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## **JOINT STAFF WORKING DOCUMENT**

### **The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of the Kyrgyz Republic covering the period 2016 - 2017**

#### *Accompanying the document*

#### **Report from the Commission to the European Parliament and the Council**

#### **Report on the Generalised Scheme of Preferences during the period 2016 - 2017**

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# Kyrgyzstan GSP+ Assessment

## 1. Country Overview

The Kyrgyz Republic has a parliamentary system of governance and is known for its democratic aspirations. The political system is genuinely pluralistic, with a number of political parties competing for influence among the electorate. The law provides for freedom of expression and media. Citizens are generally free to exercise these rights. Among the vibrant civil society there are a number of active organisations standing up for the strengthening of democratic rights and freedoms.

During the 25 years of its independence, the country has experienced two revolutions: in 2005 and 2010. In both cases, after accusations of abuse of power and of taking personal advantage of the resources of the country, the incumbent President was forced to leave his post. The 2010 Revolution was followed a few months later by violent clashes between the Kyrgyz and Uzbek communities in the South, where several hundred people lost their lives. These traumatic events also served as catalysts for the development of the political system in the country. The Constitution adopted in 2010 aimed at strengthening democracy and human rights. The country has since achieved significant progress in this regard, even though many challenges remain and setbacks can occur. The international donor community, including the EU, has provided significant support for the process of democratic transition in Kyrgyzstan.

In December 2016, a national referendum on constitutional reform was held in conjunction with municipal elections. Among other objectives, the constitutional changes aimed to reinforce the role of the Prime Minister. With an overall voter turnout of 38.8%, an overwhelming majority (79.6%) voted in favour of the amendments. On 15 October 2017, a new President was elected in the first round of peaceful, competitive and orderly elections, receiving 54.2% of votes, with a voter turnout of 55.9% according to preliminary results. The country's authorities have invested in improving the electoral process and introducing new technologies that have been successfully tested in the 2015 Parliamentary elections. The electoral reform overall increased the transparency of elections, while shortcomings identified by an international observer mission led by the OSCE Office for Democratic Institutions and Human Rights will need to be addressed.

Since its independence in 1991, the Kyrgyz Republic pursues an open foreign and economic policy based on market economy principles. In 1998, it was the first country in Central Asia to join the World Trade Organisation. In 2015, Kyrgyzstan became a member of the Eurasian Economic Union.

The Kyrgyz Republic is one of the poorest countries in the region, with nominal annual GDP per capita adjusted by purchasing power parity (PPP) reaching 3,292 USD. Remittances account for approximately 30% of GDP. They mostly stem from Kyrgyz nationals working in Russia. In exercising its duties, the government faces budgetary constraints. The division of the country into Northern and Southern parts by geographical factors implies also some political, economic and cultural differences between these regions. The country is to a certain extent vulnerable to external economic shocks. Growth is driven largely by agriculture, services and outputs from the Kumtor gold mine. Political stabilisation since 2010 has benefited the investment climate, which is nevertheless marred by widespread corruption and a weak judiciary.

The Partnership and Cooperation Agreement, which is in force since 1999, provides the legal framework for cooperation between the EU and the Kyrgyz Republic, while the EU-Central Asia Strategy for a New Partnership sets the political framework for EU-Kyrgyz relations. Both parties have expressed an interest in further strengthening and upgrading bilateral relations. The EU supports the Kyrgyz Republic through substantial bilateral assistance. In 2014-2020 EUR 184 million will be invested mostly on the rule of law, education and integrated rural development.<sup>1</sup> Additional regional and thematic funds help addressing regional challenges related to security, the environment and management of natural resources. Specific technical assistance is provided also in relation to GSP+.

The Kyrgyz Republic joined the GSP+ in January 2016. In June 2016, a first round of GSP+ monitoring took place in Kyrgyzstan, back-to-back with the 7<sup>th</sup> EU-Kyrgyzstan Human Rights Dialogue. The purpose of the visit was to inform Kyrgyz authorities and businesses about GSP+ and to gather insights about the human and labour rights situation in Kyrgyzstan for the present Report.

## **2. Compliance with GSP+ Obligations**

### **2.1. UN Human Rights Conventions (Conventions 1-7)**

#### **Status of ratification and reporting**

During the reporting period, the Kyrgyz Republic maintained ratification of all seven UN human rights conventions relevant to GSP+, without reservations. All required reports have been submitted.

#### **Status of implementation of the conventions**

The Kyrgyz Republic continues to improve its legal framework with regards to the human rights conventions. Good progress in the legal framework can be noted in particular with regard to elimination of discrimination against women as well as children's rights. Still, in order to achieve a substantial improvement, work remains to be done in effectively implementing the legal framework and monitoring the situation on the ground. In particular, allegations of ethnic discrimination, torture and mistreatment in detention facilities and the practice of bride-kidnapping need to be thoroughly addressed.

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

The Constitution of the Kyrgyz Republic prohibits discriminatory practices, *inter alia*, on the grounds of race, ethnicity, language or religion. Ethnic minorities account for around 27% of the total population. Ethnic Uzbeks, 15% of the population, live predominately in the south of the country. Tensions between Kyrgyz and Uzbeks culminated in the violent clashes of 2010.

The Kyrgyz Government has taken measures to ensure peaceful coexistence between different ethnic groups, for example by adopting the National Strategy for Sustainable Development of the Kyrgyz Republic for 2013-2017 and the Concept of Strengthening the Unity of the People

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<sup>1</sup> A Mid-term review is currently on-going and it is suggested to reallocate EUR 10 million from the Multiannual Indicative Programme between the European Union and the Kyrgyz Republic to the Regional Indicative Programme for Central Asia. This would bring the bilateral assistance within the Multiannual Indicative Programme between the European Union and the Kyrgyz Republic to EUR 174 million.

and Inter-Ethnic Relations. As part of the implementation of the concept, the State Agency for Local Government and Inter-Ethnic Relations was established. It is tasked with strengthening inter-ethnic harmony and detecting and preventing inter-ethnic conflicts. The agency has established an early warning system for the prevention of ethnic conflicts which includes the opening of public offices in multi-ethnic areas and a monitoring centre.

