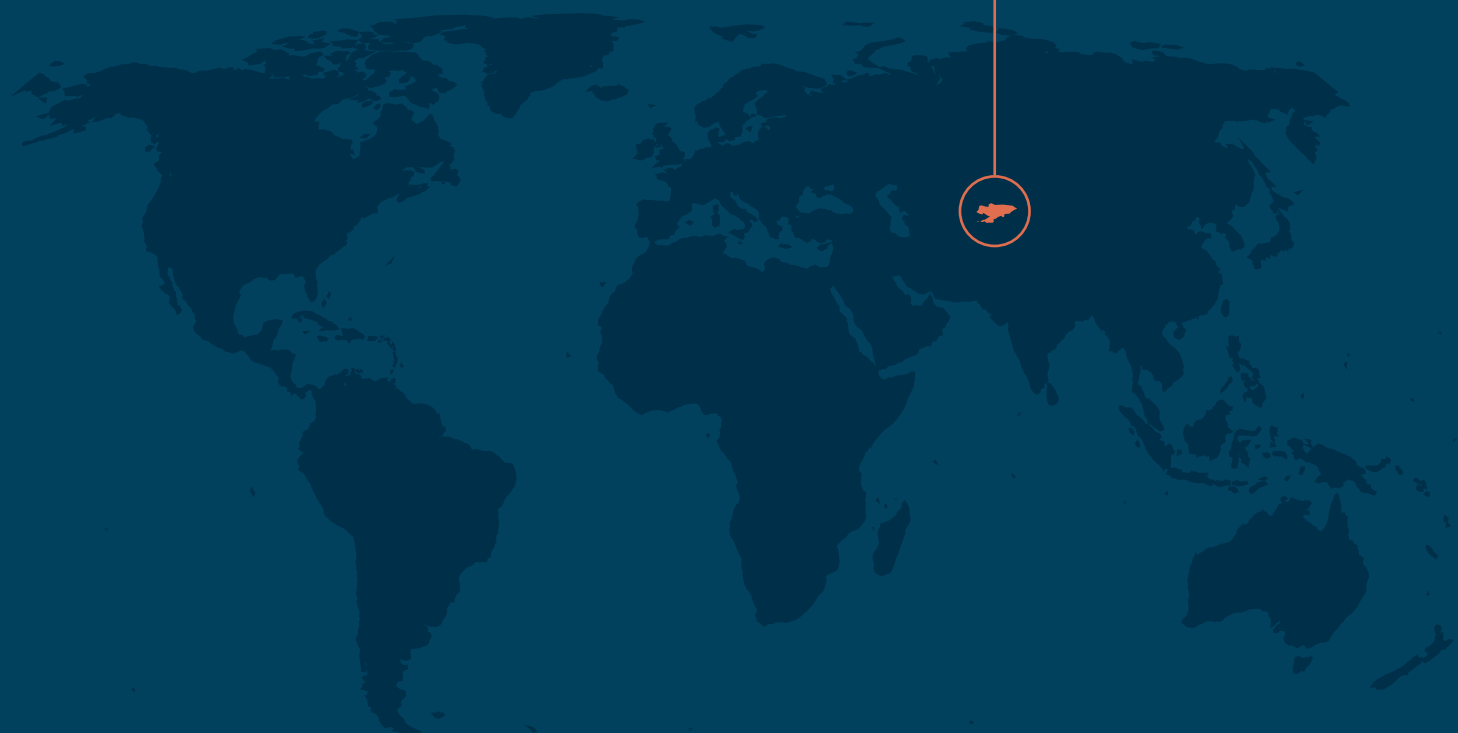


# SITUATIONAL ANALYSIS OF THE RIGHTS OF PERSONS WITH DISABILITIES

## KYRGYZSTAN



COUNTRY BRIEF



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MAY 2024

### Disclaimer

This brief was prepared by the Technical Secretariat. It summarizes the key findings from the situational analysis report and does not necessarily reflect the position of the UNPRPD MPTF.

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# ACRONYMS AND ABBREVIATIONS

<b>CRPD</b>	Convention on the Rights of Persons with Disabilities
<b>CSO</b>	Civil-society organisation
<b>EU</b>	European Union
<b>ICF</b>	International Classification of Functioning, Disability and Health
<b>MLW</b>	Minimum Legal Wage
<b>MSEC</b>	Medical and Social Expert Commission
<b>NGO</b>	Non-government organisation
<b>OHCHR</b>	Office of the United Nations High Commissioner for Human Rights
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>OPD</b>	Organisation of Persons with Disabilities
<b>PMPC</b>	Psychological Medical Pedagogical Consultation
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme
<b>UNICEF</b>	United Nations International Children's Emergency Fund
<b>UNFPA</b>	United Nations Population Fund
<b>UNPRPD MPTF</b>	United Nations Partnership for the Rights of Persons with Disabilities Multi-Partnership Trust Fund
<b>SDG</b>	Sustainable Development Goal
<b>VNR</b>	Voluntary National Report

# 1

## BACKGROUND

The United Nations Partnership on the Rights of Persons with Disabilities Multi-Partner Trust Fund (UNPRPD MPTF) is a unique partnership that brings together United Nations (UN) entities, governments, organizations of persons with disabilities (OPDs) and broader civil society to advance the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) and disability-inclusive Sustainable Development Goals (SDGs) at the country level around the world.

