,008 women and, in 2022, 43,812 women.

78. From 2015 to 2022, there was a decline in the number of young people registered with employment services. While this figure stood at 39,178 in 2015, it dropped to 28,574 for the first 9 months of 2022.

Replies to the issues raised in paragraph 12 of the list of issues

79. In accordance with the Act on the Rights and Guarantees for Persons with Disabilities, persons with disabilities have the right to work, regardless of the category and degree of disability.

80. As of 1 January 2023, 810 persons with disabilities were registered with the employment services and, on average, about 427 persons are registered each year. Every year, about 111 persons with disabilities receive vocational training and retraining. There were 207 persons with disabilities engaged in paid community service. Approximately 240 persons with disabilities are placed in a job each year.

81. There are 205,000 persons with disabilities registered with the employment services, or 3 per cent of the total population, with 29,000 persons with disabilities capable of engaging in economic relations.

82. The number of persons with disabilities placed in a job increased by 13.4 per cent and totalled 263, including 136 employed under job quotas (20.3 per cent of the annual quota of 669 jobs in 2022).

83. The main challenges with the employment of persons with disabilities include:

- Low wages for jobs under quotas
- Skills and competence gaps among persons with disabilities
- Lack of proper working conditions for persons with disabilities (ramps, handrails, toilet facilities and job accommodations)
- Limited access to public transport

Right to just and favourable conditions of work (art. 7)

Replies to the issues raised in paragraph 13 of the list of issues

84. In accordance with article 2 of the Minimum Wage Act, the minimum wage is set by the National Budget Act for the relevant year on the basis of the principle of a phased increase in the minimum subsistence level of the working population.

85. According to article 3 of the Minimum Wage Act, the minimum wage is not used to calculate additional payments and allowances, bonuses and other social payments, except for determining the amount of the average monthly wage for calculating pensions in accordance with the legislation on State pensions and social insurance.

86. In order to gradually bring the minimum wage closer to the subsistence level, the minimum wage is set at 35 per cent of the subsistence level in the Act on the National Budget for 2022 and Forecast for 2023–2024.

87. It should be noted that expenditure in the health sector increases annually based on budget capacity. In order to provide social support for employees in the health sector, the salaries of family doctors were increased by 40 per cent from 1 October 2018 and by 50 per cent from 1 July 2021 for nursing and junior medical staff.

88. On 1 April 2022, there was a 50 per cent pay increase for health workers.

Replies to the issues raised in paragraph 14 of the list of issues

89. In 2021, there were 1,687,900 people employed in the informal sector, who accounted for approximately 67 per cent of the total workforce. In the period under review, about two thirds of those employed in the informal sector were men and one third women. The rural population accounts for a significant proportion of those employed in the informal sector, with 31 per cent employed in agriculture, 20 per cent in construction and 16 per cent in trade and car repair. The urban population employed in the informal sector is typically engaged in activities such as trade and car repair (29 per cent), manufacturing (19 per cent) and construction (15 per cent).

90. In 2022, 74,600 jobs were created, 69,800 (93.6 per cent) of which were newly created jobs in the informal sector and 4,800 (6.4 per cent) in the formal sector.

91. In the formal sector, jobs are mainly created in trade and car and motorcycle repair, with 1,474 jobs (30.7 per cent); construction, 459 (9.6 per cent); and manufacturing, 425 (8.9 per cent).

92. In the informal sector, jobs are created in agriculture, with 23,200 jobs (33.2 per cent) for fixed-term and seasonal work. New jobs are also created in trade and car and motorcycle repair, with 9,200 jobs (13.1 per cent), and 7,800 in construction.

93. Over the period 2015–2022, 240,100 unemployed persons found employment. The job placement rate was 44 per cent. The job placement rate for women was 47 per cent and young people 48 per cent. Paid community service work provided 148,000 people with temporary jobs (38 per cent women and 28 per cent young people).

94. Vocational training, retraining and further training were provided to 60,300 unemployed persons (61 per cent women and 47 per cent young people).

95. In 2020, the labour market situation deteriorated markedly due to the COVID-19 pandemic, which negatively affected employment.

96. In 2020, the number of workers temporarily unemployed amounted to about 700,000. At the same time, migrant workers began to return to the country and their number reached over 60,000, which increased the pressure on the labour market.

97. In 2015, the number of women registered with employment services was 44,008 and, in 2022, 42,373. Furthermore, the number of women registered as unemployed has been increasing since 2018.

98. From 2015 to 2022, there was a decline in the number of young people registered with employment services. While that figure stood at 39,178 persons in 2015, it was 27,828 in 2022.

Replies to the issues raised in paragraph 15 of the list of issues

99. The effects caused by the COVID-19 pandemic have had a negative impact on migrant workers. The majority of migrants, who found themselves in a crisis situation abroad, faced the problems of job loss and lack of money to meet basic needs.

