

**UNIVERSAL PERIODIC REVIEW-HUMAN RIGHTS COUNCIL**  
**UNICEF INPUTS / KYRGYSZTAN**  
**OCTOBER 2009**

**I. Background and Framework**

1. Thirty eight per cent of the population of Kyrgyzstan are children, and children aged 0-14 years make up about 30 per cent of the total population.

2. The economy of Kyrgyzstan remains fragile and is based on a very small number of economic sectors. The main drivers of the economy are agriculture, tourism and remittances. Unemployment affects 8 per cent of the active population. The unemployment rate is even higher for those between 15 and 24 years at around 15 per cent.<sup>1</sup> About two thirds of all jobs are in the rural sector (2003), the vast majority of which (63 per cent) are in agriculture.

3. The Kyrgyz Republic is one of the poorest countries in the Commonwealth of Independent States with a GDP per capita (PPP) of just \$1,813 (2006).<sup>2</sup> While poverty is declining in the Kyrgyz Republic, it is still very high. Thirty five per cent of the population lives below the national poverty line (2007) and about 6 per cent live in extreme poverty.<sup>3</sup> Poverty is most acute in the countryside where a majority of the population resides. Though poverty has fallen, regional disparities and inequality have increased. The GINI coefficient of income distribution was 0.397 in 2006.<sup>4</sup> Labour migration and brain drain have been identified as significant obstacles to poverty reduction. Other challenges include declining enrolment rates in primary education and women's inequality.<sup>5</sup>

4. The economy was adversely affected by the global economic crisis. While basic food prices soared in 2008, with inflation reaching 20 per cent, the country has recently experienced sharp reductions in remittances and external trade. Kyrgyzstan's balance of payments and social spending were rescued by hundreds of millions of dollars worth of soft loans and grants from the Russian Federation and the International Monetary Fund, coupled with a sound macroeconomic management and a banking system relatively isolated from global forces. In the first eight months of 2009, the economy in fact grew by 3.4 per cent relative to the same period of 2008. These factors have enabled the Government to maintain and in some cases increase social spending – increases have been made in state pensions and Unified Monthly Benefits from 1 July.

5. President Bakiev was reelected in July 2009. The four strategic priorities of the Country Development Strategy for 2007- 2010 (CDS1) namely: (i) strengthening of economic potential; (ii) improving governance efficiency; (iii) socially oriented development; and (iv) maintenance of environmental safety<sup>6</sup> were renewed in the CDS 2 (2009-2011), with an increased focus on social protection reform and strengthening of quality social services. It is most likely that these priorities will be maintained by the new government established following the reelection of President Bakiev.

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<sup>1</sup> TransMONEE 2008: 10.6 and 10.7

<sup>2</sup> TransMONEE 2008: 10.2

<sup>3</sup> United Nations Development Programme (2007) *Poverty Reduction*.

<sup>4</sup> TransMONEE 2008: 10.9

<sup>5</sup> World Bank (2008) *Country Brief, Kyrgyz Republic*.

<sup>6</sup> CDS 2009-2011.

6. Over the last few years the Government of Kyrgyzstan has reiterated its commitment to improving the wellbeing of children. A key step was taken in 2006 with the approval of a Children's Code by the President. The Children's Code sets out a broad legal framework for a decentralised system of child protection and services. The Code stipulates that a single national coordinating body should be responsible for the protection of children's interests and rights at national level, while at district level the key bodies are the Commissions on Children's Affairs and the Family and Children Support Departments. Although called for in the Country Development Strategy, it has remained unclear which government institution was responsible for development of social services.

7. Kyrgyzstan is on track to achieve MDG targets on poverty reduction, universal enrolment in primary education and literacy, and ensuring environmental sustainability. However, the Kyrgyz Republic is a long way from achieving its targets on child mortality, maternal health, combating HIV/AIDS, tuberculosis and other infectious diseases and providing safe drinking water. The low and declining learning achievements among students are one of the most serious concerns with long-term implications for the country's development.

8. Kyrgyzstan's commitment to children's rights was underpinned through the adoption of three key laws, namely the Law on Flour Fortification, the Code on Breast Milk Substitutes and the Law on Mandatory Preschool.

