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Promoción y protección de todos los derechos humanos, civiles, políticos, económicos, sociales y culturales, incluido el derecho al desarrollo

Visita a Kirguistán

Informe del Relator Especial sobre la extrema pobreza y los derechos humanos, Olivier De Schutter*

Resumen

El Relator Especial sobre la extrema pobreza y los derechos humanos visitó Kirguistán del 23 de mayo al 3 de junio de 2022. En el presente informe, elaborado sobre la base de su visita, el Relator Especial destaca cómo el refuerzo de la protección social (incluida la mejora del régimen de prestaciones económicas por hijo a cargo), mejores salarios y, en general, empleos dignos, además de la eliminación progresiva del trabajo infantil y una educación de mayor calidad, pueden ayudar al país a abandonar un modelo económico sumamente dependiente de la industria extractiva y del sector turístico, así como de las remesas de los trabajadores migrantes. El Relator Especial también recomienda, entre otras medidas, aplicar la Ley núm. 38 (2008) de Derechos y Garantías de las Personas con Discapacidad y aprobar una ley de vivienda social.

* El resumen del presente informe se distribuye en todos los idiomas oficiales. El informe propiamente dicho, que figura en el anexo, se distribuye únicamente en el idioma en que se presentó y en ruso.



Annex

Report of the Special Rapporteur on extreme poverty and human rights, Olivier De Schutter, on his visit to Kyrgyzstan

I. Introduction

1. The Special Rapporteur on extreme poverty and human rights, Olivier De Schutter,¹ visited Kyrgyzstan from 23 May to 3 June 2022. The purpose of the visit was to assess whether the Government's anti-poverty programmes were consistent with its human rights obligations and to offer recommendations with a view to eradicating multidimensional poverty and to reducing inequalities in line with Goals 1 and 10 of the Sustainable Development Goals. The Special Rapporteur is grateful to the Government for inviting him and facilitating his visit and for engaging in a constructive dialogue. The present report is submitted in accordance with Human Rights Council resolution 44/13.

2. During 12 days in Kyrgyzstan, the Special Rapporteur visited Bishkek, Osh, Naryn and Batken. He met with central and local government authorities, international organizations, civil society and persons living in poverty in both rural and urban areas, from various ethnic groups.² He met with the representatives of the Ministries of Foreign Affairs, Labour, Social Protection and Migration, the Economy and Commerce, Finance, Health, Education and Science, Agriculture, and Justice. He also met with the Ombudsperson and the Commissioner for Children's Rights. He held meetings with representatives of the Business Ombudsman Institute, the Social Fund, the Mandatory Health Insurance Fund, the Supreme Court, the National Statistical Committee, as well as members of the Jogorku Kenesh (parliament). The Special Rapporteur also held meetings with authorities at the municipal level in Bishkek, Naryn and Osh and at the provincial and municipal levels in Batken. He visited several informal settlements (*novostroikis*) in and around Bishkek, former workers' dormitories in Bishkek, Osh and Naryn, a public shelter for homeless persons, a crisis centre for women, a day centre for pensioners and a social stationary hospital for older persons and persons with disabilities. He attended meetings with women, persons with disabilities, older persons, families from low-income backgrounds and participants of food-for-training programmes.

3. The Special Rapporteur is grateful to all the communities and individuals who shared their time and expertise with him and he appreciates the crucial support provided by the Regional Office for Central Asia of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the assistance provided by the United Nations country team.

II. Overview

4. According to World Bank estimates, 38 per cent of the population lived in poverty in Kyrgyzstan in 2022, a rise of 50 per cent since 2020. The coronavirus disease (COVID-19) pandemic, followed now by the impacts of the invasion of Ukraine, have shed further light on the fragility of an economic model highly dependent on the extractive and tourism industries and on remittances from migrant workers. More than ever, there is a need to diversify the economy and to provide prospects to young adults. Approximately 350,000 young persons enter the employment market each year, far more than the economy can absorb. They face unemployment rates that are significantly higher than for the rest of the

¹ The Special Rapporteur is grateful for the excellent research and analysis carried out by Paula Fernandez-Wulff and Agathe Osinski, and to the Office of the United Nations High Commissioner for Human Rights.

² The full schedule of this visit can be accessed at: www.srpoverty.org/2022/05/23/schedule-special-rapporteur-mission-to-kyrgyzstan.

active population:³ these young workers are leaving the country in large numbers, becoming its main source of foreign currency, but depriving it from its most important asset for the future.

5. To reverse this, Kyrgyzstan should stimulate domestic demand and encourage jobs creation in the manufacturing and the service sectors. For this to succeed, however, the country needs a highly qualified workforce and to accelerate progress towards the eradication of poverty. Strengthened social protection, better wages and, more broadly, decent jobs, as well as the gradual elimination of child labour and better quality education are all needed: it is in that sense that human rights can guide the Government's efforts. Similarly, the gradual formalization of informal work is not simply a matter of sound economic policy, and a way to finance social investment, it is also a human rights issue since informal workers remain largely unprotected and their rights routinely violated.

III. Poverty and inequality

A. Prevalence of poverty

6. At the time of independence, Kyrgyzstan was already considered among the poorest republics of the former Soviet Union: one third (33 per cent) of the Kyrgyz population was considered "under provisioned" in 1989.⁴ Poverty rates increased sharply in the late 1990s, reaching 62.6 per cent of the population in 2000. While rates decreased between 2000–2009 to 31.7 per cent,⁵ the 2008 financial crisis pushed an additional 6.3 per cent of the population into poverty. Since then, poverty has generally decreased – albeit with some years of stagnation or increases – to reach a low point of 20.1 per cent in 2019.⁶ The following figure illustrates the trend in the percentage of households living below the national poverty line⁷ between 1996 and 2020.

³ In 2018, 20.5 per cent of the youth population were not in employment, education or training and the youth unemployment rate was 14.8 per cent. See *United Nations Common Country Analysis for the Kyrgyz Republic* (2021), p. 5.

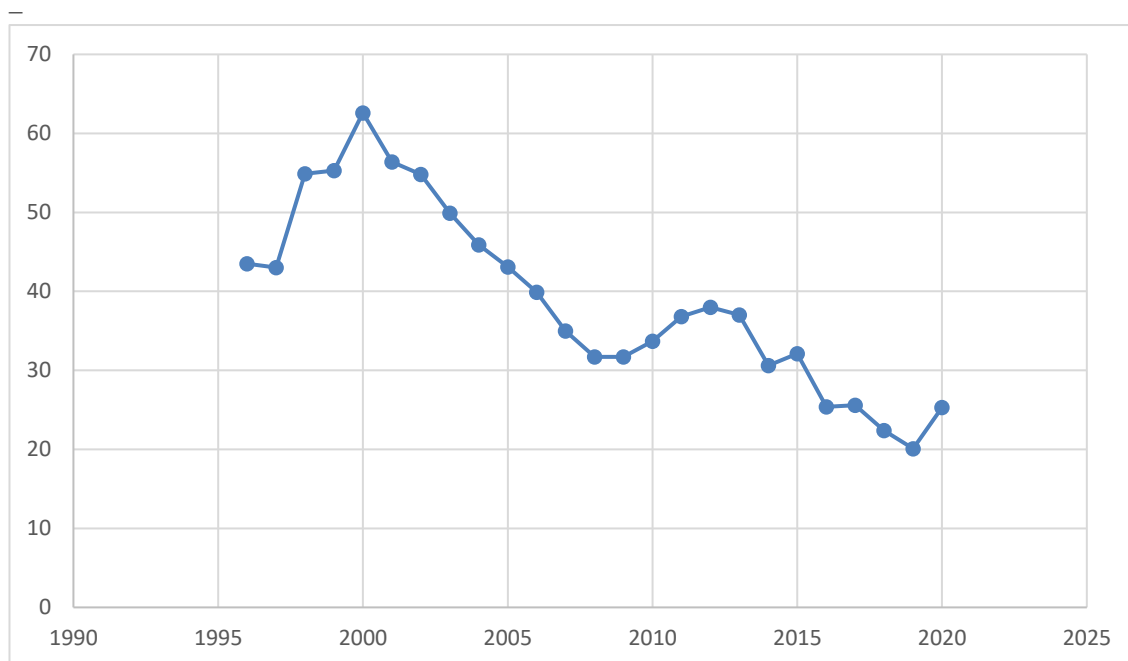
⁴ Organisation for Economic Co-operation and Development (OECD), *Social Protection System Review of Kyrgyzstan*, OECD Development Pathways (Paris, 2018), p. 22.

