

Universal Periodic Review
(21st session)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)
Kyrgyzstan

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Acceptance 03/07/1995	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Acceptance 03/07/1995			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Acceptance 03/07/1995			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification 06/11/2006			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Not state party to this Convention			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Constitutional Framework:

2. The current **Constitution of Kyrgyzstan** was adopted by referendum on 27 June **2010**¹. Article 45 guarantees the right to education. Basic and secondary education is compulsory and free of charge. According to this article, the State shall create conditions to teach State language (Kyrgyz) official language (Russian) and international languages.

Legislative Framework:

3. The basic legislative framework for education in Kyrgyzstan is made up of:

- i) The **Law on Education of 2003** makes basic education grades 1-9 compulsory for all children regardless of their physical or mental ability.² Article 5 requires the MOES to develop State Educational Standards (SES) for all levels of education, including preschool, secondary, vocational and technical, and higher education.³ Article 7 states that the government is responsible for “publication of textbooks, training and methodological manuals and distribution of the above to State and municipal educational institutions”⁴.
- ii) The **Law “On Social Protection of Disabled People in the Kyrgyz Republic” of 1992** recognises that all citizens have the right to education, and guarantees special-needs children “the right to get free education in the state educational organizations and initial vocational education, adequate to their physical condition and capacities.”⁵
- iii) The **Law on the Rights and Guarantees of Persons with Disabilities of 2008** as well as the **Law on Education** (2003) perpetuate the notion that children with disabilities may not be educable, and promote a divided education system separating specialised schooling from the mainstream.⁶
- iv) The **Code of the Kyrgyz Republic on Children of 2006** (the first of its kind in Central Asia) incorporates into *national law* the norms and standards found in UN instruments, especially the Convention on the Rights of the Child (CRC).⁷
- v) The **Law on Pre-School Education of 2009** reflects the values and commitments of the UN Convention on the Rights of the Child, by guaranteeing, *inter alia*, children’s rights to pre-school education and protection of their health and well-being.⁸

¹ 2010 Constitution of Kyrgyzstan available in English (unofficial translation) on the WIPO website (World Intellectual Property Organisation), at: http://www.wipo.int/wipolex/en/text.jsp?file_id=254747 (Accessed 5 September 2013)

² OECD (2010), Kyrgyz Republic 2010: Lessons from PISA, OECD Publishing, p. 216

³ Ibid., p.141

⁴ Ibid., p.155

⁵ Ibid., p.216

⁶ Ibid., p.216

⁷ Ibid., p.114

Policy Framework:

- General information:

4. Kyrgyzstan adopted the Education Development Strategy of the Kyrgyz Republic for 2011-2020⁹. The National Action Plan on EFA aims at universal enrolment in general education and highlights the importance of primary vocational education and the development of an adult education system.¹⁰

5. In February 2005 the *Concept Paper on Pre-School Education* was ratified, followed by the *State Standard on Pre-school Education and Care for a Child* (2007). The new State Standard establishes the requirements for pre-school education and child care for children between 6 months and 7 years of age. It promotes community-based pre-schools or other alternative types, and requires equal access to pre-school services for all pre-school-age children in the Kyrgyz Republic (including state kindergartens).¹¹

- Equity

6. The **rural-urban divide** is of much greater concern in Kyrgyzstan. Although access to primary school is comparable in rural and urban areas, in secondary school the number of rural children attending is six percentage points fewer than in urban areas. In pre-primary school, this gap is intensified. The percentage of children attending pre-school in urban areas is more than three times that of children in rural areas, where only 10% are enrolled compared to 33% in urban areas. Rural children are the most difficult to reach in Kyrgyzstan because they largely inhabit remote mountainous villages that are difficult to access.¹²

- Teachers

7. The average pupil-teacher ratio is 1:24, which is the highest in the region. Teachers earn less than 40% of the average national earnings, making them underpaid, under-trained and overburdened. Teachers' earnings have actually decreased in comparison to average national earnings since 1989, making them of the least value out of all the Central Asian States.¹³

- Quality education

8. Schools and teachers are vastly under-resourced in terms of materials and working conditions. In 2001, the Monitoring Learning Achievements survey found, for example, that 80 percent of primary schools lacked a complete supply of textbooks for students, 70% lacked teachers' guides,

⁸ Ibid., p.114

⁹ Ibid., p.119

¹⁰ World Data on Education, Kyrgyzstan, IBE, 6th Edition 2006/2007, p. 3, accessible at

http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/ASIA_and_the_PACIFIC/Kyrgyzstan/Kyrgyzstan.pdf (Accessed 9 September 2013)

¹¹ OECD (2010), Kyrgyz Republic 2010: Lessons from PISA, OECD Publishing, op. cit., p. 113-114

