

**Universal Periodic Review (35<sup>th</sup> session, January – February 2020)**

**Contribution of UNESCO**

**Kyrgyzstan**

**I. Background and framework**

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	State Party 03/07/1995	Reservation to this Convention shall not be permitted		Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage (1972)</i>	03/07/1995 Acceptance			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage (2003)</i>	06/11/2006 Ratification			Right to take part in cultural life
<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)</i>	Not ratified			Right to take part in cultural life

## II. Promotion and protection of human rights on the ground

### A. Education

1. The current **Constitution of Kyrgyzstan**<sup>1</sup> was adopted by referendum on 27 June 2010. According to **Article 45**: 1. Everyone shall have the right to education. 2. General basic education shall be compulsory. Everyone shall have the right to receive general basic and secondary basic education in state educational establishments free of charge. 3. The State shall create conditions for teaching everyone in the state, official and one international language beginning from pre-school educational establishments until the general basic education. 4. The State shall create conditions for the development of public, municipal and private educational establishments. 5. The State shall create conditions for the development of physical culture and sports.”

2. The 1992 **Law on Education** in the Kyrgyz Republic (amended in 1997 and 2003) stipulates that all citizens have the right to education regardless of sex, nationality, language, social status, political or religious belief. Article 3 provides mandatory and free primary and basic education for all citizens and free access to general secondary education in public and municipal educational institutions. The law also lays down the conditions for the functioning of the education system.<sup>2</sup>

### B. Freedom of opinion and expression

#### Constitutional and Legislative Framework:

3. Freedom of expression, speech and the press is guaranteed under Article 31 of the Constitution of Kyrgyzstan (2010, amended 2016). It guarantees free expression of opinion, freedom of speech and press to everyone and prohibits propagation of national, ethnic, racial and religious hatred, gender as well as other social supremacy that advocates discrimination, hostility and violence.<sup>3</sup>

4. Kyrgyzstan decriminalized defamation in July 2011.<sup>4</sup> However, an insult of the state symbols and state institutions as well as judges remains a criminal offence under Article 321 and 352 of the Criminal Code.<sup>5</sup>

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<sup>1</sup> <http://www.unesco.org/education/edurights/media/docs/8d14aa24616b3a0f9c34872f8eba0c9bff940b90.pdf>

<sup>2</sup> World Data on Education, IBE, 7th Edition, 2010-2011: Kyrgyz Republic, pp. 2 – 3.

[http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Kyrgyzstan.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Kyrgyzstan.pdf)

<sup>3</sup> <https://wipolex.wipo.int/en/text/458383>

<sup>4</sup> <http://asiancorrespondent.com/60418/osce-hails-kyrgyz-decision-to-decriminalize-libel/>

<sup>5</sup> [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=248664](http://www.wipo.int/wipolex/en/text.jsp?file_id=248664)

5. On 16 April 2014, the Parliament passed the Law 68 –2014 amending the Criminal Code to criminalize the dissemination of “knowingly false messages about the commission of crimes.” It imposes fine of imprisonment for up to three years.

6. Kyrgyzstan passed the Law on Guarantees and Free Access to Information in 1997<sup>6</sup>, and Law on Access to information held by state bodies and local self-government bodies of the Kyrgyz Republic in 2006<sup>7</sup>.

#### Implementation of legislation:

7. The State Agency for Communication under the Government of Kyrgyzstan is the state authority regulating broadcasting activities. It determines issues licenses in cooperation with other state agencies in charge of developing state policy in the field of information. The Agency reports to the Government.<sup>8</sup>

#### Safety of Journalists:

8. UNESCO has recorded no killings of journalists in Kyrgyzstan since systematic reporting began in 2008.<sup>9</sup>

### **III. Review and specific recommendations**

#### **A. Education**

9. During the last UPR cycle, Kyrgyzstan received recommendations relating to access to education, with a focus on access to education for girls, allocation of resources, child labour, the inclusion of children with disabilities within the education system and the provision of human rights education and reproductive health education in schools.

#### Policy framework

The Education Development Strategy of the Kyrgyz Republic for 2012 – 2020<sup>10</sup> (“EDS”) aims to improve education with three cross-cutting priorities: education management, education financing and monitoring and evaluation of the education system.