Some specific areas still require more consistent and resourceful measures. For instance, ethnic minorities' participation in public life, public office and elected bodies continues to be disproportionately low despite a policy that gives priority to members of underrepresented ethnic groups if there are multiple equally qualified candidates for a civil servant position. The Constitution guarantees equal rights and opportunities for citizens applying to become civil servants, but the proportion of national minorities in State institutions overall is 2% according to estimates by the Office of the United Nations High Commissioner for Human Rights (OHCHR). Members of specific minority groups also seem to be more prone to harassment and violations of their rights, including during law enforcement and prosecution.

There is a range of measures in place to prevent discrimination and mistreatment related to religious issues and to ensure awareness of officials, law enforcement workers and the public of religious affairs. However, there have been a number of reports of community violence and mistreatment by the police against minority religious groups. This points to the need to review or reinforce the measures to prevent such acts.

The Government policy is to establish Kyrgyz as the State language while minority languages are to be preserved as well. Since 2014, Uzbek is excluded from the National Literacy Test (required to enter universities). Some reports suggest that the number of ethnic Uzbeks who sit the National Literacy Test has decreased significantly over the last years. Also, the number of Uzbek schools has declined from 133 in 2009 to 43 in June 2017. In many of these schools, Uzbek language is still taught, but has lost its formal status due to the addition of other languages (usually Russian and Kyrgyz). The Ministry of Education has facilitated measures for voluntary additional instruction of minority languages in addition to what is provided in the curriculum. A practical problem seems to be the lack of textbooks and other learning materials in minority languages.

While there are no laws preventing media outlets in minority languages, a number of such media outlets have either ceased to exist or have changed to Kyrgyz recently. There is no comprehensive data available regarding the quantitative development of minority languages media in recent years.

### *International Covenant on Civil and Political Rights (CCPR)*

Due to the above-mentioned existence of important ethnic minorities and the history of ethnic clashes, it is important to pay careful attention to reconciliation, strengthening of ethnic harmony and countering stigmatisation and negative stereotypes.

The Constitution prohibits the death penalty, torture and other inhuman, cruel and degrading treatment or punishment and guarantees the right to compensation from the State for harm caused by illegal actions by authorities. The Act on National Security Agencies of the Kyrgyz Republic obliges security agencies to respect human rights and freedoms; restrictions of rights and freedoms must be proportionate. In 2013, Kyrgyzstan established the Human Rights Coordination Council affiliated to the Government and the National Centre for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In 2015, a

special unit was established in the General Prosecutor's Office in charge of human rights monitoring.

The Act on Combating Terrorism sets the frame for special measures taken by law enforcement when fighting terrorism. The measures are regulated by the Criminal Code of the Kyrgyz Republic. As anti-terrorism operations by Kyrgyz authorities continue, it is important to ensure that adequate measures are applied in practice, in accordance with the provisions of the Covenant.

#### *International Covenant on Economic, Social and Cultural Rights (CESCR)*

The Constitution of the Kyrgyz Republic prohibits discrimination with no reservation. Still, Kyrgyzstan lacks a comprehensive anti-discrimination law that would provide a definition of direct and indirect discrimination.

The EU and other international organisations have in the past expressed their serious concerns on a draft law imposing administrative sanctions on persons who foster positive attitudes towards 'non-traditional sexual relations' and welcomed the fact that the law has not been processed further. It nevertheless remains on the agenda of the Parliament in an idle mode. The situation of the LGBT community remains difficult. Representatives of the LGBT community reportedly suffer from intimidation and violence, including mistreatment by law enforcement officials.

It can be considered a positive development that a draft law which would have required non-Governmental organisations that receive foreign funding to register as 'foreign agents' was rejected by the Kyrgyz Parliament in 2016.

Bride kidnapping is still a phenomenon affecting both women and underage girls in Kyrgyzstan. Despite its criminalisation and increased severity of punishment since 2013, only a few perpetrators have been convicted between 2008 and 2016. According to records of the Kyrgyz law enforcement agencies, in 2016, 180 cases of forced marriage, underage marriage, bride kidnapping or obstruction of marriage were registered. Of these, 31 criminal cases were initiated, of which 25 cases were sent to court. In October 2016, the Parliament approved a law prohibiting traditional wedding ceremonies ('nikeh') with underage girls. The authorities carry out awareness-raising campaigns about the illegality of bride kidnapping and take measures to reduce patriarchal attitudes as well as gender-based violence. However, further efforts in this regard are required to achieve a significant shift in public attitude and eliminate these practices.

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

In 2016, Kyrgyzstan ranked 81 out of 144 in the World Economic Forum Global Gender Gap Index. Average wages for women are substantially lower than for men, and the level of unemployment is higher among women, especially those of ethnic minorities, who are vulnerable to exploitation. In addition to the lack of economic and social independence of women and the prevalence of poverty, young women in rural areas often face pressure to marry and domestic violence is widespread. Participation of women in public life is affected by traditional and patriarchal attitudes.

The authorities have taken important steps to improve the situation of women. The Constitution and the Law on State Guarantees on the Provision of Equal Rights and Equal

Opportunities for Men and Women ensure gender equality and include provisions prohibiting sex discrimination. The Kyrgyz Republic acceded to the Beijing Platform for Action, signed the Millennium Declaration and adopted fundamental legal acts such as the Act on Social and Legal Protection against Violence in the Family. This new law, which was adopted in April 2017, aims to improve the coordination among State bodies to prevent and prosecute domestic violence and to take care of victims through provision of assistance in ad hoc shelters.

