Bishkek 3 October 2024

Members of the press,

Ladies and gentlemen,

In my capacity as United Nations Special Rapporteur on the rights of persons with disabilities, I conclude today my first official visit to Kyrgyzstan, which took place from 23 September to 3 October 2024. I am an independent expert who reports to the United Nations Human Rights Council and the General Assembly, and advises on progress, opportunities and challenges encountered in the implementation of the rights of people with disabilities worldwide.

I would like to thank the Government of Kyrgyzstan for its invitation, excellent cooperation throughout my visit, and genuine openness to discuss existing opportunities and challenges for the advancement of the rights of persons with disabilities.

During my 10-day mission, I visited Bishkek, Osh, and Tokmok. In the capital, I met with senior Government representatives across all sectors, including the Deputy Prime Minister, the Minister of Labour, Social Security and Migration, officials from the ministries of Education, Health, Emergency Situations, Digital Development, Transport and Communication, Justice, and Finance, and representatives of the General Prosecutor’s Office, the First District Court in Bishkek, State Agency for Civil Affairs Services, the State Agency for Architecture, Construction and Housing and Public Utilities, the National Statistical Committee, and the Central Commission for Elections and Referendums. I further attended a session of the Council on the Affairs of the Persons with Disabilities under the Cabinet of Minister and met with members of the Parliament. I also had the opportunity to interact with the National Preventive Mechanism and the Office of the Ombudsperson. In Bishkek, Osh, and Tokmok I held meetings with local government officials.

I further visited two residential institutions for persons with intellectual and psychosocial disabilities in Tokmok, a residential institution for children with disabilities in Belovodskoe, a rehabilitation centre for children with disabilities in Bishkek, a boarding school for children with visual impairments in Osh, and a boarding school for children with hearing impairments in Kara-Suu. I am deeply grateful to the children and persons with disabilities of all ages as well as to the staff of these institutions who shared their experiences with me.

I most warmly thank all persons with disabilities and their representative organizations, as well as disability rights advocates, service providers, and lawyers who devoted time and effort to share their perspectives with me. I am particularly thankful to the women, youth, and children with disabilities who shared their personal stories and aspirations with me. Their talents, dreams and potential attest to the significant contribution persons with disabilities bring to their societies.

I also take this opportunity to thank the UN Resident Coordinator, the OHCHR Regional Office for Central Asia, and different UN agencies for their crucial support to make my visit a success.

My statement today constitutes my preliminary observations and recommendations, which I will elaborate in more detail in the report that I will present to the Human Rights Council at its 58th session in March 2024, in Geneva. These preliminary observations neither reflect all the issues presented to me, nor all the initiatives undertaken by the Government of Kyrgyzstan.

Legal and Policy Framework

I welcome the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) by Kyrgyzstan in 2019, which represents a major milestone for persons with disabilities in the country. Complying with its reporting obligations under the CRPD, the Government submitted its initial report to the Committee on the Rights of Persons with Disabilities in 2022. The ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled in 2017 further demonstrates the commitment to the rights of persons with disabilities in Kyrgyzstan.

I encourage the Government to ratify the Optional Protocol to the CRPD to further strengthen the protection of the rights of persons with disabilities in line with the international human rights framework.

In relation to the national normative framework, the Constitution of Kyrgyzstan sets out broad principles in relation to human rights and freedoms and includes provisions on equality and non-discrimination, including on the basis of disability. There is no general anti-discrimination legislation in place to provide a comprehensive set of protections and measures to ensure equal opportunities for different groups and to address multiple and intersecting forms of discrimination.

The 2008 Law on the Rights and Guarantees of Persons with Limited Health Functions pre-dates the ratification of the CRPD and perceives disability from a medical perspective contrary to the international human rights framework which considers persons with disabilities on the basis of their shared humanity and societal barriers encountered in their environment because of long-term impairments. There is an urgent need to rethink the medical approach to disability and move towards a social model based on human rights, I was glad to hear that the Ministry of Labour, Social Affairs and Migration is considering moving in this direction in terms of disability assessments. The Law does not meet the CRPD standards, for example it fails to recognise the denial of reasonable accommodation as a form of discrimination.