The UN entities participating in UNPRPD are ILO, OHCHR, UNDESA, UNDP, UNESCO, UNICEF, UNFPA, UN Women and WHO. Other UNPRPD members include the International Disability Alliance and the International Disability and Development Consortium (IDDC). The main contributors to the UNPRPD MPTF are Australia, Finland, Norway, Sweden and the United Kingdom.

In 2020, with the Strategic and Operational Framework 2020-2025, UNPRPD adopted a new programme design approach. The Framework moves towards proactive, results-oriented joint programming to drive implementation of the CRPD and disability-inclusive SDGs.

In the same year, the UNPRPD launched its fourth funding call and invited UN Country Teams (UNCTs) to submit proposals for joint country-level programmes with the objectives of advancing CRPD implementation and improving the implementation of disability-inclusive SDGs. The selected teams were then allocated an initial budget to deliver an induction training, conduct a country situational analysis and complete a full joint programme proposal based on the findings of the situational analysis.

From March to May 2023, Kyrgyzstan UNCT conducted the comprehensive situational analysis. The methodology included a desk review of relevant literature, key informant interviews and focus groups, stakeholder mapping exercises, and consultative workshops with key stakeholders.

This brief provides a summary of the key gaps and opportunities presented in the full report. The full situational analysis report with additional background and context can be found on the UNPRPD webpage.

# 2 WHY A COUNTRY ANALYSIS?



Many countries still struggle to transform the CRPD into concrete policies, systems, programmes and services that uphold the rights of persons with disabilities. It is urgent that governments and their implementation partners deliver on their SDG commitments through CRPD-compliant interventions. To support countries in the most catalytic way requires understanding the main bottlenecks and priorities in each country in relation to the fulfilment of the CRPD. We needed to know who the key stakeholders are, how implementation/monitoring mechanisms are functioning (or not), which capacities stakeholders may need to improve, and which ongoing development processes could be leveraged to become more disability inclusive.

The situational analysis was designed to:

- Inform the design of future PRPD funded programmes in the country and serve as a baseline for these programmes;
- Inform UNCTs of gaps in terms of disability inclusion in ongoing national processes and programmes and recommend further, in-depth analysis where needed;
- Build a base of mutual understanding and working relationships among UN entities, government, OPDs and other civil society organizations, as well as the private sector and academia, as the basis for future co-design of joint programmes;
- Strengthen the capacity of those stakeholders to more effectively include and address the rights of persons with disabilities as outlined in the CRPD; and,
- Serve as an advocacy tool for ODPs and other civil society partners, both national and international.

# 3

## INTRODUCTION TO DISABILITY CONTEXT IN KYRGYZSTAN

 Population	<b>6.975 million</b>
 Disability Prevalance	<b>&gt;3%</b>

In Kyrgyzstan, official statistics indicate that around 3% of the population have various disabilities, but this likely underestimates the actual number due to limitations in data collection methods. The country has inherited Soviet-era practices of institutionalization and exclusion of people with disabilities, despite efforts to improve inclusion through legislative measures like the Convention on the Rights of Persons with Disabilities (CRPD). However, effective support mechanisms are still lacking, leading to isolation and segregation, especially in rural areas.

Kyrgyzstan ratified the CRPD in 2019 after initial delays due to funding issues. While the government has since developed strategies to protect disability rights, including the State Programme Accessible Country launched in 2023, there's ongoing discussion about further reforms, such as shifting from a medical to a social perspective on disability and enhancing rights under the Law on the Rights and Guarantees of Persons with Limited Health Functions.



# 4 FINDINGS

## 4.1 Stakeholder coordination mechanisms

The key stakeholders responsible for implementing and monitoring the CRPD are highlighted below. A comprehensive list of stakeholders is included in the full report.

- 1 Equality and non-discrimination
- 2 Accessibility
- 3 Inclusive service delivery
- 4 CRPD-compliant budgeting and financial management
- 5 Accountability and governance

### Government and its coordination mechanisms

Following the ratification of the CRPD, the Council for the Affairs of Persons with Disabilities was established under the Cabinet of Ministers of the Kyrgyz Republic to coordinate actions on disability issues across sectors and levels. Chaired by the Prime Minister, the Council consists of thirty members representing various government bodies, Parliament, national institutions, local authorities, and civil society organizations, including OPDs. The Ministry of Labour, Social Welfare and Migration serves as the Secretariat.

The Council provides a platform for OPDs to engage directly with government bodies, allowing them to raise concerns and suggestions for improving the lives of people with disabilities. However, its decisions are advisory rather than mandatory, and government bodies sometimes fail to fulfil their obligations according to OPD leaders. They suggest that making decisions mandatory with penalties for non-compliance could lead to more effective results.