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<sup>6</sup> <http://legislationline.org/download/action/download/id/1236/file/71bdeda3cd18a208b73f34711206.pdf>

<sup>7</sup> [http://legislationline.org/download/action/download/id/4217/file/Law On Access to Info held%20by%20State%20Bodies%20and%20Local%20Self-Government%202006\\_EN.pdf](http://legislationline.org/download/action/download/id/4217/file/Law%20On%20Access%20to%20Info%20held%20by%20State%20Bodies%20and%20Local%20Self-Government%202006_EN.pdf)

<sup>8</sup> <http://cbd.minjust.gov.kg/act/view/ru-ru/202317?cl=ru-ru>

<sup>9</sup> <https://en.unesco.org/themes/safety-journalists/observatory/country/223737>

<sup>10</sup> Education Development Strategy of the Kyrgyz Republic for 2012 -2020, pp. 3 - 4

<https://www.globalpartnership.org/content/education-development-strategy-kyrgyz-republic-2012-2020>

## Access to education

- Kyrgyzstan has 9 years of compulsory education, from age 7 to 15, and 11 years of free education up to the end of secondary general education.<sup>11</sup>
- Universal primary and lower secondary education has been achieved, but at upper secondary level, the net enrolment rate drops to 72%.<sup>12</sup>
- There may be multiple reasons for dropout, however the rate of child labour might be a factor - 27.8% of children are engaged in non-permissible labour in Kyrgyzstan, the vast majority of which work in agriculture.<sup>13</sup> Children involved in child labour account for 42.8% of those with incomplete general secondary education.<sup>14</sup>

## Ethnic Minorities

- Certain ethnic groups in Kyrgyzstan have barriers to the enjoyment of their right to education, such as the *Mugat*, for whom low school attendance and high rates of school dropout, especially among girls, is common.<sup>15</sup>
- Kyrgyzstan is striving to implement a balanced language policy, and form a new generation of trilingual Kyrgyz nationals speaking the State language, the official language and a foreign language, while ensuring the preservation of mother tongues in the country's ethnic communities.<sup>16</sup>
- The multilingual teaching policy has been trialed in southern Kyrgyzstan with support from UNICEF, which has led to observable positive changes in attitudes between children of different ethnicities.<sup>17</sup> Classes are taught in a combination of mother tongue language, Russian and Kyrgyz, assuring future opportunities for young people from ethnic minorities who can struggle to continue education or find work without a strong grasp of Russian and Kyrgyz.<sup>18</sup>

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<sup>11</sup> Education Development Strategy of the Kyrgyz Republic for 2012 -2020, pp. 5 - 6

<https://www.globalpartnership.org/content/education-development-strategy-kyrgyz-republic-2012-2020>

<sup>12</sup> Global Education Monitoring (“GEM”) Report, 2019, p. 292. [https://en.unesco.org/gem-](https://en.unesco.org/gem-report/taxonomy/term/210)

[report/taxonomy/term/210](https://en.unesco.org/gem-report/taxonomy/term/210)

<sup>13</sup> International Labour Organization, *Working Children in the Kyrgyz Republic – Child Labour Survey 2014 – 2015*, p. 126. [https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-moscow/documents/publication/wcms\\_533504.pdf](https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-moscow/documents/publication/wcms_533504.pdf)

<sup>14</sup> Ibid, p. 130.

<sup>15</sup> Concluding Observations of the Committee on the Elimination of Racial Discrimination, May 2018, p. 5.

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/KGZ/CO/8-10&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/KGZ/CO/8-10&Lang=En)

<sup>16</sup> Combined eighth and tenth periodic reports of the Kyrgyz Republic on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in the period 2011-2015, p. 26

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fKGZ%2f8-10&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fKGZ%2f8-10&Lang=en)

<sup>17</sup> UNICEF Annual Report 2017: Kyrgyzstan, p. 1.

[https://www.unicef.org/about/annualreport/files/Kyrgyzstan\\_2017\\_COAR.pdf](https://www.unicef.org/about/annualreport/files/Kyrgyzstan_2017_COAR.pdf)

<sup>18</sup> UNICEF, *In south Kyrgyzstan, multilingual education is path to opportunity and inclusion*,

<https://www.unicef.org/kyrgyzstan/stories/south-kyrgyzstan-multilingual-education-path-opportunity-and-inclusion>

## Quality

- In 2015, only 36% and 37% of children achieved minimum proficiency in reading and mathematics, respectively, by the end of primary education.<sup>19</sup>
- Following similarly disappointing results from the PISA survey 2009, the OECD analyzed the potential underlying reasons that Kyrgyzstan finds it challenging to achieve strong learning outcomes, and concluded that a low GDP per capita, low cost per student, poor pre-school coverage, a shortage of teachers, textbooks and inadequate infrastructure, and low teacher salaries are all relevant.<sup>20</sup>

## Allocation of resources

- Kyrgyzstan expenditure on education in 2016 was 7.2% of total GDP. The education share of total government expenditure was 18.5%.<sup>21</sup> This shows a positive increase from 2014 when government expenditure was 5.5% of total GDP and 16.1% of total government expenditure.<sup>22</sup>

## Gender

- Gender parity has been reached at all levels of education.<sup>23</sup>
- Gender has been included in 72 hours of thematic courses as part of the professional development of teaching staff at various levels. With the support of international organizations (UNESCO and UNDP), a model programme for teaching gender theory and model gender curricula in various disciplines have been developed, libraries with information and reference literature on gender have been set up in central and regional universities, and a gender fund has been set up within the National Library of the Kyrgyz Republic.<sup>24</sup>

## Human Rights Education

- The Ministry of Education and Science has reformed the curricula to include a comprehensive course entitled “Humans and society”, introduced from grades 1 – 11. The course will cover human and civil rights and duties, the related legal framework and the practical exercise of rights and duties.<sup>25</sup>

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<sup>19</sup> GEM Report 2019, p. 293.

