



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights Fifty-fifth session

### Summary record (partial)\* of the 23rd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 2 June 2015, at 10 a.m.

Chairperson: Mr. Sadi

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### Consideration of reports (*continued*)

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

*Combined second and third periodic reports of Kyrgyzstan* (*continued*)

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\* No summary record was prepared for the rest of the meeting.

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*The meeting was called to order at 10 a.m.*

**Consideration of reports** *(continued)*

**(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant** *(continued)*

*Combined second and third periodic reports of Kyrgyzstan* (continued)  
(E/C.12/KGZ/2-3; E/C.12/KGZ/Q/2-3 and Add.1; HRI/CORE/KGZ/2008)

1. *At the invitation of the Chairperson, the delegation of Kyrgyzstan took places at the Committee table.*
2. **Mr. Kedzia** asked why only 31 out of the 15,474 personal computers used for educational purposes in schools had Internet access. He also requested further information on the methods used by the inter-ethnic public consultation councils to prevent inter-ethnic conflicts.
3. **Ms. Kadenova** (Kyrgyzstan), responding to questions about gender parity put by Committee members during the previous meeting, said that the Government had taken steps to implement the principle of equal treatment of men and women with regard to wages, working conditions and access to employment. The Labour Code and the Housing Code expressly prohibited gender discrimination, and women had access to employment and property ownership on the same basis as men. Efforts had been made in 2010 to increase wages in traditionally female-dominated occupations in an attempt to achieve parity with the wages paid to men, and additional allowances had been introduced for working women with children.
4. As to the right to work, considerable efforts had been made to improve overall working conditions and to address the high rate of workplace accidents and occupational illnesses. Health and safety training was mandatory for employees, and employers were required to develop workplace accident prevention strategies. The Government had also taken steps to reduce the extent of the informal economy and to guarantee access for persons working in the informal sector to basic services and social protection. Workers in the informal economy could refer employment disputes or labour law violations to the Labour Inspectorate, which would investigate their cases and provide redress, where appropriate.
5. Concerning trade union rights, the State complied fully with its obligations under the International Labour Organization (ILO) Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and placed no restrictions on the establishment of trade unions or collective bargaining. Every citizen had the right to form and join trade unions and associations.
6. The Government provided support to persons with limited capacity to help them enter the labour market and had established a national quota for the employment of persons with disabilities. It had also introduced vocational and rehabilitation training programmes to assist persons with disabilities to take up jobs under the quota system.
7. **Ms. Rakhmanova** (Kyrgyzstan) said that measures had been implemented to support informal-sector workers in making the transition into formal employment, and research conducted by the World Bank had shown that the number of persons employed in the informal sector had fallen from 53 to 39 per cent between 2006 and 2012. In respect of affordable housing, the Government had established an inter-agency working group in 2014 which was responsible for proposing sustainable mortgage solutions and long-term housing and land acquisition strategies. A mortgage refinancing and government bond scheme had also been introduced to increase access to the housing market for all sectors of the

population. Lastly, she stressed that the Government remained firmly committed to its obligation under the United Nations Convention against Corruption and had set up an independent secretariat to investigate and prevent acts of corruption at all levels of the executive branch.

8. **Ms. Kutueva** (Kyrgyzstan) said that the Government worked in partnership with the judiciary to combat and prevent domestic violence and had compiled a national register containing detailed information on perpetrators and victims of domestic violence which was being used to monitor the situation closely. Article 63 of the Criminal Code had been amended to strengthen the administrative penalties for domestic violence, and criminal cases were brought against perpetrators of the worst forms of violence. The Government actively cooperated with the National Crisis Centre to prevent domestic violence and had recently established a domestic violence hotline and a temporary restraining order scheme under which perpetrators of domestic violence were required to keep away from the family home. In 2014, 2,300 restraining orders had been issued, administrative fines had been imposed on around 1,600 persons, and 243 prosecutions had been brought in cases of domestic violence.

9. Law enforcement and judicial officials were given training that covered international instruments on the protection of women, persons with disabilities and children, as well as on gender equality. Domestic violence was addressed through annual seminars for police officers in the different regions, together with courses on approaches for working with victims that also covered the negative impact of domestic violence on children's development. Bride kidnapping and forced marriage was a criminal offence; a number of prosecutions had been brought and convictions handed down in that regard. Violence within unregistered unions was treated in the same way as violence within marriage.

