



Council of the  
European Union

Brussels, 24 November 2023  
(OR. en)

15996/23  
ADD 10

POLCOM 284  
SPG 10

## COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	21 November 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2023) 368 final
Subject:	JOINT STAFF WORKING DOCUMENT The EU Special Incentive Arrangement for Sustainable Development and Good Governance (GSP+) assessment of the Kyrgyz Republic covering the period 2020-2022 Accompanying the document Joint Report to the European Parliament and the Council on the Generalised Scheme of Preferences covering the period 2020-2022

Delegations will find attached document SWD(2023) 368 final.

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Encl.: SWD(2023) 368 final



EUROPEAN  
COMMISSION

HIGH REPRESENTATIVE  
OF THE UNION FOR  
FOREIGN AFFAIRS AND  
SECURITY POLICY

Brussels, 21.11.2023  
SWD(2023) 368 final

## **JOINT STAFF WORKING DOCUMENT**

**The EU Special Incentive Arrangement for Sustainable Development and Good Governance (GSP+) assessment of the Kyrgyz Republic covering the period 2020-2022**

*Accompanying the document*

**Joint Report to the European Parliament and the Council**

**on the Generalised Scheme of Preferences covering the period 2020-2022**

{JOIN(2023) 34 final} - {SWD(2023) 359 final} - {SWD(2023) 360 final} -  
{SWD(2023) 361 final} - {SWD(2023) 362 final} - {SWD(2023) 363 final} -  
{SWD(2023) 364 final} - {SWD(2023) 365 final} - {SWD(2023) 366 final} -  
{SWD(2023) 367 final}



## 1. SUMMARY ASSESSMENT

The Kyrgyz Republic (Kyrgyzstan) has benefitted from GSP+ since 2016. In this time, the country has gone through several periods of change. Nonetheless, it has maintained steady engagement in GSP+ monitoring. There is untapped potential to maximise the economic benefits of the scheme. The 2020-2022 reporting period was also marked by the effect of the COVID-19 pandemic, significant political flux, and a worrying trend of pressure on civic freedoms and human rights and rule of law, amid large-scale legislative changes.

### 1.1. Priorities and Monitoring

The most recent GSP+ monitoring mission to Kyrgyzstan took place in September 2022 <sup>(1)</sup>, back-to-back with the annual Human Rights Dialogue <sup>(2)</sup>. The visit was timely, given the on-going large-scale national inventory of legislation and the recent trend of increased pressure on the freedom of expression and assembly. Wide-ranging discussions with civil society, social partners, and the authorities gave the impression of considerable flux, both institutionally and in terms of revisions of the legislation. The mission highlighted five key areas of concern: shrinking space for and pressure on civil society and independent media, threats to freedom of expression <sup>(3)</sup>, torture prevention and deaths in places of detention, gender-based violence and violence against children and discrimination of minorities, and concerns over persistent corruption. At the same time, it recognised positive efforts in the drug control regime and an ambitious commitment, with international support, to global climate action and to phasing out Ozone Depleting Substances.

### 1.2. Human Rights

Kyrgyzstan has made some progress through the adoption and amendment of several legislative, policy, and administrative measures. The situation regarding economic and social rights and action against torture remained stable, with no significant developments. Efforts to implement the Convention on the Rights of the Child were underway with new legislation being prepared in 2019, although currently facing obstacles. In September 2022, the Cabinet of Ministers approved the National Strategy to Achieve Gender Equality by 2030 and the corresponding National Plan for 2022-2024 – a positive development.

However, the situation remains challenging notably as regards shrinking space for civil society to operate freely and increasing pressure on freedom of expression. There are increased concerns regarding civil and political rights in Kyrgyzstan, due to new, restrictive political developments that took place since October 2020. Several legislative measures such as the repealed Criminal Code and the 2021 Laws on NGOs and False Information, as well as the 2023 Parliament-adopted Law on Protection of children from harmful information threaten to reverse previous positive developments. In 2023, the

<sup>(1)</sup> [https://www.eeas.europa.eu/delegations/kyrgyz-republic/eu-highlighted-successes-and-challenges-five-key-areas-during-gsp\\_en](https://www.eeas.europa.eu/delegations/kyrgyz-republic/eu-highlighted-successes-and-challenges-five-key-areas-during-gsp_en)

All links provided in this Staff Working Document were up to date as of 20 October 2023.

<sup>(2)</sup> [https://www.eeas.europa.eu/eeas/kyrgyz-republic-12th-eu-kyrgyz-republic-human-rights-dialogue-takes-place\\_en?s=301](https://www.eeas.europa.eu/eeas/kyrgyz-republic-12th-eu-kyrgyz-republic-human-rights-dialogue-takes-place_en?s=301)

<sup>(3)</sup> The European Parliament has also highlighted their concerns on the crackdown on the media and freedom of expression in Kyrgyzstan in a resolution of 13 July 2023.

Parliament applied a controversial procedure, which led to early removal of the Ombudsperson. Freedom of press has also seen a negative trend, illustrated notably by the country's dramatic drop in the freedom of press index, from 72<sup>nd</sup> place in 2022 to 122<sup>nd</sup> in 2023.

### **1.3. Labour Rights**

Since 2019, several attempts have been made by Members of Parliament to introduce changes in the trade union legislation, which would drastically limit trade union independence. Following advocacy by the international community, the President vetoed the draft law for a third time in December 2021. These efforts have contributed to Kyrgyzstan avoiding deterioration in the implementation of its related international obligations. Tripartite consultations have since been held with the expertise of the International Labour Organization (ILO) on amendments to the Law on Trade Unions, which are due to be submitted to Parliament.

The on-going national legislative inventory includes around 10 pieces of labour legislation, with the aim to bring them in line with international labour standards. The revision of these laws includes active tripartite social dialogue. In November 2022, the Parliament approved changes and amendments to the Labour Code and to the law on Collective Bargaining, developed in consultation with ILO, aiming to address gaps on freedom of association and collective bargaining. Both are pending signature by the President. A negative development in 2023 was the introduction of a temporary ban to all checks on businesses, which also concerns planned labour inspections.

### **1.4. Environment and Climate**

Kyrgyzstan is relatively ambitious in its climate action, with international support, but lagging behind on its reporting obligations regarding some of the Multilateral Environmental Agreements. Recent changes in the Government particularly in this sector are among the main reasons for delays in the country's reporting.

In recent years, Kyrgyzstan has made some progress in developing its climate and environment policy. In 2021, for the first time the Government established a government body officially responsible for climate policy - the new Ministry of Natural Resources, Ecology, and Technical Supervision. In October 2021, the country submitted its updated Nationally Determined Contribution (NDC), which has significantly strengthened targets. The updated NDC contains both mitigation and adaptation parts with indicated priority sectors and policy measures. Effective implementation of climate policy actions, as well as the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) and the Basel Convention, will remain a challenge for the recently established Ministry.

### **1.5. Good Governance**

The Government that came in power in early 2021 put significant efforts to improve the governance framework to enhance post-COVID recovery and to better support the development goals of the country. Key legislation was revised also in connection with the new Constitution, and several administrative structures were abolished or merged. A new Anti-Corruption Strategy was developed in 2022 and is pending the President's signature, while the Financial Intelligence Unit launched a comprehensive programme of Technical Assistance in order to address gaps in the anti-money laundering and counter terrorism financing (AML/CFT) framework. Despite these efforts, the perception of corruption continues to be widespread in society and implementation will be key to address the issue

on the ground. The drug control regime in Kyrgyzstan is satisfactory and there is growing recognition of a balanced approach to demand- and supply-side measures.

## **1.6. Status of Ratification and Reporting**

Kyrgyzstan has maintained ratification of all GSP+ relevant conventions and is fully compliant with the reporting obligations of human rights, labour rights, and good governance conventions. ILO informed that for the first time in many years Kyrgyzstan has submitted in time their reports on implementation of the relevant labour conventions. These efforts should continue in a consistent manner. There are outstanding national reports related to environmental conventions on biodiversity (CITES), biosafety (Cartagena Protocol), and waste management (Basel Convention), hence here the country is considered partly compliant.

## **2. LONG-TERM VIEW: KYRGYZSTAN SINCE JOINING GSP+ IN 2016**

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Kyrgyzstan entered the GSP+ arrangement on 26 January 2016 <sup>(4)</sup>, following a formal application for GSP+ status in May 2015 and a positive assessment by the Commission with respect to the country's compliance with the GSP+ eligibility conditions as established in the GSP Regulation. The country met the vulnerability economic criteria, had ratified all relevant conventions, and had not formulated any reservations. There was also no evidence of a serious failure to implement the conventions; elements of progress were noted in the implementation of most conventions. At the same time, salient shortcomings were present, particularly related to the Conventions against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT) or Punishment and the Rights of the Child (CRC).

While in terms of trade benefits Kyrgyzstan has remained among the smaller GSP+ beneficiaries, GSP+ has been an important pillar of engagement between Kyrgyzstan and the EU. GSP+ benefits and obligations are complementary with the updated Enhanced Partnership and Cooperation Agreement, currently pending signature. Since joining GSP+, Kyrgyzstan has gone through three monitoring cycles and welcomed four GSP+ monitoring missions on the ground.

There has been continuous GSP+ monitoring and engagement on the initial shortcomings and others further identified by UN monitoring bodies. Kyrgyzstan has achieved some progress such as legal advancements in the criminalisation of torture, domestic violence, and children's rights. Legislative and administrative measures have been taken to prevent and eradicate torture, including amendments of the Criminal Code in 2019. Efforts to eradicate torture are sincere, and there is no reported systematic use of torture. At the same time, adjudication of torture allegations remains very low.

Over the period 2014 to 2022, Kyrgyzstan also made progress towards the elimination of forced labour by ratifying the 2014 Protocol to ILO Convention No. 29 and adopting the new Penal Code, which improved in certain aspects alignment of the domestic legislation with ILO Conventions No. 29 and No. 105 as indicated by the ILO Committee of Experts on the Application of Conventions (CEACR). Other related legislative advancements

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<sup>(4)</sup> Commission Delegated Regulation (EU) 2016/79 of 25 November 2015 amending Annex III to Regulation (EU) No 978/2012 of the European Parliament and of the Council applying a scheme of generalised tariff preferences, OJ L 17/1, 26.1.2016.

included the Criminal Executive Code and a Decree setting out rules for the operation of correctional institutions. Kyrgyzstan has made progress in addressing child labour, e.g. by adopting a new Criminal Code and a list of hazardous types of work prohibited for persons under 18 years of age. Kyrgyzstan has made good progress in the implementation of the climate change conventions and the Montreal Protocol. The country has a solid drug control regime. Tackling corruption has been among the priorities of consecutive governments, though effective enforcement remains limited.

