



**Statement by Professor Olivier De Schutter, United Nations Special Rapporteur on extreme poverty and human rights, on his visit to Kyrgyzstan, 23 May – 3 June 2022\***

**Bishkek, 3 June 2022**

Kyrgyzstan is at a crossroads. The Covid-19 pandemic, followed now by the impacts of the invasion of Ukraine, have shed 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 the young adults educated in the country but that are now becoming its main export commodity. About 350,000 youth enter the employment market each year, far more than the economy can absorb, and they face unemployment rates that are significantly higher than for the rest of the active population<sup>1</sup>: these young workers are tempted to leave the country in large numbers, depriving it from its most important asset for the future.

To reverse this, not any form of development is needed: the challenge for Kyrgyzstan will be to stimulate domestic demand, and to encourage labor-intensive types of production, growing the manufacturing and the service sectors. For this to succeed, 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 into making the right choices. 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.

What follows, therefore, is an assessment of how poverty affects the enjoyment of human rights in Kyrgyzstan. But it is also an attempt to identify the priorities the Government should pursue in order to deliver on Sustainable Development Goals 1 and 10 and to comply with its

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<sup>1</sup> In 2018, 20.5 per cent of the youth population were "not in employment, education and training" (NEET), and the youth unemployment rate was 14.8 per cent. See *United Nations Common Country Analysis for the Kyrgyz Republic* (2021), p. 5.

human rights duties: human rights should provide the compass allowing to gradually make progress in this direction.

## 1. Introduction

In the course of 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 people in poverty in both rural and urban areas, from various ethnic groups.<sup>2</sup> He met with eight ministries of the Kyrgyz Government, as well as with the Ombudsperson and with the Commissioner for Children's Rights. He held meetings with the Business Ombudsperson, 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 ministries he met included the Ministry of Foreign Affairs, the Ministry of Labour, Social Protection and Migration, the Ministry of the Economy, the Ministry of Finance, the Ministry of Health, the Ministry of Education and Science, the Ministry of Agriculture, and the Ministry of Justice. The Special Rapporteur also held meetings with authorities at the municipal level in Bishkek, Naryn and Osh and at the *oblast* and municipal level in Batken.

He visited several informal settlements (*novostroikis*) in and around Bishkek, including a community living near a landfill, former workers' dormitories in Bishkek, Osh and Naryn which lacked basic amenities, a public shelter for homeless persons, a crisis center for women, a day center for pensioners and a social-stationary hospital for older people 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. The Special Rapporteur would like to thank the individuals and organizations that opened their homes to him and shared their experience and expertise in the provinces of Bishkek, Osh, Naryn and Batken.

The Special Rapporteur also extends his gratitude to the Government of Kyrgyzstan for its invitation and cooperation during his visit. 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.

In this statement, the Special Rapporteur assesses the key challenges faced by Kyrgyzstan in a context in which a quarter of the population already lived in poverty in 2020, with the World Bank estimating poverty levels to reach 38 per cent by the end of 2022. Challenges include tackling poverty across its different dimensions, distributing economic growth fairly across income groups and regions, reducing dependency on remittances and foreign aid and fighting the endemic corruption that plagues the country.

## 2. Situation of poverty in Kyrgyzstan

At the time of independence, Kyrgyzstan was already considered among the poorest republics of the former USSR: one third (33 per cent) of the Kyrgyz population was considered "under provisioned" in 1989.<sup>3</sup> Poverty rates increased sharply in the latter half of the 1990s, reaching a peak of 62.6 per cent of the population in 2000. While rates decreased between 2000-2009 to 31.7 per cent,<sup>4</sup> the 2008 financial crisis pushed an additional 6.3 per cent of the population into poverty. Since then, poverty generally decreased – albeit with some years of stagnation or increases – to reach a low point of 20.1

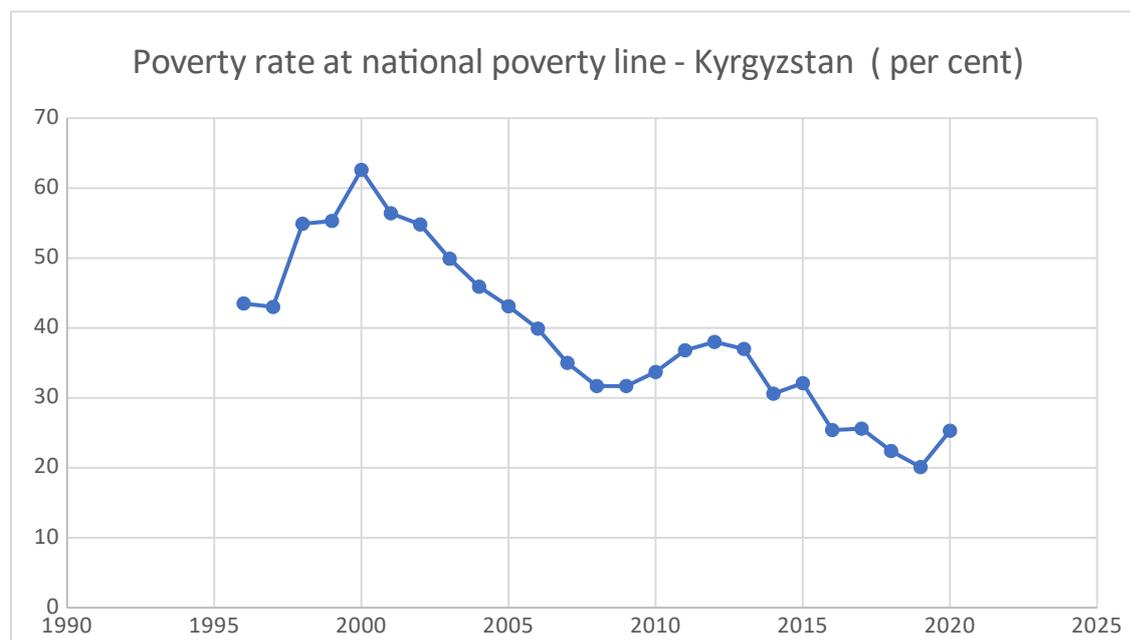
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2 The full schedule of this visit can be accessed at: <https://www.srpoverity.org/2022/05/23/schedule-special-rapporteur-mission-to-kyrgyzstan/>