In 2012, the Government adopted a National Strategy on Achievement of Gender Equality by 2020. This National Strategy is implemented through biennial action plans. The National Action Plan for Gender Equality for 2015-2017 is implemented under the overall coordination of the Vice Prime Minister of Social Affairs. The Ministry of Social Development is the main body responsible for monitoring and evaluating the implementation progress. It is also foreseen that this body will be responsible for resource mobilisation, coordination of donor funds, coordination of central, sectoral and regional executive bodies, and the establishment of conditions for both the private sector and civil society to participate in implementing the national strategy. Both the National Strategy and Plan establish the following priority areas: 1) women's economic empowerment, 2) developing a system of functional education, 3) eliminating gender discrimination and improving access to justice, 4) gender parity in decision-making and expanding women's political participation. Attention is paid to particular social groups such as rural women, young people, the elderly and persons with disabilities. Together with international donors, the EU has contributed to achieving these priorities, for instance through a project on Promoting Gender Justice and Empowerment of Young Women' worth EUR 300,000 under the European Instrument for Democracy and Human Rights (EIDHR).

In the framework of the Action Plan for the Implementation of the Programme of the Government to Combat Trafficking in Human Beings in the Kyrgyz Republic for 2013-2016, cooperation with the International Organisation for Migration (IOM) in Central Asia was established. Kyrgyz judges and other Government agencies received training on how to protect the victims of trafficking.

In 2016, the CEDAW Committee noted Kyrgyzstan's achievements in its 4<sup>th</sup> periodic report and gave recommendations for improvement. Several factors undermine investigations, convictions and subsequently a reduction of violence against women. A large number of incidents remain unreported. Initiated criminal cases are frequently discontinued as victims refuse to press charges. Measures are lacking to protect victims from pressure by relatives. Furthermore, Kyrgyz women have little confidence in law enforcement bodies, have to pay themselves for the required medical examination and, according to NGO reports, courts often delay the cases for various reasons.

In April 2017, the Government approved the Country Action Plan on the Implementation of the CEDAW Committee Concluding Observations to the Fourth Periodic Report of the Kyrgyz Republic. The CEDAW Action Plan was developed in a participatory way enabling NGOs to submit alternative reports. UN Women provided technical and facilitation support to the process.

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

The Constitution of the Kyrgyz Republic is the fundamental legal act which prohibits use of torture. According to the Constitution and the Code of Criminal Procedure, no one can be sentenced solely on the basis of their own confession. There is an increasingly solid legal

framework to prevent torture. However, many complaints about torture and forced confessions are still being made. Further training for law enforcement personnel seems necessary to increase awareness about human rights.

Whenever a complaint of torture is filed, a mandatory medical examination of the alleged victim is conducted in accordance with the Istanbul Protocol. The Ministry of Health has developed and approved a comprehensive Practical Guide to Document All Types of Violence, Torture, Cruel and Inhuman Treatment, also on the basis of the principles of the Istanbul Protocol. In 2010, the Ministry of Interior adopted a decree to ensure prevention of illegal acts against persons held in centres of temporary detention. In 2012, the Criminal Code of the Kyrgyz Republic was amended in order to increase the seriousness of punishment for torture in accordance with the requirements of CAT. The judicial practice in criminal cases regarding torture and cruel treatment is monitored constantly by the Supreme Court of the Kyrgyz Republic.

In 2012, a National Preventive Mechanism (NPM), in the form of the National Centre of the Kyrgyz Republic for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was established. It is tasked with further improving the legal framework in this sphere and maintains direct contact with the relevant United Nations Subcommittee. In 2014, the Government approved a Plan to Combat Torture as well as other cruel, inhuman or degrading treatment or punishment in the Kyrgyz Republic. The Plan includes measures to improve the legal framework and to conduct awareness-raising activities. In March 2014, the Ministry of Interior adopted a directive to guarantee that access to pre-detention facilities is ensured for representatives of the NPM. In 2015 and 2017, further measures were adopted to strengthen video surveillance. Furthermore, Kyrgyzstan has been visited by the UN High Commissioner for Human Rights, the United Nations Subcommittee on Prevention of Torture and the UN Special Rapporteur on Torture and it has accepted their recommendations for implementation. The Ombudsman of the Kyrgyz Republic conducts annual campaigns dedicated to the international day of support to victims of torture. The Ombudsman also conducts regular and unannounced checks on detention facilities and has improved cooperation with the Organization for Security and Co-operation (OSCE) and the International Committee of the Red Cross (ICRC). However, according to data from the General Prosecutor's Office (GPO), only a small proportion of reported cases of torture have been sent to court. The Ombudsman reports that in most cases the claimants retract their submissions about torture or submit their claims too late.

In 2016, the Security Council transferred the powers of conducting criminal investigations on police officers from the GPO to the State Committee for National Security (GKNB). This eliminated a possible conflict of interest within the GPO that was in charge both of investigating torture crimes and of overseeing investigative procedures. However, NGOs accuse the GKNB of perpetrating torture itself and thus fear inefficient investigations of torture cases.

A reform of the judicial system has been underway since 2010. The main objective of the reform is to develop an effective judicial system and to restore public confidence in it by ensuring the right to fair trial based on the rule of law and in accordance with international standards. Furthermore, the independence of judges as well as their impartiality, objectivity, honesty, integrity and competence need to be ensured.

Strengthening the rule of law is one of the focal sectors of EU development cooperation in Kyrgyzstan. The EU contributes to the achievement of the above objective through its Rule of

Law Programmes (EUR 13.5 million for 2014-2017 and additionally EUR 13 million for the follow-up phase 2018-2022). Specific EIDHR projects have supported prevention of torture, improving the work of the National Torture Prevention Centre and enabled the medical personnel located at the places of detention to use the Guidelines on Effective Investigation and Documentation of Torture (Istanbul Protocol).

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

The adoption of the Children's Code of the Kyrgyz Republic in 2010 (last amendment in 2017) has enabled the incorporation of the CRC into the Kyrgyz legislation without exceptions and reservations. In 2014, the Kyrgyz Republic submitted a combined third and fourth periodic report on the implementation of the CRC and received 21 recommendations from the Committee. Also in 2014, a Commission on all Social Issues of Local Government was established which coordinates actions of local Government bodies and the central Government. In 2015, a Contingency Plan for the Prevention of Cruel Treatment and Violence against Children was adopted which led to the establishment of 528 offices for the prevention of cruel treatment and violence against children in all regions of the country. The Action Plan for the Prevention of Cruel Treatment and Violence against Children 2015- 2017 was approved in 2015. In 2015, the Ministry of Labour and Social Development established a 24-hour 'Helpline for children 111'.