## **II. Promotion and Protection of Human Rights on the Ground**

### **A. Cooperation with international human rights mechanisms**

1. Kyrgyzstan has ratified most the international conventions, including the Convention on the Rights of the Child and its Optional Protocols. Kyrgyzstan has neither signed nor ratified the Convention on the Rights of Persons with Disabilities, but it has been discussed in Parliament. International treaties and agreements are part of the legislation of the Kyrgyz republic. At the official request of the Ministry of Foreign Affairs, a mission to Kyrgyzstan of the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes made an official visit to Kyrgyzstan 30 September to 9 October 2009. The Government has also invited the newly elected Special Rapporteur on Violence against Women. Her visit will take place from 8 to 17 November 2009.

### **B. Implementation of international human rights obligations**

#### ***Right to the enjoyment of the highest attainable standard of health***

2. The nutritional status of children in Kyrgyzstan has improved significantly since 1996 but inadequate maternal and child nutrition remains a serious public health concern. In 2006 almost 14 per cent of the nation's children under five years of age suffered from stunted growth--an indication of chronic malnutrition. Even more alarming is the high prevalence of anemia (~70 per cent) found in recent years among children less than three years of age. Research shows that inappropriate infant and young child feeding practices—due to poor knowledge and access to appropriate food--are common and are likely the main factor in child malnutrition. A recent study (World Food Programme 2009) showed that 34% of families are food insecure spending two thirds or more of their income on food—a rate that has changed little over the past four years.

3. There has been a gradual decline in infant mortality (IMR) and under-five mortality (U5MR) rates over the past ten years. In 2007, the IMR was 29.8 according to Ministry of Health (MoH) data or 36 according to UNICEF's Multiple Indicator Cluster Survey (MICS) which is accepted as correct by the MoH. U5MR was 36.6 according to MoH data and 41 according to MICS. Neonatal mortality is still unacceptably high. A worrying increase in the number of deaths of newborns has been noticed in recent years, indicating that children are dying due to lack of medical assistance, or because of low quality of care.

4. Despite the high levels of access to services, maternal mortality is still unacceptably high (51.9 in 2007 according to official statistics) and points clearly to issues of quality of care for women during pregnancy, labour, delivery, and post partum. An estimated 70 per cent of maternal deaths are considered preventable. Maternal mortality is 1.5 to 2 times higher at the district hospital level than at the national level, where a deficit of qualified staff, a lack of specialised assistance and acute obstetric conditions are the main reasons for death.

5. Between 2007 and 2008, approximately 140 cases of hospital-acquired HIV were registered among children, mostly in Osh province. This dramatic situation highlighted the lack of knowledge and experience in providing care to HIV-infected mothers and children, medical and social support for children with HIV, and lack of support for HIV-infected children and their families at the community level, including actions to address against stigma and discrimination. The main concern in this area is the existence of parallel systems of HIV services and general medical services, which should be integrated into the general medical services. A policy has also been introduced to integrate prevention of mother to child transmission into routine Mother and Child Health (MCH) services but has not been fully implemented.

6. UNICEF has forged partnerships and developed effective cooperation with the Ministry of Health and international organizations to improve the quality of medical services to children and women. Measures should be undertaken by the Government to institutionalize a process for continuous quality improvement of services to increase the likelihood of newborn survival and thus contribute to a reduction in children and maternal mortality. Strengthened efforts are required to integrate HIV services into general medical services to ensure that children with HIV have better access to good quality treatment and care.

### ***Right to Education***

7. Kyrgyzstan's high achievements in education during Soviet times are being eroded for a number of reasons. According to the 2006 MICS the net enrolment rate was 92.1 per cent for primary school and 89.1 per cent for the secondary level. The primary school completion net ratio on average is 79.2 per cent,<sup>7</sup> and is slightly better for girls (80.3 per cent) than for boys (78.4 per cent). The MICS also indicates that approximately 50,000 children are out of school, representing 4 per cent<sup>8</sup> of school-age children. Recent evidence shows that about one-third of these drop-outs are in rural areas. Children stop going to school mainly because of family reasons, economic reasons, or both.