3 OECD Development Pathways, *Social Protection System Review of Kyrgyzstan*, 2018, p. 22

4 National Statistical Committee of the Kyrgyz Republic (hereafter NSC), <http://www.stat.kg/en/statistics/uroven-zhizni-naseleniya/>

per cent in 2019.<sup>5</sup> The following figure illustrates the trend in the percentage of households living below the national poverty line between 1996 and 2020.



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

In 2020, over a quarter (25.3 per cent) of the Kyrgyz population, or 1.68 million people, lived below the national poverty line.<sup>6</sup> After a decrease from 2018 (22.4 per cent) to 2019 (20.1 per cent), the rate of people living in poverty shot up again, with an 8 per cent increase of people at risk of poverty in 2020.<sup>7</sup> This trend has worsened since: preliminary estimates by the World Bank consider that the level of poverty may reach 38 per cent at the end of 2022, although such projections are subject to caution in a fast-changing context such as this one.<sup>8</sup>

These figures are not the whole story, since many households currently not counted as poor live barely above the poverty line<sup>9</sup>: an increase of the poverty line by only 5 per cent (up by 136 KGS per month) would result in a 3.6 percentage point increase in the number of persons living in poverty.<sup>10</sup> Measured according to the Minimum Subsistence Level (MSL), calculated based on personal needs (food, non-food items, services and taxes) and estimated at 6,382.69 KGS per month since 2021,<sup>11</sup> 70.2 per cent of the population were unable to satisfy basic needs in 2019: 64.7 per cent live under this level in cities and 73.4 per cent in rural areas.<sup>12</sup>

5 NSC, <http://www.stat.kg/en/statistics/uroven-zhizni-naseleniya/>

6 NSC, “Poverty rate (per cent)”, <http://www.stat.kg/en/opendata/category/120/>

7 NSC, “Poverty rate (per cent)”, <http://www.stat.kg/en/opendata/category/120/>; Altynai Maimekova, Elisabetta D’Amico, Manuela Tolmino, *Poverty, Food Security and Nutrition Analysis in the Kyrgyz Republic*, October 2021, p. 6

8 World Bank, *Kyrgyzstan – Recent Economic Developments, 2022*

9 Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Dainius Pūras, Report of the Special Rapporteur on Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health – Kyrgyzstan country visit, U.N. Doc. A/HRC/41/34/Add.1, 8 May 2019, para.13

10 Human Rights Council, Working Group on the Universal Periodic Review, *National report submitted in accordance with paragraph 5 of the Annex to Human Rights Council Resolution 16/21 – Kyrgyzstan*, January 2020, A/HRC/WG.6/35/KGZ/1, para 229

11 “Minimum subsistence level grows by 22 per cent in Kyrgyzstan”, 24.kg, 14 October 2021

12 Maimekova et al. 2021, p. 10 as cited in footnote 7

Poverty is distributed unequally across the country. 73.7 per cent of people below the national poverty line live in rural areas, and poverty rates range from 37.2 per cent and 36.8 per cent in the Jalal-Abad and Naryn *oblasts* respectively to 14.7 per cent and 16.8 per cent in the cities of Osh and Bishkek.<sup>13</sup> A 2020 Multidimensional Poverty Assessment based on 2016 data concluded 50.3 per cent of the population was multidimensionally deprived, with multidimensional poverty 20 per cent higher in rural areas than in cities.<sup>14</sup> In particular, whereas 27 per cent of Bishkek residents are multidimensionally poor, Jalal-Abad, Naryn, Batken, and Osh *oblasts* report higher than average incidences of multidimensional poverty.

The 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.<sup>15</sup> 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 rural population by state poverty reduction programmes,<sup>16</sup> as well as a growing number of the urban poor due to job loss related to the Covid-19 pandemic.<sup>17</sup>

In addition to residents in rural areas, some groups of the population face higher risks of poverty in Kyrgyzstan. Persons with disabilities are particularly affected. The Kyrgyz Republic ratified the Convention on the Rights of Persons with Disabilities (CRPD) 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) remains largely a dead letter.

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.

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,<sup>18</sup> and even when they do, it is often in segregated or specialized schools or through home-schooling.<sup>19</sup> Children living in psychoneurological institutes have no access to education at all, with staff assuming that they are “unfit for education.”<sup>20</sup> Finally, specialized schools often deliver “certificates” rather than diplomas, effectively barring children with disabilities from accessing higher education.