Ongoing discussions and preparations of a new Law on the rights of persons with disabilities give me hope that the normative framework will be eventually aligned with the CRPD. I am aware that a public hearing on the draft Law will be taking place tomorrow and urge all stakeholders to pay close attention to full alignment with whole scope of rights set out in the CRPD, including special provisions on women and girls, and children with disabilities, as well as meaningful participation, reasonable accommodation, equality before the law, independent living, inclusive education, and clear enforcement and monitoring mechanisms. I remain available for technical assistance throughout the drafting process.

Some positive steps have been taken in terms of the legal and policy framework, with the State Programme *Accessible Country* and new Law on Education introducing the concept of inclusive education, both adopted in 2023, highlighted as key achievements to practically implement the CRPD. I welcome such steps and suggest dedicating more efforts to monitoring and evaluating implementation. Further, an analysis of all relevant legislation is needed to prepare a plan for full harmonisation with the CRPD.

Implementation and monitoring of the CRPD

I wish to acknowledge the will and openness expressed by most state authorities to protect and implement the rights of persons with disabilities. This political will is illustrated by new initiatives and increased budgetary allocations benefiting persons with disabilities.

I was particularly pleased to learn about the positive economic outlook enjoyed by Kyrgyzstan in recent years. There is a visible increase on budgetary spending on disability, for example through increased disability allowances or the opening of a modern rehabilitation facility for children with disabilities in Bishkek. The positive economic growth presents a unique opportunity to design and deploy services in an inclusive and accessible way that aligns with the CRPD.

Here I wish to stress the importance of having a clear strategic vision on how to translate political will and budgetary resources into sustainable and practical improvements in the lives of persons with disabilities in Kyrgyzstan in line with the CRPD. Such strategic vision should encompass all sectoral and cross-cutting issues concerning the rights of persons with disabilities.

In this respect, I welcome the establishment of the Council on Persons with Disabilities under the Cabinet of Ministers. It is extremely important to have high-level political interest and representation in coordination and consultative bodies, in this case through the chairmanship of the Deputy Prime Minister. I particularly appreciate that persons with disabilities and their representative organizations are included and can voice their perspectives and concerns.

The role and functioning of the Council should be further strengthened so that it has the necessary mandate, resources and technical expertise to provide strategic leadership and monitoring for the implementation of the CRPD. A dedicated and permanent secretariat directly under the Cabinet of the Ministers would allow for work to be carried out in between the quarterly sessions and more effectively coordinate and monitor progress. This would also better align with the CRPD requirement under art. 33(1) for an effective coordination mechanism.

It was not immediately clear to me who has the mandate as an independent mechanism for the promotion, protection, and monitoring of the CRPD under Art. 33(2). I note that the Ombudsperson follows on individual complaints brought by persons with disabilities but there does not seem to be regular reporting on the implementation of all rights under the CRPD.

I would like to note that when designing such monitoring mechanism, it is crucial to ensure that it functions are in full compliance with the Paris Principles and that representative organizations of persons with disabilities are involved and participate fully in the monitoring process. In this respect, the mandate and resources of the Ombudsperson should be strengthened accordingly.

Monitoring implementation and designing effective and evidence-based policies and measures is not possible without disaggregated data and statistics. Currently, available statistics on persons with disabilities in Kyrgyzstan are fully based on numbers of persons with officially recognised disability status and receiving disability benefits – around 217,000 persons, i.e. 3 per cent of the population. However, such data is far from providing a full picture of the needs and challenges faced by persons with disabilities as only a portion of them will have and will want the official disability status. I wish to recall that the World Health Organization estimates that 15 per cent of the global population has some form of disability.

