

## **NGO Submission for the Initial Universal Periodic Review of the Kyrgyz Republic in June 2014**

Submitted by HelpAge International, June 2014

### **Key Words**

Older women and men, older prisoners, violence and abuse, social security, adequate standard of living, health.

### **Introduction**

1. This submission highlights a) the violence and abuse older women and men are subjected to with impunity, b) the denial of older prisoners' right to social security, and c) the barriers older women and men face in enjoyment of their rights to an adequate standard of living and to health. It makes also recommendations for government action.

### **Violence and abuse against older women and men in Kyrgyzstan**

2. Older women and men in Kyrgyzstan are one of the groups particularly vulnerable to violence. They experience different forms of violence and abuse including economic, emotional, physical, neglect and sexual. However there is a stereotype that older women and men are treated with respect and therefore do not experience violence and abuse. Subsequently it remains a societal taboo subject, very few cases are reported to the authorities and so it occurs with little recognition and impunity.

3. Findings from a HelpAge International 2012 survey<sup>1</sup> that looked at 5 areas of violence and abuse (financial, psychological, physical, sexual and malicious accusations) among women and men over 50 in Kyrgyzstan show that both older women and men are experiencing different forms of violence on the basis of their old age. Across all categories 39% of women surveyed and 31% of men

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<sup>1</sup> HelpAge International, The rights of older people in Kyrgyzstan, 2013.

surveyed reported experiencing at least one of these categories of abuse since they turned 50.

4. 26% of the older women surveyed and 19% of the older men had experienced some form of financial abuse, most commonly being denied money, property or possessions that they were owed. The most common perpetrators were friends, neighbours or someone other than family that they knew. 16% of the older women and 8% of the older men had been subjected to psychological violence, the most common form of which was being put down, belittled, degraded, humiliated or shamed by most commonly friends, neighbours, someone they knew other than family members or community leaders. 4% of the older women and 8% of the older men, mainly in urban areas but across all age ranges, had been subjected to physical violence. One women out of the 49 surveyed reported sexual violence on more than one occasion by her current partner/husband. 6% of the older men but none of the older women reported being the subject of malicious accusations.

5. There is very little data on violence and abuse against older women and men in the Kyrgyz Republic as surveys on violence against women tend to collect data on women of reproductive age only and exclude men. There are some official statistics, however, that show prevalence of elder abuse in Kyrgyzstan. The National Statistic Committee (NSC) reports that police units fielded 131 complaints (women-110, men-21) of domestic violence from people aged over 50 in 2009, 108 complaints (women-99, men-9) in 2010 and 148 complaints (women-132, men-16) in 2011. Some of the numbers come from crisis centers, aksakal courts and official providers of psychological support. According to the NSC, the number of older people appealing for help to these institutions doubled between 2008 and 2010, rising from 829 to 4,044 including women -74%, men-26%. In 2010 the cases of elder abuse to medical facilities made up 222 older people, out of them women-164, men-58<sup>2</sup>. It should, however, be noted that official statistic data reflect only "the tip of the iceberg", due to widespread underreporting of domestic conflicts.

6. A HelpAge International study in 2011<sup>3</sup> found that in terms of public perception, the top cause of violence and abuse against older people identified by survey respondents was poverty and unemployment (74%) and more than 64% pointed to alcoholism and drug abuse as underlying factors. The second and third most often mentioned causes were alcoholism and drug use or 43%. Others included an erosion of moral and ethical values 37% and about 24% said that "impunity for domestic violence" contributed to elder abuse. 17% respondents identified one cause as

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<sup>2</sup> Statistical Compendium» Women and Men in the Kyrgyz Republic," NSC (Bishkek, 2011), page 45

<sup>3</sup> Elder Abuse report Kyrgyzstan 2011 in the frame of the project "The right to life without violence in old age" funded by EU.

“dissatisfaction and the desire for self-affirmation at the expense of an elderly family member.”

7. In addition, public awareness on violence against older women and men and elder abuse and the protection of human rights is extremely low at the national level. As a result many older women and men are not aware of their rights or entitlements, for example where to get support.

8. Awareness that this is a human rights issue is also low amongst service providers and law enforcement. Health and social workers tend not to consider domestic violence as an issue for older women and men, and therefore rarely ask about it. Police prefer not to interfere as believes that elder abuse is an internal, private family affair and do not hurry to support.

9. In Kyrgyzstan there is a Law on Social and Legal Protection from Domestic Abuse (March 25, 2003) that provides protection mechanisms to victims of domestic violence.

The Law states: *“The Law is aimed at creating of social-legal system of protection lives and health of all family members and provides protection from domestic violence, based on observation of international standards of human rights.”*

Despite the existing law older people continue to experience different types of violence and abuse. The Law doesn't specify older people as a distinct group of people particularly vulnerable to abuse and violence. Taking this into account there is a need to outline special measures of protection and assistance for them.

10. We therefore recommend that the Government of Kyrgyzstan revise the law on “On social and legal protection from domestic violence”, taking into account the particular issues faced by older women and men.

11. We recommend that the Government of Kyrgyzstan support the collection of data on domestic violence for people over 49 and disaggregate this data by age and sex.

12. We also recommend that the Government of Kyrgyzstan conduct raising awareness campaigns about elder abuse at the national level to break the silence around this problem and make it more visible.