10. **Ms. Ashymbaeva** (Kyrgyzstan), turning to the issue of food, said that the Ministry of Agriculture had set up an inter-agency working group and developed a State programme on food security for 2015–2017. A key element of the programme was the provision of access to food for the most vulnerable and disadvantaged sections of society. A number of initiatives had been launched to tackle the problem of malnutrition: flour enrichment was now mandatory, pregnant women were given free iron supplements, children aged 6 to 24 months received mineral, vitamin and iron supplements, and iodized salt was also available. A law had been adopted to promote breast-feeding and restrict the marketing of artificial alternatives to maternal milk.

11. In 2014, a decree had been adopted under which all children in first to fourth grade had the right to eat at school canteens. A World Food Programme (WFP) project was making hot meals available in over 130 schools by funding the installation of modern kitchen and cafeteria facilities, supplies of enriched flour for schools and training for school catering staff. A further 500 schools had received local government funding to provide hot meals, with a variety of other programmes providing financial support to another 70 schools in that regard. In line with legislation on food security, the State had built up stocks of wheat, sugar and cooking salt for distribution to vulnerable persons in the event of a sharp rise in food prices.

12. To combat stigmatization of persons living with HIV/AIDS, a government decree had been adopted on implementation of the State HIV/AIDS programme for 2012–2016. A number of methodological recommendations had been drawn up for social workers assisting persons living with HIV/AIDS and their families. There was a law that banned the disclosure of the names of children living with disabilities, cerebral palsy or HIV/AIDS, who were considered under a single category entitled "Children with restricted abilities". That law also modified the application procedures for the monthly benefit payable to children living with HIV/AIDS. The Ministry of Health ran age-appropriate education

programmes for schoolchildren on the prevention of HIV/AIDS and drug abuse which sought to encourage responsible behaviour.

13. The rights of persons living with HIV/AIDS were safeguarded by national legislation, and the Criminal Code made provision for penalties for the violation of medical confidentiality. Multidisciplinary teams provided primary treatment and antiretroviral drugs for children living with HIV/AIDS. More than 60 specialists had received training in epidemiological oversight relating to HIV/AIDS, and general medical staff had been trained in prevention.

14. The infant mortality rate had risen in 2014, with poverty, migration and the existence of unqualified medical practitioners being some factors behind that increase. Measures were being taken to ensure that all women and infants, including migrants, had access to primary health care, and programmes had been introduced to tackle anaemia in children and women and micronutrient deficiency in children aged under 2 years and pregnant women; however, the State could only afford to provide around half the funding required for that programme.

15. The problem posed by the school dropout rate was not confined to children who lacked social protection or who were not enrolled in school; financial problems in the family, religious beliefs, limited access to transport and seasonal work were also contributing factors. A decree had been adopted under which local authorities were responsible for carrying out regular censuses of school-age children. Education was mandatory from the first to the ninth grade and the Ministry endeavoured to ensure that all children, without discrimination, attended school.

16. Schools were being renovated and textbook distribution improved. Working with the World Bank, national authorities were developing teaching standards that would be introduced in the near future and would have an impact on future textbooks. Over US\$ 1.5 million was set aside annually for repairs to schools and school equipment. Between 2010 and 2014, the number of schools with Internet access had risen five-fold and currently stood at 26. Around US\$ 1 million had been invested in interactive teaching equipment. A World Bank project was promoting education for all, early childhood development and improved access to high-quality teaching, and the European Commission had funded the purchase of equipment and teaching materials. Work was being carried out to make improvements in boarding schools, and the number of students being educated in those institutions was to be reduced by 3 per cent each year. Seminars and meetings were being held with local authorities and parents to ensure that former boarding-school students could be reunited with their families.

17. **Mr. Zhekshenov** (Kyrgyzstan), replying to a question from Mr. Abashidze, said that, in 2011, former President Otunbayeva had signed the Convention on the Rights of Persons with Disabilities, and the procedure for ratification was currently being drawn up. However, Kyrgyzstan was not yet in a position, from the point of view of either infrastructure or funding, to implement the Convention.

18. Responding to a question asked by Ms. Shin Heisoo, he said that a national strategy and an action plan on the achievement of gender equality had been adopted, and work was being carried out to ensure equal rights for all, regardless of sex, gender identity, social background, health or any other grounds for discrimination. The following priorities had been identified: the provision of appropriate education; the elimination of gender discrimination; access to the courts for women; and the promotion of gender mainstreaming in decision-making processes and women's participation in politics. The Ministry for Social Development was responsible for implementing gender equality policies. The Government of Kyrgyzstan had the political will to work towards greater gender parity; it had instituted the National Action Plan on Gender Equality; as of 2012, the Procurator-General's Office

was responsible for implementing legislation to achieve gender parity. A number of officials had been the object of disciplinary measures. All regulations and laws were subject to review for purposes of gender mainstreaming on a regular basis.