Women, too, face specific challenges. They are less likely to be in work than men, with an employment to population ratio of 42.1 per cent in 2020 compared to 70.3 per cent for men,

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13 NSC, “Poverty rate (per cent)”, <http://www.stat.kg/en/opendata/category/120/>

14 Franziska Gassmann, Valentina Perinetti Casoni, Andrés Mideros Mora *et al.*, *Multidimensional Poverty Assessment for the Kyrgyz Republic*, UNICEF, 2020, p. 38

15 Maimekova *et al.*, 2021, p. 6

16 *Id.*, p. 10

17 United Nations 2021 as cited in footnote 1, p. 12

18 Human Rights Watch, *Insisting on inclusion: Institutionalization and Barriers to Education for Children with Disabilities in Kyrgyzstan*, 2020, p. 19

19 Human Rights Watch, 2020 as cited in footnote 18

20 Human Rights Watch, 2020, p. 36

according to World Bank data.<sup>21</sup> Even when they are employed, women earn less than men: in 2021, the National Statistics Committee reported that the ratio of women's wages in relation to that of men was 75.1 per cent.<sup>22</sup> Women more frequently rely on part-time work,<sup>23</sup> which results in lower social insurance, pensions and overall job security. Kyrgyzstan ranks third from the bottom in the Global Gender Gap Index in regional terms.<sup>24</sup> As of December 2020, only about a third (39.4 per cent) of indicators needed to monitor the SDGs 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 comparable and disaggregated data is needed to ensure consistent monitoring of SDG 5 and to help achieve gender equality in Kyrgyzstan.<sup>25</sup>

While overall inequality has declined in recent years, progress was much less pronounced than in neighboring countries such as Kazakhstan and Tajikistan.<sup>26</sup> 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.<sup>27</sup> In fact, the poorest 40 per cent have only become poorer in recent years,<sup>28</sup> suggesting that whatever GDP growth Kyrgyzstan has experienced has not "trickled down" to the poor and the benefits of economic growth have instead benefited those at the top. At the same time, with an estimated 13 million USD lost each year to tax havens,<sup>29</sup> Kyrgyzstan should include considerations of tax justice, including an explicit goal of reducing inequality, in its new 2022 Tax Code. Social protection programmes should also be designed with this goal, among others, in mind, so as to continue reducing inequalities.

### 3. Corruption and poverty

Kyrgyzstan remains among the most corrupt countries in the world: Transparency International ranks it 144<sup>th</sup> out of 180 countries. Moreover, its score has worsened by four points since 2020, after achieving consistent improvements since 2012. 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 sending their children to school. Persons with disabilities are asked to pay doctors to receive the certificate proving their disability. Persons from poor families are asked to pay bribes in nearly all spheres of their lives.

These testimonies are corroborated by research on corruption in Kyrgyzstan: in a recent poll funded by the U.S. Agency for International Development (USAID), corruption was cited as the second most important problem faced by Kyrgyzstan: 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 is not making enough efforts to tackle the problem.<sup>30</sup> Nearly half of respondents (46 per cent) consider that corruption has had a negative impact on

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

22 NSC, "The ratio of women's wages in relation to men's by territory", 2021

23 World Economic Forum, Global Gender Gap Report 2021, p. 246

24 Global Gender Gap Report 2021 as cited in footnote 23, p. 30

25 UN Women, "Kyrgyzstan", <https://data.unwomen.org/country/kyrgyzstan>

26 IMF Country Report No. 16/56, February 2016, para. 3

27 IMF Country Report No. 16/56, February 2016, para. 3

28 World Bank, Poverty & Equity Brief, April 2022, p.2; see also IMF Country Report No. 16/56, 2016, para. 5

29 Tax Justice Network, "Kyrgyz Republic", <https://taxjustice.net/country-profiles/kyrgyz-republic/>

30 International Republic Institute, "Kyrgyzstan Poll Shows Concerns Over Corruption, Unemployment", February 2020

them, with only 3 per cent claiming that they have not encountered such practices. In a 2017 Transparency International survey, more than one third (38 per cent) of people reported having paid a bribe in the past twelve months in Kyrgyzstan.<sup>31</sup>

For people already in poverty, the bribes that are required to access public services act as a regressive tax, eating up a larger proportion of their incomes. Because they have more reasons to fear retaliation, moreover, poor people are more likely to be demanded a bribe than their wealthier peers.<sup>32</sup>

The presentation on 1 June 2022 of a new Anti-Corruption Strategy for 2022-2024 suggests that the problem of petty corruption in public services is acknowledged, and that there is political will to address this challenge. Many hopes are placed in 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 people in poverty, when access to Internet or digital literacy are low, or when errors are introduced in the system. 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.

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).<sup>33</sup> Companies are asked to pay bribes to request construction permits (48 per cent of firms), to receive government contracts (30 per cent) and in meetings with tax officials (29 per cent).<sup>34</sup> Such rampant corruption damages the international reputation of Kyrgyzstan, erodes domestic trust in the State, and funnels precious resources that it cannot afford to lose.

This too affects poverty alleviation efforts. When companies who offer a bribe are exempted from paying taxes, or when large-scale investment projects lose precious 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 healthcare.