⁵ See www.stat.kg/en/statistics/uroven-zhizni-naseleeniya.

⁶ *Ibid.*

⁷ The national poverty line is determined once a year for the whole country, as well as at the regional level by the National Statistical Committee, based on the approved methodology for determining the poverty line. The poverty line in 2020 amounted to 96 soms (\$1.1) per capita per day.

Percentage of households living below the national poverty line (1996–2020)



Source: Based on data from the National Statistical Committee, “Number of households with incomes below subsistence level (per cent)”.

7. Poverty may increase further due to reduced volumes of remittances (particularly from migrant workers in the Russian Federation), which have until now played a major role, contributing to reducing poverty by 11.1 percentage points (from 31.2 per cent to 20.1 per cent) in 2019.⁸ Inflation, and particularly rising food prices, are also a real concern: 97 per cent of households reported high food prices as a problem.⁹

8. Many households currently not counted as poor live barely above the poverty line:¹⁰ an increase in the poverty line of only 5 per cent (or an additional 136 soms each month) would result in a 3.6 percentage point increase in the number of persons living in poverty.¹¹ Some 70.2 per cent of the population were already unable to satisfy their basic needs in 2019 – representing, 64.7 per cent in cities and 73.4 per cent in rural areas.¹²

B. Distribution of poverty

9. Poverty is distributed unequally across the country. Of the 1.678 million people who lived below the poverty line in 2020, three quarters (73.7 per cent) lived in rural areas. Poverty rates range from 37.2 per cent and 36.8 per cent in the Jalalabad and Naryn Provinces, respectively, to 14.7 per cent and 16.8 per cent in the cities of Osh and Bishkek.¹³ A 2020 multidimensional poverty assessment based on 2016 data concluded that 50.3 per cent of the

⁸ Altynai Maimekova, Elisabetta D’Amico and Manuela Tolmino, “Poverty, food security and nutrition analysis in the context of COVID-19 and the role of social protection in the Kyrgyz Republic” (World Food Programme and the National Statistical Committee of the Kyrgyz Republic, October 2021), p. 10.

⁹ Ibid., p. 20.

¹⁰ A/HRC/41/34/Add.1, para. 13.

¹¹ A/HRC/WG.6/35/KGZ/1, para. 229.

¹² Maimekova, D’Amico and Tolmino, “Poverty, food security and nutrition analysis”, p. 10. These are people who fall below the minimum subsistence level, estimated at 6,382.69 soms a month since 2021 (the amount needed to cover personal needs (food, non-food items, services and taxes)). See Tatyana Kudryavtseva, “Minimum subsistence level grows by 22 per cent in Kyrgyzstan”, 24.kg, 14 October 2021).

¹³ See www.stat.kg/en/opendata/category/120.

population was multidimensionally deprived, with multidimensional poverty 20 percentage points higher in rural areas than in cities.¹⁴

10. The poverty gap between rural and urban parts of the country is narrowing, however, shrinking from 21 percentage points in 2006 to 8.5 percentage points in 2019.¹⁵ Poverty is thus declining faster in rural areas than in urban areas. Possible reasons include the growing impact of remittances on rural communities, the higher coverage of the rural population by poverty reduction programmes,¹⁶ as well as (less positively) the growing number of the urban poor due to job losses related to the COVID-19 pandemic.¹⁷

C. Inequality

11. Overall inequality remains high. The poorest 20 per cent earn 7.7 per cent, while the richest 20 per cent capture 41.4 per cent of income, figures that have not improved much in the last 20 years.¹⁸ In fact, the poorest 40 per cent have only become poorer in recent years,¹⁹ suggesting that whatever growth in gross domestic product (GDP) that Kyrgyzstan has experienced has not “trickled down” to the poor and the benefits of economic growth have instead benefited those at the top.

12. While social protection will have a major role to play in reducing income inequality, tax reform also will be required: an estimated \$13 million is lost each year to tax havens.²⁰

IV. Poverty among specific groups

A. Women

13. Women in Kyrgyzstan face higher rates of poverty and illiteracy. Their participation in the formal labour market is lower, with an employment to population ratio of 42.1 per cent in 2020 compared with 70.3 per cent for men.²¹ Even when they are employed, women earn less than men: in 2021, women’s wages were on average 75.1 per cent of those of men.²² Women more frequently rely on part-time work,²³ which results in lower social insurance, pensions and job security.

14. Kyrgyzstan ranks 24th out of 26 countries of the Eastern Europe and Central Asia region in the Global Gender Gap Index.²⁴ As of December 2020, only about a third (39.4 per cent) of indicators needed to monitor the Sustainable Development Goals from a gender perspective were available. Important gaps included key labour market indicators, data regarding gender and poverty and women’s access to assets, including land. More

¹⁴ Franziska Gassmann and others, *Multidimensional Poverty Assessment for the Kyrgyz Republic* (Bishkek, United Nations Children’s Fund, 2020), p. 49.

¹⁵ Maimekova, D’Amico and Tolmino, “Poverty, food security and nutrition analysis”, p. 6.

¹⁶ *Ibid.*, p. 10.

¹⁷ *United Nations Common Country Analysis for the Kyrgyz Republic*, p. 12.

¹⁸ International Monetary Fund, “Kyrgyz Republic: selected issues”, Country Report No. 16/56 (Washington, D.C., February 2016), para. 3.

¹⁹ World Bank, “Poverty & Equity Brief: Kyrgyz Republic” (April 2022), p. 2. See also International Monetary Fund, “Kyrgyz Republic: selected issues”, para. 5.

²⁰ Tax Justice Network, “Kyrgyz Republic”.

²¹ World Bank, “Employment to population ratio, 15+, female (%) (national estimate) – Kyrgyz Republic” and “Employment to population ratio, 15+, male (%) (national estimate) – Kyrgyz Republic”.

²² National Statistical Committee, “The ratio of women’s wages in relation to men’s by territory” (2021).

²³ World Economic Forum, *Global Gender Gap Report 2021* (Geneva, 2021), p. 246.

²⁴ *Ibid.*, p. 30.

comparable and disaggregated data are needed to ensure consistent monitoring of Goal 5 and to help improve gender equality.²⁵

B. Children

15. Children experience poverty disproportionately: nearly half (46 per cent) of the poor in Kyrgyzstan are under the age of 16,²⁶ with household composition also playing a major role.²⁷ Data from 2018 show that poverty rates are highest among children under 6.²⁸ In that year, 28.3 per cent of children aged 0–17 were living under the national poverty line, compared with 20.9 per cent of young persons (aged 14–28), 19.3 per cent of persons of working age (aged 16–57 for women and 16–62 for men) and 14.8 per cent of the population older than the working age.²⁹

16. Although basic secondary education in Kyrgyzstan is mandatory and provided free of charge in public schools, obstacles remain in access to education. A survey carried out by the United Nations identified such obstacles as lack of public transportation, financial constraints, stigmatization of certain groups, such as prisoners and persons living with HIV/AIDS, whose status is disclosed to schools and other educational institutions by health workers, the participation of children in domestic work, problems with obtaining documents and discrimination on the basis of language often faced by returnees.³⁰

C. Persons with disabilities

17. Persons with disabilities are disproportionately affected by poverty. Kyrgyzstan ratified the Convention on the Rights of Persons with Disabilities in 2019 and it adopted a 2021–2023 action plan for its implementation. Yet, the main legislation protecting the rights of persons with disabilities (Law No. 38 on the rights and guarantees of persons with disabilities, passed in 2008 and amended in 2017) appears to be largely ignored and poorly implemented.