In Kyrgyzstan, various government ministries are involved in disability issues, with the Ministry of Labour, Social Welfare and Migration taking the lead. Other ministries, such as Health and Education, also play significant roles. The Ministry of Justice implements programs for access to justice for persons with disabilities, while local governments are responsible for identifying and supporting persons with disabilities, albeit with limited awareness about the CRPD.

The Ministry of Labour, Social Welfare and Migration oversees state policies on social protection and leads rehabilitation and disability assessment processes. It also coordinates disability policies across different ministries. The Ministry of Health provides medical care and implements disease prevention policies for people with disabilities, alongside medical rehabilitation programs. The Ministry of Education and Science is responsible for inclusive education programs and services for students with special needs.

Other ministries involved in disability inclusion include Justice, Finance, Transport and Communications, Construction, Statistics, and Culture, Information, Sports, and Youth Policy. They contribute through legal assistance, budget allocation, accessible transport, infrastructure design, data collection, and cultural initiatives respectively.

While various ministries engage in disability inclusion efforts, there's recognition of the need for better coordination among government institutions and with local governments.

## Organizations of persons with disabilities (OPDs)

In Kyrgyzstan, organizations of persons with disabilities (OPDs) are non-governmental entities officially registered under specific legal procedures. Led and populated by individuals with disabilities, these organizations, such as 'ARDI' and 'Shoola Kol', have been active since the 1990s, with newer ones like 'Umut Shoolasy' and 'Kuch Birdikte' emerging in recent years. These OPDs advocate for various disability rights, representing cross-disability, women, intellectual and psychosocial disability groups, among others.

Children with disabilities are represented through parental organizations like 'Janyryk', a national network established in 2012 consisting of 39 NGOs advocating for children's rights. 'New Age' and 'Integration' represent young people with disabilities, focusing on employment, rights, and advocacy. Additionally, a new Network on Early Intervention, formed in 2022, lobbies for early intervention services nationally.

The Kyrgyz Association of the Blind and Deaf, the largest organization of persons with disabilities in the country, unites over 8,000 individuals and operates enterprises nationwide. However, lack of funding is a significant challenge for OPDs, as the government support is insufficient, leading to dependency on donor funding.

## Civil society and non-governmental organizations

There are also rights-based civil-society organisations (CSOs) that are active in the disability field, implementing projects, monitoring violations of the rights of children with disabilities in residential boarding schools, and developing programmes that address various disability-rights issues. The most active CSOs are The League for the Protection of Children's Rights and the Insan Leilek.

Local civil-society groups provide services to people with disabilities and to established rehabilitation centres. For example, the Public Foundation 'Centre for Development and Protection of Vulnerable Groups' in the city of Osh provides legal and psychological consultations to parents of children with disabilities.

## International agencies and organisations

International organizations play a vital role in supporting and advancing the rights of people with disabilities in Kyrgyzstan. They offer funding to organizations of persons with disabilities (OPDs) and civil society organizations (CSOs) to execute projects aimed at social inclusion. Key donor organizations include the Finnish Embassy, Bread for the World, the Soros Foundation, the European Union (EU), the Organization for Security and Co-operation in Europe (OSCE), the Abilis Foundation, the Solidarity Centre, the Public Foundation 'Fair and Sustainable Development Solutions', and UN agencies like the United Nations Development Programme (UNDP) and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

In line with the UN Disability Inclusion Strategy, UN agencies are increasingly integrating disability issues into their programs. A thematic group on human rights and disability was formed within the UN, comprising more than ten agencies. Regular meetings are conducted to discuss priorities and synergies in disability work. Other efforts include hiring of individuals with disabilities to support disability inclusion in programs through advocacy and staff capacity-building. UN agencies are also involving persons with disabilities and their representative organizations in programme implementation, focusing on areas such as electoral processes, legal aid, inclusive education, early identification and intervention services, sexual and reproductive health rights, human rights awareness, and advocacy.

## Summary of stakeholder coordination analysis

The key systemic and capacity gaps identified were:

- Frequent changes among top-level people from the government bodies create difficulties for OPD activists trying to build relationships. When a new government official comes into power, it is necessary to build relationships all over again.
- OPDs are not financially independent. They raise funds from donors, but that is not sustainable. They need to develop skills in fundraising and developing proposals.
- There is no platform to co-ordinate actions between government bodies, OPDs, and UN agencies on disability issues. The UN agencies could initiate and co-ordinate the platform through regular meetings of representatives.
- There is a lack of awareness and understanding of the CRPD among most government officials in various ministries. They still work on a medical disability model.
- There is still a lack of mechanisms for continuous interagency co-operation among government agencies themselves and among government agencies, OPDs, and donors. The meetings involving all of them take place mainly at roundtables and during public discussions. Ideas and proposals voiced at such meetings are not put into practice, since this requires coordinated actions, while in fact all the stakeholders persist in following their own agendas.
- The Council for the Affairs of Persons with Disabilities meets once every three months and does not operate a standing office or working groups. For this reason, it cannot become an effective institution for monitoring and co-ordination on disability.
- The Council is a volunteer-based body and has no stable funding sources. The Ministry of Labour, Social Welfare and Migration has to seek financial support from donors to arrange each meeting of the Council.