In the years since joining GSP+, Kyrgyzstan faced significant political instability and political and institutional changes – several tumultuous protests and changes of power took place in 2017, 2020, and 2021. At the same time, elections have largely been peaceful and free. Overall, Kyrgyzstan's authorities have maintained good engagement with the EU, and have made efforts to implement their international obligations. Authorities maintain a constructive and open engagement and standing invitation to UN special procedures and mechanisms. There is also a generally open dialogue with the EU on individual human rights cases of concern allowing for regular follow-up and court monitoring. Governance capacity constraints, political instability, and the recent constitutional changes impact the timely adoption and implementation of well-developed and consulted legislation, strategies, and action plans.

In terms of trade benefits, the combined share of most favoured nation (MFN) duty-free and GSP preferential exports for Kyrgyzstan is very high - around 97% in 2019 to 2022. However, because the vast majority of Kyrgyzstan's exports to the EU is duty-free under the EU's MFN tariffs, its share of exports to the EU that are eligible for GSP preferences is low and has been decreasing, from 20% in 2015 to 6-8% since 2019 (8.5% in 2022). Preference utilisation rates have been around 60% since 2014, according to EU trade data. The value of GSP preferential imports has thus been low, at around €7-8 million since 2017, but with a drop to €3 million during the pandemic period. Fruit and vegetables are the largest product section benefitting from GSP+ preferences (export value of around €6 million in 2022) and have been consistently exported to the EU.

Kyrgyzstan's economy has different types of vulnerabilities, owing to its land-locked nature, heavy dependence on remittances - predominantly from Russia, around 30% of GDP - and on gold production - about 10% of GDP and 35% of exports <sup>(5)</sup>. These factors also affect the trade potential with the EU and the utilisation of GSP+ benefits.

The value of Kyrgyzstan's exports to the EU has fluctuated but remained low over the years (€74 million in 2021), with the EU accounting for less than 10% of Kyrgyzstan's total exports. Kyrgyzstan's top exports to the EU in 2020 and 2021 were precious minerals (mostly silver and platinum scrap metal), accounting for 72% of the total (€56 million in 2021) and vegetables (primarily beans), about €8 million in 2021. Due to the small size of overall exports, the product composition has changed widely over the years: accordingly, mineral fuels and wood products were the most important exports in 2022; previous champions such as inorganic chemicals and copper have disappeared from the export mix.

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<sup>(5)</sup> <https://data.worldbank.org/indicator/BX.TRF.PWKR.DT.GD.ZS?locations=KG>; World Bank staff estimates based on IMF balance of payments data, and World Bank and OECD GDP estimates.

### 3. RECENT DEVELOPMENTS

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In the period 2020-2022, Kyrgyzstan's Government faced challenges due to difficulties to organise work during the COVID-19-related lockdown, linked to the high number of infected officials. The October 2020 political upheaval brought significant changes in the structures of the Government, which blocked or impeded the work of the administration. The parliamentary elections of 28 November 2021 have completed the transition process, which started with the cancellation of the 4 October 2020 vote, followed by early presidential elections in January 2021 and adoption of a new Constitution in April 2021. The powers of Parliament were severely weakened and the new Constitution broke existing checks and balances and transferred power from the parliament to the President.

As regards the GSP+ obligations, the above-mentioned processes had influence mainly on the human rights related international obligations of Kyrgyzstan, with those related to political rights being particularly affected. Local civil society and the international partners are nevertheless adapting to the new conditions. Due to the focus of power on the Presidential institution, it became the main addressee of different complaints and advocacy work related to the 27 conventions. In some cases (the Trade Union draft law) this proved to be efficient and resulted in the country keeping with its international obligations.

The COVID-19 pandemic and related lockdown in 2020-2021 also had an impact on the implementation of the human rights conventions, as well as on related reporting. Now that restrictive measures have been lifted the authorities should redouble efforts to respect the country's international obligations and work more actively on the protection of human rights, labour rights, the environment and climate, and good governance.

With respect to the international environment, 2021 and 2022 were also difficult. The Taliban takeover in Afghanistan in August 2021 and Russia's unjustified and unprovoked war of aggression on Ukraine launched in February 2022 have had repercussions on Kyrgyzstan and the rest of Central Asia. Escalation in border clashes with Tajikistan in 2021 and 2022 were also notable. The heaviest and longest so far on 14-17 September 2022, when more than 100 people were killed (reportedly 63 Kyrgyz and some 41 Tajik, although precise reliable information is not available). For the first time both sides used heavy military equipment. The two countries share 976 km of borders – some 664 km have been properly delineated. Both Presidents Japarov and Rahmon vowed to settle the border conflict through a “constructive approach” and “diplomacy” and negotiations are ongoing. The conflict is linked to the disagreement between the countries about the border demarcation following the collapse of the Soviet Union, fierce competition over the limited water and agricultural resources in the Fergana Valley, and illegal trafficking of drugs and other items.



#### EU–Kyrgyzstan Development Cooperation

In the framework of the multiannual programme 2021-2027, the EU aims to continue developing a strong political partnership with Kyrgyzstan in line with its strategic priorities for external action:

- support to digital transformation, including more transparent, accountable, and rule-based institutions, promoting and protecting human rights;
- enhancement of human development and gender equality, including through quality and inclusive education;
- support to green and sustainable economy, including through promotion of green skills, green growth and strengthening trade and investment.

Support notably under the second priority addresses decent work and thus complements the GSP+. Additional support directly addressing GSP+ matters is provided under a Cooperation Facility as well as under the TAIEX instrument and under the regional envelope, such as the Ready4Trade Central Asia, the CADAP and BOMCA, and EU4Climate and EU4Environment projects.

The Kyrgyz economy showed resilience to the first economic shocks of the Russia’s war of aggression against Ukraine and befitted from unanticipated migration of capital and labour from Russia (although net inflow of remittances declined by 21% in 2022 and by 25% during the first four months of 2023). In 2022, economic activity accelerated to 7% from 3.6% in 2021. Public revenue collection increased but it was outweighed by the increase in public expenditures due to the significant increase in public wages, pensions, and public investment partly related to the needs of the Batken region. Hence, the fiscal deficit has widened to 1.1% of GDP in 2022 from 0.8% of GDP in 2021. Inflation was the most visible effect from the war against Ukraine. At the end of 2022, it amounted to 14.7%, reducing disposable incomes. Public debt was at the level of 53% of GDP in mid-2023. Future economic outlook includes heightened uncertainty.

#### 4. EU–KYRGYZSTAN TRADE AND GSP+

Negotiations of the new Enhanced Partnership and Cooperation Agreement (EPCA), which regulates bilateral trade relations between the EU and Kyrgyzstan were concluded in 2019. The EPCA, once signed, will replace the current Partnership and Cooperation Agreement (PCA) in force since 1999.

Figures 1-4 below describe Kyrgyzstan’s recent utilisation of GSP+ in the context of the EU’s overall imports from Kyrgyzstan <sup>(6)</sup>.

In 2022, the EU was Kyrgyzstan’s 111<sup>th</sup> trading partner, with two-way trade amounting to €1.3 billion, of which €1.2 billion were EU exports and only €147 million EU imports from Kyrgyzstan. The majority of Kyrgyz exports to the EU (minerals and precious metals) do not use GSP+ preferences but rather benefit from already zero MFN duties (Figure 2).

<sup>(6)</sup> Source for all statistics: Eurostat data as of September 2023. GSP statistics only cover goods imported in the EU market, i.e. goods released for free circulation in the EU. The GSP statistics do not cover other EU-imports, like goods imported for the customs inward processing procedure or re-imports after the customs outward processing procedure. Trade flows registered as “confidential” do not appear in the GSP+ usage figures and regime 1 normal trade; but do appear in total trade figures (regime 4). [https://ec.europa.eu/eurostat/cache/metadata/en/ext\\_go\\_agg\\_esms.htm#conf1537195068659](https://ec.europa.eu/eurostat/cache/metadata/en/ext_go_agg_esms.htm#conf1537195068659)



The **Ready4Trade Central Asia** regional project (2020-2024) aims to promote Central Asia trade - intra-regional and international - through enhanced business environment, empowered business, and enabled cross-border e-commerce. In Kyrgyzstan, the project, among others, aims to support the country in making better use of GSP+ preferences. Its key components focus on:

- Resolving non-tariff barriers on selected intra and extra regional trade flows
- Building SME's capacity to comply with cross-border requirements
- Enabling cross-border e-commerce
- Enhancing women's participation in international trade

While total trade and GSP+ use was increasing in the previous reporting period (2016-2018), during 2019-2022, Kyrgyzstan maintained steady but relatively low utilisation rates hovering between 61% and 66%. GSP+ imports from Kyrgyzstan declined between 2019 and 2021, in line with a decline in total imports likely reflecting the effects of COVID-19, but more than doubled in 2022, to €7.7 million (Figure 1). The top products benefitting from GSP+ were dried fruits and nuts at €6.0 million import value in 2022, followed by stone, ceramics, and glass; footwear; and edible preparations (Figure 3). Vegetables, fruit, and nuts were also the products that gathered the most savings in tariffs thanks to GSP+: around €294,000 (Figure 4). There is potential to increase these savings by maximising the utilisation rates, including for S-02b (vegetables, fruit, and nuts), which in 2022 was 81.5%.

Figure 1: EU imports from Kyrgyzstan and GSP+ utilisation rate, 2019-2022

	2019	2020	2021	2022	Trend %
<b>Total imports, € million</b>	104.7	75.3	73.8	146.9	40.2
<b>GSP+ eligible, € million</b>	7.4	5.4	4.8	12.5	68.9
<b>GSP+ used, € million</b>	4.5	3.5	3.1	7.7	69.7
<b>Share GSP+ in total, %</b>	7.1	7.1	6.5	8.5	
<b>GSP+ utilisation rate, %</b>	61.0	65.9	64.4	61.3	

Figure 2: EU imports from Kyrgyzstan by trade regime (€ million) and utilisation rates (%), 2019-2022

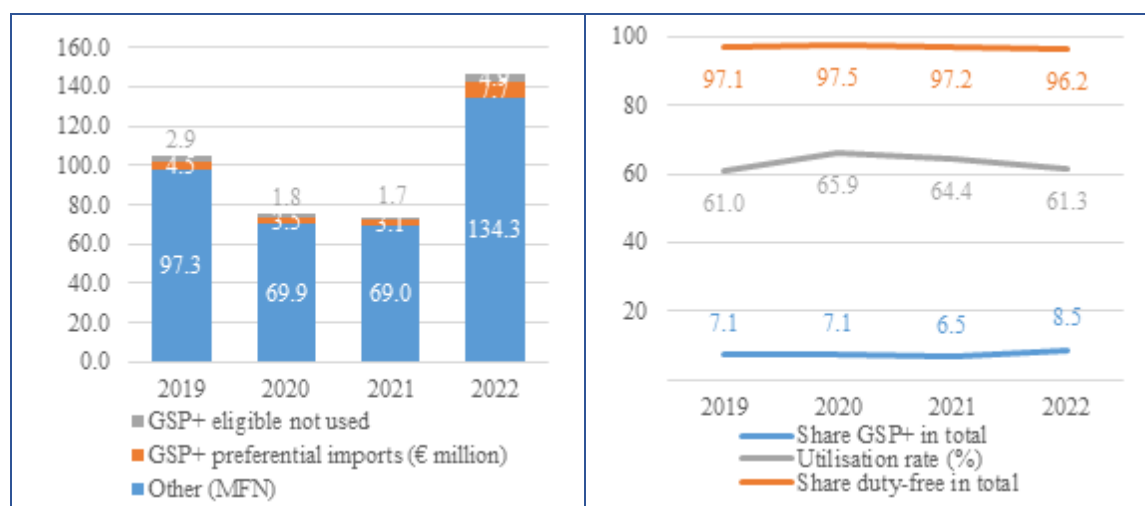


Figure 3: Top Kyrgyz product groups benefitting from GSP+ tariff preferences, 2022, € million