Most indicators for the control of corruption in Kyrgyzstan have either remained unchanged or worsened since the early 2010s,<sup>35</sup> and specific investigations into different forms of corruption corroborate this worrying trend. Independent journalist investigations into large-scale corruption, for example, have shown a great level of opacity regarding COVID-19 spending and have denounced that recent changes to public procurement laws could lead to additional secrecy in future emergency spending.<sup>36</sup> They have also uncovered large-scale corruption schemes in customs, including an estimated 700 million USD reportedly smuggled in the form of payments in bribes and false customs clearances.<sup>37</sup> Similarly, asset

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31 Krista Lee-Jones, "Overview of corruption and anti-corruption in Central Asia," Transparency International, January 2021, p. 11

32 Transparency International, "People and corruption: Asia Pacific global corruption barometer", p. 21

33 The World Bank, the European Bank for Reconstruction and Development, European Investment Bank, "Enterprise Surveys – Kyrgyz Republic 2019 Country Profile", 2019, p. 9

34 "Enterprise Surveys – Kyrgyz Republic 2019 Country Profile", 2019 as cited in footnote 33

35 World Bank, Worldwide Governance Indicators, Control of Corruption – Kyrgyzstan, [https://databank.worldbank.org/reports.aspx?Report\\_Name=WGI-Table&Id=ceea4d8b](https://databank.worldbank.org/reports.aspx?Report_Name=WGI-Table&Id=ceea4d8b)

36 Organized Crime and Corruption Reporting Project (hereafter OCCRP), "No Transparency in Kyrgyzstan's Coronavirus Spending", June 2020

37 OCCRP, "Plunder and Patronage in th Heart of Central Asia – the 700 Million Dollar Man," November 2019, <https://www.occrp.org/en/plunder-and-patronage/the-700-million-dollar-man>

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.<sup>38</sup> Worryingly, relevant laws that could be used to counter these problematic trends, such as the Law on Conflicts of Interest or the Law on Countering Corruption, have been deemed as either ineffective or lacking enforcement mechanisms necessary to fight corruption.<sup>39</sup>

#### 4. Education

If the Kyrgyz youth are to be given a real chance at improving their employment prospects, access to quality education is key. The Kyrgyz Republic spent 5.4 per cent of GDP on education in 2019.<sup>40</sup> This is a fall from 6.6 per cent in 2016, but it remains high compared to 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 KGS in 2020 (and up to 60 billion KGS in 2022, according to official sources), due both to an increase in the number of students and better salaries for teachers.<sup>41</sup>

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 Kyrgyz Republic have ranked last in mathematics, science, and reading in both the 2006 and 2009 Programme for International Student Assessment (PISA) exercises.<sup>42</sup> 42.1 per cent of children aged 7-14 lack basic literacy skills, and nearly half (48.7 per cent) lack basic numeracy skills.<sup>43</sup> Reasons for low educational achievement include a lack of textbooks, poor infrastructure, an inadequate structure and content of school curricula, as well as a shortage of teachers, coupled with low salaries.<sup>44</sup> The number of schools operating in three shifts has doubled since 2012, meaning that children must take turns to be taught. 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.<sup>45</sup> According to the Ministry of Education, some 179 schools are considered to be in a state of emergency, i.e. in need of demolishing,<sup>46</sup> while 457 additional schools require major renovation.<sup>47</sup> Poorly equipped and poorly staffed, the Kyrgyz educational system is failing to deliver on the promise of quality education enshrined in Sustainable Development Goal 4.

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 to 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.<sup>48</sup> Certain ethnic groups are also particularly affected. In the Uzbek community, which makes up

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38 OCCRP, "Asset Declarations of Kyrgyz Officials Increasingly Useless as Anti-Corruption Measure", April 2021; OECD, "Anti-Corruption Reforms in Kyrgyzstan: Fourth round of monitoring of the Istanbul Anti-Corruption Action Plan", 2018, p. 33

39 OECD as cited in footnote 38, p. 31, 159.

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

41 Programme for the development of education in the Kyrgyz Republic for 2021-2024, Attachment 1 to the Decree of the Government of the Kyrgyz Republic dated May 4, 2021, No. 200

42 Since then, Kyrgyzstan has refused to participate in PISA assessments, see "PISA Ranking: Why the last place is not so bad for Kyrgyzstan," 24.KG, 3 December 2019

43 NSC and UNICEF, *Monitoring of the Sustainable Development Goal Indicators in the Kyrgyz Republic 2014-2018*, 2020, p. 56

44 Gassmann et al 2020, as cited in footnote 14, p. 22

45 Programme for the development of education in the Kyrgyz Republic for 2021-2024 as cited in footnote 41

46 Meeting with Ministry of Education, 1 June 2022

47 Programme for the development of education in the Kyrgyz Republic for 2021-2024

roughly 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.<sup>49</sup> When the Special Rapporteur asked a member of a local government about the severity of 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.

The stark differences that are observed in access to schooling and in educational outcomes start from early childhood. 77.8 per cent of children aged 3-5 years do not have access to preschool.<sup>50</sup> Among the low-income families the Special Rapporteur met in the course of his mission, a large majority were unable to send their children to kindergartens. Two problems, in particular, were highlighted: First, the cost of kindergartens remains prohibitively high for many families, particularly those with multiple children at pre-school age. Depending on the location and region, the costs of sending a child to kindergarten was approximately 500 to 700 KGS per month per child – the equivalent of at least half of the country's monthly Guaranteed Minimum Income (GMI). Second, 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. In some cases, the Special Rapporteur's interlocutors reported that bribes of 5,000 KGS were requested to speed up the process.

Parents very frequently reported having to pay for their children to attend school. Many were required to provide a sum of money (around 500 KGS per child per year) to cover school reparations and maintenance costs: although access to school theoretically cannot be refused to parents who don't contribute, the stigma associated with not paying operates in practice as an important deterrent. Other obstacles to accessing education include long distances needed to reach 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 enrollments.