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<sup>7</sup> Transition rate to secondary school – the number of children that were in the last grade of primary school during the previous school year that attend secondary school

<sup>8</sup> When adjusted for children who start school late.

8. The declining and uneven quality of education and the lack of qualified teachers in rural areas are also negatively affecting the rate of enrolment among school age students. The inability to provide good textbooks continues to be a pressing issue, as is the maintenance and development of school infrastructure.

9. During the last five years, studies have shown considerable decline in student achievement, especially at the elementary level (ADB, 2004).<sup>9</sup> According to the Organisation for Economic Cooperation and Development's "Programme for International Student Assessment" (PISA) results for 2006, Kyrgyzstan was ranked last out of the 57 countries that participated in the assessment. The majority of 15-year-old students (86 per cent) lack fundamental scientific skills. Eighty eight per cent of Kyrgyz students have not attained baseline proficiency in reading; and the figure is 89 per cent in mathematics. PISA also revealed high rates of absenteeism which likely leads to students scoring poorly.

10. Improving the quality of education must be an urgent priority in order to address the well-documented low and declining learning achievements. Major reform is needed in teacher salaries, and in up-grading the quality of training of rural-based teachers who are most likely to continue working in the education system. Shortage of textbooks also needs to be addressed.

11. Progress in expanding coverage of children in early education programmes has been very slow. Seventy five to 80 per cent of children aged 3 to 5 years are not attending any form of organised Early Childhood Education programme (UNICEF 2008, National Statistics 2008). By 2007, public kindergartens covered 11 per cent of young children( mostly 3 to 5 years old), but the coverage for rural areas is only 3-4 per cent.. The main issues are related to access, equity, and quality of ECD services together with a need to drastically improve human resources at all levels of pre-school services.

12. One per cent of GDP loss annually for Kyrgyzstan is due to stunting, poverty, and lack of preschools (Source: UNICEF Regional Office). But loss of developmental potential is still not recognized. To address this, a comprehensive ECD national plan and programmes with appropriate funding allocations should be developed and implemented. An intersectoral approach to addressing these issues is vital for effective realization. Poverty reduction strategies and policy documents should integrate ECD as a key strategy.

13. There is pressing need to provide cost-effective and affordable preschool education to cover all children with preschool services, starting with the most disadvantaged, to ensure children are ready for school.

#### ***Right to life, liberty and security of the person***

14. Kyrgyzstan's legal framework includes several provisions for the protection of children from violence, neglect, exploitation and abuse and from separation from families. A number of legislative acts regulate the struggle against child abuse. Article 18 of the Constitution of the Kyrgyz Republic stipulates that no one shall be subject to torture or humiliating punishment. The main challenge is to ensure implementation of the

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<sup>9</sup> ADB, 2004. *Basic education in the Kyrgyz Republic: From Contextual response to Development Strategy-Education Sector Development Program*, ADB, Bishkek, 2004.

laws. A recent study commissioned by UNICEF and the Vice Prime Minister's Office acknowledges a widespread trend of child abuse within families. Seventy two per cent of children reported experiencing abuse, neglect in the family, or both.

15. The President, the Ministry of Justice, Supreme Court and Parliament are all committed to reform of the juvenile justice reform and a new Law on Juvenile Justice, in line with international standards, is before the parliament. Although official data shows that 90 per cent of offences attributed to 14-17 year old children involve petty robbery, more than 60 per cent of sentences result in imprisonment. Most children in conflict with the law do neither receive the legal assistance nor adequate defense in court. Furthermore, prevention and rehabilitation services are poorly developed, which makes harder for young offenders to successfully reintegrate into society. The new law if approved, will make deprivation of liberty the measure of last resort and for the shortest possible period of time, and calls for diversion measures to be applied for children accused of light crimes.

16. The proposed new Law on Juvenile Justice should be approved and then systematically implemented ensuring sustainable alternatives to detention either at the phase of criminal investigation or when the child is convicted. The capacity of judiciary and law-enforcement authorities should be built to use alternative penalties to the deprivation of liberty for juvenile offenders.