In 2014, to address the issues of bride kidnapping, underage marriages and pregnancies, the Ministry of Health introduced the Guidelines for Teachers on Extracurricular Activities for a Healthy Lifestyle with Students from Grades 6-11, taking up moral and sexual education of teenagers. Work is underway on a new draft decision of the Government to improve regulations on abortion for underage girls. With the support of the United Nations Population Fund (UNFPA), 12 youth-friendly offices were set up where adolescents can get advice on reproductive health.

The Centre for the Prevention of Juvenile Delinquency, established by a Government decision in 2013, takes care of children in need of immediate protection. In 2016, the Ministry of Labour and Social Development approved a decree on the monitoring of residential child care institutions. The monitoring did not reveal cases of violence against children. Issues related to children's rights have also been reflected by the Ombudsman in his annual report. Despite these efforts, further improvement is required especially with regard to ill-treatment of children by law enforcement officials and child abuse.

Between 2014 and 2016, an EU-funded project 'Stop Silence about Violence against Children' was carried out to promote zero-tolerance of violence against children.

### **Future actions and priorities**

Several steps have been identified by the Government to further foster inter-ethnic relations. Regarding the status of minority languages in schools, the Government envisages multi-language education in all minority schools in the country in the long-term. To manage this transition, funds will need to be allocated. This could provide a balanced approach of preserving both minority and State languages. In terms of interethnic harmony, the Government has identified the following crucial problems: underdeveloped socio-economic infrastructure, high ethnic segregation in villages, little public awareness regarding positive aspects associated with other ethnic groups, corruption and illegal actions of law enforcement bodies. The Government plans to engage on these issues in the future, but concrete measures are not yet known.

In line with the National Strategy on Achievement of Gender Equality by 2020, there will be a new Action Plan on Gender Equality in 2018. The Government develops proposals for special measures to ensure gender representation in political positions and conducts awareness campaigns about the importance of women's participation in decision-making. The Ombudsman of the Kyrgyz Republic is taking part in the development and review of the minimum standards for authorities when handling incidents of domestic violence.

## **Conclusions**

*The Kyrgyz Government has taken various measures to tackle shortcomings identified by monitoring bodies of the UN human rights conventions in recent years. The Government has put in place a substantial legal framework to address the most important issues. The main challenge for the Kyrgyz Republic, however, lies in the implementation of the established legal framework. Successful implementation is often hindered by inactivity or non-compliance with the law by local investigators, law enforcement bodies and courts. Changing traditional mentalities and increasing awareness of human rights among these institutions will be crucial for the Kyrgyz Republic in the future and will require the Government's perseverance.*

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

### **Status of ratification and reporting**

Over the reporting period, Kyrgyzstan has maintained the ratification of all eight ILO fundamental conventions. Serious failure in reporting obligations had been an outstanding issue and the country was singled out by the ILO Committee of Experts on the Application of Standards and Recommendations (CEACR) at the 2016 International Labour Conference (ILC). However, improvement was noted in the last report published at the ILC in 2017 with most requested reports having been submitted. The quality of reporting remains problematic as the reports do not fully reply to the comments of the CEACR, notably on ILO Conventions 29, 100, 105, 111, 138 and 182, that are therefore repeated. In general, information on the implementation in practice is lacking.

### **Status of implementation of the conventions**

The Kyrgyz Government has established an overall sound legal framework with respect to the eight fundamental ILO labour conventions. In particular with regard to the two conventions on child labour, the Government has adopted several measures in recent years which constitute real progress in the legal and institutional framework. However, several CEACR direct requests of 2015 and 2017 have not yet been addressed by the Government. Besides working on these requests, the main focus of the Government must be to ensure the enforcement of legal standards across the country.

#### *Freedom of Association and Collective Bargaining (Conventions 87 and 98)*

Despite some remaining shortcomings, the overall legislative framework in this area is quite solid. Difficulties in the implementation are largely due to the weakness of trade-unions at enterprise level, which in turn is caused by the lack of tradition and experience in building up trade unions as collective bodies representing the rights of the employees.

There remain concerns about restrictions to the right to strike. The excessively high quorum requirement could impede the possibilities to call for a strike, especially in larger enterprises. The outright ban on strikes in the air, railway and water transport and communication services in the Labour Code should be modified in a way that respects both the need to maintain basic services and the right to organise and call for strikes. The legislation also lacks clarity on the right to organise for employees of public administrations and enterprises.

Collective bargaining is regulated by legislation. At national level, the permanent nation-wide tripartite commission is in charge of the regulation of social and labour relations. Such commissions may be established at territorial level as well as at branch level. However, there remain concerns that the representative trade unions are undermined by elected representatives in the collective bargaining process.

### *Abolition of Forced Labour (Conventions 29 and 105)*

The Kyrgyz Republic is rather a source of trafficking, forced labour and labour exploitation (including sex exploitation) of its nationals abroad (in the case of men, Russia and Kazakhstan in particular). Nevertheless, forced labour is also reported within the country, especially in agriculture (including forced child labour), forestry, construction and textile industries as well as in domestic service and forced child care (see 2016 US State Department's Trafficking in Persons Report).

Action to improve coordination, implementation and monitoring of anti-trafficking efforts has picked-up since 2015, triggered by an evaluation by the Parliament.. A regular dialogue between public authorities and with civil society was initiated through a permanent platform and a monitoring working group was set-up. The 2013-2016 National Action Plan for Combatting Trafficking in Human Beings remains, however, largely unimplemented. According to the 2016 US State Department's Trafficking in Persons Report, Kyrgyzstan still does not fully meet the minimum standards for the elimination of human trafficking. Substantial improvement is needed in investigation and prosecution that are seriously undermined by systemic corruption. According to the information provided by the authorities, there were no criminal cases on the use of forced labour handled by the courts between 2015 and the first half of 2016, which suggests further deficiencies in the supervision and enforcement system.