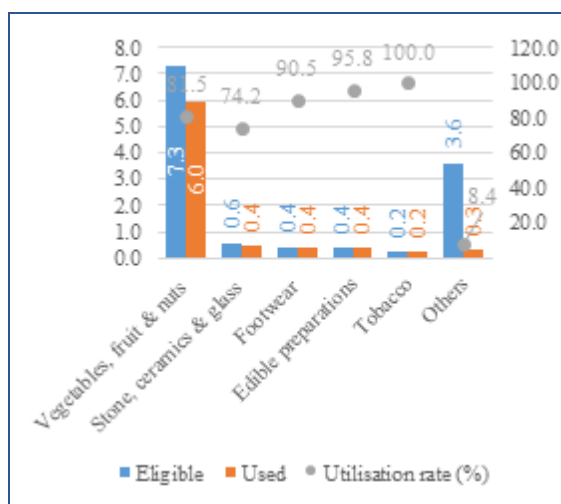
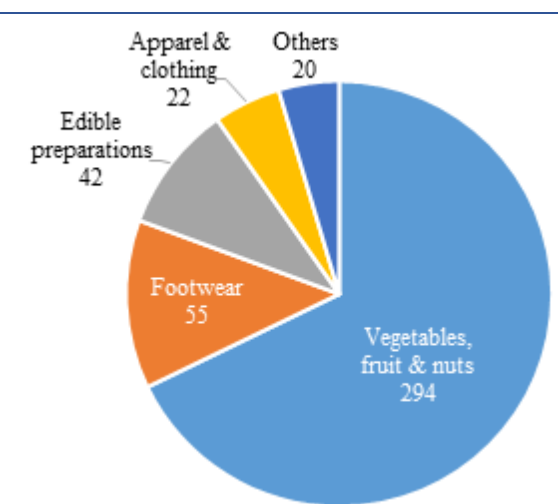


Figure 4: GSP+ tariff reduction gains per product group, 2022, € '000



## 5. COMPLIANCE WITH GSP+ OBLIGATIONS

### 5.1. UN Human Rights Conventions (Conventions 1-7)

There are delays in adopting the National Human Rights Action Plan for 2022-2024, which the UN Human Rights Committee has noted with concern in their 2022 periodic report, along with a lack of meaningful and open consultations with relevant stakeholders, including civil society. The Parliament continued in 2021 and 2022 to pass contentious legislative initiatives that would contradict the country's international commitments. In 2023, the Parliament applied a controversial procedure, which led to early removal of the Ombudsperson. This move neutralised and replaced the previous Ombudsperson, regarded as independent and efficient, with another one, reportedly more closely aligned with the authorities. At the same time, a draft constitutional Law “On the Ombudsman” is being developed in 2023.

In the latest (2020) Universal Periodic Review <sup>(7)</sup>, Kyrgyzstan supported 193 out of 232 recommendations (83% of the recommendations received). This was an increase of 29% of supported recommendations in comparison with the previous cycle carried out in 2015. Kyrgyzstan was elected a member of the UN Human Rights Council for 2023-2025 on 11 October 2022 for the third time (previously in 2009-2012 and 2016-2018).

#### 5.1.1. International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

Despite legislative improvements in recent years, discrimination against various groups persists. National minorities continue to face employment discrimination and lack of political representation. The state language policy risks further marginalising minorities in state and public bodies: officials must now be fluent in Kyrgyz, and the working language has been changed from Russian to Kyrgyz. At the same time, the Government agreed to open several new schools for ethnic minority pupils – Uzbek, Russian, Azeri. The Presidential Administration prevented the eviction of the only Jewish school in the country, initiated by the Bishkek City Council.

(7) <https://www.ohchr.org/en/hr-bodies/upr/kg-index>

A number of issues identified by the Committee on the Elimination of all forms of racial discrimination (CERD) in its 2018 report <sup>(8)</sup> regarding ethnic discrimination remained of concern in 2020 and 2021. The government submitted a report under CERD on 15 May 2023. Ethnic minorities remained underrepresented in decision making positions, police forces, and the judiciary. Persistent allegations of mistreatment and torture of Uzbek minorities (over 14% of the total population <sup>(9)</sup>) continued. Reportedly, the majority of torture cases in 2020 affected ethnic Uzbeks. In 2020 and 2021 discrimination and harassment of ethnic Uzbeks was common, and tensions remained problematic, particularly in the south of the country. Ethnic Uzbeks faced discriminatory practices in employment, forced evictions, and land expropriation from minorities.

The constitution guarantees freedom of conscience and religion and bans religious groups from undertaking actions inciting religious hatred. Gaps in the legislation mentioned in the 2018 CERD report continued to be relevant. While the new Constitution prohibits discrimination on any grounds, no comprehensive anti-discrimination legal framework has been adopted so far. A draft law “On Ensuring the Right to Equality and Protection from Discrimination” is in discussion in the Kyrgyz Parliament since 2022, although concerns remain on whether it covers all grounds for discrimination.

**EU support for the fight against discrimination of women from ethnic minorities and ensuring their equal access to public services**

Through the European Instrument for Democracy and Human Rights (EIDHR), the EU funded a two-year project (2019 to 2021) to improve access of women from ethnic minorities to public services, implemented by the Max Planck Foundation and the Eurasia Foundation of Central Asia.

The specific objective of the project was “to improve the legal framework for the provisions of public services among ethnic minority women; to strengthen civil society engagement in monitoring of observance of human rights standards in receiving public services, providing free legal aid, and reporting on discrimination cases; and to raise awareness on equal entitlement to public services and disseminate best practices.”

Project activities included the analysis and improvement advice of the regulatory framework for the provisions of public services. Trainings were carried out for representatives of civil society organisations working with ethnic minority women, and support was provided to improve civil organisations’ capacities for providing free legal aid to ethnic minority women and to strengthen civil and community-based monitoring through regular collection of statistical data on discrimination practices and cases related to human rights violations.

*5.1.2. International Covenant on Civil and Political Rights (ICCPR)*

The latest periodic report of the Human Rights Committee was issued in late 2022 <sup>(10)</sup>. The Human Rights Committee noted several positive legislative aspects, including the 2022 law on amendments to the Law on State-Guaranteed Legal Aid. The situation with regards to civil and political rights has, however, worsened in the last two years under the new Government. There is increased pressure on freedoms of expression and assembly, both in legislation and in practice, as also noted by the Human Rights Committee in their 2022 report.

Since 2020, there have been a number of alarming initiatives which do not seem compatible with international human rights obligations. These include, also as noted with

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<sup>(8)</sup> UN (2018) Concluding observations, CERD/C/KGZ/CO/8-10.

<sup>(9)</sup> National Statistical Committee of the Kyrgyz Republic, 2021.

<sup>(10)</sup> UN(2022), Concluding observations CCPR/C/KGZ/CO/3.

concern by the Human Rights Committee in 2022, the repeal and hasty replacement in 2021 of the criminal and criminal procedure legislation adopted in 2019, adoption in 2021 of the controversial laws “On Non-Commercial/ Non-Governmental Organisations (NCOs)” and “On the Protection against False (Unreliable) Information”, the 2022 draft laws to amend the 2021 NCO law <sup>(11)</sup>, the draft laws on Mass Media (most recent revised version put for public discussion in May 2023), and on the reintroduction of the death penalty for child sex offences, as well as a draft amendment on wiretapping by national security agencies, and others. A reintroduction of the death penalty would be a serious challenge to the implementation of the ICCPR. In 2023 there was a strong push to adopt the above-mentioned legislation, faced with concern from civil society and the international community. Despite this, a revised NGO law introducing the concept of “foreign representative” was initiated by Parliament in May 2023 and approved at first reading in October 2023. At the same time, the draft law on NGOs, initiated by the government, is currently in working group discussion. Additionally, the Parliament hastily adopted amendments to the Constitutional Law, allowing the president to request the review of Constitutional Court decisions considered against “moral values and the social conscience of the people”. President Japarov signed the amendments on 3 October 2023.

The 2021 NCO law envisions onerous financial reporting requirements for NCOs that are incompatible with their rights to freely associate and express. The controversial law on false information authorises the Government to block access to content without a court order on the basis of a complaint. It is applied regularly with numerous websites, and their content is temporarily or permanently blocked. New Penal and Administrative Codes were adopted in 2021, with limited analysis of the Codes’ compliance with the international human rights obligations and constitutional human rights guarantees replacing the 2019 legal framework and reversing many of its successes. Although the Criminal Code was amended in 2019, the amendments did not address the broad and vague definition of “extremism,” which is not in line with international human rights standards and remains in current legislation as raised by the Human Rights Committee in their 2022 report.

Journalists, civil society activists, and human rights defenders and others, particularly those critical of the Government, continue to face pressure and intimidation for expressing their opinions, including threats of violence and harassment and targeted prosecutions over the period under review, as also noted by the Human Rights Committee in 2022. The detentions of over 25 people, marred by procedural violations and harsh measures against those critical of the 2022 border demarcation agreement with Uzbekistan <sup>(12)</sup> is a worrying development. Restrictions on peaceful assembly on protests against the Russian invasion of Ukraine are also concerning, as also noted by the Human Rights Committee in 2022.

The use of the Law on False Information by Prosecutors to hinder and restrict access to critical or investigative journalism remains a concern, with chilling effects on independent journalism. Azattyk (RFE-RL) website was blocked based on an initiative of the Ministry of Culture over the broadcaster’s refusal to remove a video on clashes along a disputed segment of the Kyrgyz-Tajik border, a decision since annulled by the Bishkek Court on the grounds that the video was no longer accessible online. In August 2023, the Prosecution took legal action on the basis of the same law, to shut down Klopp media, an independent investigative media outlet, over the allegedly negative nature of its reporting and criticism of the government. Journalists have been subject to legal action for critical reporting,

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<sup>(11)</sup> Human rights activists addressed the Constitutional Court in protest following the introduction of this draft in November 2022.