The European Union has recently pledged 32 million EUR for strengthening the Kyrgyz educational system,<sup>51</sup> and the Special Rapporteur learned about a World Bank project that will provide 500 pre-primary education facilities across the country. While the support of the international community is welcome, it is the Government of Kyrgyzstan who bears the ultimate responsibility for improving the quality of education and for removing the existing financial, physical and administrative obstacles that prevent the poorest children from accessing schooling, including corrupt practices.

## 5. Healthcare

Expenditure on healthcare in Kyrgyzstan as a proportion of GDP has nearly halved in the past decade, falling from 8.51 per cent in 2012 to 4.49 per cent in 2019, the latest data available from the World Bank.<sup>52</sup> Although the budget has now increased increased (reaching, according to the Government data, 11 per cent of the GDP), the low level of support to healthcare is particularly concerning given that the Covid-19 pandemic revealed major flaws in the Kyrgyz public healthcare system. The medical staff work in poor conditions, facing long working hours, reduced and delayed pay and reprisals for speaking out against their situation.<sup>53</sup>

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48 UNICEF, All Children in School by 2015: Global Initiative on out-of-school children – Kyrgyzstan Country Study, 2012, p. 19

49 UNICEF 2012 as cited in footnote 48, p. 31

50 Programme for the development of education in the Kyrgyz Republic for 2021-2024

51 Maria Orlova, "EU allocates 32 million EUR for education system in Kyrgyzstan, 24.KG, 8 April 2022

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

Poor governance is part of the problem. It was reported that the Kyrgyz Government failed to transparently spend 645 million USD on COVID-19 emergency response during the pandemic in 2020.<sup>54</sup> The Security Council of Kyrgyzstan itself identified eight corruption risks within the Mandatory Health Insurance Fund (MHIF) relating to the transfer and redistribution of compulsory health insurance funds, as well as collusion with pharmaceutical companies.<sup>55</sup>

Corruption can also be an obstacle to access to healthcare. Many people in poverty that the Special Rapporteur met during his mission reported having to pay bribes to receive healthcare 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. Although the practice is difficult to assess objectively, one study found that the proportion of patients who made informal payments have increased since 2006 to reach about 60 per cent in 2013, with average payments as high as 23 USD.<sup>56</sup> The 2021 increase in the wages of healthcare personnel, as well as the hotline set up in 2017 to allow patients to complain about the quality 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.

Beyond bribery, out-of-pocket-payments remain highly problematic. While 28 categories of patients seeking healthcare are granted co-payment exemptions under the State Guaranteed Benefit Package (SGBP) (including various military personnel, children below 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-payment.<sup>57</sup> 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.<sup>58</sup> The Special Rapporteur met older persons in Batken who could barely afford to pay for food and medicines on their meager 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 Drugs Package (ADP) allows significant reductions for the purchase of certain medicines, including for the treatment of cancer, of epilepsy or of schizophrenia, some important medications such as for hypertension are not included.

## 6. Housing

Housing remains an unresolved issue 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.<sup>59</sup> In Bishkek, the population has grown from 874,400 in 2012 to more than one million (1.074 million) in 2021.<sup>60</sup> In addition, due to the low purchasing

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53 Amnesty International, "Kyrgyzstan – Medics suffer rights violations, pay high personal price during Covid-19 pandemic, September 25 2020

54 The Foreign Policy Center, *Retreating Rights: Examining the pressure on human rights in Kyrgyzstan*, March 2021, p. 80

55 The Foreign Policy Center 2021 as cited in footnote 54, p. 80

56 Melitta Jakab, Baktygul Akkazieva, Joseph Kutzin, "Can reductions in informal payments be sustained? Evidence from Kyrgyzstan, 2001–2013," World Health Organization, 2016

57 World Bank, *Better Spending for Building Human Capital. Kyrgyz Republic Public Expenditure Review* (March 2021), p. 71.

58 World Bank Group, Kyrgyz Republic – Public Expenditure Review: Better spending for building human capital, March 2021, p. 62

59 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*, 5(1), 164-184, p. 169

60 NSC, "Resident population as of the beginning of the year," <http://www.stat.kg/en/statistics/naselenie/>

capacity of residents, only a small proportion of high-income households (i.e. less than 5 per cent) are able to purchase housing from the market.<sup>61</sup>

Due to the increase in internal migrants from rural to urban areas, a large number of informal settlements (*novostroiki*) around urban peripheries have been built in recent years. UNECE reports that 48 residential areas have been formed around the capital Bishkek.<sup>62</sup> About 225,000 people, or close to 30 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 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 healthcare and education; and lack of key infrastructure, including roads, sidewalks, water, sewage, gas and electricity, street lighting and public green spaces.<sup>63</sup>

Official government figures report a total of 947 homeless people, mainly in Bishkek, but NGOs estimate there are more than 3,500 houseless persons in the capital alone.<sup>64</sup> 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 security of tenure”.<sup>65</sup> Throughout his visit, the Special Rapporteur visited numerous households with very poor living conditions. Many lived in former workers’ dormitories in inadequate living conditions: moisture and mold, overcrowding and a lack of basic amenities were among the problems observed by the Special Rapporteur.

The government has adopted two consecutive housing policies over the past decade to comply with the right to housing guaranteed in the country’s constitution. The first one, titled “Affordable Housing (2015-2020)”, provided an interest rate of 10 per cent for individuals who were able to make a down payment of 30 per cent and a 12 per cent interest rate for all others. According to Kyrgyzstan’s submission for the country’s fourth Universal Periodic Review in 2020, some 539,900 loans were issued through the scheme, providing approximately 18,000 persons with housing. Interest rates were lowered to 6–8 per cent per annum in November 2019.