## 4.2 Preconditions for disability inclusion

A critical new element of the UNPRPD strategy is its focus on the essential preconditions for disability inclusion to advance the CRPD. These preconditions must be met to address the requirements of persons with disabilities across all sectors. The following findings focus on the preconditions.

### EQUALITY AND NON-DISCRIMINATION

The Constitution of the Kyrgyz Republic (amended 2016) recognizes the need to guarantee non-discrimination, particularly regarding disability. Since the ratification of the CRPD in 2019, Kyrgyzstan has made some legislative and policy advancements towards ensuring the equality and non-discrimination of persons with disabilities. However, some existing legislation, like the Law on the Rights and Guarantees of Persons with Limited Health Functions (revised 2017), still perceives disability primarily from a medical perspective, lacking a societal understanding. Although a new draft Law on the Rights and Guarantees of Persons with Disabilities is under discussion, concerns have been raised regarding its alignment with the CRPD and its potential to facilitate segregation and exclusion.

The State Programme “Accessible Country”, initiated in February 2023, aims to address the existing deficits, create a more inclusive environment and improve physical and attitudinal accessibility, along with access to essential services such as education, health, and employment. There are however uncertainties regarding its implementation and funding. Only 36% of the programme has a budget allocation, with no accompanying studies conducted.

Despite the implementation of policies and strategies to enhance access to services for persons with disabilities, significant barriers persist, particularly at the local level and in rural areas. Limited resources, segregated services, and a lack of awareness about international conventions like the CRPD contribute to these challenges. Additionally, the prevailing medical model of disability and the inadequacy of mainstream services tailored to the needs of persons with disabilities exacerbate the situation. While inclusive schools exist, they often lack necessary resources and adapted curriculums, leading some individuals to prefer special schools. Employment opportunities for persons with disabilities are hindered by restrictive laws and a lack of incentives for employers to hire them. Disparities between urban and rural areas further compound these challenges, with local communities often lacking essential services and knowledge about disability rights and legislation. Furthermore, individuals with psychosocial disabilities encounter heightened levels of discrimination and stigma, often facing issues of institutionalization, legal capacity limitations, and segregation. Their situation remains largely undocumented, underscoring the need for greater attention and support for this vulnerable group.

Overall, while progress has been made, there is still work to be done to fully realize the rights and inclusion of persons with disabilities in Kyrgyzstan. Legislation lacks comprehensive integration of equality and non-discrimination principles, and there are high levels of social stigma and discrimination against persons with disabilities.

### Key findings

- Discrimination based on disability is prohibited under the Kyrgyz Republic Constitution.
- Since the ratification of the CRPD in the Kyrgyz Republic, there have been changes in the legislation; the publication of the State Programme Accessible Country is the most important example.
- However, the country still faces several barriers in the process of guaranteeing the rights of persons with disabilities. The most important are accessibility barriers, which include attitudinal, physical, and communication barriers.
- Persons with disabilities and OPDs recognise that the country has moved in the right direction after the ratification of the CRPD. Nevertheless, they also mention that persons with disabilities are a segregated and excluded group, and that there is a need to implement more substantial changes in order to properly protect the rights of persons with disabilities.

## INCLUSIVE SERVICE DELIVERY

### Disability assessment and referral services

The process of recognizing individuals as persons with disabilities involves a comprehensive assessment based on medical, functional, social, vocational, and psychological criteria. This assessment is conducted by Medical and Social Expert Commissions (MSEC) and determines the degree of disability and subsequent benefits eligibility. Disability classification is based on the severity of limitations across various abilities, such as self-care, mobility, communication, and learning capacity.

Despite the use of the International Classification of Functioning, Disability and Health (ICF), the assessment process predominantly follows a medical model of disability, neglecting social barriers and lacking multidisciplinary evaluation. Persons with disabilities report challenges, including lengthy assessment periods averaging 10 days and the necessity of visiting MSEC facilities, which can be difficult for some.

The State Programme “Accessible Country” aims to improve the efficiency of the MSEC system by introducing new classification criteria, enhancing human-resource capacity, and streamlining processes to reduce time and paperwork. However, persons with disabilities and organizations representing them perceive the assessment process as challenging, corrupt, and discriminatory. Allegations of corruption, lack of explanation from medical staff, and discrimination within MSEC facilities are reported, highlighting systemic issues within the disability assessment system.

### Disability support services

The Law on Social Services in Kyrgyzstan outlines entitlements for vulnerable groups, including persons with disabilities, and families with disabled children, to receive various social services. These services consist of a wide array of support, including social and legal services, financial assistance, social adaptation, and rehabilitation. Individuals requiring constant care, due to age, illness, or disability, can access in-patient care or receive services at home, such as meal organization and legal support. Additionally, emergency psychological and social assistance is available for those in acute need.