<sup>(12)</sup> In late November 2022, the leaders of Uzbekistan and Kyrgyzstan signed laws on the ratification of an agreement between the two countries on certain sections of the state border and an agreement on the joint management of the Kempir-Abad water reservoir, while the reservoir was transferred to Uzbekistan.

including expulsion from the country and social media posts allegedly containing calls for riots and disobedience to public authority. This decline was reflected in the dramatic drop in Kyrgyzstan's ranking in the World Press Freedom Index. In early May 2023, the international organization *Reporters without Borders* published its annual ranking of countries in terms of media freedom. The list includes 180 countries with Kyrgyzstan ranked 122nd. In 2022, Kyrgyzstan was ranked 72nd, hence dropping by 50 positions over the course of a year.

While efforts have been made to strengthen the judiciary, the Human Rights Committee in 2022 pointed out that it still lacks full independence from the executive power and that corruption is widespread. *Aksakals* (elders) courts continue to function; their decisions are based on cultural and moral norms rather than on legal ground, which negatively affects primarily women's and children's rights, as noted by the Human Rights Committee.

Discrimination against women, LGBTIQ persons, and ethnic minorities remains common, a concern flagged by the Human Rights Committee in 2022. LGBTIQ persons were not legally excluded from political participation, but discrimination and violence against them did not allow them to enjoy their political and civil rights. The law on "Protection of children from harmful to their health information" has entered into force in 2023 and contains a provision discriminating against LGBTIQ persons. The Human Rights Committee in its 2022 report notes with concern that there is no explicit protection against discrimination based on sexual orientation and gender identity in the Constitution or the Criminal Code.

**Partnership of Public Councils and Media as a democratic platform for promoting freedom of expression, accountability, and human rights – "Open communities – open media"**

From 2019 to 2021, through the EIDHR, the EU funded a two-year project to promote fundamental freedoms through the creation and maintenance of a free information space, freedom of speech and expression in Kyrgyzstan. The project was implemented by the Gustav-Stresemann Institute and local civil society organisations.

The €600,000 project aimed to promote the freedom of expression in sharing various opinions on problems in the society, to strengthen the fulfilment of the right to access information, and to improve inter-sectoral dialogue to promote the free exchange of ideas and opinions and enable citizens to form their own opinions regarding issues of public importance.

Specific activities under the project included the regular organisation of open public discussions and dialogue platforms, with the participation of public councils, civil society activists and government officials and journalists; knowledge sharing through the development of training manuals, guides, information brochures, videos, and other publications on human rights protection for vulnerable groups; conducting awareness raising campaigns; organisation of live broadcasts with the participation of relevant stakeholders; and other activities to promote the freedom of expression among vulnerable groups.

### *5.1.3. International Covenant on Economic, Social and Cultural Rights (ICESCR)*

No significant developments in the implementation of this Convention were observed during the reporting period in Kyrgyzstan. The latest report of the Committee on Economic, Social and Cultural Rights (CESCR) was issued in 2015 <sup>(13)</sup>. The state report for the next reporting cycle was submitted in April 2021 and the review is still on-going.

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<sup>(13)</sup> UN(2015) Concluding observations E/C.12/KGZ/CO/2-3.



The CESCR, the Committee on the Elimination of Discrimination against Women, and the Committee on the Elimination of Racial Discrimination have recommended adopting comprehensive anti-discrimination legislation that provides a definition of direct and indirect discrimination, prohibits discrimination on all grounds and of all forms in accordance with international standards, prohibits racial discrimination and defines it as a punishable offence, and provides for special measures to promote equal opportunities and address structural discrimination. In its recent national reports to UN committees, Kyrgyzstan recognises that discrimination should be eliminated and committed to taking decisive actions.

LGBTIQ persons continue to face discrimination and violence by state and non-state actors in Kyrgyzstan. Same-sex sexual activities and relationships are not illegal, but discrimination against and abuse at the hands of the police is prevalent. On August 1, 2020, following amendments to the Law of the Kyrgyz Republic “On acts of civil status” which entered into force on 1 August 2020, there are reported issues with the possibility of changing the gender marker for trans\* people, mentioned also by the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) in their 2021 report.

Further, the CESCR has expressed concern about the high unemployment rate, the low minimum wage, the high number of people working in the informal sector, unhealthy working conditions in mining, construction, production and distribution of gas, water and electricity, child labour, labour exploitation of migrant workers, the lack of universal social security coverage, the high number of homeless people, the prevalence of bride kidnapping, widespread poverty, malnutrition and food insecurity, limited access to health care, and high levels of industrial pollution which had an adverse impact on the health of the population and the environment.

The COVID-19 pandemic had a significant impact on the national health system with negative impact on the right to health. Following the ratification of the UN Convention on the Rights of Persons with Disabilities in 2019, the authorities have taken steps towards its implementation, including the adoption of the national programme 2023-2030 “Accessible Country”; and a draft Law “On the Rights and Guarantees of Persons with Disabilities” is being developed.

#### *5.1.4. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*

The latest periodic report to the CEDAW Committee was issued in 2021 <sup>(14)</sup> and welcomed the progress made by the State party in establishing a progressive national legislative framework to protect women’s rights and promote gender equality, while raising several concerns. The Human Rights Committee in its 2022 report note with satisfaction the efforts made by Kyrgyzstan in combating violence against women and domestic violence, but remains concerned about the situation on the ground, including regarding early and forced marriages and the high number of suspended investigations into sexual and gender-based violence and at the low number of corresponding convictions.

The fifth National Plan of Action for Gender Equality (2018-2020) guided the overall work. In September 2022, the Cabinet of Ministers of the Kyrgyz Republic approved the National Strategy to Achieve Gender Equality by 2030 and the National Plan to Achieve Gender Equality for 2022-2024, which sets out five main priorities: women’s economic empowerment; cultural policy and functional education; strengthening protection against

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<sup>(14)</sup> UN(2021) Concluding observations CEDAW/C/KGZ/CO/5.

gender discrimination and fair trial; supporting gender equality in decision-making and increasing women's participation in political life; regulation policy.

The 2018 Law on Gender Equality provides an overreaching legal framework for equal participation of women in socio-economic and public life. However, legislative guarantees of gender equality are not backed up by the necessary measures to ensure effective gender balance in governing bodies at senior positions at the national and local levels and to overcome existing barriers for women. With regards to political representation, quotas in place since 2007 have not improved the situation on the ground. While a minimum of 30% of seats are reserved for women, this quota has not yet been met, as women currently hold 21% of seats in the national parliament, as also noted by the Human Rights Committee in their 2022 report. Women earn less than men and have unequal access to property and inheritance.

Harmful practices such as bride kidnapping, forced marriage, and child marriage have been criminalised with respective articles in the Criminal Code since 2017. Preventive work of NGOs and government agencies, with the assistance of international organisations, has encouraged a decline of such practices. According to Government information, 211 cases were recorded in 2020, 244 cases in 2021, and only 17 cases for the first 9 months of 2022.

Gaps in legislation remain – according to CEDAW's 2021 concluding observations, the Act on State Guarantees of Equal Rights and Opportunities for Men and Women does not cover intersecting forms of discrimination, the Criminal Code does not contain provisions criminalising certain forms of gender-based violence, such as marital rape, and there is no legislation to ensure the application of the principle of equal pay for work of equal value. The Act on Protection and Defence against Domestic violence (2017) is in place; however, it does not cover all forms of domestic violence. Amendments to the Criminal Procedural Code adopted in 2020 reduce protection for victims of domestic violence and other violence against women and girls by decriminalising domestic violence as it now falls under the Code of Offences (administrative) and not under the Criminal Code.

Despite some efforts, the situation in the country regarding the implementation of this Convention has worsened in 2020-2022. Cases of gender-based and domestic violence against women and girls remain pervasive. Law enforcement often fails to conduct prompt, thorough, and independent investigation into all domestic violence cases and prosecute those responsible. The COVID-19 pandemic and imposed restrictions were linked to a significant rise of violence against women. According to UN Women, 47% of women have experienced or know other women who have experienced a form of violence. In 2021, there were 10,151 registered cases of domestic violence marking an increase of 65% compared to pre-COVID period in 2019.

The authorities launched a number of initiatives including awareness raising campaigns and crisis centres – often funded by private entities or donors. In 2021, the Public Security Service of the Ministry of Interior established a new department to prevent domestic violence. In June 2022, the Kyrgyz authorities published Guidelines for local committees on protection and protection from domestic violence, comprised of representatives of civil society, local government, and state bodies.

Women in non-registered marriages face difficulties proving guardianship of their children without the confirmation of the husband to be able to have access to basic services. Women married through a religious ceremony without civil marriage registration do not benefit from the protection of the Family Code and are denied any rights and protections upon dissolution of the union, as noted also by CEDAW in 2021. The Government is aware of



growing religious influence but has not yet adopted a comprehensive strategy to counter harmful gender stereotypes.

#### **HERo – New Narratives Towards a Gender Equal Society**

Through the EIDHR, the EU funded a three-year project (2019 to 2022) to support the transformation of discriminatory attitudes towards women by fighting against the spread of gender discrimination in education and mass media and providing an effective response to gender-based discrimination. The project is implemented by the Centre for Creative Development “Danilo Dolci” and the local organisation “Social Technologies Agency”. The project was designed to support government institutions, civil society organisations, educational experts, journalists, and press services of the parliament and the ministries in promoting gender equality, preventing gender discrimination, and disseminating positive narratives about women’s rights at all levels of the society.

#### *5.1.5. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)*

Since 2020, the implementation of this Convention in Kyrgyzstan has been mixed. Systemic barriers to the abolition of torture remained, such as the lack of modern forensic medicine and the pending implementation of the Istanbul Protocol on reporting cases of torture. There were some early improvements in the legal framework on torture. The 2019 Criminal Code and a Code of Criminal Procedures prohibit torture and ill-treatment, exclude evidence gained through torture and other ill-treatment, and establish appropriate penalties for such crimes. However, this legislation was repealed in 2021. At the same time, the Penal Enforcement Code and the Code on Minor Offences were adopted in 2021. Also in 2021, Article 56 of the Constitution was adopted, stipulating the prohibition of torture and making it a crime. Additionally, various policy and institutional measures were taken by the Government on matters relevant under the Convention, e.g. programmes to combat human trafficking and action plans to implement them were established, a Coordination Council on Juvenile Justice was set up, and a special database was developed to identify children at risk of violence.