Gaps remain regarding the compliance of national legislation with the ILO conventions. The Constitution prohibits forced labour, except in cases of war, natural disasters and other emergencies. The CEACR repeatedly requested additional information on how emergency cases are governed to guarantee that calling-up compulsory labour is strictly limited. The definition of forced labour allows mandatory alternative (civilian) services during compulsory military service, which is not in line with ILO Convention 29. As for concerns on the implementation of ILO Convention 105, these include the need to ensure that no prison sentence entailing compulsory labour can be imposed on persons who express political views as well as penal sanctions applicable to officials in case of 'negligence'.

### *Minimum Age for Work and Worst Forms of Child Labour (Conventions 138 and 182)*

Kyrgyzstan acknowledges that child labour persists especially in agriculture (notably in tobacco, rice and cotton fields), street markets, the service sector and construction sites. According to the latest ILO report on Working Children in Kyrgyzstan, there were more than 580,000 working children in the country in 2014 or 39% of the 5-17 age group. Child labour

(27.8% of the same age group) has declined, but hazardous work has grown significantly (from 12.5% in 2007 to 18.6% in 2014) – particularly amongst the younger children (aged 6-13 years), for whom it grew from 7.4% in 2007 to 23.4% in 2014. Working children are mostly found in family businesses, which is a widespread tradition in agriculture, and explained by the lack of resources of small producers to employ additional workers. Kyrgyzstan features on the US Department of Labour's List of Goods Produced by 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, as well as the restrictions on work by persons under 18 involving harmful and/or hazardous working conditions. A Government decision is under preparation to update the related list of hazardous work. The legislation also prohibits forced labour of children, makes trafficking in persons under 18 an aggravated offence and regulates compulsory education and child protection in general. The compliance with child labour legislation is monitored by the State Inspectorate for the Ecological and Technical Safety. However, prior warning of inspection checks set in the legislation restricts the possibility to effectively supervise employment of persons under 18. Identifying and sanctioning (family) employers is also difficult and the gap between rural and urban areas in terms of incidence of child labour and hazardous work has increased. The Inspectorate also delivers trainings (with other State agencies) on labour legislation and protection to managers and specialists from both the public and private sector (over 200 participants per year) and promotes awareness-raising actions on child labour legal provisions.

Regular checks on all aspects of the wellbeing of children, including the prevention of child labour, are conducted under the order of the Special Prosecutor General, with specific attention to children at risk. During the first half of 2016, public prosecution bodies conducted 61 inspections in local agencies responsible for internal affairs, social security and health care. Violations discovered were sanctioned.

Action is taken to address child labour, including measures to promote cooperation of small agricultural producers. Projects were implemented for example in tobacco fields and one regional child labour free zone was created. A child labour monitoring system coupled with a special learning programme is being piloted in cooperation with the ILO's Programme on the Elimination of Child Labour in Central Asia. An Interdepartmental Plan to prevent worst forms of child labour for 2016-2018 was approved. Several State programmes address children at risk: Programme on the Social Protection of the Population 2015-2017, State Programme on Justice for Children 2014-2018 and the Action Plan for the Prevention of Cruel Treatment and Violence against Children 2015-2017. Several centres were established to provide services for children in difficult situations. The Ombudsman Institute is also active in this field. At local level, social services and authorities cooperate to identify families and children at risk and address them with individual plans. Insufficient budget has limited the outreach of programmes for the elimination of child labour and its worst forms. Actions to prevent and combat child labour focus on awareness campaigns and would deserve a more systemic approach.

Trafficked children are particularly exposed to the worst forms of child labour and the CEACR repeated its concern about the lack of data in that respect. In addition to the 2013-2016 Programme for Combating Trafficking in Human Beings, the Government has approved an Action Plan to Combat Trafficking in Children for 2016.

### *Elimination of Discrimination (Conventions 100 and 111)*

The country's ranking on the Global Gender Gap Index (81 in 2016 against 67 in 2014) has deteriorated due to the widening gender gaps in labour market participation and earned income. The decline in women's labour market participation (now below 50% against 58% in 1990) has been much stronger in Kyrgyzstan than in other Central Asian countries. Less than half of working women are in wage employment despite a rapid and strong expansion of the private sector. Female employment comprises more than half of total employment in agriculture, with a substantial share (around 20%) in unpaid family work. However, female employment patterns are evolving and women are becoming increasingly present in managerial and professional occupations in both the public and the private sector (a third of SME managers are women).

National legislation prohibits discrimination on a wide range of grounds also in respect of employment and occupation and provides for equal remuneration of men and women. The legislation is broadly compatible with the ILO conventions but needs to better reflect the principle of equal pay for work of equal value and define gender-based indirect discrimination at all stages of the employment process.

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. The State Inspectorate for Ecological and Technical Safety conducts regular checks at workplaces, also on questions of equal pay regardless of gender. The absence of any complaint regarding equal pay for men and women to the Ombudsman or the State Inspectorate for Ecological and Technical Safety during 2012-2016 could suggest deficiencies in the application. Measures should also be taken to promote women's access to male-dominated sectors and to better value female-dominated occupations.

Since 2012, the National Council on Women, Family and Gender Development, which includes social partners, has been working as a coordinating, advisory and consultative body for the development and implementation of public policy on gender issues. The application of women's labour rights is being enhanced. The results of a monitoring exercise conducted in 2016-2017 by the Ombudsman's Office are currently being discussed in Parliament and the Government is expected to formulate recommendations.

### **Future actions and priorities**

The Government will formulate new recommendations on women's labour rights based on the latest Ombudsman report. Furthermore, a Normative Act is currently being drafted by the Interagency Working Group on Empowering Women in the labour market. Awareness-raising efforts helping to overcome existing stereotypes will continue. The Government states that further efforts are needed in the future to continue and improve the fight against human trafficking. Further problems such as growing irregular migration in the context of difficulties in cooperation with other countries are to be addressed as well.