## **Inadequate pension, the right to social security and the right to an adequate standard of living**

13. For many older women and men who receive a pension, the amount is so low that it prevents them from enjoying an adequate standard of living and other rights including access to healthcare and the rights to housing, food, water. Despite the fact that the pension has reached the minimum subsistence level in Kyrgyzstan for the last year<sup>4</sup>, pensioners do not feel secure in terms of income. People who retired before 1996 do not receive the second part of the insurance pension (individual insurance account) as this was introduced in 1996. As a result 67% of pensioners receive a pension that is lower than the minimum subsistence level and have to continue working. Only 33 % people of retirement age get pensions higher than the minimum subsistence level.

14. According to the latest data, the average pension is 4 720 Kyrgyz som (US \$98) and the minimum subsistence level (MSL) is 4920 Kyrgyz som (US \$104)<sup>5</sup>. According to the official data, utility services cost only 20% of the MSL, but in reality paying for utilities requires 70% of MSL. Therefore, annually increasing pensions in Kyrgyzstan do not provide an adequate standard of living for older people.

15. As a result older people are unable to afford basic necessities. According to the HelpAge survey<sup>6</sup> in 2012 5% of older respondents reported lack of access to everyday essentials such as food, water, shelter, heating, fuel and clothing as a serious problem for them personally all of the time, with a further 27% per cent reporting such difficulties regularly and 47% per cent occasionally. When these respondents were asked if they felt this was because of their age, 8% reported this to be the case all of time or regularly, and 31 per cent occasionally.

16. We therefore recommend that the Government of Kyrgyzstan increases the value of the existing contributory pension so that it provides an adequate standard of living for older people and those in their care.

## **Older prisoners and their access to social security**

17. Older prisoners have limited access to social entitlements and benefits in Kyrgyzstan despite the fact that under the Law on state pension social insurance (July, 21, 19997) which says: "*All insured citizens of the Kyrgyz Republic who made contributions to the state*

<sup>4</sup>(<http://focus.kg/news/economic/4345.html>)

<sup>5</sup><http://news.namba.kg/read.php?id=1111101>

<sup>6</sup> HelpAge International survey summary on older people's rights in Kyrgyzstan, 2012

*pension social insurance have the right to receive pensions” (Article 1).*

*“Insurance and accumulative parts of pension are paid to older people staying in boarding houses and prisons.”(Article 31, point1)*

*“Territorial bodies of Social Fund are obliged to provide consultations and assistance in applying necessary documents for pension.”(Article 25, point1).*

A study<sup>7</sup> in 2011 showed that 100% of older prisoners are not aware about their rights to social security, specifically to a pension. Prison officials do not organize consultations for older prisoners with representatives of the Social Fund. The survey showed that 13% people of retirement age in the surveyed prisons were not receiving their pension and 18% did not know the whereabouts of their pensions that they got before. Payment of their pensions had been stopped while they are in prison. The survey found that 24% didn't have labor records and this prevented them from getting a pension. 32% were not aware about whereabouts of their passports earlier taken by the investigator.

18. When older people are released from prison they have to face additional challenges. Because of a lack of residence registration, many have little or no access to employment, health care, social services and other public goods. Moreover, they are unable to address the restoration of documents, which prevents them from accessing health care, their pensions and other benefits they may be entitled to, employment and financial and other assistance.

19. We therefore recommend that the Government of Kyrgyzstan provide consultations for older prisoners to improve their access to social security and make them aware about their rights.

### **Medical costs and the right to health**

20. Age discrimination in health care provision is widespread; older people note that ambulance services ask for the patient's age and routinely discriminate against people over 50: *“We have to tell a lie when calling an ambulance”* says a member of an older people's group in Bishkek.<sup>8</sup>

21. Health care is also unaffordable for many poor older people. The HelpAge survey<sup>9</sup> found that 14% of respondents indicated that there was no health facility within half an hour travel time of their home, including 8% of those living in urban areas and 21% in rural

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<sup>7</sup> Report on the situation with older prisoners rights in the Kyrgyz Republic, Resource Center for Elderly, Citizens against corruption, 2011

<sup>8</sup> HelpAge International, *Programme framework for older people and non-communicable diseases (NCDs)*, Workshop Report, June 2009

<sup>9</sup> HelpAge International survey summary on older people's rights in Kyrgyzstan, 2012

areas. Lack of access was higher among those older people who self-identified as experiencing a limiting longstanding illness or disability (LLID).

22. Survey respondents noted that they experienced age discrimination in accessing healthcare treatment. A small number of respondents (2%) indicated that they had been refused or denied medical treatment because of their age, and 5% said that they had been refused health insurance because of their age. However, a higher proportion (16%) experienced worse treatment by health professionals because of their age and 12% said that their health and medical needs had been neglected because of their age. Age discrimination in accessing healthcare treatment alongside inadequate income through pensions are major barriers to older people's enjoyment of their right to health.

23. We recommend that the Government should ensure health workers change their attitudes to older women and men and treat them with respect and dignity through age awareness campaigns and training of health workers on gerontology and geriatric issues.

### **Recommendations**

1. The Government should revise national legislation, specifically the law on "On social and legal protection from domestic violence", taking into account the particular issues faced by older women and men.

2. The Government should support the collection of data on domestic violence for people over 49 and disaggregate this data by age and sex.

3. To conduct raising awareness campaigns about elder abuse at the national level to break the silence around this problem and make it more visible.

4. The Government should increase the value of the existing contributory pension so that it provides an adequate standard of living for older people and those in their care.

5. The Government of Kyrgyzstan should provide consultations for older prisoners to improve their access to social security and make them aware about their rights.

6. The Government should ensure health workers change their attitudes to older women and men and treat them with respect and dignity through age awareness campaign and training of health workers on gerontology and geriatric issues.

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