¹² Kyrgyzstan Country Profile, UNICEF, p.2, accessible at: <http://www.unicef.org/ceecis/Kyrgyzstan.pdf> (Accessed 4 September 2013)

¹³ Kyrgyzstan Country Profile, UNICEF, op. cit., p.3

20% lacked desks and chairs for students, 70% needed repairs to school furniture, 23% of schools lacked water supply and 39% lacked telephones.¹⁴

- **Education Financing**

9. Education financing is a priority issue in the Kyrgyzstan. Currently, Kyrgyzstan spends 4.6% of its GDP on education which is the highest in the Central Asia and Caucasus sub-regions and on par with the average total expenditures in Central and Eastern Europe. This equates to about 22% of its national budget, which is also above average for the sub-region.¹⁵ Yet, on average, 35% of the reported expenditures of primary schools in urban areas and 25% of reported expenditures of rural schools come from non-budget sources. This is in spite of the fact that compulsory education is declared to be free for all children. The increasing reliance on these non-budgetary sources is a source of increased inequality because poor children cannot afford to pay the informal fees, which are often inflated to compensate for teachers' low salaries.¹⁶

- **Cooperation:**

10. Kyrgyzstan is **party** to the 1960 UNESCO Convention against Discrimination in Education since 03/07/1995.

11. Kyrgyzstan **did not report** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the:

- a) **Sixth Consultation** of Member States (covering the period 1994-1999)
- b) **Seventh Consultation** of Member States (covering the period 2000-2005)
- c) **Eighth Consultation** of Member States (covering the period 2006-2011)

12. Kyrgyzstan **did not report** to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- a) **Fourth Consultation** of Member States (covering the period 2005-2008)
- b) **Fifth Consultation** of Member States (covering the period 2009-2012)

13. Kyrgyzstan **did not report** to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the **First Consultation** of Member States (1993). However, it **reported** within the framework of the **Second Consultation** of Member States (2011).

14. Kyrgyzstan is party to the 1989 UNESCO Convention on Technical and Vocational Education since 03/07/1995.

¹⁴ Kyrgyzstan Country Profile, UNICEF, op. cit., p.3

¹⁵ Kyrgyzstan Country Profile, UNICEF, op. cit., p.4

¹⁶ Kyrgyzstan Country Profile, UNICEF, op. cit., p.4

Freedom of opinion and expression

Constitutional and Legislative Framework:

15. Freedom of expression, speech and the press is guaranteed under Article 31 of the Constitution of Kyrgyzstan (2010).¹⁷

16. Media is further regulated through the Law on Mass Media (1992, amended in 1993)¹⁸, deals with issues such as registration of mass media organizations, suspension of media outlets, the right to information and journalists' rights and duties.¹⁹ Article 23 of the Law²⁰ provides restrictions on what could be published. The Law on Professional Activity of Journalists (1998) regulates the rights and duties of journalists, and protects professional rights, honor and dignity of journalists.²¹

17. Kyrgyzstan decriminalized defamation in July 2011²² after Article 127 of the Penal Code of Kyrgyzstan (1997, amended 2006) was removed. However an insult to a representative of the authority remains a criminal offence under Article 342 and shall be sentenced by a fine in an amount of 50 to 100 minimum monthly wages, or by an arrest for a term of up to six months.²³

18. Kyrgyzstan passed the Law on Guarantees and Free Access to Information in 1997²⁴, and Law on Access to information held by state bodies and local self-government bodies of the Kyrgyz Republic in 2006.²⁵

Media Self-Regulation:

19. Media self-regulation mechanisms exist in the country, including through the Public Association Journalists and the Media Complaints Commission launched in 2008.²⁶

Safety of Journalists:

20. **UNESCO recorded no killing of journalists in Kyrgyzstan between 2008 and 2012²⁷.** In 2007, UNESCO condemned the killing journalist Alisher Saipov²⁸. According to the information provided to UNESCO by Kyrgyzstan, the case is currently under investigation.

¹⁷ http://www.wipo.int/wipolex/en/text.jsp?file_id=254747

¹⁸ <http://cis-legislation.com/document.fwx?rgn=121>

¹⁹ http://www.legislationonline.org%2Fdownload%2Faction%2Fdownload%2Fid%2F1023%2Ffile%2Fbf3b4361738ca8c50b98ea48b0bdf54d.pdf&ei=cHQYU76lMoS0hAfQ-YHADw&usg=AFQjCNEB2rfkO_tw7CYt8vlflf_LfOetIA&bvm=bv.62577051,d.ZG4

²⁰ <http://unpan1.un.org/intradoc/groups/public/documents/apcity/unpan005100.pdf>