Resolution 283 of May 2022 establishes regulations for payment for personal assistant services to children and persons with disabilities needing constant care. Personal assistants can be parents, legal representatives, or other individuals without disabilities and criminal records. Payment is set at the average subsistence level per capita and is managed by the Ministry of Labour, Social Welfare and Migration.

### Mainstream services

#### a. Social protection

Social protection measures for persons with disabilities in Kyrgyzstan include disability benefits, housing support, employment rights, and social assistance programmes. Disability benefits are provided based on the level of disability, determined by assessment. Children with disabilities up to 18 years old and those disabled since childhood in Groups I and II receive monthly social allowances under Law 163 (2017). In 2023, allowances ranged from 2,000 to 8,000 soms. However, these benefits fall below the minimum legal wage, failing to address additional costs associated with disabilities. Benefits increased by 50% in 2021 and doubled in January 2022, but still do not cover extra needs. Housing access for persons with disabilities is regulated, but implementation challenges persist, with limited evidence of accessible housing provision and insufficient consideration of accessibility standards in new buildings.

## **b. Health**

Access to healthcare for persons with disabilities in Kyrgyzstan is fraught with challenges. While there are laws and initiatives aimed at ensuring access to healthcare services without discrimination, including provisions for free or concessional services for certain disability groups, there are still significant gaps in coverage and accessibility.

One major issue is the limited awareness and capacity to address the specific healthcare needs of persons with disabilities. This leads to barriers in accessing services, including rehabilitation and specialized care. Furthermore, there are significant challenges faced by women, girls, and children with disabilities in accessing sexual and reproductive health services, including stigma, discrimination, and physical barriers.

The introduction of compulsory medical insurance in 2023 was a significant step forward, but there are still implementation challenges that need to be addressed to ensure that persons with disabilities can fully access the healthcare services they need.

## **c. Education**

The Law on Education sets forth a framework that prioritizes equal educational opportunities, inclusion, and support for all learners, with particular attention to the needs of children with disabilities. Still, children with disabilities face significant challenges in accessing quality education. Access to inclusive education in mainstream schools theoretically exists, but in practice, it's often limited to those with mild physical or sensory impairments. Psychological Medical Pedagogical Consultation (PMPC) assessments play a crucial role in determining who may access to mainstream education. There are concerns about their fairness and accuracy. Boarding schools are still available for children with disabilities, and these are often the preferred option for both parents and PMPC. This tends to perpetuate segregation and isolation. There are also specialized kindergartens for children with developmental disabilities. They are limited in number and mainly concentrated in the capital city, Bishkek. State-funded kindergartens cater to children with milder disabilities, while NGOs support those with more severe disabilities, primarily through donor funding. Despite these efforts, there are still significant barriers to enrolment in state-funded kindergartens, including limited capacity and bribery.

Overall, while there are legal provisions ensuring the right to education for children with disabilities, including recent initiatives prioritizing inclusive education (e.g. National Plan on early identification and early intervention and National Concept on Inclusive Education), significant challenges remain in ensuring equal access and quality education for all children with disabilities in Kyrgyzstan. To address this, UNICEF has supported the government in creating a model of social inclusion for children with disabilities and advancing the ongoing system reforms. These initiatives entailed further work on inclusive education, early identification and early intervention and multidisciplinary responses.

## **d. Employment and livelihood**

Employment rights for persons with disabilities in Kyrgyzstan are protected by Chapter 25 of the Kyrgyzstan Labour Code. The code mandates job quotas in state employment services, requiring at least five percent of employees to be persons with disabilities if the workforce exceeds 20 people (Article 314). Employers are obliged to accept referrals from State employment services and create adapted working conditions (Article 317), with shorter working hours and weeks for those in Groups I and II of disabilities.

Despite these legal provisions, there are challenges to employment inclusion. There is no clear action plan to increase employment opportunities for persons with disabilities, and research indicates that some protections, such as shortened work hours, may inadvertently hinder inclusion. Limited data on employed persons with disabilities suggests exclusion from the labour market, often attributed to low education levels.

In terms of social contracts, the Kyrgyz Government's assistance programme provides cash payments to low-income families implementing business plans, with plans to include persons with disabilities in eligibility criteria. However, no timeline is specified for this inclusion.

#### e. Access to justice

Access to the justice system for persons with disabilities in Kyrgyzstan has been enhanced through initiatives aimed at providing legal aid and training lawyers in the Convention on the Rights of Persons with Disabilities (CRPD) and disability-specific justice administration. A project by UNDP and the Ministry of Justice resulted in the enactment of a new free legal-aid law, which has been praised by stakeholders for its success.

However, the Civil Code still allows for removal of legal capacity due to mental disorders or addiction issues, leading to the establishment of guardianship over them. There are concerns about human rights violations, as individuals declared legally incapable have limited avenues to regain their legal capacity. Efforts are underway to align laws with international standards, with recent amendments granting more rights to legally incompetent persons, such as consent over property alienation and the ability to file claims in court.