18. Under Law No. 38 of 2008, public bodies and private companies with more than 20 employees are required to reserve at least 5 per cent of jobs for persons with disabilities. Yet, by the Government’s own admission, this provision is neither observed nor enforced, not even in the public sector: out of 15,873 civil servants, only 104 are persons with disabilities (about 0.75 per cent), and out of 8,484 municipal employees, only 140 are persons with disabilities (less than 2 per cent). Nor do persons with disabilities appear to be guaranteed a right to non-discrimination, including a right to reasonable accommodation, in access to employment.

19. Education in the country is not inclusive for persons with disabilities. Out of 32,000 children with disabilities in Kyrgyzstan, only 10,925 are receiving an education of any kind,³¹ and even when they do, it is often in segregated or specialized schools or through home-schooling.³² Children living in psychoneurological institutes have no access to education at

²⁵ United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), “Kyrgyzstan”. Available at: <https://data.unwomen.org/country/kyrgyzstan>.

²⁶ Franziska Gassmann and Eszter Timár, “Position paper on targeting options for social assistance programme for poor families with children” (Bishkek, United Nations Children’s Fund, 2020), p. 26.

²⁷ See OECD, *Social Protection System Review of Kyrgyzstan*; and Gassmann and Timár, “Position paper on targeting options for social assistance programme”.

²⁸ Gassmann and Timár, “Position paper on targeting options for social assistance programme”, p. 26.

²⁹ National Statistical Committee and United Nations Children’s Fund, *Monitoring of the Sustainable Development Goal Indicators in the Kyrgyz Republic 2014–2018* (Bishkek, 2020), p. 20.

³⁰ United Nations Kyrgyz Republic, *Access of Vulnerable Youth to Key Services in the Kyrgyz Republic: Report on the Survey Results for the Study of the “Leave No One Behind” Principle Implementation* (Bishkek, 2021), p. 25.

³¹ Human Rights Watch, “Insisting on inclusion: institutionalization and barriers to education for children with disabilities in Kyrgyzstan”, 10 December 2020.

³² Ibid.

all, with staff assuming that they are “unfit for education”.³³ Finally, specialized schools often deliver “certificates” rather than diplomas, effectively barring children with disabilities from accessing higher education.

V. Corruption and poverty

20. According to Transparency International, Kyrgyzstan remains among the most corrupt countries in the world, ranking it 144th out of 180 countries. Moreover, while progress was made between 2012 and 2020, its score has worsened by four points since 2020. The Special Rapporteur heard countless testimonies about the bribes required to access a wide range of public services, from receiving medical care to completing the simplest administrative procedures. Informal payments are requested from parents who send their children to school. Persons with disabilities are asked to pay doctors to receive a certificate proving their disability. Persons from poor families are asked to pay bribes in nearly all spheres of their lives. In a 2020 survey, 92 per cent of those polled saw corruption as either a “big” or a “very big” problem in the country today, and 72 per cent considered that the Government was not making enough efforts to tackle the problem.³⁴

21. For those already living in poverty, the bribes that are required to access public services act as a regressive tax, eating up a larger proportion of their incomes. Moreover, poor people are more likely to be asked to pay a bribe than their wealthier peers, because they are less likely to complain.³⁵

22. The new Anti-Corruption Strategy for 2022–2024 was announced on 1 June 2022. Many hopes are placed on the digitalization of public services, in order to reduce the human element and thus the discretionary power of social workers or public officials. Digitalization, however, creates its own risks to those living in poverty, for example: when access to the Internet or digital literacy is low; or when systems contain incorrect information. Online access to services should therefore complement, rather than replace, traditional forms of access, and more assistance from social workers in filling in forms, rather than less, would be required for the system to work.

23. Specific challenges are associated with tackling grand corruption. Nearly one third (31 per cent) of companies have been asked to pay at least one bribe to conduct business in Kyrgyzstan. This is more than double the rate of companies in Europe and the rest of Central Asia that have been faced with corruption requests (12 per cent), and also higher than the average for lower-middle income countries (23 per cent).³⁶ Companies are asked to pay bribes to obtain construction permits (48 per cent of firms), to be awarded government contracts (30 per cent) and in meetings with tax officials (29 per cent).³⁷ Such rampant corruption erodes domestic trust in the State, and diverts precious resources that it cannot afford to lose.

24. Grand corruption also affects poverty alleviation efforts. When companies who offer a bribe are exempted from paying taxes, or when large-scale investment projects lose funding due to corruption, this limits the State’s capacity to fight poverty and to provide its inhabitants with a better quality of life. It effectively siphons away enormous sums of money that could otherwise be used for social protection, education and health care. Most indicators for the control of corruption in Kyrgyzstan have either remained unchanged or worsened since the early 2010s,³⁸ and specific investigations into different forms of corruption corroborate this worrying trend. In investigations into large-scale corruption, for example, Independent journalists have shown a great level of opacity regarding COVID-19 spending, and recent

³³ Ibid.

³⁴ International Republican Institute, “Kyrgyzstan poll shows concerns over corruption, unemployment”, 13 February 2020.

³⁵ Transparency International, “People and corruption: Asia Pacific – Global Corruption Barometer”, 7 March 2017, p. 21.

³⁶ World Bank, the European Bank for Reconstruction and Development and the European Investment Bank, “Enterprise Surveys: Kyrgyz Republic 2019 – country profile” (Washington, D.C., 2019), p. 9.

³⁷ Ibid.

³⁸ World Bank Worldwide Governance Indicators, “Control of corruption – Kyrgyzstan”. Available at: https://databank.worldbank.org/reports.aspx?Report_Name=WGI-Table&Id=ceea4d8b.

changes to public procurement laws could lead to additional secrecy in future emergency spending.³⁹ They have also uncovered large-scale corruption schemes in customs, including an estimated \$700 million reportedly smuggled in the form of payments in bribes and false customs clearances.⁴⁰ Similarly, asset declarations by public officials lack enforcement mechanisms in case of discrepancies or incomplete information, including due to an insufficient number of tax officials to process such declarations, rendering them meaningless in practice.⁴¹ Legislation that could be used to counter these problematic trends, such as the Law on Conflicts of Interest or the Law on Countering Corruption, is largely ineffective.⁴²

VI. Education

25. If the Kyrgyz youth are to be given a real chance of improving their employment prospects, access to quality education is key. The Kyrgyzstan spent 5.4 per cent of GDP on education in 2019.⁴³ This is a fall from 6.6 per cent in 2016, but it remains high compared with other lower middle-income countries, and both the share of education in total government expenditure and the real spending on education have remained stable or increased in recent years: it reached 39.9 billion soms in 2020 (and up to 60 billion soms in 2022, according to official sources), due both to an increase in the number of students and increased wages for teachers.⁴⁴

26. These are encouraging figures, but they do not tell the full story. Despite high literacy rates in the country, the quality of education in Kyrgyzstan is poor. Students in the Kyrgyzstan have ranked last in mathematics, science and reading in both the 2006 and 2009 Programme for International Student Assessment exercises.⁴⁵ A total of 42.1 per cent of children aged 7–14 lack basic literacy skills, and nearly half (48.7 per cent) lack basic numeracy skills.⁴⁶ Reasons for low educational achievement include a lack of textbooks, poor infrastructure, inadequate structure and content of school curricula, as well as a shortage of teachers whose wages, despite the recent increases, remain low.⁴⁷ The number of schools operating in three shifts has doubled since 2012, meaning that children must take turns to attend classes. Finally, facilities are in desperate need of renovation. More than a quarter of schools lack access to clean drinking water and nearly three quarters do not provide their students with indoor toilets.⁴⁸ According to the Ministry of Education, some 179 schools are considered to be in a state of emergency, that is in need of demolishing,⁴⁹ while 457 additional schools require major renovation.⁵⁰ Poorly equipped and poorly staffed, the Kyrgyz educational system is failing to deliver on the promise of quality education enshrined in Goal 4 of the Sustainable Development Goals.