Regarding child labour, the Ministry of Labour and Social Development is currently developing a draft decision to update the list of hazardous work prohibited for persons under the age of 18. The Government is aware of the current ineffectiveness of on-site inspections of businesses in the fight against child labour due to the requirement of prior notification and might address this problem in the future. Further priorities in the context of protection of children from harmful effects of child labour cover systematic special training of personnel to

identify abusive practices, effective registration of employed children and systematic collection of statistical data.

## **Conclusions**

*Overall, national legislation on labour rights offers a good level of protection and guaranteed rights. In particular, with regard to the ILO conventions on child labour and equal remuneration of men and women, Kyrgyzstan has adopted several measures in recent years which constitute real progress in the legal and institutional framework. Institutions are in place as well as law enforcement systems. The Government is taking action on the most pressing issues such as child labour and gender equality in employment. Nevertheless, further improvement of the legal framework is needed to advance compliance with the conventions in these two areas as well as with respect to the freedom of association.*

*A crucial problem remains 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. The biggest challenge for Kyrgyzstan in the future will be to change the situation on the ground. In order to reduce the informal sector, structural problems of the economy have to be gradually addressed, such as unemployment and low work productivity in the countryside.*

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

### **Status of ratification and reporting**

Over the reporting period, the Kyrgyz Republic maintained ratification of all GSP+ relevant conventions on environmental protection and climate change. Several reports are missing. Regarding CITES, the annual reports for 2015 and 2016 and all biennial reports are due. Regarding the Basel Convention, reports for 2002, 2005, 2006, 2007, 2008, 2014 and 2015 are due. Regarding the Stockholm Convention, two national reports are not yet submitted and National Implementation Plans addressing amendments of COP4 and COP5 are due.

### **Status of implementation of the conventions**

As a country highly affected by the negative consequences of climate change and other ecological damages, the Kyrgyz Republic has demonstrated great interest in measures tackling environmental protection and climate change. With the help of international partners, Kyrgyzstan fulfils most of the conventions to a great extent with no or only a few salient shortcomings. The Government will need to continue working closely with its international partners to overcome challenges related to funds and technical equipment.

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

Kyrgyzstan's national legislation is ranked as category 2 under CITES, meaning that Kyrgyzstan's national legislation generally does not meet all requirements for the implementation of CITES. The CITES legislation is enacted. The Kyrgyz Republic adopted a number of regulatory legislative acts for the implementation of CITES: Rules of Wild Animal Hunting Tours for Foreign Hunters in the Kyrgyz Republic in 2003, the Act on Hunting and the Hunting Economy and the Regulation on the State Inspection on Environmental and Technical Safety of 2012. In order to achieve category 1 status, an agreement on a revised legislative analysis with the Secretariat is needed.

### *Basel Convention*

Kyrgyzstan has not yet implemented the Ban Amendment to the Basel Convention. The responsible national body is the State Agency on Environment Protection and Forestry. The Kyrgyz Government has not yet submitted all the required national reports: the ones for 2002, 2005, 2006, 2007, 2008, 2014 and 2015 are due. According to the Government, reports for 2014 and 2015 are being prepared.

The legal framework is shaped by the Law on Environmental Protection (1999), the Law on Waste from Production and Consumption (2001), the State Programme on Industrial and Consumer Waste of the Kyrgyz Republic (2005), the Government Decision on the Position of the State Cadastre of Waste and Conduct Certification of Hazardous Wastes (2005), the Concept of Ecological Security of the Kyrgyz Republic (2007), the Common Technical Regulation on Environmental Safety in the Kyrgyz Republic (2009), the Law on Licensing System in the Kyrgyz Republic (2013) and the Resolution on the Approval of Lists of Exported and Imported Specific Goods Subject to Licensing Organizations, Experts and Licensors (2015).

In 2016, Kyrgyzstan hosted a regional EU-funded workshop on enhancing capacities for the environmentally sound management of waste of electrical and electronic equipment.

### *Convention on Biological Diversity (CBD)*

In 2016, Kyrgyzstan submitted its revised National Biodiversity Strategy and Action Plan. In order to fulfil its obligations laid out in the CBD, the Government developed and approved the Action Plan for Priorities in Conservation of Biological Diversity in the Kyrgyz Republic for 2014-2020. Additionally, the State Agency for Environmental Protection and Forestry established an interdepartmental working group responsible for the coordination and implementation of the Action Plan. In 2015-2016, three natural parks containing endangered species have been established; another one is in the planning stage.

In order to preserve the biodiversity of native breeds of farm animals, there are plans to create genetic pool farms in the country in accordance with the Act on Breeding in Animal Husbandry of the Kyrgyz Republic of 2009. Furthermore, the State Centre for Variety Testing and Plant Genetic Resources at the Ministry of Agriculture, Food and Land Reclamation continues to work on the conservation of genetic material from plants. A project entitled Support for the Development of Seed Industry in Kyrgyzstan has been completed in the Kyrgyz Republic with financial support from the Swedish International Cooperation Agency (SIDA). A bank of genetic plant resources was established in Kyrgyzstan and a collection of varieties of cultivated plants and their wild 'relatives' was launched.

The Government identifies poaching (illegal hunting and fishing) as the greatest danger to vulnerable species. Authorities conduct raids, but state that more efforts are needed in the future to tighten environmental legislation and increase penalties. In accordance with the Kyrgyz legislation, no right to use mineral resources is granted regarding subsoil plots located on the territory of protected natural areas. Before commencing their operations, natural or legal persons who have been granted the right to use subsoil assets are required to carry out an Environmental Impact Assessment (EIA) of the proposed activities in accordance with the established procedure. They are also required to develop measures to protect the environment, to obtain a positive opinion on project documentation and the EIA from an official environmental expert.