However, a 2017 report by the Ombudsman of the Kyrgyz Republic found that the programme focused primarily on providing housing for public sector employees, employees of healthcare systems, education and the social sector and that its approach was inadequate to provide housing for vulnerable families and homeless persons. According to the report, internal migrant workers, unemployed persons and informal workers mostly did not benefit from the programme.

A second programme, “My Home” was adopted for the period of 2021-2026 in continuation of the previous policy. Again, this programme focuses on increasing the availability of mortgage lending by reducing the interest rate to 4 per cent per annum, as well as developing a rental housing mechanism with subsequent purchase. Despite the lowered

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61 Yano, M. as cited in footnote 59, p. 169

62 Nurzat Abdyrasulova, Bakytbek Satybekov, *Post Covid-19 Recovery for Informal Settlements in the UNECE region: City of Bishkek, Kyrgyzstan Assessment Report*, United Nations Economic Commission for Europe, p. 5

63 [https://kyrgyzstan.un.org/sites/default/files/2022-03/Bishkek per cent20Assessment per cent20Report per cent20Informal per cent20Settlements.pdf](https://kyrgyzstan.un.org/sites/default/files/2022-03/Bishkek%20Assessment%20Report%20Informal%20Settlements.pdf)

64 Yano, M. p. 171

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

interest rate, most people experiencing poverty do not have access to the programme. In particular, extremely long queues for benefitting from the programme have been noted. Moreover, persons working informally or surviving on state benefits are largely unable to envisage purchasing their own homes. While some of the persons that the Special Rapporteur met were benefitting from municipal housing, this was an exception rather than a rule. The procedure for obtaining municipal housing has been marred by corruption and a lack of transparency; moreover, again, long queues mean that people in poverty may spend 15 to 20 years waiting to receive the scarce social housing that some municipalities may occasionally offer.

A new impetus to realize the right to housing is urgently needed. Several NGOs have proposed a draft social housing law that would contribute to solving this important problem. The Parliament should consider this proposal to ensure that social housing is provided nation-wide to persons experiencing poverty.

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 Government of Kyrgyzstan to adopt the legal framework necessary to comply with international obligations regarding evictions, compensation and resettlement.

## **7. Access to adequate diets and to water**

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 kcal per day, implying that the poor and those concentrated just above the poverty line did not meet their daily adequate energy consumption requirements.<sup>66</sup> The situation has significantly worsened since, as a result of imported food inflation. Kyrgyzstan relies largely on imported food products which have seen a significant increase in prices (around 47 per cent for wheat, 37 per cent sugar and 84 per cent for vegetable oil).<sup>67</sup> 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)<sup>68</sup> and up to 30 per cent for some essential products, such as wheat and flour, compared to 2019.<sup>69</sup> Many households reported they had to reduce their food consumption; diet diversity and quality are also compromised.<sup>70</sup>

In response, the Ministry of Health and Social Development provided one-off food assistance to poor families, people with disabilities, newly poor and unemployed, through hotline 1227.<sup>71</sup> A longer-term solution, which also would reduce school drop-out, would be to expand the provision of free school meals beyond the elementary levels (grades from 1 to 4) that are currently covered.

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 a nutrient adequate diet.<sup>72</sup> Dietary patterns are characterized by a high consumption of wheat, potatoes and sugar, undermining the nutritional status of individuals. Consumption of nutrient-rich foods

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66 United Nations 2021, as cited in footnote 17, p.12

67 FAO calculations based on average Import Dependency Ratio from 2015 to 2019.

68 World Food Programme and NSC, "Poverty, Food Security and Nutrition Analysis in the context of COVID-19 and the role of social protection in the Kyrgyz Republic, October 2021, p.6.

69 WFP, Food Security Situation in the Kyrgyz Republic, February 2021, p.2.

70 WFP, NSC, 2021, as cited in footnote 68, p.18.

71 WFP 2021 as cited in footnote 68, p.7.

72 WFP 2021, as cited in footnote 69, p.4.

such as meat, milk and their products have substantially decreased compared to 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.

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.<sup>73</sup> 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 high prevalence of waterborne diseases.

These are rightly seen as priorities in the National Development Strategy 2018–2040, but it will require significant investment for the improvement of basic infrastructures to ensure access for everyone to safe drinking water and sanitation, in particular for vulnerable groups and poor households.<sup>74</sup>

## 8. Employment

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,<sup>75</sup> 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 KGS (250 USD), the national minimum wage was set at 1,970 KGS per month, a grossly low level which is not even a third of the minimum subsistence level and is in clear violation of the duty of the State under the International Covenant on Economic, Social and Cultural Rights.<sup>76</sup> The problem is, rather, a lack of proper qualifications of workers and a failure to create as many jobs as demographic growth would require.

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.<sup>77</sup> This employment gender gap is highest among men and women aged 25–29 years old with 89 per cent of males employed versus 45 per cent of females employed.<sup>78</sup> There is also a substantial gender disparity in the rate of young people not in education, employment or training (NEET), which was 29% among girls and 12.1% 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 math, science 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

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73 United Nations 2021, as cited in footnote 17, p. 21

74 National Development Strategy of the Kyrgyz Republic for 2018-2040, 2018, p.40-41.

75 See footnote 1.

76 E/C.12/GC/23 (2016), paras. 18-24.

77 World Bank, "Employment to population ratio, 15+, male and female (per cent) (national estimate) - Kyrgyz Republic", <https://data.worldbank.org/indicator/SL.EMP.TOTL.SP.MA.NE.ZS>

78 United Nations 2021, as cited in footnote 17, p.5.

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 8th girl is married before the age of 18 in average.