³⁹ Alexandra Li, “No transparency in Kyrgyzstan’s coronavirus Spending”, Organized Crime and Corruption Reporting Project, 24 June 2020.

⁴⁰ Organized Crime and Corruption Reporting Project, “Plunder and patronage in the heart of Central Asia: the 700 million dollar man”, 21 November 2019.

⁴¹ Alexandra Li, “Asset declarations of Kyrgyz officials increasingly useless as anti-corruption measure”, Organized Crime and Corruption Reporting Project, 8 April 2021; and OECD, *Anti-Corruption Reforms in Kyrgyzstan: 4th Round of Monitoring of the Istanbul Anti-Corruption Action Plan* (Paris, 2018), p. 33.

⁴² OECD, *Anti-Corruption Reforms in Kyrgyzstan*, pp. 31 and 159.

⁴³ World Bank, “Government expenditure on education, total (% of GDP) – Kyrgyz Republic”. Available at: <https://data.worldbank.org/indicator/SE.XPD.TOTL.GD.ZS?locations=KG>.

⁴⁴ Programme for the Development of Education in the Kyrgyz Republic for 2021–2024, attachment 1 to Decree No. 200 of the Government of Kyrgyzstan dated 4 May 2021.

⁴⁵ Since then, Kyrgyzstan has refused to participate in such assessments, see Anastasia Bengard, “PISA Ranking: why the last place is not so bad for Kyrgyzstan”, 24.KG, 3 December 2019.

⁴⁶ National Statistical Committee and United Nations Children’s Fund, *Monitoring of the Sustainable Development Goal Indicators in the Kyrgyz Republic 2014–2018*, p. 56.

⁴⁷ Gassmann and others, *Multidimensional Poverty Assessment for the Kyrgyz Republic*, p. 22.

⁴⁸ Programme for the Development of Education in the Kyrgyz Republic for 2021–2024.

⁴⁹ Meeting with the Ministry of Education, 1 June 2022.

⁵⁰ Programme for the Development of Education in the Kyrgyz Republic for 2021–2024.

27. The COVID-19 pandemic has had a heavy toll on students in Kyrgyzstan. Some 98 per cent of children aged 7–17 stopped attending school during that period.⁵¹ Only 83 per cent of children were covered by distance learning, and almost half of children did not have a high-quality Internet connection to pursue their education.⁵²

28. While poor educational outcomes affect the country as a whole, some groups are particularly disadvantaged. In rural areas, only about half (53.8 per cent) of children aged 7–14 were able to successfully complete tasks on basic reading skills, while two thirds (66.7 per cent) of their urban peers were able to match that performance. Moreover, the number of children that remain out of school is significantly higher in rural areas than in urban areas.⁵³ Certain ethnic groups are also particularly affected. In the Uzbek community, which makes up approximately 15 per cent of the country’s population, children drop out of school early, around age 15 – often to pursue vocational training or to support their families by working.⁵⁴ When the Special Rapporteur asked a member of a local government about this phenomenon, the issue was dismissed as simply related to cultural differences between the ethnic Uzbek and Kyrgyz communities, denying that more should be done to provide Uzbek children with high-quality education.

29. The stark differences that are observed in access to schooling and in educational outcomes start from early childhood. A total of 77.8 per cent of children aged 3–5 years do not have access to preschool.⁵⁵ Most of the low-income families the Special Rapporteur met were unable to send their children to kindergartens. The costs of preschool education remains prohibitively high for many households. Depending on the location and region, such costs were approximately 500 to 700 soms (\$5.76 to \$8.06) each month for a child – the equivalent of at least half of the country’s monthly guaranteed minimum income. Moreover, the lack of places for children in pre-primary education means that parents spend years in an electronic queuing system, waiting for their child to be enrolled. The Special Rapporteur was told that, in some cases, bribes of 5,000 soms (\$57.60) were requested to speed up the process.

30. Parents very frequently reported having to pay for their children to attend school. Many were required to provide a sum of money (annually, around 500 soms (\$5.76) a child) to cover school reparations and maintenance costs: although access to school theoretically cannot be refused to parents who do not contribute, the stigma associated with not paying operates in practice as an important deterrent. Other obstacles to accessing education include the long distances involved in reaching schools, as well as the need for registration documents, or *propiska*. Indeed, some families reported that children with registration documents were given priority over those registered elsewhere, leading to delays in enrolments.

31. The European Union has recently pledged 32 million euros to strengthen the Kyrgyz educational system,⁵⁶ and the Special Rapporteur learned about a World Bank project that would provide 500 pre-primary education facilities across the country.

32. While the support of the international community is welcome, it is the Government that bears the ultimate responsibility for improving the quality of education and removing the existing financial, physical and administrative obstacles that prevent the poorest children from accessing schooling, including corrupt practices.

⁵¹ National Statistical Committee and United Nations Children’s Fund, *MICS Follow-up Survey on COVID-19 Impact on Children and Women in Kyrgyzstan: Snapshot of Key Findings* (Bishkek, 2021).

⁵² *Ibid.*

⁵³ United Nations Children’s Fund, *All Children in School by 2015: Global Initiative on Out-Of-School Children – Kyrgyzstan Country Study* (2012), p. 19.

⁵⁴ *Ibid.*, p. 31.

⁵⁵ Programme for the Development of Education in the Kyrgyz Republic for 2021–2024.

⁵⁶ Maria Orlova, “EU allocates €32 million for education system in Kyrgyzstan”, 24.KG, 8 April 2022.

VII. Health care

33. The current health-care system is managed by two main programmes: the State Guaranteed Benefits Programme and the Additional Drug Programme, both financed through general taxation and mandatory health insurance contributions, pooled in the Mandatory Health Insurance Fund.⁵⁷ Health care is provided through semi-autonomous public health facilities, private facilities and private pharmacies.⁵⁸ For patients, three support schemes coexist. First, all individuals are entitled to coverage provided by the State Guaranteed Benefits Programme: primary care and emergency care are provided without co-payments, specialist outpatient care is provided free of charge upon referral, and hospital care is provided on the basis of a referral and co-payments. Second, selected groups – based on their high expected need for health care (e.g. children less than 5 years, pensioners aged more than 70 years, persons with disabilities and pregnant women, as well as persons with certain medical conditions) – are partially or fully exempted from co-payments for inpatient care. Third, individuals paying contributions (or for whom the government pays contributions) benefit from reduced co-payments for inpatient care. Such contributions are paid by employers or by individuals themselves (in the case of farmers working on their own land or self-employed people). In 2017, the enrolment rate for health-care contributions was 73.6 per cent, indicating that a quarter of the population (and particularly persons working in the informal economy) do not benefit from this third form of support.⁵⁹

34. Expenditure on health care has fallen from 8.51 per cent of GDP in 2012 to 4.49 per cent in 2019 (the latest data available from the World Bank).⁶⁰ Although the budget has now increased (reaching, according to government data, 11 per cent of GDP), the low level of support to health care is particularly concerning given that the COVID-19 pandemic revealed major gaps in the Kyrgyz public health-care system. The medical staff work in poor conditions, facing long working hours, reduced and delayed pay and reprisals for speaking out against their situation.⁶¹

35. Poor governance is part of the problem. It was reported that the Government failed to transparently spend \$645 million on a COVID-19 emergency response during the pandemic in 2020.⁶² The Security Council of Kyrgyzstan itself identified eight corruption risks within the Mandatory Health Insurance Fund relating to the transfer and redistribution of compulsory health insurance funds, as well as collusion with pharmaceutical companies.⁶³

36. Corruption can also be an obstacle to access the national health-care system. Many persons living in poverty that the Special Rapporteur met reported having had to pay bribes to receive health-care services, a practice that was acknowledged by high-level officials and that the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health had already noted in 2019.⁶⁴ Although the practice is difficult to assess objectively, in one study it was found that the proportion of patients who had made informal payments had increased since 2006 to reach about 60 per cent in 2013, with average payments as high as \$23.⁶⁵ The 2021 increase in the wages of health-care personnel, as well as the hotline set up in 2017 to allow patients to complain about the quality

⁵⁷ Melitta Jakab, Baktygul Akkazieva and Jarno Habicht, *Can People Afford to Pay for Health Care? New Evidence on Financial Protection in Kyrgyzstan* (Copenhagen, World Health Organization Regional Office for Europe, 2018), p. 2.