### Key findings

- Currently Kyrgyzstan is aiming to increase the number of inclusive services for persons with disabilities. However, there is no clear evidence on how this process is going forward.
- Kyrgyzstan offers social care and support services for persons with disabilities. However, most services are in-patient services, and there is no emphasis on inclusion or the reduction of segregation and institutionalisation.
- The current disability assessment is based on the medical model of understanding disability. It does not consider the impact of the social environment on the participation of persons with disabilities, or the social and environmental barriers that a person with disability can face.
- Currently the personal assistance programme includes beneficiaries' children and persons with disabilities (Group I); the second group was not included before the ratification of the CRPD.
- Health and education services are not available in all the regions of the country, and persons with disabilities living in rural and remote areas are usually excluded from access to education and health services.
- Children with disabilities face barriers to their access to education: in most cases they are segregated in special schools or confined to home schooling, thus receiving a lower quality of education, with reduced opportunities to be included in the society.
- Women and children with disabilities face higher barriers to their access to health-care services. Women with disabilities face negative stereotypes that reduce their chances of access to sexual and reproductive health services.

### ACCESSIBILITY

Kyrgyzstan has enacted various legal documents to ensure accessibility. The Law on the Rights and Guarantees of Persons with Limited Health Functions, revised in 2017, mandates access to buildings, structures, transport, and communication technologies. However, the absence of universal design and reasonable accommodation in this law highlights shortcomings.

Additionally, the Law 'On the Basis of Technical Regulation in the Kyrgyz Republic' establishes accessibility requirements for infrastructure. Despite these regulations, accessibility remains a significant challenge, particularly in rural areas. Buildings often lack elevators, ramps, and guiding systems, making access difficult for persons with disabilities. The absence of accessible transportation is another major barrier for persons with disabilities. The government does not yet include accessibility requirements in the terms of reference during procurement procedures. There is still a lack of systematic monitoring of accessibility in public buildings and transportation.

Moreover, information accessibility is limited, with insufficient materials in Braille, sign language, and easy-to-read formats. Despite efforts, such as the national standard on digital accessibility introduced in 2022, comprehensive improvements are needed to ensure full accessibility and inclusion for persons with disabilities.

The State Programme “Accessible Country” aims to address accessibility issues comprehensively. However, implementation details and funding mechanisms are unclear.

## Key findings

- Persons with disabilities face physical, sensory, and attitudinal barriers which limit their participation in Kyrgyz society.
- Most of the public and private infrastructure and services and information are not accessible.
- Physical accessibility is limited in Bishkek, and almost non-existent at the regional level.

## CRPD-COMPLIANT BUDGETING AND FINANCIAL MANAGEMENT

In Kyrgyzstan, information regarding budget allocation for disability inclusion is limited. It is mainly provided by the Ministry of Labour, Social Welfare, and Migration. Its budget for disability programs increased by 5.3% between 2022 and 2023, with notable increases in personal assistant services but a decline in monthly social benefits. Other services like inclusive education and healthcare for persons with disabilities lack budgetary transparency. This limited data makes it difficult to assess if spending aligns with the Convention on the Rights of Persons with Disabilities (CRPD).

Funding presents a significant barrier to CRPD implementation, as per opinions from organizations of persons with disabilities (OPDs) and individuals themselves. Many policies and programs cannot be fully executed due to insufficient funding, including the State Programme Accessible Country.

Regarding additional costs associated with disabilities, Kyrgyzstan’s social benefit programme doesn’t compensate for them. Given the numerous challenges faced by persons with disabilities and their families, expanding and enhancing accessible services and social benefits is imperative.

## Key findings

- The Ministry of Labour, Social Welfare and Migration expenditures on disability-related issues increased between 2022 and 2023.
- There is limited information on disability expenditures by other ministries.
- An important part of the budget goes to institutions or special centres for persons with disabilities.
- Kyrgyzstan does not have information regarding the extra or additional costs of persons with disabilities in the country.
- There are no disaggregated data on disability-related spending by regions.



# ACCOUNTABILITY AND GOVERNANCE

## Inclusive evidence and data gathering systems

Data on disability in Kyrgyzstan are limited, primarily sourced from the Ministry of Labour, Social Welfare, and Migration. This lack of comprehensive data hinders efforts to address the needs of persons with disabilities and monitor the implementation of disability-related strategies, including poverty reduction and access to services. Furthermore, there is a lack of data on specific aspects such as deinstitutionalization and access to justice and health services, posing challenges to inclusive policymaking and monitoring.

## National accountability mechanisms

The current legal framework in Kyrgyzstan lacks specific provisions for monitoring and accountability related to the rights of persons with disabilities. Various mechanisms for monitoring and accountability exist at the national and local levels, including the Prosecutor's Office, the Ombudsman, and public councils of state bodies. Some of these handle individual complaints, but none of them has the mandate to monitor the implementation of the CRPD. There are criticisms regarding the effectiveness and capacities of these mechanisms, with calls for improvements to ensure meaningful participation of persons with disabilities.