100. As a result of the pandemic, many migrant workers were forced to return home. In order to employ migrant workers during the pandemic, over 26,000 vacant jobs were identified and migrant workers were informed about them in 2020. The Government has taken measures to minimize the negative effects associated with the spread of COVID-19, particularly with respect to immigrants.

101. According to the Government Order No. 84-r of 17 March 2020, foreign workers were allowed to enter the country within the labour migration quota and to leave without visa processing and without penalties for overstaying visas. Taking into account the temporary cessation of air services and the closure of borders of foreign countries, it was decided to extend the term of the green corridor for foreign nationals and stateless persons. Foreign nationals and stateless persons staying in the territory of Kyrgyzstan on a visa or visa-free could leave the country without exit visas and registration at the place of stay during the period of validity of the above mentioned order.

Trade union rights (art. 8)

Replies to the issues raised in paragraph 16 of the list of issues

102. In 2019, the deputies of the sixth Zhogorku Kenesh introduced a bill on trade unions. This bill has been approved and submitted to the President. In accordance with articles 70 and 87 of the Constitution, the President filed objections to the bill. In his objections, the President noted the need to develop a new mutually acceptable version of the law with the involvement of representatives of the Federation of Trade Unions of Kyrgyzstan and other trade unions, the Cabinet of Ministers and employers' associations.

103. The President recommended that consultations be held with technical and expert support from the International Labour Organization in order to comply with the Constitution and international treaties.

104. To date, the current Trade Unions Act has been revised by an interdepartmental working group as part of the implementation of the Presidential Decree No. 26 of 8 February 2021 on the conduct of a review of Kyrgyz legislation. The new bill has undergone a process of public consultation and coordination with State bodies.

105. However, a new version of the Labour Code is currently being drafted, which will serve to further advance the bill on trade unions.

Right to social security (art. 9)

Reply to the questions raised in paragraph 17 of the list of issues

106. Under article 46 (1) of the Constitution, publicly funded social security in old age and in the event of sickness, disability, loss of capacity to work and loss of breadwinner is guaranteed in the manner and cases prescribed by law. Under the State Benefits Act, State monthly social benefits are granted to all citizens who are not entitled to pension benefits: persons with disabilities, including children under 18 years of age; children in case of loss of a breadwinner; children born to mothers living with HIV/AIDS; men upon reaching the age of 65 and women upon reaching the age of 60; and heroine mothers upon reaching the age of 55.

107. The President has issued the following decrees to strengthen measures to provide social support to the vulnerable:

- (1) Decree on measures to support low-income citizens (families) by way of reduced charges for electricity, dated 6 December 2021, which, pursuant to Cabinet of Ministers Decision No. 328 of 23 December 2021, provides for the establishment of preferential tariffs from 1 January 2022 for electricity for consumption of up to 700 kWh per month in the amount of 50 tyiyns to households receiving the *ui-bulogo komok* allowance for low-income families with children;
- (2) Decree on increasing monthly social benefits for certain categories of citizens, under which, from 1 January 2022, the basic part of the child's pension in the event of loss of a parent is 2,000 soms and, of both parents, 6,000 soms;
- (3) Decree of 14 May 2022 on strengthening State support to certain vulnerable population categories, under which, from 1 June 2022, the amount of the monthly *ui-bulogo komok* allowance increased from 810 to 1,200 soms (by 50 per cent).

108. Under the State Benefits Act, the monthly *ui-bulogo komok* allowance is paid to low-income individuals and families with children under 16 years of age provided that the per capita average of the total family income does not exceed the guaranteed minimum income for each family member. The guaranteed minimum income is an indicator determined on the basis of budget capacity and the state of the economy, annually set by the Cabinet of Ministers, taking into account the subsistence level. Currently, the guaranteed minimum income is 1,000 soms and the monthly *ui-bulogo komok* allowance 1,200 soms.

109. Measures are also being taken to maintain living standards for pensioners. According to the State Pension Social Insurance Act (1997), for persons with a category I disability, the pension is established not lower than the value of the pensioner's subsistence level established for the previous calendar year.

110. In accordance with the State Pension Social Insurance Act, the basic and insurance parts of pensions are indexed in order to protect the interests of pensioners. Pensions are indexed annually within the limits of funds provided for in the budget of the Social Fund.

111. In accordance with the Cabinet of Ministers Decisions No. 504 and No. 505 of 9 September 2022, taking into account the funds provided for in the budget of the Social Fund and the national budget, from 1 October 2022, the amount of the basic part of the pension is set at 3,170 soms and the insurance part is increased by 15 per cent.

Reply to the questions raised in paragraph 18 of the list of issues

112. According to the State Benefits Act, the proportion of the population covered by social protection floors or systems in 2021 was 18 per cent. The share of the population receiving the monthly allowance for low-income families with children is 5.33 per cent (21.6 per cent of the subsistence level).