⁵⁸ *Ibid.*, p. 10.

⁵⁹ *Ibid.*

⁶⁰ World Bank, “Current health expenditure (% of GDP) – Kyrgyz Republic”. Available at: <https://data.worldbank.org/indicator/SH.XPD.CHEX.GD.ZS?locations=KG>.

⁶¹ Amnesty International, “Kyrgyzstan: medics suffer rights violations, pay high personal price during COVID-19 pandemic”, 25 September 2020.

⁶² Foreign Policy Centre, *Retreating Rights: Examining the Pressure on Human Rights in Kyrgyzstan* (London, 2021), p. 80.

⁶³ *Ibid.*

⁶⁴ A/HRC/41/34/Add.1.

⁶⁵ Melitta Jakab, Baktygul Akkazieva and Joseph Kutzin, *Can Reductions in Informal Payments Be Sustained? Evidence from Kyrgyzstan, 2001–2013* (Copenhagen, World Health Organization Regional Office for Europe, 2016).

of the services provided (a tool that could be more explicitly presented as also allowing complaints about “facilitation payments” being demanded), are important steps in the right direction.

37. Beyond bribery, out-of-pocket payments remain highly problematic. While 28 categories of patients seeking health care are granted co-payment exemptions under the State Guaranteed Benefits Programme (including various military personnel, children less than 5 years of age and various groups of persons with disabilities), this approach is not particularly progressive: 57.5 per cent of beneficiaries are not in the bottom two quintiles of the income distribution and 51.3 per cent of the bottom two quintiles are not exempted from co-payments.⁶⁶ The cost of medicines also remains prohibitively high, with medicines and medical products accounting for more than 60 per cent of out-of-pocket spending.⁶⁷ The Special Rapporteur met older persons in Batken who could barely afford to pay for food and medicines on their meagre pensions. In Bishkek, he met individuals from poor households who were forced to buy material for their surgery themselves, in addition to bribing the doctors. While the Additional Drug Programme allows significant reductions for the purchase of certain medicines, including for the treatment of cancer, epilepsy and schizophrenia, some important medications, such as those to treat hypertension, are not included.

VIII. Housing

38. The affordability of housing remains a major concern for many persons experiencing poverty in Kyrgyzstan, where the population has grown faster than the housing stock since 1991, resulting in excess demand for housing.⁶⁸ In Bishkek, the population has grown from 874,400 in 2012 to 1,074,000 in 2021.⁶⁹ Even among high-income households, only a small minority are able to purchase housing from the market.⁷⁰

39. Due to the increase in internal migrants from rural to urban areas, a large number of informal settlements (*novostroikis*) have been built around urban peripheries in recent years, including 48 residential areas around Bishkek.⁷¹ Approximately 225,000 people, or more than 20 per cent of Bishkek’s population, live in these informal settlements. The problems resulting from such informal settlements include the lack of registration of buildings and land plots; construction without project documentation verified by city authorities; environmental or health hazards, including residential buildings close to landfill sites and high voltage electricity transmission lines; lack of official identity documents for their inhabitants, leading to difficulties in accessing health care and education; and lack of key infrastructure, including roads, pavements, water, sewage, gas and electricity, street lighting and public green spaces.⁷²

40. Official government figures report a total of 947 homeless persons, mainly in Bishkek, but non-governmental organizations estimate that there are more than 3,500 houseless persons in the capital alone.⁷³ Based on World Bank data from 2018, in that year, 10 per cent of the urban population was living in a “slum household”, defined as “a group of individuals living under the same roof lacking one or more of the following conditions: access to improved water, access to improved sanitation, sufficient living area, housing durability, and

⁶⁶ World Bank, *Kyrgyz Republic Public Expenditure Review: Better Spending for Building Human Capital* (Washington, D.C., 2021), p. 71.

⁶⁷ *Ibid.*, p. 62.

⁶⁸ Mamiko Yano, “A human rights-based approach to human security: the United Nations approach to the right to adequate housing in Kyrgyzstan”, *Journal of Human Security Studies*, vol. 5, No. 1, pp. 164–184, at p. 169.

⁶⁹ National Statistical Committee, “Resident population as of the beginning of the year”. Available at: www.stat.kg/en/statistics/naselenie.

⁷⁰ Yano, “A human rights-based approach to human security”, p. 169.

⁷¹ Nurzat Abdyrasulova and Bakytbek Satybekov, “Post COVID-19 recovery for informal settlements in the UNECE region: city of Bishkek, Kyrgyzstan – Assessment Report” (Geneva, Economic Commission for Europe, 2021), p. 5.

⁷² *Ibid.*

⁷³ Yano, “A human rights-based approach to human security”, p. 171.

security of tenure”.⁷⁴ Throughout his visit, the Special Rapporteur met numerous households in very poor living conditions. Some lived in former workers’ dormitories, affected by moisture and mould, overcrowding and a lack of basic amenities.

41. The Government has adopted two consecutive housing policies to realize the right to housing guaranteed in the country’s constitution. The first one, Affordable Housing (2015–2020), provided an interest rate of 10 per cent for individuals seeking to buy a dwelling who were able to make a down payment of 30 per cent and a 12 per cent interest rate for all others. According to the fourth periodic report submitted by Kyrgyzstan to the Committee on Economic, Social and Cultural Rights in 2020, some 539,900 loans were issued through the scheme, providing approximately 18,000 persons with housing. Annual interest rates were lowered to 6 and 8 per cent in November 2019.

42. However, in a 2017 report, the Ombudsperson found that the programme focused primarily on providing housing for public sector employees, and employees of health-care systems and the education and the social sectors and that its approach was inadequate to provide housing for vulnerable families and homeless persons. According to the Ombudsperson, internal migrant workers, unemployed persons and informal workers did not benefit from the programme to any great extent.

43. The second programme, My Home (2021–2026), focuses on increasing the availability of mortgage lending by reducing the annual interest rate to 4 per cent, as well as developing a rental housing mechanism for subsequent purchase. Despite the lowered interest rate, most persons experiencing poverty do not have access to the programme. In particular, there are extremely long queues of people wishing to benefit from the programme. Moreover, persons working informally or surviving on State benefits are largely unable to envisage purchasing their own homes. While some of the people that the Special Rapporteur met were benefiting from municipal housing, this was an exception rather than the rule. The procedure for obtaining municipal housing has been marred by corruption and a lack of transparency; moreover, again, long queues mean that those living in poverty may spend 15 to 20 years waiting to receive the scarce social housing that some municipalities may occasionally offer.

44. During the third cycle of the universal periodic review, a number of Governments recommended that Kyrgyzstan develop a national plan to reduce homelessness and poverty, recognizing that the Government was in the process of implementing the Affordable Housing 2020 Programme and that it was considering establishing a specialized housing fund.⁷⁵ In 2022, the Committee on Economic, Social and Cultural Rights asked Kyrgyzstan to provide additional information and disaggregated statistical data on the implementation and impact of the 2015–2020 affordable housing programme to ensure that it met the needs of disadvantaged and marginalized groups and reduced the number of homeless persons, as well as on measures taken to develop a comprehensive housing policy that included various forms of homeownership, including leased/rented housing and housing acquired through equity construction.⁷⁶

45. A new impetus to realize the right to housing is urgently needed. The Special Rapporteur expressed his hope that the draft social housing law prepared by several non-governmental organizations would be considered by parliament to ensure that social housing was provided nationwide to persons experiencing poverty.

46. In addition to the lack of social housing, a significant problem concerns the lack of mechanisms to compensate families forcefully evicted from their homes. The Special Rapporteur urges the adoption of a legal framework consistent with international norms and standards regarding evictions, compensation and resettlement.