The Council for the Affairs of Persons with Disabilities, chaired by the Prime Minister, plays a significant role in overseeing disability policy implementation. However, its decisions do not currently have authority, due to exclusion from the process for new legislation. Inclusion of the council in this process would ensure that the perspectives of persons with disabilities are considered in policy development.

Monitoring the new State Programme "Accessible Country" involves periodic reporting by responsible actors to the Ministry of Labour, Social Welfare, and Migration, which then submits a report to the President's Administration. This reporting system, along with the introduction of 33 indicators, is expected to enhance accountability.

The initial report on CRPD implementation for 2019–2021 highlights the importance of external expertise in preparing such reports as responsible ministries tend to focus on achievements rather than areas of improvement. Alternative reports drafted by Kyrgyz organizations of persons with disabilities were not submitted for consideration, possibly due to various reasons including the government's stance on the Optional Protocol of the CRPD.

## Key findings

- Although there are various mechanisms to promote government accountability, they are found to be inefficient and sometimes complicated.
- The Council for the Affairs of Persons with Disabilities is recognised as a key mechanism for accountability. However, its mandate is weak which affects its effectiveness.
- The Ombudsman and Prosecutor offices respond to complaints made by individuals or institutions, but they are not responsible for monitoring the implementation of the CRPD, only for following up complaints.
- Poor data collection remains a significant challenge for CRPD implementation. There are no clear initiatives to improve data collection in the country (beyond the inclusion of questions on disability in the housing and population census).

## 4.3 Cross-cutting approaches: Participation, gender, inequalities

The UNPRPD has adopted three cross-cutting approaches to be intrinsically applied across all of UNPRPD MPTF's work, including its structures, programmes, and processes to ensure full and meaningful participation of all persons with disabilities.



### **Participation:**

Enabling full and effective participation of persons with disabilities



### **Inequalities:**

Ensuring the inclusion of marginalized and underrepresented groups of persons with disabilities



### **Gender:**

Addressing gender inequality and advancing the rights of women and girls with disabilities

## PARTICIPATION

Kyrgyzstan recognizes the importance of involving persons with disabilities in decision-making processes, as per the CRPD. However, despite active engagement from OPDs, their input often seems disregarded in final decisions. While they participate in discussions and public hearings regarding disability-related laws and programs, OPDs express frustration over the lack of influence their suggestions have on the final outcomes. This indicates a gap between consultation and actual incorporation of disability perspectives into policies and programs.

During election campaigns, political parties are required to feature candidates with disabilities, showcasing a semblance of inclusivity. However, once elections conclude, persons with disabilities often disappear from the political scene, indicating a lack of sustained political representation. Moreover, during the COVID-19 state of emergency, OPDs were excluded from crucial consultations, undermining their involvement in emergency policymaking.

Several obstacles hinder the participation of persons with disabilities and OPDs. Firstly, there's a lack of legal protection for OPDs' participation, leaving their involvement vulnerable to neglect. Secondly, government officials often overlook the valuable expertise of OPDs, diminishing their role in decision-making processes. Thirdly, accessibility barriers, both physical and informational, prevent meaningful participation. Lastly, inadequate awareness perpetuates exclusion, as societal understanding of disability issues remains limited.

## GENDER

Women and girls with disabilities experience compounded discrimination due to intersecting factors of gender and disability. They face heightened risks of violence and abuse, limited access to healthcare, and encounter harmful stereotypes regarding their sexuality and capabilities. Despite these challenges, women with disabilities have some avenues for advocacy through women's organizations, which work to raise awareness and promote their rights.

Accessing sexual and reproductive health services remains a significant challenge for women with disabilities due to inaccessible infrastructure, lack of information, and prejudiced attitudes among medical professionals. Additionally, societal perceptions often discourage their reproductive autonomy, perpetuating their marginalization.

## INEQUALITIES

Kyrgyzstan recognizes several marginalized groups within the disability community, including persons with intellectual and psychosocial disabilities, deafblind individuals, rural inhabitants, and LGBTQI+ persons. Each subgroup faces unique challenges. For instance, persons with intellectual and psychosocial disabilities often face legal capacity deprivation and institutionalization, hindering their autonomy and participation. Deafblind individuals, among the most marginalized, lack representation in the disability-rights movement, exacerbating their isolation and communication barriers. Moreover, LGBTQI+ persons with disabilities remain largely invisible in society, with no dedicated OPDs representing their rights.

## 4.4 Disability inclusion in broader development, humanitarian and emergency contexts

### National Development Plans

The National Development Programme of the Kyrgyz Republic for 2021–2026 is part of the broader National Development Strategy spanning from 2018 to 2040. The strategy aims to guarantee human development and a decent quality of life via sustainable economic growth. It has a commitment to “leaving no one behind,” emphasizing support for the most vulnerable groups, including people with disabilities. It prioritizes measures to enhance social services for vulnerable groups, including people with disabilities, by fostering a market for rehabilitation services and improving social and environmental infrastructure. It aims to ensure access to employment for persons with disabilities and prevent various forms of violence against vulnerable groups like children, women, persons with disabilities, and the elderly.