113. The share of the population receiving social benefits is 1.47 per cent (lump-sum *Balaga Suyunchu* childbirth allowance, 65.6 per cent; children with cerebral palsy, 131.1 per cent; children with disabilities up to 18 years of age, 131.1 per cent; children with HIV/AIDS, 131.1 per cent; children born to mothers living HIV/AIDS, 131.1 per cent; persons with a category I disability from childhood, 111.4 per cent; persons with a category I disability from childhood, 91.9 per cent; persons with a category III disability from childhood, 75.2 per cent; persons with a category I disability due to common illnesses, 76.6 per cent; persons with a category II disability due to common illnesses, 41.8 per cent; persons with a category III disability due to common illnesses, 27.9 per cent; older persons, 31.3 per cent; older persons living in highland regions, 31.3 per cent; heroine mothers, 46.9 per cent; children in cases of loss of a breadwinner, 49.2 per cent; orphans, 98.4 per cent; and children whose parents are unknown, 98.4 per cent). The share of old-age pensioners receiving pensions below the subsistence level for pensioners is 3.5 per cent.

114. Measures are also taken to support migrant workers under the Treaty on the Eurasian Economic Union; workers from States members of the Union and their families receive social security and social insurance other than pensions under the same terms and conditions as citizens of the State of employment (art. 98).

115. Working citizens of Kyrgyzstan and of other States members of the Eurasian Economic Union receive social support in the form of temporary disability benefits and maternity benefits on an equal footing, in accordance with the provisions of national legislation, provided that an employer-employee relationship is established:

- In the event of temporary disability of an employee, labour legislation provides for the payment of temporary disability benefits at the employer's expense.
- Maternity benefits are partly covered by the employer and the national budget.

116. In accordance with the law, employees, self-employed persons, members of rural (farming) households and officially unemployed persons with the right to unemployment benefits are entitled to maternity benefits.

Recipients of pensions

117. At the end of 2021, the total number of pension recipients reached about 713,000 people, having increased over the last five years by 79,100 people, or by 12 per cent.

118. Pension recipients make up 11 per cent of the country's population; 68.4 per cent of pension recipients live in rural areas, which is consistent with the overall share of the rural population. Recipients of retirement pensions account for 77.5 per cent of the total number of pensioners and 89.3 per cent of the population above working age (over 58 for women, over 63 for men). In this way, almost full coverage of older persons with old-age pensions is ensured.

119. In order to improve the efficiency of the pension system, further develop and support small and medium-sized enterprises and take them out of the informal sector of the economy, Presidential Decree No. 376 of 1 September 2021 on support for small and medium-sized enterprises was issued, under which the appropriate steps were taken to reduce insurance rates for such enterprises, from 27.25 per cent to 22 per cent and 14 per cent, depending on the number of employees and accrued wages. The Act amending certain legislative acts (Act on the State Social Insurance Contributions Rate) of 4 November 2022 was adopted pursuant to the above-mentioned presidential decree.

120. With regard to social protection coverage, including for migrant workers, the Social Fund is actively working to introduce pension schemes for citizens working in other countries.

121. The Agreement on Pension Provision for Workers of the States Members of the Eurasian Economic Union of 20 December 2019 envisages the establishment of pension rights of workers of the Union member States under the same conditions and in the same manner as the citizens of the State of employment.

122. In addition, there is a memorandum of cooperation between the Social Fund and the National Pension Service of the Republic of Korea on the payment of pension benefits. According to the memorandum, the Republic of Korea is to make lump-sum payments of pension savings (insurance contributions and investment income) built up and not claimed by Kyrgyz citizens during the period of work in the Republic of Korea. Citizens are also entitled to this pension if they are the heirs of a person who worked in the Republic of Korea and did not receive a pension payment when they left the Republic of Korea.

Protection of the family and children (art. 10)

Reply to the questions raised in paragraph 19 of the list of issues

123. In 2021, with a view to defending the best interests of children in conflict zones in Iraq, 79 Kyrgyz children who were detained with their mothers in detention centres were repatriated in a humanitarian mission known as Meerim. It should be noted that the repatriation of the children was carried out with the consent of their mothers who remained in Iraq and the will of relatives in Kyrgyzstan.

124. Following the return of the children from the conflict zone in Iraq, the following work was carried out:

- Comprehensive medical examinations

- Establishment of the facts of the birth of the children born in the territory of the foreign State through the judicial authorities
- Documentation of children (issuance of birth certificates and national identity documents)
- Court-ordered placement of children in the custody of relatives
- Provision of rehabilitation services
- Placement in general education schools, including preschools and secondary schools
- Engagement in cultural activities

125. This work was carried out in close cooperation with the United Nations Children's Fund, and with international and non-profit organizations.

126. On 2 December 2022 three Kyrgyz citizens were repatriated from Damascus (two women and one minor).

127. Two women held in detention in Iraq were repatriated on 28 February 2023.

128. One woman was repatriated from Turkey on 21 March 2023, after making her own way out of refugee camps in the Syrian Arab Republic.