⁷⁴ World Bank, “Population living in slums (% of urban population) – Kyrgyz Republic”. Available at: <https://data.worldbank.org/indicator/EN.POP.SLUM.UR.ZS?locations=KG>.

⁷⁵ A/HRC/44/4, paras. 137 and 140.110–140.115.

⁷⁶ E/C.12/KGZ/Q/4, paras. 21 and 22.

IX. Access to adequate diets and to water

47. As a result of the recent crises, food insecurity is a growing problem in the country. Already in 2019, 46 per cent of the population consumed less than 2,100 calories a day, implying that the poor and those concentrated just above the poverty line did not meet their daily adequate energy consumption requirements.⁷⁷ The situation has significantly worsened since, largely because Kyrgyzstan relies heavily on imported food products that have seen a significant increase in prices in 2021 and 2022 (of around 47 per cent for wheat, 37 per cent for sugar and 84 per cent for vegetable oil).⁷⁸ Rising food prices, together with the depreciation of the national currency, are having effects that are borne by the most vulnerable, who spend most of their income on food: food prices increased by 18.8 per cent on average for overall staple food items (cereals, meat, fish, milk and dairy products, fruits and vegetables)⁷⁹ and up to 30 per cent for some essential products, such as wheat and flour, compared with 2019.⁸⁰ Many households reported that they had to reduce their food consumption, compromising the diversity and quality of their diets.⁸¹

48. In response, the Ministry of Health provided one-off food assistance to poor families, persons with disabilities, newly poor and unemployed, through hotline 1227.⁸² A longer term solution, which would also reduce school dropout rates, would be to expand the provision of free school meals beyond the elementary levels (grades 1 to 4) that are currently covered.

49. The adequacy and diversity of diets are a related and pressing concern. Even before the COVID-19 pandemic, up to 76 per cent of households could not afford an adequate diet, with most calorie intake being based on wheat, potatoes and sugar.⁸³ Consumption of nutrient-rich foods, such as meat, milk and their products, have substantially decreased compared with 1990, while consumption of wheat and wheat products have remained unchanged during the same period. The country is now facing the triple burden of undernutrition, malnutrition resulting in micronutrient deficiencies and an increase in overweight and obesity both among the adult population and among children and adolescents.

50. Access to water and sanitation are also seriously compromised for many. Although 94 per cent of the population have access to clean drinking water, only 31.6 per cent of the population are connected to piped water and about 6 per cent collect water directly from springs, rivers and ditches.⁸⁴ Many people in rural areas use irrigation water for sanitation and household purposes: they (mostly women and girls) fetch water from the large irrigation canals. This water, however, is muddy and salted and, although it contains pesticides from the fields, it is being used to wash dishes and clothes, and even to cook meals. The country also has an acute wastewater problem. Only 31.5 per cent of the population use a sewage system; the rest release wastewater into the environment, leading to the high prevalence of waterborne diseases.

51. These are rightly seen as priorities in the National Development Strategy 2018–2040, but it will require significant investment for the improvement of basic infrastructure to ensure access for everyone to safe drinking water and sanitation, in particular for vulnerable groups and poor households.⁸⁵

⁷⁷ *United Nations Common Country Analysis for the Kyrgyz Republic*, p. 12.

⁷⁸ Calculations of the Food and Agriculture Organization of the United Nations based on the average import dependency ratio from 2015 to 2019.

⁷⁹ Maimekova, D'Amico and Tolmino, "Poverty, food security and nutrition analysis", p. 6.

⁸⁰ World Food Programme, "Food security situation in the Kyrgyz Republic" (2021), p. 2.

⁸¹ Maimekova, D'Amico and Tolmino, "Poverty, food security and nutrition analysis", p. 18.

⁸² *Ibid.*, p. 7.

⁸³ World Food Programme, "Food security situation in the Kyrgyz Republic", p. 4.

⁸⁴ *United Nations Common Country Analysis for the Kyrgyz Republic*, p. 21.

⁸⁵ National Development Strategy of the Kyrgyz Republic for 2018–2040 (Bishkek, 2018), pp. 40 and 41.

X. Employment

52. Growth in Kyrgyzstan does not translate into increased employment opportunities for all: young workers and women, in particular, face specific challenges. The youth unemployment rate was 14.8 per cent in 2020,⁸⁶ more than double the general unemployment rate. The problem is not that wages are too high or the employment market too regulated: in fact, while the average monthly wage in the country is around 20,000 soms (\$250), the national minimum wage was set at 1,970 soms (\$22.69) a month, a grossly low level that is not even a third of the minimum subsistence level and is in clear violation of the International Covenant on Economic, Social and Cultural Rights.⁸⁷ The problem is, rather, a lack of properly qualified workers and a failure to create as many jobs as demographic growth requires.

53. The obstacles women face in access to employment not only persist, they are rising. In 2020, while 77 per cent of men were employed, this was the case for only 42.1 per cent of the women, a dramatic fall over the past 25 years.⁸⁸ This employment gender gap is highest among men and women aged 25–29 years old with employment rates of 89 per cent and 45 per cent, respectively, for men and women.⁸⁹ There is also a substantial gender disparity in the rate of young persons not in education, employment or training, which was 29 per cent among girls and 12.1 per cent among boys, showing that adolescent girls have limited opportunities after leaving school compared with adolescent boys. Girls are not encouraged to study or do well in traditionally male-dominated subjects such as maths, sciences and technology. Highly differentiated gender roles allocate unpaid domestic and care work to women, and paid work to men. Even when they complete secondary education at higher rates than boys, adolescent girls are less likely to transition to paid work compared with adolescent boys. This is of particular concern to the Special Rapporteur, since such a gap compromises girls' future career opportunities and forces them to stay at home or to seek lower paying jobs. This perpetuates cycles of poverty in their communities and may lead to early school dropout, early marriage or early pregnancies: every eighth girl is married before the age of 18.

54. Some 71.8 per cent of workers in Kyrgyzstan are informal workers, with even higher rates in rural areas,⁹⁰ and informal work contributes to about one quarter of GDP.⁹¹ As such, ensuring a transition from the informal to the formal economy, in line with International Labour Organization recommendation No. 204 (2015), should be a priority. While informal workers in principle should not be excluded from legislation protecting health and safety at work or guaranteeing minimum wages,⁹² they are not protected by labour legislation in practice, and they are not covered if they are sick or injured in the workplace. They also lack social insurance coverage, including contributions to mandatory health insurance, which grants access to health care. Nor are they entitled to holidays. Workers who do not contribute to the Social Fund will only receive a minimal pension once they retire, and as detailed further below, the long-term viability of the pension system is therefore at great risk unless the current situation is remedied.

55. The Government has sought to set up active labour market programmes through public works and vocational training schemes, covering together 22,900 persons.⁹³

⁸⁶ *United Nations Common Country Analysis for the Kyrgyz Republic* (2021), p. 5.

⁸⁷ Committee on Economic, Social and Cultural Rights, general comment No. 23 (2016), paras. 18–24.

⁸⁸ World Bank, "Employment to population ratio, 15+, male (%)" (national estimate) – Kyrgyz Republic". Available at

<https://data.worldbank.org/indicator/SL.EMP.TOTL.SP.MA.NE.ZS?locations=KG>. World Bank, "Employment to population ratio, 15+, female (%)" (national estimate) – Kyrgyz Republic". Available at: <https://data.worldbank.org/indicator/SL.EMP.TOTL.SP.FE.NE.ZS?locations=KG>.

⁸⁹ *United Nations Common Country Analysis for the Kyrgyz Republic*, p. 5.

⁹⁰ Kanat Tilekeyev, "Understanding informal economy in Kyrgyzstan: better social justice for workers, higher sustainability for the country" (Bishkek, Friedrich-Ebert-Stiftung, 2021), p. 1.

⁹¹ *Ibid.*, p. 16.

⁹² Committee on Economic, Social and Cultural Rights, general comment No. 23 (2016), para. 47 (d).