Furthermore, the Government acknowledges the need for improvement in the following areas: the volume of the targeted funding (especially to grassroots work) should be increased, overlapping functions of Government bodies regarding supervision should be eliminated, relevant Government agencies should be staffed with better qualified personnel and the quality of education in biology and environment needs to be improved at all levels – starting from school age. Finally, a number of existing legal acts need to be fixed (Act on Pastures and Act on Administrative Liability) to expand the network of protected natural areas. The Government also recognizes that a number of ecosystems have been disrupted in the past.

#### *Stockholm Convention on Persistent Organic Pollutants*

Persistent organic pollutants (POPs) have never been produced on the territory of the Kyrgyz Republic and are not being used at present. Thus, hazards may only come from waste products stored inappropriately. Their safe disposal is the main challenge faced by the country.

Kyrgyzstan does not have the relevant facilities to dispose of POPs, and there is no possibility to export POPs for destruction in the EU, because Kazakhstan and Russia have banned the transit of POPs through their territories. Removal by air is very expensive. Likewise, there is no centralised storage for POPs. Remediation of soil contaminated with obsolete pesticides (OPs) is needed. Comprehensive measures are necessary to reduce unintentional POP emissions.

Most storage facilities are now owned by private actors, and one of the reasons for improper storage is the imperfect legal framework in this regard. In order to ensure proper monitoring of POPs, well-equipped laboratories with experienced personnel would be needed. Additionally, an adequate level of funding is required to analyse samples that have adequate quality and quantity characteristics. In cooperation with international partners, the OPs stored in Kyrgyzstan have been recorded and were found to amount to 5,000 tons. Other international projects have covered repackaging of OPs in storage facilities, sample-based examination of soil contaminated with OPs, awareness-raising efforts, analysis of legal and regulatory framework, works to improve the safety at different burial grounds, and stock-taking of polychlorinated material.

The Coordinating Committee to promote sound management of chemicals, including those containing polychlorinated biphenyls, was established in 2012. The authority as the main organisational working body of the Committee is currently shifted from the Ministry of Agriculture to the State Agency for Environmental Protection and Forestry.

Currently, a strategy for medical waste management, including POPs, is being developed within the GEF-UNDP project entitled Protecting Health and the Environment from

Unintentional POP and Mercury Emissions, Resulting from Improper Handling of Medical Waste in Kyrgyzstan. Furthermore, a strategy for the management, monitoring and control of all types of waste, including POPs, is going to be developed. Due to lacking financial resources, no specific work or research is being carried out to study the health impact of substances containing POPs.

The public health service monitors the sanitary and epidemiological situation in the country and controls the content of pesticide residues in the environment, including water, soil, food products and air, as well as industrial facilities, and is well-equipped for this purpose. The country has a total of 49 disease prevention and sanitary inspection centres, each of them equipped with a sanitary and microbiological laboratory. Accreditation for compliance with ISO/IEC 17025 has been achieved by 14 sanitary laboratories, of which, ten conduct tests to detect residual amounts of organochlorine pesticides.

The Kyrgyz Republic has taken measures to improve its monitoring and control of POPs. New equipment was acquired, and staff underwent special trainings to be able to detect polychlorinated biphenyls (PCBs) in food, water and transformer oils. Furthermore, the Russian State Standards GOST for human food, animal food, industrial raw materials, water and soil quality were implemented, just as the American Standard Test Method (ASTM) for the Analysis of Polychlorinated Biphenyls in Insulating Liquids by Gas Chromatography.

#### *Cartagena Protocol on Biosafety*

The Kyrgyz Republic ratified the Cartagena Protocol in 2005; the Nagoya-Kuala Lumpur Supplementary Protocol from 2010 has not yet been ratified. In line with the reporting requirements, the Kyrgyz authorities submitted their third national report in 2015. The competent national authority is the State Agency on Environment Protection and Forestry of the Kyrgyz Republic. Further ministries and national institutions engaged in the work covered by the Protocol are the Ministry of Agriculture (State Seed Inspectorate, State Commission on Agricultural Crop Testing, State Commission on Plant Quarantine), the Ministry of Health Care (Sanitary and Epidemiological Control Service, Microbiology and Molecular Genetics, Department of Medicines Supply and Medical Equipment), the Institute of Biotechnology of the National Academy of Sciences and the State Customs Service.

The development of the legal framework continues and aims to close some remaining gaps. The existing legal framework is based, *inter alia*, on the following documents: the Government Resolution on Approving the Concept of Ecological Safety in the Kyrgyz Republic (2007), the Law on the Protection of the Health of Citizens in the Kyrgyz Republic (2005), the Government Decision on the Approval of the National Controlled List of Controlled Products of the Kyrgyz Republic (2014), the Technical Regulation on the Safety of Feed and Feed Additives (2014), developed in accordance with the Law on the Basics of Technical Regulation in the Kyrgyz Republic (2013), the Resolution on the Approval of the Technical Regulations on the Safety of Medical Implants (2013) and the National Strategy for the Development of Livestock Breeding in the Kyrgyz Republic for 2011-2015. The comprehensive Law on Biosafety is still in the drafting stage.

Two laboratories of the Department for Disease Prevention and State Sanitary and Epidemiological Surveillance of the Ministry of Health are currently operational and have the task to identify genetically modified organisms in food products. A public health guide was developed with assistance from the World Health Organization (WHO) and public health experts from Israel.

## *Conventions on Climate Change*

The Kyrgyz Republic ratified the Montreal Protocol on 31 May 2000 and is classified as a party operating under paragraph 1 of Article 5 of the Protocol. Kyrgyzstan's country programme was approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in July 2002. In cooperation with international partners, the Kyrgyz Government has made good progress over the years in fulfilling the requirements of the Protocol and has addressed a number of violations. There are currently no salient shortcomings.