129. As part of the humanitarian mission known as Aikol, 59 citizens (18 women and 41 children) were repatriated from refugee camps in the Syrian Arab Republic on 16 February 2023. Repatriated children and women are placed in a rehabilitation centre to receive rehabilitation and social services for reintegration.

Right to an adequate standard of living (art. 11)

Reply to the questions raised in paragraph 20 of the list of issues

130. According to the National Statistics Committee, the poverty rate in 2022 was 33.3 per cent and increased by 8.0 percentage points relative to the previous year. Poverty indicators are determined by the Committee, using the poverty line, whose value is indexed annually for inflation.

131. The President has set the task of assisting the vulnerable from among the recipients of monthly allowances to learn and develop entrepreneurial skills. In this regard, Cabinet of Ministers Decision No. 385 of 15 July 2022 on the provision of social assistance on the basis of a social contract was adopted, and the “Social Contract” project is being implemented. In order to implement the “Social Contract” project, seminars and training sessions on business plan development and the implementation of the social contract were held for persons from low-income families in the amount of 100,000 soms. In total, more than 6,000 people attended the training. In 2022, 2,800 low-income families across the country were covered (50 business plans and projects (families)).

Reply to the questions raised in paragraph 21 of the list of issues

132. The issue of improving the housing conditions of citizens is a priority area of State policy in the sphere of social and economic development. In order to provide citizens with housing through State housing programmes, the State Mortgage Company, an open joint stock company, was established as an official body in the field of mortgage lending.

133. The Affordable Housing Programme 2015–2020 was adopted and successfully implemented between 2015 and 2020. Under this programme, mechanisms for concessional State mortgage lending through the banking system have been introduced. As a result of State mortgage lending, more than 5,500 families have been provided with housing worth more than 6.6 billion soms.

134. The “My Home” programme for the period 2021–2026 was launched in September 2021. As part of this programme, under the “Preferential Mortgage” section, the mortgage term for public sector employees was increased from 15 to 25 years, the maximum amount was increased to 4 million soms, and the interest rate on State mortgage loans was gradually

reduced from 14 per cent per annum to 4 per cent per annum, thereby increasing the affordability and availability of mortgages threefold.

For example, if under the Affordable Housing Programme 2015–2020 citizens with an income of 15,000 soms could take out about 800,000 soms from partner banks at an interest rate of 6 per cent per annum for up to 15 years, then today with the same income (15,000 soms), under new conditions (at 4 per cent per annum for up to 25 years), citizens can take out about 1.5–1.7 million soms.

135. Under the “My House” programme for the period 2021–2026, 2,805 mortgage loans were given for a total of 6.7 billion soms. Over the entire period of implementation of State housing programmes, 8,235 families were provided with housing for a total of 13 billion soms.

136. In accordance with Government Decision No. 745 of 24 October 2012 on the rules on payment of State Pension Fund savings by the Social Fund, insured persons are entitled to use their pension savings once to finance the down payment on a mortgage loan and repayment of an existing mortgage. For this purpose, the funded component of the insured person’s personal insurance account must have pension savings of at least 50,000 soms. Given the social nature of the measures taken, only those insured persons who do not have a home of their own can take advantage of this opportunity.

137. These provisions apply to mortgage loans of commercial banks provided from their own funds as well as those provided out of the funds of the State Mortgage Company.

138. Since 2020, the Social Fund has provided 258.3 million soms in pension benefits for persons who did not have a home of their own to take out mortgage loans (1,698 people).

139. In order to increase the attractiveness of the funded pension system and to improve the mechanisms for the payment of pension savings, a draft decision of the Cabinet of Ministers amending Government Decision No. 745 of 24 October 2012 has also been developed, providing for the right of insured persons repaying a mortgage loan and persons making payments in rent-to-buy arrangements under the State housing programme financed by the State Mortgage Company to receive pension benefits without additional requirements as regards the lack of home ownership.

Reply to the questions raised in paragraph 22 of the list of issues

140. Under the “My House” programme, mortgage loans are provided on preferential terms for public sector workers under the “Preferential Mortgage” section (at 4 per cent per annum for up to 25 years with a down payment of not less than 10 per cent) and for all categories of citizens under the “Affordable Mortgage” section (at 8 per cent per annum for up to 25 years, with a down payment of not less than 20 per cent).

141. With the support of the Government of Germany, a housing finance programme is being implemented, financed through KfW Development Bank. Mortgage loans are available to all categories of citizens, regardless of the form and type of activity, working and living in the regions of the country (except the cities of Bishkek and Osh). Loans are granted for up to 15 years with an interest rate of 8 per cent per annum and with a down payment of at least 20 per cent of the cost of the housing to be purchased.

142. To date, work is under way on apartment buildings in all regions of the country. Construction of four projects in Bishkek has started. The housing will be provided to citizens without the participation of banks directly through the State Mortgage Company under a rent-to-buy scheme.