The Committee against Torture (CAT) in its 2021 periodic report <sup>(15)</sup> expressed concern that the domestic legislation did not exclude the application of presidential pardons to the crime of torture, which is not compatible with state obligations under the Convention as parties need to ensure the absolute and non-derogable nature of the prohibition of torture. Concerns were also raised about the effectiveness of the national preventive mechanism, which lacked staff and sufficient budget, especially in the regional offices, reiterated by the Human Rights Committee in their 2022 report. Additionally, the Human Rights Committee was deeply concerned about the amendments to the Criminal Code and the Criminal Procedure Code, particularly the re-establishment of the pre-investigative stage, which limits the rights of the victim and the defendant. As noted also by the Human Rights Committee in their 2022 report, the Ombudsperson and National Preventative Mechanisms need to be equipped with independence and effective capacities in line with the Paris Principles on standards for national human rights institutions. Moreover, the COVID-19-related restrictions have been kept in places of detention. There is no official information that these measures are being removed.

Additionally, the CAT noted that fundamental legal safeguards against torture were not afforded in practice to all persons who are arrested or detained, including minors, and the

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<sup>(15)</sup> UN(2021) Concluding observations CAT/C/KGZ/CO/3.

48-hour police custody limit was not strictly followed and may be extended if the investigation and prosecutors present justifications for additional investigation.

The Committee was also concerned about the numerous reports of deaths, torture, and ill-treatment of persons deprived of their liberty, especially in police custody, and a very low number of investigations and adjudications into such cases. While the overall number of reported cases declined, torture and ill-treatment in detention facilities continued. Moreover, Kyrgyzstan did not conduct prompt, impartial and full investigations into such cases and victims did not get compensation <sup>(16)</sup>. In an emblematic for Kyrgyzstan case, human rights defender Azimjan Askarov died in custody in 2020, but his death has still not been impartially and transparently investigated, despite strong international advocacy.

Poor detention conditions, especially for those sentenced to life imprisonment, are concerning. While certain detention facilities were renovated and additional facilities were built for prisoners serving life sentences, reports continued about inadequate conditions of detention, including overcrowding, lack of hygiene, and insufficient food and drinking water.

#### *5.1.6. Convention on the Rights of the Child (CRC)*

In general, commitment to implement children's rights in Kyrgyzstan is high. Yet, the Committee on Rights of the Child (CRC) in its last concluding observations of 2023 <sup>(17)</sup> urged to strengthen legislation penalising gender-based violence, promptly investigate all cases of sexual exploitation and abuse, bride kidnapping, and ensure that all child victims of violence receive adequate protection and have access to inter-agency remedies and comprehensive support. The CRC asked Kyrgyzstan to ensure inclusive education for all children, urgently improve school infrastructure, and address the problem of educational facilities in disrepair.

Since 2014, Kyrgyzstan has taken action to improve the child protection framework at the legislative, policy, and institutional levels. Progress has been made with the revised list of hazardous work prohibited for children. The CRC in 2023 also noted several measures taken to implement the Convention, including the Education Development Programme 2021-2040 and the Emergency Plan for the Prevention of Child Abuse and Violence against Children 2019-2020. During the reporting period, in July 2021, the new version of the Child Code (with seven related bills) was adopted by the Parliament, banning corporal punishment of children in all settings, strengthening social services at the local level, ensuring the rights of social protection for children without parental care, and providing stronger protection for children of migrants. However, objections were raised by the Presidential Office, and the bill was returned to the Parliament where it is currently being re-drafted.

#### *Conclusions and priorities*

Positive efforts have been observed as regards the CRC implementation. Improvement and adoption of the developed Child Code would be a welcome development. Further steps and commitments are needed towards ending institutionalisation of children without parental care towards family and community-based care and taking effective steps – including social work and assistance – to foster inclusion of children with

<sup>(16)</sup> <https://www.ohchr.org/en/press-releases/2022/11/un-human-rights-committee-issues-findings-ethiopia-japan-kyrgyzstan>

<sup>(17)</sup> UN(2023) Concluding observations CRC/C/KGZ/CO/5-6.

disabilities, in line with the CRC and the Convention on the Rights of Persons with Disabilities.

CAT as well ICESCR and CEDAW are conventions where there were no major changes in implementation. However, significant efforts should be made by the authorities towards reaching international standards. Welcome steps would include operationalising the law on Domestic Violence through guidance and procedures on implementations, including specific provisions for women with disabilities and for marital rape. The recently adopted Gender Strategy is welcome and should be properly implemented. Further action addressing discrimination is also recommended, particularly the adoption of a comprehensive anti-discrimination law, covering all grounds of discrimination and including sanctions. Further efforts should be also made in eliminating the practice of bride-kidnapping and early marriage. The ratification of the Convention on the Rights of People with Disabilities is a welcome development, as also noted by the Human Rights Committee in their 2022 report, which should be operationalised by adopting its implementation plan and ensuring sufficient budgetary resources. It is also important to properly state the possibility to change gender markers in the legislation.

Implementation under the ICCPR has declined and Kyrgyzstan should work on reversing this negative trend. There is increased pressure on civil society and on freedom of the media, which should be addressed, in particular regarding restrictive legislation such as the Law on false information. Transparency of the law-making process should be ensured by timely publication of draft laws and registries. The conditions and allegations of torture in the penitentiary system continue to be of concern. Addressing deaths in custody and improving conditions in prisons and pre-trial detention should be considered as priorities. Proper investigation and prosecution of torture allegations is crucial. Strengthening the National Preventive Mechanism and the Ombudsperson's office and aligning the latter with Paris Principles A (fully compliant) <sup>(18)</sup> can support this process.

## **5.2. ILO Labour Rights Conventions (Conventions 8-15)**

Overall, the labour rights situation has been somewhat improving but further reforms are needed. There is currently an inventory of legislation being undertaken by the Government which includes ten labour laws.

The Ministry of Labour and social partners have finalised the draft Tripartite General Agreement for 2022-2024 and agreed on exploring the ratification of a number of ILO conventions, namely, Conventions Nos. 156, 181, 183, 189, and 190. Newly adopted amendments to the Act on Collective Agreements in November 2022 appear to strengthen its alignment with Convention No. 98. These new amendments, however, need to be reflected in Sections 29 and 31 of the Labour Code as without corresponding provisions, there will be a degree of legal uncertainty and inconsistency between the Laws. A revision of the Labour Code is underway in 2023.

In its 2022 examination <sup>(19)</sup>, the ILO Committee of Experts on the Application of Conventions (CEACR) noted with deep concern that there are still several limitations to

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<sup>(18)</sup> The UN Paris Principles ('Principles Relating to the Status of National Human Rights Institutions') set out the minimum standards that NHRIs must meet in order to be considered credible and to operate effectively. <https://ganhri.org/paris-principles/>

<sup>(19)</sup> <https://www.ilo.org/normlex-permalink/comment/en/4303592>

labour inspections. The situation regarding the Labour Inspectorate has somewhat improved with government efforts to increase financing, number of labour inspectors, improving access of labour inspectors to enterprises, and other amendments to regulations on occupational safety and health (OSH) and labour inspections. In terms of enforcement capacity, the number of labour inspectors (currently 28) is still low according to ILO standards and should be substantially increased. The inspectorate should also be able to conduct unannounced inspections, in addition to scheduled ones, and upon complaint <sup>(20)</sup>. A crucial problem remains in the large informal sector (up to 70% of the economy), which escapes oversight of labour rights and is a fertile ground for child labour and gender-based discrimination. A negative development in 2023 was the introduction of a temporary ban to all checks on businesses, which also concerns planned labour inspections. These developments will be assessed by the CEACR in 2024.

#### *5.2.1. Freedom of Association and Collective Bargaining (Conventions No. 87 and No. 98)*

Despite some remaining shortcomings, the overall legislative framework in this area is reasonably adequate. According to the Kyrgyz authorities, there is no register kept of new trade unions in Kyrgyzstan; however, only three members are required to set up a trade union. Accordingly, there is no register kept of the number of collective agreements. Nonetheless, the Government has provided such information in its reports to CEACR in 2021.

There have been several attempts by members of Parliament to pass a draft Law on Trade Unions, which was not compatible with Conventions No. 87 and No. 98. These efforts have been vetoed by the President three times, most recently in December 2021. The ILO's Committee on Freedom of Association dealt with a (preventative) freedom of association complaint (No. 3386) of June 2020 submitted by the Mining and Metallurgy Workers' Union of Kyrgyzstan (GMPK) based on concerns about the draft law.

In the currently ongoing framework of the legal inventory, the Government, in consultation with social partners and with the expertise of the ILO, has developed amendments to the current Law on Trade Unions, rather than drafting an entirely new law. This would allow alignment of the current law, in line with international labour standards without having to further engage in the fractious process related to a whole-sale reform of the Trade Union Law. These draft amendments were submitted to the ILO for consideration to ensure they are aligned with the Conventions, and as of November 2022, the ILO provided comments on the draft amendments. The amendments to the draft law are due to be submitted to Parliament.

On the right to strike, CEACR, most recently in 2021 <sup>(21)</sup>, considers the current quorum required too high <sup>(22)</sup> and potentially impeding recourse to strike. According to the Government, the question of lowering the quorum is being discussed by the Tripartite Working Group and could be included in the draft Labour Code, planned to be revised in 2023. The planned reform of the Labour Code will also involve a review and revision of provisions on freedom of association and collective bargaining to better reflect

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<sup>(20)</sup> Regarding labour inspections, it is a warning sign that the CEACR has in its report published in February 2023 listed Kyrgyzstan in relation to its implementation of ILO Convention No. 81 on Labour Inspections among its "List of the cases in which the Committee has requested a full reply to its comments outside of the reporting cycle." (CEACR report 2023, pages 70 and 765).

<sup>(21)</sup> <https://www.ilo.org/normlex-permalink/comment/en/4120364>

<sup>(22)</sup> Section 437 of the Labour Code states the decision to call a strike should be taken by a meeting of workers that a minimum of two thirds of workers should be present at and the decision to strike should be taken by at least half the workers.

international labour standards. This will be a significant project and the Ministry is heavily relying on ILO support. CEACR in 2020 and 2021 also noted that Section 440(b) of the Labour Code refers to the prohibition of strikes in essential services which CEACR did not deem essential in the strict sense of the term and, therefore, recommended establishing a system of minimum services as opposed to an outright ban on strikes, which the Government understands needs to be amended.

CEACR had also previously raised concerns over provisions allowing for other workers representatives, including enterprise councils to engage in collective bargaining in instances where trade unions represented less than 50% of the workforce. They recommended that the Act on Collective Agreements (2004) be amended so as to ensure clearly that the position of a representative union, even if it does not represent 50% of the workforce, is not undermined by elected representatives in the collective bargaining process. In November 2022, newly adopted amendments to the Act indicate that only in the absence of a trade union can other bodies of worker representatives engage in collective bargaining on behalf of employees. This appears to strengthen alignment of the legislation with Convention No. 98; however, these amendments will also need to be reflected in Section 29 and 31 of the Labour Code, which is currently being reviewed in 2023, in order to ensure consistency between the laws and compliance with the Convention.