19. Replying to a question from Ms. Bras Gomes, he said that each member of the family was entitled to a guaranteed minimum income, which the Government provided to poor families with children. Child benefits were available until a child reached the age of 18. The amount of the allowance was determined on the basis of the difference between the guaranteed minimum income and the overall income of the family; it had increased by 10 per cent in 2014.

20. In response to a concern raised by Mr. Martynov, he said that, under the relevant legislation, persons not entitled to disability allowances could be eligible for social benefits. Any person disabled since childhood was entitled to a disability allowance. The decision to grant a disability certificate was made by a medical committee and the allowances were paid until the period of certification ended. The amount of the allowance depended on the availability of funding and economic conditions in the country. A question had also been asked as to whether retirees who so wished could continue to work; the answer was that no provision was made for that choice.

21. Replying to a question from Mr. Pillay, he said that there were no Government programmes for the elimination of homelessness in Kyrgyzstan. There were, however, shelters available. Homeless people often lived in the shelters in winter and moved on with the arrival of warm weather.

22. **Ms. Bras Gomes** asked whether allowances for low-income families were being reduced in order to pay for placements in boarding schools. She wondered what steps the Government was taking to protect couples who married in a religious ceremony but did not enter into a civil marriage, since by so doing they lost many forms of protection for themselves and their children. She would also like to know what the Government was doing to enhance trust in the social security system and whether it had envisaged establishing a social protection floor.

23. **Mr. Abashidze** (Country Rapporteur) asked whether special services had been set up to protect child migrants who had been victims of sexual abuse. He would also like to know what affordable housing programmes were available for poor families, given that interest rates were too high for home purchases to be feasible for low-income households. In addition, it would be useful to know what measures were being taken to assist persons who were living in makeshift, informal dwellings.

24. He would like more detailed information on the correlation between the minimum wage, the size of pensions and the cost of basic necessities. What measures was the Government taking to ensure that all residents of Kyrgyzstan had access to safe drinking water? It would be useful to know if the Government was dealing with the problem that arose when land that had been expropriated for government use was later sold for commercial purposes and what protection or compensation was available to landowners. He also inquired what measures were taken to ensure that abortions were safe and covered by the national medical insurance scheme.

25. Since the number of schools where Uzbek was taught was diminishing, it would be interesting to know what measures were being taken to protect minority languages. In addition, he wondered what measures were taken to ensure that children from minority groups had access to all levels of education regardless of whether they possessed birth certificates or other identity documents. Was the Government guaranteeing free education to all?

26. What measures was the Government of Kyrgyzstan taking to reduce pollution and to give victims of environmental contamination the appropriate treatment and rehabilitation? It would also be helpful to know whether efforts were being made to rehabilitate areas contaminated during the Soviet era. He would like to know whether asylum seekers and other refugees had access to basic medical care and whether measures were being taken to protect the Lyuli people. What measures was the Government taking to call a halt to the arrests of persons participating in methadone programmes?

27. **Ms. Shin** noted that, under the Code of Administrative Liability, the infliction of slight bodily harm did not constitute a criminal offence; in the view of the Committee, any level of domestic violence should not be permissible. She would also like to know whether the family, as referred to in that Code, included former spouses, since they were so often victims of domestic violence. She was concerned by the use of the term “gender parity”, and she wondered if that term had been introduced by the interpreter. The Covenant called for equality rather than parity. She would be interested to know what difficulties the Government faced in achieving gender equality and what were the key issues that arose.

28. **Mr. Uprimny Yepes** said that two issues raised by the rapporteur had not been answered fully. First, it would be good to know whether any measures had been contemplated to prevent HIV-positive drug users from sharing needles. With regard to the matter of forced expulsions, the Committee would like to know whether the Government had a strategy for strengthening the legal status of ethnic minorities.

29. A question had been raised about a draft law that would criminalize any speech or statement promoting non-traditional sexual practices. The answer that the legislation had been designed to protect children and adolescents was unsatisfactory as there might be homosexual conduct among adolescents that would give rise to discrimination on the basis of sexual orientation.

30. **Mr. Kedzia** commended Kyrgyzstan for its innovative Constitution. Article 97 gave every person the right to challenge the constitutionality of a law. He would like to know if that meant that any individual, group or non-governmental organization had the right to bring a case before the Constitutional Chamber of the Supreme Court and whether that right was enforceable. Article 41 gave every person the right to appeal to international human rights bodies. He wondered, in that regard, if the Government had considered accepting more of the international complaint procedures provided for by the treaty monitoring bodies.