I was informed that the Washington group set of questions on disability was introduced in the 2022 population census but collected data has not yet been fully processed and analysed . I suggest that this be prioritised, with adequate technical assistance to build capacity as needed.

Meaningful participation

Inclusion and consultation of persons with disabilities in all decisions and policies that affect their lives is the cornerstone of the CRPD (Art. 4(3) and General Comment n.7 of the Committee on the Right of Persons with Disabilities), as embodied by the motto of the disability movement “nothing about us without us.” Persons with disabilities are the best experts and advocates for their rights and consulting them is not only a requirement under the CRPD but also a pragmatic way to ensure policies and measures are practical and cost-effective. I was profoundly struck by the knowledge, activism, and commitment of persons with disabilities in Kyrgyzstan to get their rights and live their lives with equal opportunities as others.

I welcome the increasing practice to consult and include persons with disabilities in public decision-making, as illustrated by the national Council on persons with disabilities mentioned above and the establishment of similar committees at local and municipal levels, for example in Bishkek and Osh. It is important to ensure that diverse voices are included, especially those representing those most hidden and left behind – such as women and girls, persons with disabilities in rural and remote areas, persons with intellectual and psychosocial disabilities, and older persons. The preparation of the second Voluntary National Review on the implementation of Sustainable Development Goals in 2025 presents another important moment to include disability perspectives.

The State shall also consider providing funding for representative organizations of persons with disabilities to ensure that they can actively engage in advocacy and monitoring activities. This is separate from allocating funding and grants for the provision of services through non-governmental associations.

In this connection, I am concerned about the impact of the recently adopted Law on Foreign Representatives on the work of representative organizations of persons with disabilities and civil society. Disability activists and organizations of persons with disabilities are pushed to self-censor and restrict their activities as advocates and watchdogs, and instead concentrate on the role of service providers.

Stigma against persons with disabilities

Persons with disabilities and their representative organizations also represent key allies to combat societal stigma and misconceptions about disability which remain pervasive in Kyrgyzstan, especially affecting women and girls, persons in rural and remote areas, and persons with intellectual and psychosocial disabilities. I was told that having a child with disability remains sometimes perceived as a curse , especially in remote and rural areas.

I was particularly struck by the situation of women and girls with disabilities, who find themselves at heightened risk of violence, abuse, neglect, and exploitation. State authorities do not seem to take a differentiated approach to investigate and provide protective measures and support in such instances but rather treat all cases “equally.” The extremely vulnerable situation of women and girls with disabilities who are victims of sexual and gender-based violence must be considered as they face specific and almost unsurmountable barriers to seek help and protection.

Many persons with disabilities live in isolation in their homes or in institutions and are not considered as full-fledged members of their communities but rather as medical and charity cases. Often, persons with intellectual disabilities are deemed uneducable and therefore unemployable. Such attitudes are a legacy of the past. The future lies elsewhere, and Kyrgyzstan needs to take advantage of all its human capital and talent.

The CRPD provides an ambitious whole-of-society programme for change on how to include human difference so that everyone can take control over their lives and contribute to their communities. I wish to recall that awareness raising and combating stereotypes against persons with disabilities is an obligation under Art.8 of the CRPD.

I did hear about progress in changing attitudes but more needs to be done, including among families of persons with disabilities, medical professionals, law enforcement, and public officials. There are good initiatives for change which are mainly driven by persons with disabilities and activists, such as a project on inclusive theatre in Osh. This type of activities must be supported and scaled up.

Independent living and access to services

Combating stigma enhances community inclusion and independent living and *vice versa*. Currently, there is no strategy in place for deinstitutionalisation and moving towards community-based services for persons with disabilities, which is preoccupying. The Ministry of Labour, Social Affairs, and Migration operates 17 residential institutions across the country, including for children with disabilities. There are also psychiatric facilities under the Ministry of Health and residential boarding schools under the Ministry of Education.