#### *5.2.2. Abolition of Forced Labour (Conventions No. 29 and No. 105)*

Gaps remain regarding the compliance of national legislation with the ILO conventions on forced labour. The CEACR in 2020 requested<sup>(23)</sup> additional information on the performance of mandatory alternative (civilian) services instead of compulsory military service and the work of convicted persons for a private entity under ILO Convention No. 29. As for concerns on the implementation of ILO Convention No. 105 (24), these include the need to ensure that no penal sanctions entailing compulsory labour can be imposed on persons for expressing political views nor on officials in case of ‘negligence’. The ILO welcomed the ratification of the ILO Protocol 2014 to Convention No. 29 on Forced Labour by Kyrgyzstan in October 2020 and considers it as a positive legal development towards abolition of forced labour.

Forced labour and labour exploitation are closely linked to trafficking in persons. The establishment of the National Referral Mechanism for Victims of Trafficking in Persons in 2019 was welcomed by the Human Rights Committee in its 2022 report. However, the Committee was concerned that according to information provided, as of October 2022, no cases had been referred through the National Referral Mechanism and the low number of investigations, prosecutions, and convictions in cases of human trafficking and forced labour. The Ministry of Labour is finalising relevant amendments to the Labour Code and the Law on Combating and Preventing Trafficking in Persons to improve compliance with the ILO conventions.

Kyrgyzstan is rather a source country of trafficking, forced labour, and labour exploitation, including sex exploitation, of its nationals abroad. In September 2021, the Organization for Security and Co-operation in Europe (OSCE) organised the first ever National Simulation Exercise on Combatting Trafficking in Human Beings which was attended by over seventy representatives of the law enforcement agencies, NGOs, labour inspectorate, social services, and independent experts from across Kyrgyzstan.

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<sup>(23)</sup> <https://www.ilo.org/normlex-permalink/comment/en/4051637>

<sup>(24)</sup> <https://www.ilo.org/normlex-permalink/comment/en/4051640>



Nevertheless, forced labour is also reported within the country, especially in agriculture (including child labour), forestry, construction, and textile industries, as well as in domestic service and forced childcare. The Government adopted a new National Action Plan for Combating Trafficking in Persons for 2022-2025 in April 2022 and amended the Law on Preventing and Combating Trafficking in Human Beings in January 2023.

#### *5.2.3. Minimum Age for Work and Worst Forms of Child Labour (Conventions No. 138 and No. 182)*

The State Programme to Support Families and Protect Children for 2018–2028 is the Government’s central policy document on the protection of children, including working children. In pursuance of the Actions Plan of the Cabinet of Ministers by 2026, the Ministry of Labour had drafted a new Action Plan to Prevent and Eliminate the Worst Forms of Child Labour for 2023–2026, after previous delays. The draft is currently under the consideration of the President.

There are some positive changes in the legal framework and latest statistics on child labour. A legal framework is in place that sets the minimum age for employment at 16 years and the conditions for the work of children under this age (limited light work is permitted at age 14), as well as the restrictions on work by persons under 18 involving harmful and/or hazardous working conditions. The Government has worked on updating the list of hazardous work and has expanded it to include dangerous and harmful activities in agriculture. The revised List of hazardous works prohibited to children was approved by the Government Resolution in September 2020. There is no definition for, nor list of, “light work” for 14-16-year-olds in the current Labour Code, as indicated in CEACR’s 2020 comments<sup>(25)</sup>. The Ministry of Labour, Social Security and Migration circulated an updated list of hazardous work prohibited for persons under the age of 18 to various ministries, departments, and social partners for agreement.

The most recent available data on child labour are the findings of the Multi-Cluster Indicator Survey (MICS) 2018<sup>(26)</sup> that show slow progress in reducing the total number of child labourers nationwide, with notable progress in the reduction of children involved in hazardous work (15.2% in 2014 versus 11.7% in 2018) and girls in hazardous work (11.8% and 6.8% accordingly). Trends, however, vary across the regions. There has been a marked decline of child labour incidences, including hazardous works in regions targeted by international programmes and projects, namely in Osh region, Osh Municipality, Chui region, and Jalal-Adbad region. The Government has set itself a target for the period 2018-2022 of reducing the overall child labour rate from 27.8% in 2018 to 22% in 2022.

The Government is aware of the current ineffectiveness of on-site inspections of businesses by the Labour Inspectorate in the fight against child labour due to the requirement of prior notification and may address this problem in the future. Further priorities in the context of protection of children from child labour include a focus on rural work, including tobacco industry, and direct assistance to children and their families.

#### *5.2.4. Equal Remuneration and Elimination of Discrimination (Conventions No. 100 and No. 111)*

National legislation prohibits discrimination on a range of grounds also in respect of employment and occupation and provides for equal remuneration for men and women.

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<sup>(25)</sup> <https://www.ilo.org/normlex-permalink/comment/en/4050159>

<sup>(26)</sup> <https://www.unicef.org/kyrgyzstan/reports/multiple-indicator-cluster-survey-mics-situation-children-and-women-kyrgyzstan>

Legislation nevertheless needs to better reflect the principle of equal pay for work of equal value<sup>(27)</sup>. Following the Beijing +25 Report, the Government has indicated that amendments to Section 17 of the Gender Equality Act (2003) would be considered by the National Tripartite Commission, however, there is no evidence of this so far. There are concerns regarding the application of the principle of equal pay in practice, in both the public and the private sectors, and notably with regard to payments in kind and additional payments, raised also by CEDAW in their 2021 concluding observations. There is also a need to define and prohibit gender-based indirect discrimination at all stages of the employment process and provide a comprehensive definition and prohibition of sexual harassment, as indicated by CEACR in 2020<sup>(28)</sup>.

There are serious restrictions to women's access to certain categories of work as set out in Section 218 and 303 of the Labour Code with a list of up to 400 jobs deemed to be harmful and/or dangerous. According to the CEACR, such measures are aimed at women generally, based on stereotypical perceptions about their capabilities and appropriate role in society. The list constitutes obstacles to the recruitment and employment of women and is in contravention to Convention No. 111. According to the Kyrgyz authorities, as part of the current inventory process on labour law reforms underway, this list will be reviewed – a commitment welcomed also by CEDAW in their 2021 concluding observations.

Regarding discrimination and inequalities faced by ethnic minorities, in particular the Uzbek and Mugat minorities, the CEACR requested in 2020<sup>(29)</sup> the Government to take measures to ensure that they have access to education, vocational training, and employment on an equal footing with other sectors of the population, and that any violation of the principle of equality be duly sanctioned. CEACR also asked the Government to adopt awareness-raising measures with a view to eliminating racial stereotypes and prejudices.

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<sup>(27)</sup> The concept of “work of equal value” is fundamental to tackling occupational gender segregation as it permits a broad scope of comparison between different jobs.

<sup>(28)</sup> <https://www.ilo.org/normlex-permalink/comment/en/4041613>

<sup>(29)</sup> <https://www.ilo.org/normlex-permalink/comment/en/4041613>



### *Conclusions and priorities*

Overall, national legislation on labour rights offers a good level of protection and guaranteed rights. The proper alignment of the 10 labour laws with international labour standards, which is part of the on-going national inventory of legislation will be a crucial next step. In terms of enforcement capacity of the labour inspectorate, the number of labour inspectors is low and should be substantially increased. Kyrgyzstan should remove the limitations imposed on the labour inspectorate which inhibit their ability to fulfil their mandate, including being able to conduct unannounced inspections.

There are ongoing risks to the freedom of association of both workers and employers, which require close monitoring. The current planned draft amendments to the Trade Union law, which have undergone tripartite consultations and have been reviewed by the ILO, are a positive step and should be enacted as soon as possible. Reducing the currently high quorum required to call a strike would be a further positive step.

With regard to the ILO conventions on child labour, forced labour, and equal remuneration of men and women, Kyrgyzstan has adopted several measures in recent years which constitute some progress in the legal and institutional framework. Nevertheless, further improvement of the legal framework is needed to advance compliance with the conventions in these areas. Regarding child labour, future revisions of the Labour Code should also include a definition of ‘light work’ for 14-16-year-olds. The implementation of the Gender Equality Strategy 2022-2024 will be a welcome step. Further work needed includes abolishing the list of 400 occupations prohibited for women and conducting a full analysis on the existing gender pay gap. Similarly, data gaps on child labour can be addressed by undertaking a new Child Labour Survey.

The Government has stepped up its efforts to combat trafficking of persons for labour; however, significant work still needs to be done to effectively prevent and combat trafficking and provide necessary protection to victims. Further problems such as growing irregular migration in the context of difficulties in cooperation with other countries are to be addressed as well.

### **5.3. UN Conventions on Environmental Protection and Climate Change (Conventions 16-23)**

The new Ministry of Natural Resources, Environment, and Technical Supervision, established in 2021, has been delegated wide mandates for policy setting, implementation, and control. In 2021, the Cabinet also set up the State committee on ecology and climate and assigned it responsibilities to provide ecological safety, strengthen environmental measures, and mitigate climate risks. The newly established institutions face significant initial capacity challenges and will have a significant task in terms of increased coordination with international bodies and re-establishing Kyrgyzstan’s compliance with reporting on several environmental conventions.

#### *5.3.1. Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)*

Kyrgyzstan ratified CITES on 2 September 2007 but is still classified as category 2, meaning that it has enacted CITES legislation, but this is not fully in line with CITES requirements<sup>(30)</sup>. The country is preparing updates to the 2014 legislation, but no

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<sup>(30)</sup> <https://cites.org/eng/parties/country-profiles/kg/compliance-status>

agreement has been reached with the CITES secretariat yet. Formally, no progress has been reported since July 2018, when an agreement was reached with the CITES Secretariat on conducting revised legislative analysis. In its 74<sup>th</sup> meeting in March 2022, the CITES Standing Committee requested the CITES secretariat to issue a formal warning to nine countries, including Kyrgyzstan, for not having made legislative progress for more than three years and requesting them to immediately take steps to ensure progress is made before the Conference of the Parties (CoP19) of November 2022, which did not take any decision on Kyrgyzstan. The Kyrgyz Government reported on progress to the Secretariat as requested ahead of CoP19, including on draft legislation to address these issues which is in preparation, but has not been officially notified to the CITES Secretariat yet. However, Kyrgyzstan is now compliant with reporting obligations.

### *5.3.2 Waste conventions: Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and Stockholm Convention on Persistent Organic Pollutants (POPs)*

Kyrgyzstan acceded to the Basel Convention in 1996 and included it in the national legislation in 2001. Kyrgyzstan is not compliant with its reporting obligations for the Basel Convention. The national report on transboundary movements of hazardous waste on national emissions of the years 2020 and 2021 were due on 31 December 2021/22 but both reports have not been submitted yet. The latest (2019) National Report was submitted on time (31 December 2020) but shows no significant changes compared to earlier reports. Kyrgyzstan has not ratified the Ban Amendment to the Basel Convention prohibiting all transboundary movements of hazardous wastes which are destined for final disposal operations from Organisation for Economic Co-operation and Development (OECD) to non-OECD States. This is not a requirement of GSP+ but would contribute to the effective implementation of the Basel Convention.