143. In order to expand the categories of citizens in need of housing, changes have been introduced to the housing programme which will make State mortgage loans at 4 per cent per annum available not only to public sector workers, but also to certain categories of citizens, regardless of their area of work. The changes to the programme will focus on the development of the contractual housing savings system, which is aimed at attracting citizens’ savings for further provision of mortgage loans. This system is implemented through a State Mortgage Company subsidiary, the Housing and Savings Credit Company, an open joint stock company, and the People’s Housing Company.

144. It should be noted that the regional authorities of the State Committee for Construction for Batken Province have issued permits for the construction of 140 residential buildings free of charge for the persons who were internally displaced by the border conflict in April 2021, pursuant to Presidential Decree No. 113 of 4 May 2021 on urgent measures for the restoration and development of the border villages in Batken Province. The housing was built by Turkey for free, as humanitarian aid, in an emergency response operation.

145. Construction and major repair work has begun on eight social infrastructure facilities, including five general education schools, two preschools and one rural health centre in order to restore the facilities of Batken Province affected by the conflict on the Kyrgyz-Tajik border in the spring of 2021 and to improve the socioeconomic situation of the villages of Batken and Leilek Districts.

146. The work includes construction of five facilities and major repairs of three others. In total, 309.8 million soms were allocated for these facilities from the national budget in 2021, and all work was completed that year.

147. There are 222 settlements in Batken Province, comprising 6 cities and 216 villages (including 8 villages that received a new status and 17 urban settlements). Sixty-one villages are on the border. The province is home to 548,100 people.

148. Under the World Bank Climate Resilient Water Services Project, 6 villages of Leilek District, 14 villages of Batken District and 15 villages of Kadamja District will be provided with drinking water. This project is being implemented from 2022 to 2026 for a total of \$50 million, of which 50 per cent is in the form of zero-interest loans and 50 per cent in the form of grants. The project agreements were signed in Washington in accordance with a Cabinet of Ministers decision of 15 April 2022. Upon completion of the project, more than 109,000 people will be provided with drinking water.

149. Equal rights for citizens, irrespective of race, nationality, ethnic origin or language, are established by all legislative acts, including criminal procedure and civil procedure law. Despite the State's efforts to eradicate racial discrimination, it remains a problem owing to the different mindsets and religions of the peoples living in the country.

150. In this regard, the draft national plan of action for gender equality for the period 2022–2024 provides for the development of anti-discrimination legislation. A deputy of the Zhogorku Kenesh has presented a bill on ensuring the right to equality and protection from discrimination.

Reply to the questions raised in paragraph 23 of the list of issues

151. In order to implement the strategic priorities of sustainable development, ensure food security of the country and promptly respond to internal and external threats to the stability of the food market, the Programme on Food Security and Nutrition in Kyrgyzstan for the period 2019–2023 and the action plan for the implementation of the Programme was approved by Government Decision No. 320 of 27 June 2019.

152. A bill aimed at amending the Food Security and Nutrition Act was developed as part of the review of laws and regulations in order to identify segments of the population that were vulnerable in terms of food security and nutrition. This bill has been submitted to the Zhogorku Kenesh for consideration.

153. In order to ensure access to nutritious food for the vulnerable, the procedure for the distribution of humanitarian aid in the form of foodstuffs was approved by Government Decision No. 110-r of 28 March 2020. The order includes a list of the following vulnerable segments of the population: recipients of the *ui-bulogo komok* allowance for low-income families with children; persons with disabilities; low-income families that have an social identification document; and members of families in difficult life situations.

Right to physical and mental health (art. 12)

Reply to the questions raised in paragraph 24 of the list of issues

154. In order to support persons with disabilities and other people with limited mobility, in compliance with the Convention on the Rights of Persons with Disabilities, the State “Accessible Country” programme for persons with disabilities and other people with limited mobility for the period 2023–2030 years was approved by Cabinet of Ministers Decision No. 69 of 10 February 2023.

155. The Programme sets out the main areas and measures to be taken to ensure an accessible environment for the population group with limited mobility, which includes persons with disabilities, who represent about 3 per cent of the population; older persons, about 5 per cent; and children under 12 years of age, about 29.2 per cent. More than 40 per cent of the country’s population face accessibility challenges.

156. It should be noted that expenditure in the health sector increases annually based on budget capacity. In order to provide social support for employees in the health sector, the salaries of family doctors were increased by 40 per cent from 1 October 2018 and by 50 per cent from 1 July 2021 for nursing and junior medical staff.

157. In addition, on 1 April 2022, there was a 50 per cent pay increase for health workers. In order to provide adequate medical services, an additional 1 billion soms were allocated in 2022 for the treatment of cancer, viral hepatitis, diabetes mellitus, spinal muscular atrophy and other diseases. For 2023, an additional 600,000 soms were provided for medicines through the High Technology Fund.

158. In order to provide the population with medicines and medical products and to prevent the further spread of COVID-19, a number of laws and regulations have been adopted, under which an electronic database of medicines and medical products has been created and medical products and medicines necessary for the prevention and treatment of COVID-19 have been included in the list of goods that are exempt from import customs duties.