<sup>20</sup> Education Development Strategy of the Kyrgyz Republic for 2012 -2020, p. 10

<https://www.globalpartnership.org/content/education-development-strategy-kyrgyz-republic-2012-2020>

<sup>21</sup> GEM Report 2019, p. 283.

<sup>22</sup> GEM Report 2017/18, p. 398.

<sup>23</sup> GEM Report 2019, p. 318.

<sup>24</sup> Advanced unedited version of the fifth periodic report submitted by the Kyrgyz Republic to the Committee on the Elimination of Discrimination against women,

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fKGZ%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fKGZ%2f5&Lang=en) para. 46 *unofficial translation*

<sup>25</sup> Combined periodic reports of the Kyrgyz Republic prepared for the CERD, op cit. p. 13

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fKGZ%2f8-10&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fKGZ%2f8-10&Lang=en)

## Pre-primary education

- A 2007 decree ‘On approval of the state standard of the KR “Pre-school education and childcare” and the Law of the KR “On pre-school education” introduced a 100-hour programme of school preparation, which in March 2011 was extended to a 240-hour programme of mandatory school preparation, implemented to cover children who had not attended preschool organizations.<sup>26</sup>
- In 2017, the net enrolment rate one year before primary entry was 95%, indicating an expansive system of pre-primary education.<sup>27</sup> In 2014, this figure was 67%.<sup>28</sup>
- **The Law on Pre-School Education of 2009** creates a framework for early childhood education and an expanding programme.<sup>29</sup>

## Disabilities

- High numbers of children that have never been to school or drop out of school include children with disabilities.
- Children with disabilities make up 29% of all children living in residential institutions. Placing children with disabilities in institutions has been the norm since Soviet times, and may persist due to underdevelopment of community-based alternative services and an inclusive education system.<sup>30</sup>

## **Specific recommendations:**

10. Kyrgyzstan should be encouraged to:

- Investigate dropout rates from upper secondary education and tackle the root causes, whether they are related to ethnicity, gender, child labour, disparity in access to quality education between rural and urban settings, or other reasons.
- Roll out the multicultural and multilingual education policy to the rest of the country to ensure equality of access and opportunity to minority groups.
- Improve efforts to provide an inclusive education system for children with disabilities, and accelerate the deinstitutionalization process.
- Continue to focus on improving the quality of education, including by ensuring the adequacy of school infrastructures, training and retaining qualified teachers, increasing the availability of textbooks and other resources, all with the aim to increase students’ learning outcomes.
- Submit regularly comprehensive national reports for the periodic consultations on UNESCO’s education-related standard-setting instruments, and notably on the Convention against Discrimination in Education.

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<sup>26</sup> Education Development Strategy of the Kyrgyz Republic for 2012 -2020, p.7

<https://www.globalpartnership.org/content/education-development-strategy-kyrgyz-republic-2012-2020>

<sup>27</sup> GEM Report 2019, p. 300.

<sup>28</sup> GEM Report 2016 p. 425.

<sup>29</sup> Education Development Strategy of the Kyrgyz Republic for 2012 -2020, p.7

<https://www.globalpartnership.org/content/education-development-strategy-kyrgyz-republic-2012-2020>

<sup>30</sup> UNICEF, *Children with disabilities* <https://www.unicef.org/kyrgyzstan/children-disabilities>

- Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education.<sup>31</sup>

## **B. Freedom of opinion and expression**

11. The Government is encouraged to continue decriminalizing defamation, and place it within the civil code that is in accordance with international standards.

12. The Government is encouraged to assess the system of supervision of broadcasting sector in order to ensure that this process is transparent and independent.

## **C. Cultural rights**

13. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)<sup>32</sup> and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)<sup>33</sup>, Kyrgyzstan is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Kyrgyzstan is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

14. Kyrgyzstan is also encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) as a means to promote access to and participation in creative expressions and as such contribute to implementing the right to take part in cultural life.

## **D. Freedom of scientific research and the right to benefit from scientific progress and its applications**

15. Kyrgyzstan did not submit its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore Kyrgyzstan is encouraged to report to UNESCO in future on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of

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<sup>31</sup> <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

<sup>32</sup> Periodic Report available at: <https://whc.unesco.org/archive/2012/whc12-36com-10A-en.pdf>

<sup>33</sup> Periodic Report available at: <https://ich.unesco.org/en-state/kyrgyzstan-KG?info=periodic-reporting#rp>

scientific researchers, as well as human rights obligations related to science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.