Kyrgyzstan ratified the Stockholm Convention in 2006 and is partially compliant with the reporting obligations. After previous delays and missing reports, the country's fourth national report on the measures taken to implement the Convention and on its total quantities of production, import, and export of POPs was submitted on 1 November 2018. Kyrgyzstan has not submitted its fifth national report which was due on 31 August 2022. Kyrgyzstan submitted a National Implementation Plan (NIP) for the Convention on 3 July 2006, which includes, as required, a list of proposed actions. The country's compliance with reviews and updates of the NIP as required under Article 7 of the Convention is poor. Following submission of updates for COP4 and COP5 with support of UNDP/GEF in 2016, Kyrgyzstan did not submit its update addressing amendments as required by COP6 (due 26 November 2016), COP7 (due 15 December 2018) and COP8 (due 18 December 2020).

Although Kyrgyzstan has never produced pesticides, there are 50 repositories of obsolete pesticides which store about 5,000 tons of these hazardous chemicals. The main cause of this is the active use of pesticides between 1960 and 1985 in production of various crops (cotton, sugar beets, vegetables, tobacco, crops, orchards, vineyards, and pastures). Apparently, in many dumping zones, people dig the stored obsolete pesticides up for reuse, which poses a serious threat to people, livestock, and the environment. There is a need to create optimal agrotechnical and agrochemical conditions to improve the aerobic degradation for elimination of pesticides from these contaminated sites.

### *5.3.3 Convention on Biological Diversity (CBD) and Cartagena Protocol on Biosafety*

Kyrgyzstan adopted its third National Biodiversity Strategy and Action Plan (NBSAP) in the framework of the CBD in 2016. In the NBSAP, the Government states that the

“territory of the Kyrgyz Republic has a high degree of concentration of biodiversity not only at the ecosystem, but also at the species level. In spite of its small area, the Kyrgyz Republic has a fairly high diversity of species - about 1% of all known species on 0.13 % of Earth’s surface”. In a speech to the 15th meeting of the Conference of the Parties to the CBD in October 2021, Kyrgyzstan’s President said that his country is keen on protecting its mountain biodiversity and announced a five-year programme to ensure the sustainable development of mountain regions.

The country issued its sixth national report (6NR) under the CBD in March 2019. In this report the Government mentions that at present, the country’s economic growth is mainly vested in uncontrolled use of natural resources.

As a party to the Cartagena Protocol on Biosafety, Kyrgyzstan has an obligation to provide national reports on its implementation of the Protocol. However, the Fourth National Report (NR4) due 1 October 2019 has not been submitted to date. Following a request from the Compliance Committee of the Protocol in its 16th meeting in May 2019, Kyrgyzstan submitted a compliance action plan. In its 17th meeting in April 2020, the Committee concluded that no update has been received on any progress made with regard to the specific actions and timelines indicated in Kyrgyzstan’s compliance action plans.

In its NR3, Kyrgyzstan reported that it had a draft legal framework for the implementation of the Protocol, but that not all legal, administrative, and other required measures were implemented. Legislation includes a list of controlled products adopted in 2014, legislation on export control of genetically modified organisms from 2014, and an undated draft Act on biological safety. NR3 reports that no regulation exists on the transit, handling or use of living modified organisms (LMOs). No updates have taken place in recent years.

#### *5.3.4. Conventions on Climate Change and Protection of the Ozone Layer <sup>(31)</sup>*

In recent years, Kyrgyzstan has made good progress in implementing climate change related conventions, but implementation challenges remain. In 2020, Kyrgyzstan made two important steps forward in its environmental protection efforts by ratifying the Paris Agreement on Climate Change in February and by ratifying the Kigali Amendment to the Montreal Protocol on the reduction of the consumption and production of hydrofluorocarbons (HFCs) in September.

Kyrgyzstan is on track to phase out the ozone depleting substances (ODS) and ODS-containing products regulated under the Montreal Protocol, has introduced ODS and HFC licencing systems, and is compliant with reporting obligations under both the Montreal Protocol and the Kigali Amendment. With the licensing system and further regulation in place, Kyrgyzstan seems on its way to phase out also the use of HFCs, as targeted by the Kigali Amendment.

In October 2021, the country submitted its updated Nationally Determined Contribution (NDC) <sup>(32)</sup>, which has significantly increased targets compared to the first NDC, submitted in February 2020. In its updated NDC, Kyrgyzstan has committed to reduce emissions to 15.97% and 43.62% below 2030 levels (under a “Business as Usual” scenario) unconditionally and conditionally, respectively. Kyrgyzstan has also committed to achieve carbon neutrality by 2050.

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<sup>(31)</sup> United Nations Framework Convention on Climate Change, Kyoto Protocol to the United Nations Framework Convention on Climate Change, and Montreal Protocol on Substances that Deplete the Ozone Layer.

<sup>(32)</sup> The Paris Agreement calls on countries to revise and strengthen their NDCs every five years.

The achievement of the NDC is underlain by mitigation actions and policies covering five sectors. The primary mitigation capacity is concentrated in the Energy, Agriculture, Forestry and Other Land Uses sectors. Greenhouse gas (GHG) inventory was conducted and finished in April 2021 and used for the update of Kyrgyzstan's NDC. The updated NDC identifies the energy sector to be responsible for 60% of GHG emissions, and consequently defines most mitigation measures for that sector, focused on a decrease in the consumption of fossil fuels (switch from coal to gas in households), an increase in renewable energy sources, and increased energy efficiency in household cooking and heating. The updated NDC also contains a list of adaptation measures that will reduce economic losses from climate change impacts and cover the most vulnerable sectors.

Kyrgyzstan's last national communication (NC3) dates from 24 January 2017, and the country has not yet submitted its fourth national communication, although the requirement is to report every four years. Kyrgyzstan submitted its first Biennial Updated Report (BUR1) and National inventory report to the UNFCCC on 23 December 2022, while the deadline for submission was December 2014.

### *Conclusions and priorities*

There is some progress in developing policy on climate change and implementing the ambitious actions. Kyrgyzstan is partly compliant on some of its reporting obligations on multilateral environment agreements and non-compliant as regards the Basel Convention. Bringing the reporting, in particular on environmental conventions including on biodiversity and chemicals, in line with the international obligations should be a priority. Additionally, advancing the alignment of national legislation with CITES is an important task ahead of the new authorities.

## **5.4. UN Conventions on Good Governance (Conventions 24-27)**

### *5.4.1. International Drug Control Conventions <sup>(33)</sup>*

Kyrgyzstan is mainly a transit country used by international drug traffickers on the so-called Northern Route <sup>(34)</sup>. Smuggling of illicit drugs is facilitated by the largely undemarcated borders in mountainous territories, which makes physical control difficult, in addition to the limited resources and capacities of customs, border control and law enforcement agencies. Furthermore, as a result of Kyrgyzstan's membership in the Eurasian Economic Union since 2015, Kazakhstan withdrew customs controls on the border with Kyrgyzstan. The Taliban takeover of Afghanistan has further increased the risk of illegal drug trafficking through Kyrgyzstan. There are some indications of a growing base of production and emergence of new psychoactive substances in the country, although on a much smaller scale.

The responsible body for implementation is the Counter Narcotics Service, established as a separate entity under the Ministry of Interior in 2019. In 2020, according to the International Narcotics Control Board (INCB), measures were being taken to update the existing national Anti-Drug Programme and develop an action plan for the coming five-year period. However, the adoption of the new strategy and action plan, delayed following

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<sup>(33)</sup> UN Single Convention on Narcotic Drugs (1961), UN Convention on Psychotropic Substances (1971), and UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988).

<sup>(34)</sup> From Afghanistan (through Tajikistan) to Kazakhstan and Russia, and to some extent into Europe.

the annulled parliamentary elections in October 2020, is still expected; meanwhile, the 2014 strategy continues to be in place.

The establishment of the drug analytical centre and the development of preventive measures are encouraged. However, CEDAW in 2021 has noted with concern the draft legislative amendments to criminalise drug possession for personal use, the family legislation providing for the deprivation of parental rights based on parental drug dependence, and the lack of access to harm-reduction programmes and facilities for women using drugs.

Kyrgyzstan has been participating in EU regional projects of the **Central Asia Drug Action Programme (CADAP)**, a drug demand reduction initiative started in 2003 to promote the development of effective, comprehensive drug policies based on scientific evidence and best practice, and including a gender and human rights-based approach. The seventh phase of the programme (CADAP 7) runs from 2021 to 2024.

Kyrgyzstan is also one of the countries participating in the EU programme Border Management in Central Asia (BOMCA), which provides a range of activities related to border management that both aim to reduce illicit trade and facilitate legal trade, thereby also supporting Kyrgyz exporters in trading under the GSP+. BOMCA was launched in 2002, with its 10<sup>th</sup> phase launched in April 2021 <sup>(35)</sup>.

Kyrgyzstan also benefited from the EU-ACT programme against drugs and organised crime from 2017 to 2021. Activities carried out in Kyrgyzstan include support for the creation of specialised policy units and police training, as well as a provision of equipment such as GSP trackers. Additionally, the EU has provided financial support to a number of projects implemented by the UN Office on Drugs and Crime (UNODC).

#### 5.4.2. *UN Convention against Corruption (UNCAC)*

Kyrgyzstan's institutional anti-corruption framework <sup>(36)</sup> is in the process of a government-wide reorganisation, following the political changes since October 2020. A new law on Counteracting Corruption is being prepared to replace the 2012 law on Combating Corruption. Former key anti-corruption agencies – the State Service for Combating Economic Crimes (Financial Police) and the anti-corruption branch of the State Committee for National Security (GKNB) – were dissolved in 2021. In July 2021, the President set up an Anti-Corruption Business Council. In November 2021, the President also announced that the General Prosecutor's Office had created an investigation department that would consider all cases of corruption. A new Anti-Corruption Strategy was prepared by the Anti-Corruption Business Council and submitted for the President's signature in November 2022. The Strategy involves a framework of actions in the judiciary and law enforcement, in the business sphere, in the state and municipalities' administration. The Strategy foresees among others extended digitalisation to reduce contact of citizens/businesses with public officials as well as the use of outsourcing of state services by the private sector. A new draft Law "On Anti-Corruption" is also being developed.

A draft law on Voluntary Legalisation of Assets (2022) presents a significant concern, also expressed by the Human Rights Committee in their 2022 report, as it risks providing impunity for criminally obtained assets. In addition, the Committee is concerned that the

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<sup>(35)</sup> For detailed information, see <https://www.bomca-eu.org/en/>.

<sup>(36)</sup> The institutional anti-corruption regime that was in place until 2020 has been described in the previous biennial GSP reports 2018-2019.



Law on Public Procurement of 14 April 2022 removed a third of all government procurements from the publicly available data.