I visited institutions for adults and children with intellectual and psychosocial disabilities. The conditions there are improving, also thanks to international and private donors. Most focus appears to be on taking care of basic needs such as food, hygiene, health, clothing, etc., especially in the institutions for adults. There is an acute lack of rehabilitation, stimulation, and independent living skills.

An institution does not offer skills and opportunities for community inclusion and independent living – on the contrary institutionalization is a discriminatory practice against persons with disabilities, contrary to Art.5 of the CRPD. I would like to draw the attention of the Government to the Guidelines on deinstitutionalization issued by the Committee on the rights of persons with disabilities in 2022.

I strongly encourage the Government to plan and invest into designing and deploying community-based services for persons with disabilities, including training and recruitment of specialists such as occupational therapists, speech therapists, or educational specialists. Good use should be made of new technologies which can provide cost-effective and practical solutions. For now, community-based services are few and far apart, including daycare centres, habilitation and rehabilitation, social services, and psychosocial support. Reportedly, many services – such as rehabilitation centres – do not operate at their full capacity because of a shortage of qualified staff.

I welcome the recent introduction of payments for personal assistants for children with disabilities and its extension to adults with disabilities who have their impairments since childhood. This provides crucial support to persons with disabilities and their families to live within their communities. For example, I learned that some children with disabilities left the institution in Belovodskoe to live with their families after their relatives were recognized as personal assistants. The system should be assessed to further optimize how it can support independent living and what gendered impacts it creates, especially on mothers of children with disabilities who seem to be most usually designated as personal assistants.

Accessibility to the physical environment, transport, information, and communication

I recognise efforts undertaken by Kyrgyzstan to improve the accessibility of physical infrastructure, notably through the adoption of the State Programme Accessible Country in 2023 and new construction standards including accessibility requirements in 2018. Improvements are slowly taking place, especially through the building of ramps. Throughout the visit, I witnessed a lot of constructions and renovations under way which provide an opportunity to make infrastructure accessible for all persons with disabilities, including those with visual and hearing impairments.

The new construction and accessibility standards should be promoted more widely, including by strengthening technical capacity and monitoring of compliance. For example, many ramps I observed were not well designed and constructed. Moreover, the accessibility requirements apply only to new buildings, and it is not clear how and when older buildings – which constitute a large part of public infrastructure – will be made accessible.

The concepts of reasonable accommodation and universal design are not sufficiently established and developed in the national regulatory framework, and I encourage the Government to work in this direction and provide certified codes. For now, accommodations seem to mostly depend on individual goodwill but there needs to be a clear and systematic approach in this respect.

I acknowledge efforts made by the Government to digitise public services. This can be of huge benefit to persons with disabilities but needs to be accompanied by strategies and standards on informational and communication accessibility, including in the digital space.

Equal recognition before the law and access to justice

In Kyrgyzstan, persons with intellectual and psychosocial disabilities continue to be deprived of their legal capacity through judicial procedures to appoint a guardian, according to Art.64 of the Civil Code. The same article gives guardians the power to make transactions and decisions on behalf of persons with intellectual and psychosocial disabilities, thus severely restricting the possibility to make choices and decisions for themselves. In institutions, the head of administration exercises the guardianship over residents. Persons who have been deprived of their legal capacity cannot themselves ask for a review of such decision according to Art.296 (2) which is a clear violation not only of equal recognition before the law but as well of the right to equal and effective access to justice.

I wish to highlight that the full recognition of legal capacity is core to the implementation of the CRPD and reforming the legislative framework to eliminate the guardianship system and develop a system for supported decision-making should be considered a priority.