Most of the work in Kyrgyzstan is informal: 71.8 per cent of workers are informal workers, with even higher rates in rural areas,<sup>79</sup> and informal work contributes to about one fourth of the GDP.<sup>80</sup> As such, ensuring a transition from the informal to the formal economy, in line with ILO 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,<sup>81</sup> in practice they lack coverage of social insurance, including contributions to mandatory health insurance which grants access to healthcare, and are not protected by labour legislation. Nor are they entitled to holidays, and they are not covered if they are sick or injured in the workplace. 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.

Just like the Government is not inactive as regards formalization of work, it has sought to set up Active Labour Market Programmes (ALMPs) through public works and vocational training schemes, covering together 22,900 people.<sup>82</sup> 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.<sup>83</sup> In Naryn and Osh, the Special Rapporteur learned about the "Temporary Public Works Programme", a national-wide programme aimed at providing temporary job opportunities to unemployed people with wages ranging from 1800 to 2700 KGS for a duration of one to six months.

These initiatives are praiseworthy in intent but almost irrelevant in content. The amounts invested are insignificant: ALMPs represent less than 1 per cent from total social assistance expenditures.<sup>84</sup> The wages paid in the Temporary Public Works Programme (ranging from 1800 to 2700 KGS for a duration of one to six months) are entirely inadequate to attract candidates, and there is little focus in this programme on the acquisition of skills.

## **9. Migration and remittances**

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.<sup>85</sup>

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 the capital, Bishkek, and the Chui region more broadly.<sup>86</sup> In Bishkek, around 35 per cent of the population are internal

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79 NSC, 2020.

80 Kanat Tilekeyev, Friedrich-Ebert-Stiftung, "Understanding Informal Economy In Kyrgyzstan: Better social justice for workers, higher sustainability for the country", Analysis, June 2021, p.16.

81 E/C.12/GC/23 (2016), para. 47(d).

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

83 Ministry of Labour, Social Protection and Migration of the Kyrgyz Republic, 2022, as cited in footnote 81.

84 WFP 2021, as cited in footnote 67, p.25.

85 ILO, The Future of Work in the Kyrgyz Republic, 2020.

86 IOM, Internal migration in Kyrgyzstan, 2021, p.3.

migrants.<sup>87</sup> Most live in informal settlements however, without any formal registration, and therefore the real figures could be higher.

The Special Rapporteur visited two informal settlements around Bishkek, Altyn Kazyk and Kelechek. He heard testimonies of internal migrants about their difficult living conditions and the challenges faced to access healthcare or social services, hampered by the registration system (*propiska*) requiring migrants to be registered to access urban public services such as healthcare, water, education, electricity, etc. Around 75.6 per cent of internal migrants do not have official registration at the place of residence.<sup>88</sup> While according to the Constitution, the absence of a residence cannot restrict 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 moved to urban areas.

Migration to foreign countries reaches even more impressive proportions. By 2020, 755,000 to 1,000,000 Kyrgyz citizens (about 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 Russia.<sup>89</sup> 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 people relying on remittances to remain out of poverty, particularly in rural regions.<sup>90</sup>

Remittances today are a vital safety net, with progressive impacts: more than 35 per cent of households in the poorest decile receive remittances, compared to 8 per cent in the richest decile,<sup>91</sup> and they represent 70 per cent of the poorest households' income.<sup>92</sup>

The Government is encouraging migration by concluding agreements with countries such as the United Kingdom, South Korea or Japan. This, however, cannot be a long-term development strategy. It depletes the country of its human capital and socio-economic 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 investments: more than 90 per cent of migrants and their families spend all their income on immediate consumption.<sup>93</sup> 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 overseas.<sup>94</sup> 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 increased risk of experiencing violence, abuse and child labour. Lack of parental care can lead to detrimental effects on the psycho-social development and academic performance of children.

And there is the situation of migrant workers themselves. An Agreement on pension coverage for migrant workers in the Eurasian Economic Union (EEU) entered into force on 1 January 2021, and similar agreements were concluded with Turkey and South Korea. While

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87 IOM, 2021, as cited in footnote 86, p.3.

88 IOM 2021 as cited in footnote 86, p.4.

89 WFP, Migration, Food Security and Nutrition, December 2021, p.5.

90 WFP, 2021, as cited in footnote 89, p.10.

91 IMF, 2021 Article IV Consultation report, August 2021, p.48.

92 FAO and WFP, Food Security Implication of the Ukraine-Russia Conflict: Globally and in the Kyrgyz Republic, 24 March 2022, p.4.

93 IOM and WFP, 2021, as cited in footnote 89, p.7.

94 United Nations 2021, as cited in footnote 17, p.42.

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.<sup>95</sup> Migrant workers also face the risk of being exploited in low-level jobs abroad.

## 10. Social protection

To reduce poverty in the country and to grow the economy, social protection should be strengthened. 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. 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.

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

The two most important social assistance schemes are the *üy-bülög көмөк* (UBK) child allowances scheme, and the *monthly social benefits* (MSB), colloquially known as "social pensions".<sup>96</sup> *Üy-bülög көмөк* (UBK), also referred to as the Monthly Benefit for Low-Income Families with Children (MBPF), is the only social security scheme targeting poor households. In principle, it supports households with children below 16 years of age, whose monthly income (not taking into account other forms of State support) is below the guaranteed minimum income (or 1,000 KGS per household member, taking into account also productive assets such as animals, plots and allotments, and durables). Since 1 June 2022, the monthly allowance per child eligible households receive was raised to 1,215 KGS. UBK currently covers 330,000 beneficiaries, the overwhelming majority of which (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.