Kyrgyzstan has complied with only some of the notification requirements of UNCAC. The country also has not contributed voluntary information to any of the UNCAC working and expert groups. Regarding the implementation of UNCAC, Kyrgyzstan has so far been reviewed under one review cycle <sup>(37)</sup>. The review determined a number of areas where the Kyrgyz anti-corruption framework was not in line with UNCAC, including the definition of public officials, the scope of offences (offering or promising a bribe was not covered by the legislation) <sup>(38)</sup>. The Human Rights Committee in their 2022 report also raise concerns about indications of steep rise in corruption, also among judges.

The EU has assisted the Kyrgyz authorities in fighting against corruption through its **Rule of Law Programme**; the second phase, with a budget of about €13.8 million, was implemented from 2018 to 2022.

The project has supported the improvement of the anti-corruption legislation, contributed to adoption of the laws on conflict of interests and protection of whistle-blowers, as well as the establishment of the online register of crimes and misdemeanours at the prosecutors' offices and e-justice at three pilot courts. It has also helped in training of prosecutors, lawyers, and judges on ethics and the need to fight corruption.

With respect to anti-money laundering and countering the financing of terrorism (AML/CFT), Kyrgyzstan has strengthened systems over time, but weaknesses remain. In 2021, Kyrgyzstan had made progress in implementing 39 of the 40 recommendations by the Financial Action Task Force (FATF). Since 2018, a national risk assessment was carried out; an information system on National Politically Exposed Persons was developed. Remaining weaknesses include the still insufficient inter-agency cooperation; resource limitations of the AML institutions; and the absence of a strategy and guidance document for law enforcement agencies. The number of money-laundering criminal cases initiated also continues to be small: 16 in 2020, and seven in the first nine months of 2021. In spring 2022, the Kyrgyz Financial Intelligence Unit launched a comprehensive plan for receiving technical assistance from various development partners in order to address remaining gaps in its AML/CFT framework in view of the new assessment cycle from FATF that is expected until 2025. Following its request, it received Technical Assistance in November 2022 through the EU Global Facility on AML/CFT.

### *Conclusions and priorities*

The fight against corruption should continue to be a top priority for Kyrgyzstan. The authorities are strongly encouraged to undertake decisive steps in properly implementing this Convention, as well as to cooperate more closely with civil society on the topic. In this regard, aligning the draft Law on Voluntary Legalisation of Assets with international obligations is an important step.

In terms of drug control, Kyrgyzstan's regime is satisfactory and there is growing recognition of a balanced approach to demand-side measures. This should continue throughout the planned revision of the legislation. In this context, the draft amendments criminalising possession for personal use is a worrying development. The adoption of a revised drug control strategy and action plan post 2023 is also encouraged.

<sup>(37)</sup> The review under the 2<sup>nd</sup> review cycle is currently ongoing, but no official reporting has yet been made available.

<sup>(38)</sup> More details were provided in the 2018-2019 GSP Report on Kyrgyzstan.

## ANNEX: KYRGYZSTAN – TREATY RATIFICATION AND REPORTING

Convention	Ratification status Reservations	Compliance with reporting obligations to monitoring bodies
<b>Human rights conventions</b>		
1. Convention on the Prevention and Punishment of the Crime of Genocide	Acceded: 05.09.1997 No reservations	No reporting obligations
2. International Convention on the Elimination of All Forms of Racial Discrimination	Acceded: 05.09.1997 No reservations	<b>Compliant with reporting obligations</b> • Last report submitted on: 15.05.2023.
3. International Covenant on Civil and Political Rights	Acceded: 07.10.1994 No reservations	<b>Compliant with reporting obligations</b> • Last report submitted on: 25.02.2020. • Next report due in 2029.
4. International Covenant on Economic Social and Cultural Rights	Acceded: 07.10.1994 No reservations	<b>Compliant with reporting obligations</b> • Last report submitted on: 20.04.2021.
5. Convention on the Elimination of All Forms of Discrimination Against Women	Acceded: 10.02.1997 No reservations	<b>Compliant with reporting obligations</b> • Last report submitted on: 18.03.2019. • Next report due on: November 2025.
6. Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Acceded: 05.09.1997 No reservations	<b>Compliant with reporting obligations</b> • Last report submitted on: 31.01.2019. • Next report due on: 03.12.2025.
7. Convention on the Rights of the Child	Acceded: 07.10.1994 No reservations	<b>Compliant with reporting obligations</b> • Last report submitted on: 12.11.2019.
<b>Labour conventions <sup>(39)</sup></b>		
8. Convention concerning Forced or Compulsory Labour, No. 29	Ratified: 31.03.1992 Protocol to the Convention: ratified on 06.10.2020	<b>Compliant with reporting obligations</b> • Latest CEACR comments: 2020. • Latest report received in 2022. • Next regular report due in 2025.
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratified: 31.03.1992	<b>Compliant with reporting obligations</b> • Latest CEACR comments: 2021. • Latest report received in 2021. • Next regular report due in 2024.
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratified: 31.03.1992	<b>Compliant with reporting obligations</b> • Latest CEACR comments: 2021. • Latest report received in 2021. • Next regular report due in 2024.
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratified: 31.03.1992	<b>Compliant with reporting obligations</b> • Latest CEACR comments: 2020. • Latest report received in 2020. • Next regular report due in 2023.
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratified: 18.02.1999	<b>Compliant with reporting obligations</b> • Latest CEACR comments: 2020. • Latest report received in 2022. • Next regular report due in 2025.
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratified: 31.03.1992	<b>Compliant with reporting obligations</b> • Latest CEACR comments: 2020. • Latest report received in 2020.

<sup>(39)</sup> Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.



Convention	Ratification status Reservations	Compliance with reporting obligations to monitoring bodies
		<ul style="list-style-type: none"> <li>Next regular report due in 2023.</li> </ul>
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratified: 31.03.1992 Minimum age: 16 years	<b>Compliant with reporting obligations</b> <ul style="list-style-type: none"> <li>Latest CEACR comments: 2020.</li> <li>Latest report received in 2022.</li> <li>Next regular report due in 2025.</li> </ul>
15. Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, No. 182	Ratified: 10.05.2004	<b>Compliant with reporting obligations</b> <ul style="list-style-type: none"> <li>Latest CEACR comments: 2020.</li> <li>Latest report received in 2022.</li> <li>Next regular report due in 2025.</li> </ul>
<b>Environmental conventions</b>		
16. Convention on International Trade in Endangered Species of Wild Fauna and Flora	Acceded: 02.09.2007 No reservations	<b>Compliant with reporting obligations</b> <ul style="list-style-type: none"> <li>Last (2022) Annual Report submitted on 30.12.2022 (ahead of time; due 31.10.2023).</li> <li>Annual reports for 2016-2021 also submitted.</li> <li>2022 Annual Illegal Trade reports submitted. 2016-2021 reports not submitted <sup>(40)</sup>.</li> <li>Biennial or Implementation Reports (IR) lagging behind. Last (2015-17) IR submitted on 02.11.2018. No prior IR submitted. IR on 2018-2020 was due 05.03.2021 <sup>(41)</sup>.</li> </ul>
17. Montreal Protocol on Substances that Deplete the Ozone Layer	Acceded: 31.05.2000 No reservations	<b>Compliant with reporting obligations</b> <ul style="list-style-type: none"> <li>Annual data for 2022 and prior years has been submitted.</li> <li>ODC and HFC licensing systems in place.</li> </ul>
18. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	Acceded: 13.08.1996 No reservations	<b>Lack of compliance with reporting obligation</b> <ul style="list-style-type: none"> <li>National reports (NR) for 2020 and 2021, due 31.12.2021/2022 have not yet been submitted.</li> <li>Previous NRs submitted, some with delay.</li> <li>Next NR (2022) due 31.12.2023.</li> </ul>
19. Convention on Biological Diversity	Acceded: 06.08.1996 No reservations	<b>Compliant with reporting obligations</b> <ul style="list-style-type: none"> <li>Latest National Report (6NR) submitted with delay: 29.03.2019 (due date was 31.12.2018).</li> <li>Latest NBSAP submitted on 18.01.2016.</li> </ul>
20. The United Nations Framework Convention on Climate Change	Acceded: 25.05.2000 No reservations	<b>Partially compliant with reporting obligations</b> <ul style="list-style-type: none"> <li>First NDC submitted 18.02.2020.</li> <li>Updated NDC submitted 09.10.2021.</li> <li>Latest NC (NC3) submitted on 24.01.2017 (NC1 in 2003 and NC2 in 2008). NC4 not submitted on time (NCs due every 4 years).</li> <li>First Biennial Update Report (BUR1) and corresponding National</li> </ul>

<sup>(40)</sup> Reporting mandatory, but not subject to compliance procedure.

<sup>(41)</sup> Idem.

Convention	Ratification status Reservations	Compliance with reporting obligations to monitoring bodies
		Inventory report (NIR) submitted on 23.12.2022.
21. Cartagena Protocol on Biosafety	Acceded: 05.10.2005 No reservations	<b>Lack of compliance with reporting obligations</b> <ul style="list-style-type: none"> <li>• Fourth national report (NR) due 01.10.2019 not submitted.</li> <li>• Last report (NR3) submitted 25.01.2016; NR2 in 2011.</li> </ul>
22. Stockholm Convention on Persistent Organic Pollutants	Ratified: 12.12.2006 No reservations	<b>Lack of compliance with reporting obligations</b> <ul style="list-style-type: none"> <li>• Fifth National Report (NR) due 31.08.2022 not submitted.</li> <li>• 4NR due 31.08.2018 submitted 01.11.2018.</li> <li>• 3NR due 31.08.2014 submitted on 18.01.2018; 2NR and 1NR not submitted.</li> <li>• NIP1 submitted in time on 02.04.2009 and updates to address COP4 and COP5 amendments submitted (yet overdue)</li> <li>• updates to address COP6-9 not submitted</li> </ul>
23. Kyoto Protocol to the United Nations Framework Convention on Climate Change	Acceded: 13.05.2003 No reservations	No reporting obligations
<b>Good governance conventions</b>		
24. United Nations Single Convention on Narcotic Drugs	Acceded: 07.10.1994 No reservations	<b>Compliant with reporting obligations</b> <ul style="list-style-type: none"> <li>• All reports and statistics (incl. voluntary ones) provided since 2019.</li> </ul> <b>Review by INCB</b> <ul style="list-style-type: none"> <li>• INCB mission took place in December 2022.</li> <li>• No indication of non-compliance in INCB reports.</li> </ul>
25. United Nations Convention on Psychotropic Substances	Acceded: 07.10.1994 No reservations	
26. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Acceded: 07.10.1994 No reservations	
27. United Nations Convention against Corruption	Ratified: 16.09.2005 No reservations	<b>No reporting obligations. Reviewing by UNODC &amp; peer review</b> <ul style="list-style-type: none"> <li>• Latest executive summary published in 2017.</li> </ul>