159. During the COVID-19 pandemic, 3 infectious diseases hospitals and 10 polymerase chain reaction (PCR) laboratories were built, 9 hospitals were renovated, and medical equipment, test systems and diagnostic reagents were purchased. To date, there are 14 COVID-19 diagnostic laboratories in operation, 12 of which are State-run.

Reply to the questions raised in paragraph 25 of the list of issues

160. In order to fight against corruption in the health-care system, the Ministry of Health approved its action plan to combat corruption for the period 2019–2021 by order No. 944 of 4 October 2019. As part of this plan, digitalization work is being carried out to ensure transparency in the provision of medical services to the population, and an information campaign is being conducted on the availability of free medical services under the State Guarantee Programme to provide citizens with health care.

161. In order to inform the public about issues of corruption in the health care system, and develop a culture of zero tolerance for corruption, the Medical Trade Union of Kyrgyzstan has developed an information portal (<https://mpk.kg/nocorrupt/>).

162. Corruption exists in every area, including recruitment, obtaining an education, appointments, payment of wages, informal payments from the patient’s pocket, procurement and registration of medicines.

Reply to the questions raised in paragraph 26 of the list of issues

163. For health-care professionals, the guidelines for the provision of medical and social assistance to transgender, transsexual and gender-nonconforming people regulate psychological and psychiatric evaluations, feminizing and masculinizing hormone therapy and mental health support.

164. Measures have been taken to provide post-exposure prophylaxis free of charge to prevent HIV in cases where there is a risk of infection (sexual contact with partners of unknown status, accidental injection with medical objects and others), including sexual

assault. Pre-exposure prophylaxis has also been introduced, when HIV-negative individuals take antiretroviral drugs to prevent infection (serodiscordant couples and key populations, such as men who have sex with men, people who use drugs to enhance sexual activities, sex workers, transgender people, etc.).

165. To ensure access by men who have sex with men and transgender women who have sex with men, the drugs are provided by health professionals under the auspices of non-governmental organizations, thus favouring the use of pre-exposure prophylaxis. Under pilot projects to expand access to HIV status determination, self-testing programmes are in place, tests are delivered by online order and are given free of charge in the pharmacy network (Bishkek and Osh), and anyone can take the tests. A total of 3,388 self-tests were performed and 45 cases (1.3 per cent) were identified.

166. In addition, non-profit organizations provide services (counselling, psychological support, information on harm reduction from drug use, safe behaviour and sexual and reproductive health, contraceptives and lubricants, rapid HIV testing and support in health-care facilities) to lesbian, gay, bisexual and transgender persons, persons released from prison, sex workers and women victims of gender-based violence.

167. Article 143 of the Criminal Code provides for an administrative fine or imprisonment for various terms for exposure of a person to a sexually transmitted or incurable infectious disease. A person is exempted from criminal liability if the other person, exposed to HIV infection, was warned of the presence of this disease in a timely manner and voluntarily agreed to commit acts that created a risk of infection.

168. No offences under article 143 of the Code were recorded by law enforcement agencies for the period 2021–2022.

169. Amendments were made to the Programme of State Guarantees for the provision of citizens with health care approved by the Government Decision 790 of 20 November 2015, which includes refugees, who are to be treated on an equal basis with citizens of Kyrgyzstan. Refugees were also included in the amendments made to the Health Insurance Act, No. 112 of 18 October 1999.

Replies to the issues raised in paragraph 27 of the list of issues

170. The use of drugs without medical indications has been decriminalized. At the same time, liability is still incurred for the use of drugs without medical indications in public places; however, in the event that penalties are imposed, the offence is not subject to criminal prosecution.

171. On the basis of international law, the principles of an integrated and balanced approach to drug control are being implemented. Those principles have guided public policy in areas such as reducing the supply of illicit drugs, reducing the demand for illicit drugs, reducing the harm caused by illicit drugs, and ensuring the availability of and access to controlled substances exclusively for medical and scientific purposes.

172. The use of narcotic drugs or psychotropic substances without medical indications is subject to administrative liability.

173. Harm reduction programmes to mitigate the consequences of injecting drug use (HIV/AIDS, viral hepatitis, crime) have been successfully implemented by public health organizations, the prison system and non-governmental organizations. Harm reduction programmes (syringe exchange points, methadone maintenance therapy) are funded by international donor organizations.

174. In 2022, the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria allocated 19.5 million soms for technical support to harm reduction programmes implemented in health care organizations and prison service facilities. Since 2002, methadone maintenance therapy has been implemented as a scientifically proven treatment recommended by the World Health Organization (WHO) for people dependent on opioids.

175. Methadone treatment is one of the priority strategies for HIV prevention among people who inject drugs, which is included in the national policy on drug use and HIV prevention (Anti-Drug Programme, State programme on HIV).