⁹³ Ministry of Labour, Social Protection and Migration, "In Kyrgyzstan, the unemployment rate is 2.9 per cent at the beginning of 2022", February 2022.

Vocational guidance centres were opened in Bishkek, Osh, Karakol and Naryn to provide advice to young people in accessing job opportunities and choosing a profession that is in demand on the labour market.⁹⁴ In Naryn and Osh, the Special Rapporteur learned about the Temporary Public Works Programme, a nationwide programme aimed at providing temporary job opportunities to unemployed people with wages ranging from 1,800 to 2,700 soms (\$20.74 to \$31.10) for a duration of one to six months.

56. These initiatives are praiseworthy in intent but almost irrelevant in content. The amounts invested are insignificant: active labour market programmes represent less than 1 per cent of total social assistance expenditure.⁹⁵ The wages paid in the Temporary Public Works Programme are entirely inadequate to attract candidates and there is little focus in the programme on the acquisition of skills.

XI. Migration and remittances

57. The limited ability of the economy to generate employment for the working-age population has led to significant labour migration, both international, primarily to the Russian Federation and Kazakhstan, and internal, primarily towards Bishkek and Osh.⁹⁶

58. Internal migrants moving from rural to urban areas represent 18 per cent of the population of Kyrgyzstan, with 71 per cent of internal migrants moving to Bishkek and the Chui Region more broadly.⁹⁷ In Bishkek, approximately 35 per cent of the population are internal migrants.⁹⁸ Most live in informal settlements, however, without any formal registration and therefore the real figures could be higher.

59. The Special Rapporteur visited two informal settlements around Bishkek, Altyn Kazyk and Kelechek. He heard the testimonies of internal migrants about their difficult living conditions and the challenges faced in accessing health care or social services, hampered by the registration system (*propiska*) requiring migrants to be registered to access services such as health care, education, water and electricity. Approximately 75.6 per cent of internal migrants are not officially registered at their place of residence.⁹⁹ While, according to the constitution, the absence of a residence cannot justify a restriction on the rights and freedoms of citizens, the practice is often otherwise. The Special Rapporteur was also informed that, to obtain the registration, migrants need to legalize their residences and complete additional paperwork, which is an expensive and time-consuming process, especially in the light of unsteady, seasonal or part-time employment. Addressing the issue of registration would help ensure better living conditions for internal migrants who move to urban areas and that they are able to apply for social protection benefits, especially when they have children.

60. Migration to foreign countries reaches even more impressive proportions. By 2020, 800,000 to 1,000,000 Kyrgyz citizens (approximately 40 per cent of the country's labour force) regularly worked abroad, with large numbers of Kyrgyz leaving the country to work every year (between 9,000 and 50,000, depending on the sources), nearly 80 per cent in the Russian Federation.¹⁰⁰ In 2020, remittances contributed 31.3 per cent to the country's GDP. The income sent by migrant labourers contributed to reducing the national poverty rate by 9.3 per cent, with 613,800 persons relying on remittances to remain out of poverty, particularly in rural regions.¹⁰¹

⁹⁴ Ibid.

⁹⁵ World Food Programme, "Food security situation in the Kyrgyz Republic", p. 25.

⁹⁶ International Labour Organization, *The Future of Work in the Kyrgyz Republic* (Geneva, 2020).

⁹⁷ International Organization for Migration, *Internal migration in Kyrgyzstan* (Bishkek, 2021), p. 3.

⁹⁸ Ibid., p. 3.

⁹⁹ International Organization for Migration, *Internal migration in Kyrgyzstan*, p. 4.

¹⁰⁰ World Food Programme and International Organization for Migration, *Migration, Food Security and Nutrition in the Kyrgyz Republic* (Bishkek, 2021), p. 5.

¹⁰¹ Ibid., p. 10.

61. Remittances today are a vital safety net, with progressive impacts: more than 35 per cent of households in the poorest decile receive remittances, compared with 8 per cent in the richest decile,¹⁰² and they represent 70 per cent of the poorest households' income.¹⁰³

62. The Government is encouraging migration by concluding agreements with countries such as Japan, the Republic of Korea and the United Kingdom of Great Britain and Northern Ireland. This, however, cannot be a long-term development strategy. It depletes the country of its human capital and socioeconomic development potential. It prevents the country from reaping the benefits of its investments in education. Remittances, moreover, mainly support consumption with no direct effect on investment: more than 90 per cent of migrants and their families spend all their income on immediate consumption.¹⁰⁴ As migrants leave the country, children are sometimes left behind. More than 277,000 children have one migrant worker parent and 99,000 have both parents working abroad.¹⁰⁵ In most cases, children are left in the care of relatives, in residential institutions or in informal foster care with friends or neighbours – sometimes without formalized guardianship arrangements. These children are at risk of experiencing violence, abuse and child labour. Lack of parental care can lead to detrimental effects on the psychosocial development and academic performance of children.

63. And there is the situation of migrant workers themselves. An agreement on pension coverage for migrant workers in the Eurasian Economic Union entered into force on 1 January 2021, and similar agreements were concluded with the Republic of Korea and Turkey. From 2021, workers have acquired the right to exercise their pension rights in relation to the funded pension, as well as labour (insurance) disability and survivor's pensions, and from the beginning of 2022, the realization of workers' pension rights has become possible in relation to all types of pensions provided for by the agreement. While this represents significant progress, migrant workers are not always able to access social protection programmes either in their own country or abroad. This renders migrants and their families vulnerable to an income shock and places them at high risk of poverty in old age.¹⁰⁶ Migrant workers also face the risk of being exploited in low-level jobs abroad.

XII. Social protection

64. The social protection system of Kyrgyzstan is among the least developed of the Commonwealth of Independent States. Its strengthening should be a top priority for the Government, both to reduce poverty and grow the economy. The major gaps identified in the 2017 assessment-based national dialogue include: low levels of social benefits, poor quality of social services and limited access to social services in mountainous areas, a high degree of informality in employment, the evasion of social security contributions in the formal sector, a limited connection between social protection and social insurance schemes and lack of qualified social workers in rural regions.

65. Uneven coverage is also evident in the allocation of resources across the sector. While the pension system achieves near-universal coverage among retirees, less than 10 per cent of the population has access to social assistance and active labour market policies.¹⁰⁷ The most notable gaps are the lack of protection for the urban poor, unemployed youth (especially women) and migrant workers. These gaps often result in pensioners living with younger generations, stretching their (often low) pension benefits across large households.

¹⁰² International Monetary Fund, *Kyrgyz Republic: 2021 Article IV Consultation Report – Press Release; and Staff Report* (Washington, D.C., 2021), p. 47.

¹⁰³ Food and Agriculture Organization of the United Nations and World Food Programme, "Food security implications of the Ukraine-Russia conflict: globally and in the Kyrgyz Republic" (2022), p. 4.

¹⁰⁴ World Food Programme and International Organization for Migration, *Migration, Food Security and Nutrition in the Kyrgyz Republic*, p. 7.

¹⁰⁵ *United Nations Common Country Analysis for the Kyrgyz Republic*, p. 42.

¹⁰⁶ OECD, *Social Protection System Review of Kyrgyzstan*, p. 52.

¹⁰⁷ OECD, *Social Protection System Review of Kyrgyzstan*, p. 17.

66. While space limitations do not allow the Special Rapporteur to provide a full assessment of the social protection system in the country, he recalls the most significant schemes and makes a number of recommendations.

A. Social assistance

67. The two most important social assistance schemes are the child allowances scheme (*üy-bülög көмөк*) and monthly social benefits, colloquially known as “social pensions”.¹⁰⁸ The child allowances scheme, providing a monthly benefit for low-income families with children, is the only social security scheme targeting poor households. In principle, it supports households with children aged less than 16 years, whose monthly income (not taking into account other forms of State support) is below the guaranteed minimum income (or 1,000 soms for each household member, taking into account also productive assets such as animals, plots and allotments, and durables). Since 1 June 2022, the monthly allowance for each child was raised to 1,215 soms for eligible households. There are currently 330,000 beneficiaries. The overwhelming majority (approximately 90 per cent) are in rural areas, due both to the fact that rural poverty is more widespread and to the fact that income computed from agricultural activities is generally very low.