²¹ <http://cis-legislation.com/document.fwx?rgn=106>

²² [http://www.icrc.org/ihl-nat.nsf/0/705a3f3b34f0090ec12577440047742c/\\$FILE/Criminal%20Code_en.pdf](http://www.icrc.org/ihl-nat.nsf/0/705a3f3b34f0090ec12577440047742c/$FILE/Criminal%20Code_en.pdf)

²³ http://www.wipo.int/wipolex/en/text.jsp?file_id=248664

²⁴ <http://legislationonline.org/download/action/download/id/1236/file/71bdeda3cd18a208b73f34711206.pdf>

²⁵ http://legislationonline.org/download/action/download/id/4217/file/Law_On_Access_to_Info_held%20by%20State%20Bodies%20and%20Local%20Self-Government%202006_EN.pdf

²⁶ <http://www.osce.org/fom/49450>

III. RECOMMENDATIONS

21. **Recommendations made within the framework of the Universal Periodic Review, 3 May 2010:**²⁹
22. **The recommendations formulated during the interactive dialogue and listed below have been examined by Kyrgyzstan and enjoy its support:**
- i) 67. That the gradual entry into force of the 2009 Law on Jury Trials be accompanied by substantial preparatory work with judges, together with awareness-raising, and with the inclusion of the human rights education in practice (Hungary);
 - ii) 71. Introduce human rights education and training to members of the police and prison and detention staff, and ensure their accountability for human rights violations (Czech Republic);
 - iii) 101. Eliminate the practice of requiring boys and girls to work in the educational institutions where they are enrolled (Spain);
 - iv) 106. Fight poverty and provide high-quality education and health care for sustainable development (Kazakhstan);
 - v) 115. Focus on the development of an efficient education system for all throughout the country (Iran);
 - vi) 121. That inclusive and longer-term measures be taken with respect to linguistic policy, education and participation in decision-making for minorities (Norway);
 - vii) 126. Strengthen cooperation with the international community and organizations including the United Nations in building capacity and technical cooperation in crucial areas such as poverty eradication , increase access to sanitation, education, combating drug abuse and illegal drug trafficking (Malaysia);
23. **The following recommendation were to be examined by Kyrgyzstan, which was to provide responses by the fifteenth session of the Human Rights Council, in September 2010:**
- i) 77.36. In regard to freedom of movement, make more flexible the requirements for those people who change their place of residence within the country so that they have equitable access to social security, health care, education and pensions (Mexico).
24. **Analysis:** Kyrgyzstan adopted a new Constitution in 2010 that guarantees the right to free primary and secondary education. Kyrgyzstan took measures to ensure inclusive education, especially disabled and minorities' languages education. Moreover, educational standards and plans were established to promote quality education as well as vocational and adult education.

²⁷ <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/>

²⁸ http://portal.unesco.org/ci/en/ev.php?URL_ID=25585&URL_DO=DO_TOPIC&URL_SECTION=201.html

²⁹ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/144/74/PDF/G1014474.pdf?OpenElement>

However, according to available information, the State did not take sufficient measures to promote human rights training.

25. Specific recommendations for the second UPR cycle on the right to education:

- 25.1 Kyrgyzstan is encouraged to continue to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
- 25.2 Kyrgyzstan is encouraged to take additional measures to remove all remaining obstacles to the access to free compulsory education of good quality, paying special attention to eliminating hidden costs of schooling (e.g. uniforms, textbooks) supported by families.
- 25.3 Kyrgyzstan is encouraged to pursue its efforts to narrow the rural-urban divide, as well as the gap between children from poor and rich households.
- 25.4 Kyrgyzstan is encouraged to intensify its efforts to improve enrolment rates, especially at the pre-primary and secondary levels, in order to include all children.
- 25.5 Kyrgyzstan is encouraged to further raise the public expenditure allocated to education and improve teachers' working and living conditions, in order to build a quality and efficient education system.
- 25.6 Kyrgyzstan is encouraged to take additional measures to promote human rights training.

Freedom of opinion and expression

- 26. Kyrgyzstan is encouraged to decriminalize all defamation, currently in its Penal Code, and place it within a civil code that is in accordance with international standards.
- 27. Kyrgyzstan must ensure that journalists and media workers are able to practice the profession in a free and safe environment as part of their fundamental human rights. It must investigate all attacks on journalists and media workers, and ensure full implementation of the rule of law.

Cultural rights

- 28. Kyrgyzstan is encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). Furthermore, as a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972) and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), Kyrgyzstan is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Kyrgyzstan is encouraged to facilitate the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of scientific research and the right to benefit from scientific progress and its applications

- 29. With regard to contribution of science and technology to development, Kyrgyzstan is encouraged to report to UNESCO within the framework of the on-going consultations with

Member States on the monitoring of the implementation and the proposed revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.