176. Several clinical guidelines and protocols have been developed to define the procedures and conditions for providing treatment. Supportive therapy sites are available in regions with the highest concentration of intravenous drug users, including the prison system (pretrial detention centres, correctional colonies and women's prisons).

177. It should be noted that the methadone treatment programmes for intravenous drug users are low-threshold in accordance with WHO recommendations. Supportive care services are integrated in primary care organizations (family medical centres, general practice centres) and in specialized clinics (tuberculosis hospitals, AIDS centres, and substance-abuse and psychiatric facilities).

Replies to the issues raised in paragraph 28 of the list of issues

178. In order to eliminate negative consequences of high levels of industrial pollution for health and environment, cooperation with international organizations is carried out, including the United Nations Development Programme, the World Food Programme, the Food and Agriculture Organization of the United Nations, the Regional Environmental Centre for Central Asia, the World Bank and other international organizations.

179. Work has been under way since May 2021 to draft a national adaptation plan. The objectives of the plan are to strengthen institutions and enhance vertical and horizontal coordination of climate change adaptation planning, ensure that climate risks are addressed at the national, sectoral and provincial levels, and identify priority investments for climate change adaptation measures.

180. The national adaptation plan will cover all six common components of the adaptation cycle: analysing the current situation of the effects of climate change and possible scenarios; assessing climate vulnerability and identifying adaptation options at sectoral, regional and national levels; consideration and evaluation of adaptation options; development of a consolidated national adaptation plan; integration of climate change adaptation into strategic planning at the national and regional level; and monitoring and evaluation of adaptation.

Assessment of the impact of projects implemented to address the effects of uranium mining and mill tailings in Mailuu-Suu District

181. In Mailuu-Suu, Jalalabad Province, there are 23 tailings ponds and 13 mine dumps with waste from former uranium production with a total volume of 3.7 million m³. International cooperation programmes have been actively pursued to minimize the risks associated with uranium waste. A risk assessment of all 23 tailings ponds and 13 mine dumps left by the uranium mining industry in Mailuu-Suu has been conducted taking into account national and international requirements and standards and modern practices in the field of tailings management.

182. The following construction works were performed: the rehabilitation of six tailings ponds and four mine dumps; partial unloading of the "Tektonic" landslide; equipping of the health inspection service laboratories; construction of a gauging station; construction of a haul road to relocate a tailings pond; transfer of mine dump No. 5 to tailings pond No. 6; transfer of mine dump No. 1 to mine dump No. 2; and transfer of tailings pond No. 3 to tailings pond No. 6.

183. The Assembly of Contributors of the Environmental Remediation Account for Central Asia awarded a grant for the remediation of sites in Mailuu-Suu in 2021.

Right to education (arts. 13 and 14)

Replies to the issues raised in paragraph 29 of the list of issues

184. There are no restrictions on education based on gender, ethnicity, social status or place of residence. The rights of citizens belonging to ethnic minorities to study their native language, culture and traditions under the Education Act have been ensured.

185. Financing of education is provided at a sufficiently high level, which is 7 per cent of GDP. In 2001, 3 billion soms were allocated from the budget to support the education sector;

in 2007, 9 billion soms; in 2012, 21 billion soms; and by 2020 this figure reached 39.9 billion soms.

186. School enrolment (grades 1–11) increased from 88.7 per cent in 2012 to 97.8 per cent in 2020 (from 1,012,000 pupils to 1,357,000) and the number of schools from 2,201 to 2,296.

187. The Education Development Programme for the period 2021–2040 was approved by Government Decision No. 200 of 4 May 2021 to ensure accessible and quality education and early childhood development. The Programme focuses on the following key areas:

- (1) Demographic trends: meeting the challenge of steady increases in the birth rate – while the number of live births was 155,000 in 2012, that number rose to 158,000 in 2020;
- (2) Globalization: increasing requirements for quality education to improve the competitiveness of the education system in the world education sector;
- (3) Advances in technology – digitalization: the development of new technologies requiring the unlocking of their potential and digital skills training;
- (4) Socioeconomic disparities: ensuring access to quality education for different groups of children, including children with disabilities, children from disadvantaged families, migrants and refugees.

188. As part of the contingency planning for the COVID-19 pandemic response, the following measures were implemented:

- Shift of the entire education system to remote learning based on the delivery of education and introduction of a system of live lessons
- Establishment and development of content of electronic educational platforms for both students and teachers, electronic libraries, online testing platforms for schoolchildren, and filming and broadcasting on television of more than 7,000 video lessons for preschool and school levels of education, including sign language interpretation of some of them
- Organization of virtual further teacher training on a specially created platform and modernization and development of 128 professional development programmes, including 35 online courses
- Transfer online of the admissions process for applicants to vocational education establishments

189. In order to promote inclusive education, the following were approved by Government Decision No. 360 of 19 July 2019:

- Policy outline for the development of inclusive education for 2019–2023
- Programme for the development of inclusive education in Kyrgyzstan for the period 2019–2023
- Plan of action for the development of inclusive education in Kyrgyzstan for the period 2019–2023

190. The programme will be financed through the national budget and funding from international organizations. International partners are expected to contribute to the programme with an estimated 43 million soms, which is projected to increase.

