



NETHERLANDS HELSINKI COMMITTEE



**PF «Child's Rights
Defenders League»**

**Coalition of NGOs
On Promotion of
Social and
Economic Rights
of Women and
Children**

Statement made on behalf of the Coalition of NGOs working on Economic and Social rights for women and children in Kyrgyzstan and the Netherlands Helsinki Committee at the opening of the 55th Session of the Committee on Economic, Social and Cultural Rights

Date: 1st of June 2015

Place: Geneva, Palais Wilson

Dear members of the Committee on Economic, Social and Cultural Rights,

Thank you for this opportunity to address you. My name is Jan de Vries, I am deputy director of the Netherlands Helsinki Committee and I am delivering this statement on behalf of a coalition of ten NGOs from Kyrgyzstan working on economic and social rights for women and children in Kyrgyzstan (three of its representatives are also here today and tomorrow) and on behalf of the Netherlands Helsinki Committee.

Anti-NGO legislation

The presence of so many NGOs from Kyrgyzstan in this room is testament to the importance civil society attaches to economic, social and cultural rights in Kyrgyzstan. It is also testament to the growing strength and variety of civil society in Kyrgyzstan.

We call upon the Committee, to recommend that the Kyrgyz State should continue to guarantee freedom of association and expression further and, benefit from civil society's unique position and capacity to monitor compliance with international standards, guarantee principles of participation, accountability and non discrimination. The State should seek further cooperation with, and support from, civil society, where relevant and needed to further guarantee respect, protection and fulfilment of human rights.

Dear committee members,

General issue

In general and in line with the obligation of the state to progressively realise economic, social and cultural rights even with limited resources, we recommend policies, strategies and legislation affecting the rights of people, and especially the most marginalised and vulnerable in Kyrgyzstan, are developed and implemented using a rights-based approach. This would provide a set of concrete results to achieve, as well as the indicators to measure progress. It guarantees standards of accountability, participation and non-discrimination. For this cooperation with and support from civil society should be accepted and sought.

The work of civil society in Kyrgyzstan and our specific research for your committee shows severe problems, potential violations and blatant violations of the rights especially of a number of specific groups. In this brief statement I can highlight a few of the issues.

Social benefits for low-income families and families with children with disabilities (art. 9 and 10 CESCR)

The Government, instead of increasing the spending on support for low-income families and those with children with disabilities, increases spending on so-called boarding schools, institutions for children without parental care.

At the same time the allowance system for children in low-income families has changed. Allowances have been de-linked from standards of extreme poverty. It has led to savings for the State, but also a severe reduction in allowances that were already low to begin with.

Also more than 40% of families with children do not receive the benefits. A main reason is that the right to receive benefits is dependent on a certain list of documents that are impossible or very difficult to access (such as birth certificates).

Lack of support to low-income families and families with children with disabilities, means the number of children in residential care institutions is rising.

Child labour (art. 10 CESCR)

The most recent figures date from 2007 when 672.000 children were at work, of whom 592.000 in work that is not acceptable for their age and development. In childcare institutions, including in shelter houses for children and special boarding houses, there is a practice of forced work for children.

Currently there is no state programme to address worst forms of child labour. Laws and regulations are not harmonized with international standards, which define and determine the worst forms of child labor. National legislation fails to define child labor and labor education.

There is a general lack of knowledge and skills among authorised bodies to identify and register acts of worst forms of child labour have led to a lack of results in this area and a general lack of monitoring and data collection on the issue.

Violence against children: domestic violence and violence in institutions run by the State (art. 10 CESCR)

According to UNICEF 72,7% of children in Kyrgyzstan have had to deal with family violence and/or neglect. Particularly alarming is the rise of sexual violence and abuse in Kyrgyzstan.

In closed institutions and boarding schools violence is prevalent and at times in its most extreme form results in torture.

This violation should be tackled in various complementary ways.

- Legislation, in line with international standards, should set clear obligations and create a framework in which to work for all professionals relevant to the issue.
- Capacities of all involved, especially law enforcement, judicial authorities, forensic experts and other professional staff must be enhanced. Their coordination should be improved.
- Further monitoring is needed and better collection of data to further comprehend the extent of the problems and their dynamics.
- Monitoring of enforcement of current and future regulations should be guaranteed.
- Basic services, including emergency shelter, should be affordable and accessible to all children.

Recommendations of the UN Committee on the Rights of the Child of 2014 should be implemented. In this the CRC calls for the development of a comprehensive national strategy to prevent and eliminate all forms of violence against children and the adoption of a national coordination framework to combat all forms of violence against children.

Safe motherhood and reproductive health rights (art. 11 and 12 CESC)

Maternal mortality in Kyrgyzstan is high. Kyrgyzstan will not reach the goals set by the MDGs.

Causes can be found in poor monitoring and evaluation systems relevant for pre-natal and post-natal, ineffective programmes, lack of prevention and promotion campaigns, lack of qualified physicians, lack of access to basic health services.

Maternal mortality disproportionately affects the poorest, especially in rural areas. There is a structural shortage of technical and medical facilities, and human resources to address the problems. Access to adequate health care becomes even more problematic for pregnant and child bearing women when they have disabilities, are migrants, prisoners and/or unemployed.

One of the obstacles to safe motherhood and access to free medical care is the requirement of the state that such services are provided only at the place of residence (propiska), that is, official registration. The state funds the primary health care based on capita (per person) which makes the quality health services low, and makes the continuous assistance ineffective.

Rights of people with disabilities

In total in the country there are 155,000 persons with disabilities, of which 27 000 are children up to 16 years. This number is rising.

The State has very little attention for children with disabilities and the children of disabled persons. There is lack of awareness among public officials on the prevention, rehabilitation and integration measures for children with disabilities. They have poor access to infrastructure, buildings, education and health services. There is little or no coordination between state agencies to identify and care for children with disabilities. This is illustrated for example by how the State deals with children with autism spectrum disorders (ASD).

The outdated social support system for parents and caregivers fails to take into account special needs of families with such children, such as rehabilitation services, medical care, adequate nutrition and education. In general, the State system of children with disability (allowing access to benefits and education) suffers from corruption.

A first important step for the State would be to ratify the Convention for persons with disabilities.

Right to education (art. 13 CESC)

Children with disabilities: Majority of children with disabilities have no access to education. The system of "inclusive education" is fragmented and has largely failed, also due to fragmented donor support and lack of coordination.

Children in detention: There are no rehabilitation and reintegration programs for children in detention and vocational training is not adapted to the needs of the labour market.

Working children: The state does not create opportunities for working children to receive education in an accessible form, in particular, in the form of a free evening school.

Restrictions on access to education: Access to education in schools is linked to residence registration (propiska), this affects access to education of children of internal migrants. There is illegal collection of money in schools, shortage of textbooks, lack of teachers. In rural areas there are not enough schools affecting access to education.

Conclusion

Copies of the Alternative report and a summary written by a coalition of NGOs promoting economic and social rights in Kyrgyzstan with support from the Netherlands Helsinki Committee are available for you in English and Russian.

Finally, I want to draw your attention to an informal lunch meeting organised by the Netherlands Helsinki Committee, from 13:00 until 14:30 in this building in room RS181, where ten different representatives of ten different Kyrgyz NGOs will be present. Additional information will be provided, and there will be ample opportunity to ask questions.

Thank you for your attention!