The Sustainable Development Goals (SDGs) are integrated into Kyrgyz government policies, particularly within the National Development Strategy for 2018–2040. To facilitate SDG implementation, a Co-ordination Committee was established in December 2015, chaired by the Prime Minister. It comprises representatives from state bodies, parliamentary committees, international organizations, and occasionally civil society and NGOs. However, there’s limited information available on the committee’s activities, and some stakeholders, including representatives from organizations of persons with disabilities, report not being aware of the committee’s work or being invited to its meetings.

The country presented the first Voluntary National Report (VNR) on the Implementation of the Sustainable Development Goals in the Kyrgyz Republic in 2020. Despite commitments to leaving no one behind, the report does not present disaggregated monitoring data for persons with disabilities.

### Climate change, disaster risk reduction and humanitarian action

In Kyrgyzstan, like elsewhere, certain groups, such as people with disabilities, face increased risks during disasters due to limited mobility or access to safer housing. The Law on Civil Protection enacted in May 2018 aims to shield all citizens from emergencies, ensuring access to information and safety measures. However, it fails to explicitly recognize people with disabilities as a vulnerable group during crises. The Comprehensive Protection Concept for the Kyrgyz Republic (2018–2030) overlooks disability inclusion, and the Ministry of Emergency Situations hasn’t incorporated disability perspectives into its plans. OPDs report exclusion from discussions on disaster-risk reduction and emergency response planning.

Kyrgyzstan faces significant vulnerability to climate change due to its geographic location, harsh natural conditions, and fragile mountain ecosystems, leading to economic losses and heightened poverty, particularly among vulnerable populations. The country is committed to combating climate change and transitioning to resilient, low-carbon development, having ratified agreements like the Paris Agreement. In May 2021, Kyrgyzstan submitted its Nationally Determined Contribution (NDC) outlining adaptation measures, with only general references to vulnerable groups. In October 2021, in collaboration with the UNDP, Kyrgyzstan initiated national planning for climate change adaptation. The plan aims to address gaps in policy development, including lack of data on climate-change impacts and insufficient involvement of civil society and the private sector. Despite these efforts, organizations of Persons with Disabilities (OPDs) report exclusion from climate-change discussions and adaptation planning.

## COVID-19 recovery

The Covid-19 pandemic disproportionately affected persons with disabilities, exacerbating their vulnerability by impeding access to medical, social, and educational services, as well as information and communication. Isolation at home and movement restrictions further compounded their challenges. In response, the government implemented measures such as organizing food distribution points, providing humanitarian aid, and deploying social workers. However, the initial months of the lockdown were stressful for persons with disabilities, facing shortages of essentials like food, money, and medicine, coupled with limited access to medical services. Caregivers were unable to assist due to movement restrictions, leaving many without support. People with intellectual disabilities struggled with comprehension and experienced panic, while those with physical disabilities faced obstacles accessing food distribution points due to mobility issues and lack of transport. Information was inaccessible for those with hearing disabilities, hindering their ability to seek assistance via hotlines.

OPDs reported exclusion from consultations with authorities during the state of emergency, highlighting a lack of inclusion in decision-making processes during the pandemic.

# 5 CONCLUSIONS

Despite the adoption of numerous disability related laws, programmes and policies in connection with the CRPD ratification, many of these do not align with CRPD principles and fail to adequately ensure the rights of persons with disabilities. The medical model still prevails, while funding shortages also pose a common barrier to CRPD implementation, with many programs lacking sufficient budgetary support. Priority areas are as follows:

**Addressing the present legislative gaps** by supporting a) the review and amendment of the proposed new Law on the Rights of Persons with Disabilities to be in line with the CRPD, b) the drafting of a national law ensuring the right to education for persons with disabilities and promoting their inclusion in mainstream schools and c) revising the health legislation. All in consultation with OPDs.

**Reforming the disability assessment and service delivery systems** to comply with CRPD provisions. This can be done through support to the development of a multidisciplinary assessment model and provide technical assistance to increase professionals' knowledge in the disability-assessment process.

**Developing the community services and inclusive education** to enable implementation of the deinstitutionalization strategy, including reducing institutions for children and persons with disabilities over time and promoting independent living.

**Production and use of better data on disability** is essential for informed planning and policymaking. This requires support to the production of disability statistics in accordance with international standards and to designing effective coordination and monitoring mechanisms.

**Meaningful participation of OPDs** in planning and monitoring mechanisms must be enhanced, including initiatives under the State Programme "Accessible Country". Capacity-building support could be provided to OPDs for designing, implementing, and evaluating disability-specific policies and programs, ensuring alignment with the CRPD.

**Disability inclusion in broader development, humanitarian, and emergency contexts** is crucial. The UN could play a role in supporting integration of the disability perspectives into national humanitarian planning, ensuring OPDs' meaningful participation in the process.

More detailed recommendations are found in the full Situational Analysis.



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