68. The monthly benefit for low-income families with children has major deficiencies. The rate of non-take-up is high: using the National Statistical Committee’s 2015 Kyrgyz Integrated Household Survey, OECD calculated that 77.3 per cent of eligible households were not covered.¹⁰⁹ This is chiefly due to the need for households to provide information about income in order to prove eligibility and to the costs of collecting the documentation required, which often requires travel to the district administration. The information provided by claimants is checked through visits to the household and the room for discretion creates opportunities for corruption. Only a small proportion of children in poverty in the country are therefore protected. Moreover, such protection is minimal: the 1,215 soms represents one fifth of the minimum subsistence level, calculated as the income needed to live a life in dignity covering the basic necessities.

69. To avoid major issues of under-inclusion and thus to improve the efficiency of the contribution of the scheme to poverty reduction, a simpler system should be adopted, increasing coverage. In June 2017, parliament voted in favour of a system comprising a universal birth grant (worth approximately \$58), a universal monthly grant to all children aged 0–3 (of around \$10 a month) and a monthly (large family) grant for the third and subsequent children in families with three or more children aged between 3 and 16, of around \$7.50 a child. This would not be means tested and some influential actors have therefore argued that it would be less effective. However, such a system would be easier to administer and, since the majority of households with three or more children are among the poorest groups of society, it would have a major impact on the reduction of child poverty.

70. Monthly social benefits are provided to certain categories of the population that are considered most vulnerable, including children with disabilities or those who have lost at least one of their parents; adults with disabilities; women over 55 years of age with seven or more surviving children; or older persons (men above 65 years of age or women above 60 years of age). In 2022, 122,700 individuals received monthly social benefits, including 74,700 persons with disabilities (including 34,800 children with disabilities) and 20,300 children having lost at least one of their parents. The benefits provided vary from category to category, having been significantly increased on 1 January 2022. Yet, for certain categories, they remain far below minimum subsistence levels. Moreover, the Special Rapporteur met some beneficiaries who stated that it was common practice for social workers processing claims to demand a payment for a positive outcome, equivalent to the value of one or even two months’ benefits.

¹⁰⁸ Other social assistance schemes are the maternity benefits, the one-time payment provided to parents upon the birth of a child and the funeral benefit.

¹⁰⁹ OECD, *Social Protection System Review of Kyrgyzstan*, p. 101.

B. Social insurance

71. Social assistance (including both poverty alleviation schemes and active labour market policies) pales in comparison with social insurance schemes: as a proportion of the country's GDP, they represent 1.7 per cent¹¹⁰ and 8.4 per cent,¹¹¹ respectively. Calculations are further complicated when it comes to identifying beneficiaries and providing benefits, as several categories have overlapping patterns.

72. Retirement pensions, by far the most significant part of the social insurance branch of social protection, are financed by the contributions of employers and workers (representing, respectively, 17.25 per cent and 10 per cent of gross wages), although a small proportion of these contributions go to the Mandatory Health Insurance Fund, to health insurance and to a workers' rehabilitation fund. Self-employed workers contribute a flat 10 per cent, with 9 per cent going to the pension insurance and another 1 per cent to health insurance.

73. As currently designed, the retirement pension regime suffers from major limitations. While its coverage is at present still quasi-universal, a legacy of the era of near-full employment before the collapse of the Soviet Union, the fact that almost three quarters of employment is now informal threatens the future viability of the system. Another source of concern is the gap between women and men. The number of women receiving the retirement pension is higher than that of men, due to the higher life expectancy of women (76 years versus 68 years), the earlier retirement age of women (58 years old versus 63 years old for men) and the overrepresentation of women among the categories of workers that can take early retirement. The average level of pensions for women, however, is significantly lower than for men (5,410 soms versus 6,162 soms): in Bishkek, women's pensions are on average 88 per cent of those of men. This is due to the persistent gender pay gap and to the more frequent career interruptions of women. This is in violation of the requirements of the International Covenant on Economic, Social and Cultural Rights.¹¹²

74. Kyrgyzstan also has a minimal system of unemployment benefits, covering workers who have worked for at least 12 months. The benefit is calculated on the basis of the contributions made and it is provided for up to 6 months a year, but for no more than 12 months over a three-year period. The benefits are set at an extremely low level, ranging from 300 soms to 600 soms, far below the guaranteed minimum income level and between one tenth and one twentieth of the minimum subsistence level.

C. Need for reform

75. Social protection schemes should be urgently strengthened, in order to guarantee an adequate standard of living and to protect the right to social security, in line with article 9 of the International Covenant on Economic, Social and Cultural Rights. This requires, in particular, that the level of benefits provided should be regularly adapted to the cost of living, in order to ensure that all individuals can have access to food, education, housing and health care, which are necessary for the enjoyment of the rights enshrined in the Covenant.¹¹³ At present, the levels of support provided remain grossly inadequate.

76. The strengthening of social protection should be seen not as a burden on public budgets, but as an investment in the future, with potentially high returns in the mid- and long term.

77. The reform of the pension system provides an opportunity in this regard, since one important component of the reform is to encourage the formalization of informal work, by a combination of sanctions and of positive incentives, including lower levels of contributions for small businesses and a guarantee that registered workers will be provided with three months of benefits at a level equivalent to the minimum wage (about 7,000 soms) in case of

¹¹⁰ Social Fund, "On the implementation of the budget of the Social Fund of the Kyrgyz Republic for 2021" (in Kyrgyz). Available at: <http://socfond.kg/ru/otchiet-ob-ispolnienii-za-2021-gh>.

¹¹¹ Maimekova, D'Amico and Tolmino, "Poverty, food security and nutrition analysis", p. 25.

¹¹² *Trujillo Calero v. Ecuador* (E/C.12/63/D/10/2015).

¹¹³ Committee on Economic, Social and Cultural Rights, general comment No. 19 (2007).

unemployment or sickness. The formalization process should allow the mobilization of more domestic resources to fund social protection, both under social insurance and under social assistance schemes.

78. Another potential source of funding would be to establish a fund for future generations financed with revenues from the extractive industries: this would be consistent with the need for the economy to reduce its heavy dependence on resource extraction and to improve the attractiveness of being employed in the country for young workers, many of whom today see no other option than to seek to migrate in search of better opportunities abroad.

XIII. Conclusion and recommendations

79. In addition to the recommendations made above, the Special Rapporteur urges the Government to prioritize the following issues:

(a) Improve the efficiency of the monthly benefit for low-income families with children scheme (*üy-bülög kömök*), the contribution to poverty alleviation of which is marred by inadequate targeting and low levels of benefits. A simplified and more generous child benefits scheme, with broader coverage, should be introduced, as already anticipated in 2017;

(b) Fully implement Law No. 38 on the rights and guarantees of persons with disabilities (2008);

(c) Make progress towards the realization of the right to housing by urgently adopting a law on social housing and by providing effective protection against evictions, in line with international standards;

(d) Adopt a legislative framework prohibiting discrimination across all fields covered by the International Covenant on Economic, Social and Cultural Rights, including an explicit prohibition of discrimination on grounds of social condition or socioeconomic disadvantage;

(e) Ensure health-care centres, schools and social workers inform people about their rights, including their right to report being asked to pay bribes, in order to reduce corruption;

(f) Accelerate the transition from the informal to the formal economy, in line with International Labour Organization recommendation No. 204 (2015), as is already being considered in the context of the pensions reform;

(g) Improve the quality of education, by training teachers and raising their salaries, and by rehabilitating schools in need of repair or equipment;

(h) Adopt additional temporary special measures, in line with the recommendation from the Working Group on discrimination against women and girls, with a strong focus on achieving economic equality for women and improving access to education for women and girls, in particular in science, technology, engineering and mathematics, as well as to vocational training.