Deprivation of legal capacity bears drastic consequences on an individual’s life, including restrictions in the exercise of civil and political rights, forced treatment and forced institutionalization, and denial of sexual, reproductive and family rights. Persons deprived of legal capacity cannot make complaints to the courts, which is particularly problematic for victims of sexual and gender-based violence. Moreover, defendants who are found legally incapable because of intellectual and psychosocial impairments are automatically referred to psychiatric institutions and the court procedures are stopped, thus impeding the right to an effective remedy for the victim and presumption of innocence for the defendant.

In Kyrgyzstan, persons with disabilities continue to face significant barriers to access justice owning to lack of accessible physical, communicational, and informational infrastructure. I was informed that most court buildings are not accessible and there is a shortage of sign language interpreters. National standards and guidelines on procedural accommodations for persons with disabilities should be further developed and applied.

Inclusive education

I welcome the introduction of the concept of inclusive education in the new Lad on Education adopted in 2023. This important step should be urgently followed up by the development of by-laws and guidelines to start with practical implementation, as well as with developing appropriate curricula and training teachers.

Exclusion is the prevailing model for many children with disabilities in the form of centralised boarding schools, where children often reside far away from their families. This is a system of the past and not in line with the CRPD. I was touched by the curiosity and talent of children in such schools as well as the dedication of most staff. However, special schools cannot replace inclusion with other children in mainstream schools – an approach that benefits all the children and all the society. The schools I visited also lacked modern and quality equipment.

I was particularly alarmed to learn that boarding schools for children with hearing impairments do not provide the full school curricula leading up to the examinations required to study at university. As such, children with hearing impairments have very limited choices of higher education, which consist of specialised vocational schools for hairdressing, sewing, and welding.

State officials often referred to homeschooling as a form of inclusive education for children with disabilities. I would like to clarify that homeschooling should be an exceptional and temporary measure in specific contexts but not a tool to achieve inclusive education as it further segregates children with disabilities from their peers and from the outside world. Moreover, I heard repeated concerns over the quality of teaching for children who are homeschooled.

There are seeds of change through private initiatives, for example in Osh parents of children with disabilities established an inclusive kindergarten and now opened first classes of primary school. Also in Osh, I was informed about a pilot inclusive class for children with hearing impairments in one of the public schools.

Access to healthcare

The Government is planning to build new health facilities across the country and assured that these will be accessible for persons with disabilities. The Government is also providing free access to health services for persons with severe impairments and subsidies for those with less severe impairments.

Persons with hearing impairments shared concerns about not being able to reach emergency medical services as they only operate through phone calls. The Ministry of Health clarified that a solution is being worked out. Here the use of digital technologies can provide simple and effective solutions to communicate with medical services.

The medical approach towards disability remains entrenched among medical professionals and more needs to be done to raise awareness about the rights of persons with disabilities, including the right to informed consent for any medical treatment.

Women with disabilities shared with me their experiences with stereotypical attitudes from medical professionals, particularly in the field of sexual and reproductive health whereby some professionals and relatives consider that women with disabilities are not capable to carry out pregnancies and become mothers. I suggest that State authorities assess the situation, especially considering the vulnerable situation of women with disabilities who face particular barriers to make complaints and protect their rights. Art.23 of the CRPD clearly establishes that persons with disabilities have the freedom to form a family and have children, including access to reproductive health.

Employment

Many persons with disabilities, including young people, shared concerns about the lack of employment opportunities and negative attitudes from employers. One woman explained, for example, that she succeeded in multiple online tests but then was refused during interviews every time when her disability became visible. Moreover, persons with disabilities appear to be mainly considered for specific and low-skilled jobs such as working in warehouses, producing handicrafts, sewing, hairdressing, or massage services. This starkly contrasted with the interests of youth and children with disabilities I met and who aspired to be doctors, lawyers, IT specialists, or graphic designers.

I was informed that a quota for persons with disabilities is in place, particularly for private businesses but that effective implementation is lagging behind. In public services, the quota appears to vary from year to year and agency to agency. I encourage the Government to work with associations of employers and trade union to change attitudes and provide incentives for the employment of persons with disabilities.

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