Cultural rights (art. 15)

Replies to the issues raised in paragraph 30 of the list of issues

191. According to article 13 of the Constitution, members of all the ethnic groups that make up the people of Kyrgyzstan are guaranteed the right to establish conditions for the preservation, study and promotion of their native languages.

192. Article 3 of the State Language Act establishes that Kyrgyz is the State language and is also considered to be a language of inter-ethnic communication. Under article 6 of the Act,

the State supports the acquisition by children of the State language in addition to their native language.

193. Article 4 of the State Language Act provides that having a State language is not an obstacle to the use of other languages in the country. Kyrgyzstan adheres to the principle of the free development of the languages of members of ethnic groups other than Kyrgyz living in the country.

194. In accordance with article 1 of the State Language Act, Kyrgyzstan guarantees members of all the ethnic groups that make up the people of Kyrgyzstan the right to preserve their native languages and to establish conditions for their study and development. The rights and freedoms of citizens may not be infringed on grounds that they do not know the State or the official language.

195. The status of the Russian language as an official language is specified in the Official Language Act, which serves as a language of inter-ethnic communication and promotes the country's integration into the international community (art. 1). The status of the Russian language is established in the Constitution (art. 13).

196. The State is striving to implement a balanced language policy, that is, to form a new generation of trilingual Kyrgyz nationals speaking the State language, the official language and a foreign language, while ensuring the preservation of the native languages of the country's ethnic communities.

197. The programme on the introduction of multilingual education for 2017–2030 was adopted pursuant to the decision of the Zhogorku Kenesh on the introduction of multilingual education of 30 June 2016. The introduction of multilingual education is part of a policy of integration in Kyrgyzstan and helps to prevent individuals and communities from becoming culturally and economically isolated and to promote the preservation of native languages together with a high level of mastery of the State language, the official language and foreign languages. This approach makes it possible both to satisfy the basic rights of citizens to receive a quality education and reduce the risks associated with insufficient knowledge of the State language and to ensure the competitiveness of graduating students on the labour market.

198. Special attention must also be devoted to these issues in the light of an emergent social need to improve the quality of language education, including mastery of the State and official languages and enhancement of the conditions for teaching in native languages and learning foreign languages. This is a matter of mastering different languages not as a system of grammatical forms, but as an active means of communication and knowledge acquisition.

199. The demand for learning multiple languages in Kyrgyzstan is high and is related to the need both to communicate in a multilingual society and to use languages in developing a successful professional career. At the same time, according to various estimates, the share of the population actively using the State language, Kyrgyz, as a second language is between 4 and 10 percent, the official (and international) language, Russian, about 30 per cent and English less than 1 per cent (0.5 per cent).

200. This situation has made it necessary to test new approaches to the country's education system. Efforts to establish multilingual education began in mid-2000 and grew particularly relevant in the period 2010–2011, when questions were raised about a new phase in social integration, the possibilities offered by multicultural and multilingual education in the shaping of a culture of peace and non-violence and the limitations on career development and social engagement associated with insufficient command of the State language.

201. The Outline of Education Development states that multiculturalism is a necessary characteristic of the educational environment for instilling in children the ability to live in today's diverse world. According to the Outline, the qualities of those graduating from the education system in 2020 will include respect for cultural, ethnic and political diversity.

202. The education development programme for the period 2021–2040 includes a measure in support of multilingual education as a means of integration and social cohesion and of linguistic diversity in the education system. Moreover, multilingualism and inclusive education are established as a priority area, with measures to increase students' access to multilingual education programmes.

203. Kyrgyzstan has the most developed legal and regulatory framework in Central Asia for the introduction of multilingual and multicultural education programmes.

204. Multilingual education programmes, in which some subjects are taught in the child's native or first language and others in a second, target language, are being piloted at 56 of the country's schools. Such programmes have been piloted in Kyrgyzstan since 2011 with a view to ensuring equal access to quality education in schools with different languages of instruction – Kyrgyz, Russian, Uzbek and Tajik. The programmes are enriching and facilitate the study of the State language for members of the country's other ethnic communities while simultaneously supporting native languages. Five preschools and 56 schools with various languages of instruction are taking part in the pilot on a voluntary basis.

205. The target languages under the programmes are Kyrgyz or Russian, or both. Schools where the language of instruction is Uzbek or Tajik tend to choose programmes that support the development of both languages. In 142 pilot classes, the target language is Kyrgyz; in 155, it is Russian; and in 9 both are target languages. There are 306 pilot classes with 8,598 pupils (around 20 per cent of all children in the pilot schools). Some 368 teachers are directly involved in the pilot (about 12 per cent of all teachers in the pilot schools). An additional 150 teachers are engaged in teacher training and language training in schools in connection with the roll-out of the programmes of the Ministry of Education and Science.