***Right to privacy, marriage and family life***

17. Residential institutions remain the main means of protecting children left without parental care and children from poor families. According to the National Statistical Committee, in 2007 there were 20,750 children living in residential institutions. Most of them have either one or both parents.

18. UNICEF works with the Government to ensure that every child has right to live in a family or a family type environment. To achieve this, policies on de-institutionalization and "gate-keeping" need to be developed in order to prevent placing of children in institutions, reintegration of children with their biological or extended families and in the longer term transformation of large residential institutions into centres where alternative care services and social support to families are provided.

19. To address lack of social support and social services for vulnerable children and their families at local level, UNICEF supports the creation of a decentralized continuum of alternative care services close to children. Local self governance bodies need to be involved in the provision of services and case management. A responsibility agency or Ministry should be given clear responsibility for the development of social services, and adequate funding should be provided, with a major indicator of success being the decrease in the number of children in long-term institutional care.

20. The adoption rate for both domestic and inter country adoption (ICA) is relatively high in comparison to other CEE/CIS countries. While domestic adoption rates have marginally decreased, the inter-country adoptions are on the rise and increased from 46 children in 2006 to 90 in 2007. Since 2006 international adoption has been considered by the courts. There are already reported abuses of the fact that Kyrgyz potential adoptive parents outnumber adoptable children. Despite the subsidiary rule giving priority to domestic adoptions, there is evidence of "competition" between national and foreign applicants. Kyrgyzstan is not a signatory of the Hague Convention of 29 May

1993 on Protection of Children and Co-operation in Respect of Inter-country Adoption.<sup>10</sup> The parliament has recommended its adoption, but it is still being debated by the Government. The Government and Parliament should revise its procedures for national and intercountry adoption in order to project the best interests of children and consider approval of the Hague Convention.

***Right to social security and adequate standard of living***

21. The economic growth of recent years did not deliver the expected benefits to poor people, and more specifically to children. According to a recent study on child poverty and disparities in Kyrgyzstan, 43.3 per cent of children are living in poverty, while 7.7 per cent live in extreme poverty. This has an irreversible impact on well-being and future prospects. Child poverty in rural areas is much higher than in urban areas, reaching 59.5 per cent and 22.3 per cent respectively. People living in rural areas run almost twice the risk of living in extreme poverty compared to those in urban areas. Especially vulnerable are households in mountainous areas. Regional differences matter as well.

22. One of the ways to tackle poverty is provision of cash transfers to poor and vulnerable households. Income maintenance schemes are often considered as 'best practice' social assistance, by supplementing household income to a social minimum. However, the current design and delivery system of social benefits is acknowledged as being ineffective and inefficient in reducing child poverty. The Ministry of Labour and Social Development is committed to reforming the system (with UNICEF technical assistance) in order to improve targeting and effectiveness and increase the size of child benefits with an ultimate shift from means tested benefits to universal benefits for all children. The Government should try to increase social assistance spending to at least 1 per cent of GDP.

**III. Key national priorities, initiatives and commitments**

Improvement of nutritional status of children and mothers is still a priority for Kyrgyzstan. Implementation and monitoring of the recently adopted Code on Breast Milk Substitutes and the Law on Flour Fortification are seen as effective measures, as is national scale up of home-based food fortification by Sprinkles.

**IV. Capacity-building and technical assistance**

There has been a gap between policy and practice with regard to realization of children's rights. Implementation and enforcement of progressive laws remains a challenge for state and non-state duty-bearers. UNICEF supports Government and civil society efforts to translate commitments into actions which lead to change for children. In line with assessed capacity needs of key stakeholders, UNICEF utilizes various strategies from advocacy and evidence-based policy advice to knowledge transfer and capacity building with selective support to innovations and strategic projects on the ground.

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<sup>10</sup> The Hague Convention on Private International Law, for ratification status of countries, [http://www.hcch.net/index\\_en.php?act=conventions.status&cid=69](http://www.hcch.net/index_en.php?act=conventions.status&cid=69)