31. **Mr. Ribeiro Leão** asked, in view of the widespread poverty in Kyrgyzstan and of the disparities between regions, whether the Government’s decision to help the poorest members of society had been translated into a specific strategy or programme, and whether it was national or specific to a certain region.

32. **Mr. Dasgupta** said he had heard no reply to the question of whether generic drugs were available in Kyrgyzstan for HIV/AIDS patients; he wondered whether the unavailability of generic drugs might explain why very few patients were being treated with antiretroviral medicines.

33. **Mr. Martynov** asked why some persons with a certified disability did not receive an invalidity pension and whether, for those who did, the payment was greater than the monthly social benefits to which they were also entitled.

*The meeting was suspended at noon and resumed at 12.10 p.m.*

34. **Ms. Ashymbaeva** (Kyrgyzstan) said that, following the tragic events of June 2010 in southern Kyrgyzstan, the Government had adopted a policy framework on strengthening national unity and improving inter-ethnic relations which sought to foster a commitment to democratic values, promote a sense of statehood and preserve the historical and cultural heritage of the country.

35. Article 10 of the Constitution, which established that Kyrgyz was the State language of the country, protected the right of all ethnic groups to preserve their mother tongue. Article 16, meanwhile, prohibited discrimination on the basis of language. The four main languages of instruction were Kyrgyz, Russian, Uzbek and Tajik. A significant proportion of children received a bilingual or multilingual education, following special curricula that set aside time for mother-tongue instruction to complement lessons in Kyrgyz and Russian. Moreover, Sunday schools provided lessons in Tatar, Ukrainian, Azerbaijani and Korean, among others. Contrary to some reports, the number of schools offering instruction in Uzbek was not declining. Under a national programme to develop the State language and improve language policy for 2014–2020, over 200 schools had been selected for pilot schemes aimed at promoting unity while also enhancing multilingual education.

36. Although primary and secondary education was provided free of charge, additional paid services were available in some schools. The cost of such services was regulated by the antimonopoly authority and the Ministry of Education and Science was working to end the practice of informal payments for educational services. Ten Uzbek television channels were available to viewers in southern Kyrgyzstan.

37. **Ms. Kutueva** (Kyrgyzstan) said that, when an unregistered marriage broke down, the commencement of divorce proceedings was contingent on the provision of proof of cohabitation and, even then, remained at the discretion of the court. In general, after divorce, difficulties with alimony payments were sometimes attributable to one of the former spouses leaving the country to work abroad.

38. The Government was looking at the issue of confiscation of property, which was a necessary measure in cases involving property that had not been registered legally. Procurators, whose actions could be subject to complaints to higher authorities or the courts, were answerable to parliament and the President.

39. Domestic violence against women and children was categorized according to the extent of any injuries inflicted. Pursuant to national legislation, the concept of a family was understood to be based on a union willingly entered into by a man and a woman. Discrimination on the basis of sex or sexual orientation was prohibited. Human rights were recognized as inalienable, and the Criminal Code had been drafted with due consideration for the lesbian, gay, bisexual and transgender (LGBT) community. The bill that would ban the dissemination of information or the organization of public events aimed at “forming a positive attitude towards non-traditional forms of sexual relations” had been drafted by parliament, and its wording could not be changed by the executive. It had been proposed, however, that such acts should constitute administrative, rather than criminal, offences. Preschool children were guaranteed protection from information or propaganda that might harm their moral or spiritual development.

40. In accordance with article 97 of the Constitution, all citizens had the right to challenge the constitutionality of a law or regulation if they believed that it unjustly restricted their rights and freedoms. The Constitutional Court was bound to issue a ruling in such cases, and parliament had to amend legislation accordingly. Constitutional and Supreme Court rulings could not be appealed.

41. **Mr. Abashidze** thanked the delegation for its replies and said that he hoped that the issues raised during the dialogue would be discussed openly within Kyrgyz society. Noting that there was a political will to bring about change in Kyrgyzstan, he encouraged the State party to keep the Committee informed of any steps taken prior to the submission of its next periodic report.

42. **Mr. Zhekshenov** (Kyrgyzstan) said that the presentation of the report was part of a comprehensive, long-term process involving all members of society. While it was regrettable that the time available to the delegation had been insufficient to allow it to

respond fully to all the Committee's questions, the Government looked forward to receiving recommendations and would continue to spare no effort to bring its legislation into line with the Covenant in law and in practice.

43. **The Chairperson** expressed appreciation for the composition of the delegation and said that the preponderance of women was a clear sign of the importance given to women in the State party.

*The discussion covered in the summary record ended at 12.40 p.m.*