The UBK scheme has major deficiencies. The rate of non-take-up is high: using the National Statistical Committee's 2015 Kyrgyz Integrated Household Survey, the OECD calculated that 77.3 per cent of eligible households are not covered.<sup>97</sup> 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 *rayon* (district). 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 KGS amount is one fifth of the minimum subsistence level, calculated as the income needed to live a life in dignity covering the basic necessities.

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95 OECD, Social Protection System Review of Kyrgyzstan, OECD Development Pathways, OECD Publishing, 2018, p. 52

96 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.

97 OECD 2018, as cited in footnote 95, p. 101

To avoid major issues of under-inclusion and thus to improve the efficiency of the contribution of UBK 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 USD), a universal monthly grant to all children aged 0-3 (of around 10 USD per month), and a monthly (large family) grant for the third and subsequent children in families with 3 or more children aged between 3-16, of around 7.50 USD per 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.

*Monthly social benefits* (MSB) are provided to certain categories of the population that are considered most vulnerable, including children with a disability or who lost one of their parents or both parents; adults with disabilities; women over 55 years of age with 7 or more surviving children; or older persons (men above 65 years of age or women above 60 years of age). In 2022, the MSB benefited a total of 122,700 individuals, including 74,700 persons with disabilities (including 34,800 children with disabilities) and 20,300 children having lost or both parents. The levels of the amounts provided vary from category to category, and have been increased significantly 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 the allocation of the MSB to depend on a payment being made to the social worker processing the claim, equivalent to one or even two months' worth of the allocation.

#### *b) Social insurance*

Social assistance pales in comparison to social insurance schemes: while less than 10 per cent of the population benefits from social assistance or active labour market policies, old-age pensions achieve almost universal coverage across retirees. This is reflected in the amounts invested in these various schemes: in 2015, the combined expenditure on UBK and on MBS was 1.2 per cent of GDP, versus 7.4 per cent of GDP spent on old-age pensions in the same year.

Old-age 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 the gross wage), although a small portion of these contributions go to a mandatory health insurance fund, to health insurance and to a workers' rehabilitation fund. Self-employed workers contribute a flat 10 per cent contribution, with 9 per cent going to the pension insurance and another 1 per cent to health insurance.

As currently designed, the old-age 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 USSR, the fact that almost three quarters of employment is now informal threatens the viability of the system in the next few years. Another source of concern is the gap between women and men. The number of women receiving the old-age pension is higher than that of men, due to the higher life expectancy of women (76 years vs. 68 years), the earlier retirement age of women (58 years old vs. 63 years old for men), and the overrepresentation of women among the categories of workers that can take early retirement. The average level of pension for women, however, is significantly lower than for men (5,410 KGS vs. 6,162 KGS): 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, but is in violation of international human rights law.<sup>98</sup>

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98 See Committee on Economic, Social and Cultural Rights, *Trujillo Calero v. Ecuador*, comm. n°10/2015, views of 26 March 2018.

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 per 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 KGS to 600 KGS, far below the guaranteed minimum income level and between one tenth and one twentieth of the minimum subsistence level.

### *c) The need for reform*

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 levels of benefits provided should be regularly adapted to the costs of living, in order to ensure that all individuals can have access to food, education, housing and healthcare, necessary for the enjoyment of the rights stipulated in the Covenant.<sup>99</sup> At present, the levels of support provided remain grossly inadequate.

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. It does require funding, however.

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 KGS) in case of 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.

Another potential source of funding would be to establish a fund for future generations financed with revenues from the extractive industry: 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 from young workers, many of whom today see no other option than to seek to migrate in search of better opportunities abroad.

## **11. Conclusion and recommendations**

**The Special Rapporteur reiterates his thanks to the Government for their willingness to cooperate with the United Nations human rights system, and for the cooperative spirit in which the dialogue took place. He makes the following recommendations:**

**Before the 53rd session of the Human Rights Council (June 2023), at which the report based on the visit will take place, steps should be taken towards:**

**(i) Improving the efficiency of the *üy-bülög kəmök* (UBK) child allowances scheme, the contribution of which to poverty alleviation is marred by poor targeting and inadequate levels of benefits. A more simplified child benefits scheme, with broader coverage, should be introduced, as anticipated already in 2017.**

**(ii) Ensuring full implementation of Law No. 38 on the rights and guarantees of persons with disabilities (2008).**

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<sup>99</sup> See E/C.12/GC/19 (2008).

**(iii) Making progress towards the realization of the right to housing by adopting a law on social housing and by providing an effective protection against evictions, in line with international standards.**

**(iv) Adopting a framework law 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 socio-economic disadvantage.**

**(v) In order to reduce corruption, ensuring healthcare centres, schools and social workers inform people about their rights, including their right to report about being asked to pay bribes.**

**Other priorities should guide the long-term efforts of the Government. They include in particular:**

**(i) Accelerating the transition from the informal to the formal economy, in line with ILO Recommendation (No. 204) (2015), as is already considered in the context of the pensions reform.**

**(ii) Improving the quality of education, by training teachers and raising their salaries, and by rehabilitating schools in need of repair or equipment.**

**(iii) In line with the recommendation from the Working Group on discrimination against women and girls, adopting additional temporary special measures 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 (STEM), as well as to vocational training.**

**\* \* \***