In 2016, the State Agency on Environment Protection and Forestry of the Kyrgyz Republic informed the Ozone Secretariat that the Kyrgyz Government does not wish to receive products and equipment containing or relying on hydrochlorofluorocarbons. Thereby, the Government follows the decision of 2015 on Avoiding the Unwanted Import of Products and Equipment Containing or Relying on Hydrochlorofluorocarbons. As one of only 11 member countries, the Kyrgyz Republic conducted a National Ozone Day in 2016. An important task for the Kyrgyz Government for the future will be the ratification of the Kigali amendment adopted in 2016.

The Kyrgyz Republic is highly affected by climate change and understands the importance of addressing the challenge. Kyrgyzstan undertakes efforts in the spirit of the convention and in international cooperation. The UN Framework Convention on Climate Change (UNFCCC) was ratified in 2000 and no salient shortcomings were identified based on the latest national contribution in 2015.

National actions on climate change are reflected in the National Sustainable Development Strategy of the Kyrgyz Republic for 2013-2017 and the Programme of the Kyrgyz Republic on Transition to Sustainable Development for 2013-2017. The Climate Change Coordination Commission (CCCC) is headed by the First Vice Prime Minister of the Kyrgyz Republic and includes heads of key governmental agencies as its members. Actions for adaptation to climate change are developed and included in the Priorities for Adaptation to Climate Change in the Kyrgyz Republic till 2017. The Kyrgyz Republic has developed sectorial plans and programs for adaptation in all vulnerable sectors. The new climate action plan was submitted by the Kyrgyz Government to the UNFCCC in 2015. The Kyrgyz Republic has prepared its 3<sup>rd</sup> national communication and submitted it to the UNFCCC on 24 January 2017.

Per capita greenhouse gas (GHG) emission in the Kyrgyz Republic is less than one-third of the world average. Still, with the expected growth of the economy in the future a simultaneous growth of GHG is expected. The Kyrgyz Government aims to reduce GHG emissions in the range of 11.49-13.75% below 'business as usual' (BAU) by 2030. Additionally, with international support, the Kyrgyz Republic could implement the mitigation measures necessary to achieve a total reduction in the range of 29-30.89% below BAU by 2030. In the nearer future, Kyrgyzstan will have to take the required measures to ratify the Paris Agreement, signed in September 2016. The Kyrgyz authorities have indicated that they examine the issue of ratification in the light of the conduct of large industrial countries, which in their view should be the focus of UN activities.

The Kyrgyz Republic ratified the Kyoto Protocol in 2003. According to the Protocol, the Kyrgyz Republic has no quantitative obligations regarding the reduction of GHG emission. Nevertheless, the Government acknowledges the necessity to undertake efforts in this regard. The State Agency on Environmental Protection and Forestry was established in 2005 and

nominated as the Designated National Authority for climate change. It acts also as the secretariat of the CCCC.

Several environmental legal frameworks, plans and strategies have already been initiated in support of GHG emissions reduction commitments. The Law on the State Regulation and Policy of GHG Emissions and Absorption (2007) established the legal basis for climate change mitigation in the country. Further laws, strategies and policies on (renewable) energy, energy and fuel efficiency, carbon sequestration and methane avoidance have been developed by the Kyrgyz Government in cooperation with development agencies. The most important ones are the Law on the State Regulation and Policy of GHG Emissions and Absorption (2007), the Concept of Environmental Security of the Kyrgyz Republic until 2020 (2007), the Law on Energy Efficiency (2007), the Law on Renewable Energy (2008), the Strategy on Fuel and Energy Complex Development until 2025 (2008), the National Forestation Programme for 2005-2015, the Action Plan on the Implementation of the National Forestation Programme for 2005-2015 and the State Programme on Industrial and Domestic Wastes Disposal (2005). The Kyrgyz Republic has also made progress in dealing with extreme events and managing natural resources by implementing relevant national strategic documents.

The Kyrgyz Government has established international cooperation and joined projects with the Asian Development Bank, UNDP, the European Bank for Reconstruction and Development, the Japan International Cooperation Agency (JICA), the Food and Agricultural Organization (FAO) and the World Bank.

## **Conclusions**

*The Kyrgyz Government has demonstrated its commitment to the UN conventions on environmental protection and climate change. Even in the absence of salient shortcomings, the Government has addressed problems regarding the Convention on Biological Diversity and the Stockholm Convention. The existing legal framework on biodiversity has been extended and the Government is aware of the necessary next steps for the future: tightening of the environmental legislation, increase of penalties for violations and better organisation of Government agencies working in this field. Regarding the Stockholm Convention, the Kyrgyz Republic faces a difficult situation for the disposal of POPs as it lacks the funds and technical equipment required. Still, progress has been made in cooperation with international partners. Further efforts are needed, for example regarding the adoption of a strategy on medical waste.*

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

### **Status of ratification and reporting**

Over the reporting period, Kyrgyzstan maintained ratification of the three core UN conventions on fighting illegal drugs (UN Single Convention on Narcotic Drugs, UN Convention on Psychotropic Substances and UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances) and the UN Convention against Corruption (UNCAC) and complied with its reporting obligations.

## **Status of implementation of the conventions**

The Kyrgyz Republic has achieved some progress and success in implementing the UN drug conventions. Still, further efforts are required in this field. In the fight against corruption, despite a developed overall legal framework, many challenges persist with regard to the legal situation and to the implementation of approved measures in practice.

### *UN Conventions Fighting Illegal Drugs*

According to the Government, the Kyrgyz Republic is a transit country used by international drug traffickers on the so-called 'Northern Route'. Narcotics from Afghanistan are delivered in a variety of ways, especially through mountain trails. The Kyrgyz law enforcement agencies are not in a position to control the transit physically. The volume of drug trafficking from Afghanistan has risen dramatically in the last two decades and as a result, consumption figures have increased in Kyrgyzstan. Some residents are involved in criminal acts associated with drug trafficking. However, in the past three years, there has been a 2% decrease in the number of people registered as drug users according to the Kyrgyz Ministry of Health. In 2016, the overall number of drug-related crimes decreased by 3.4%. The amount of illicit drugs seized by law enforcement was 36.6% lower compared to the previous year.

At the national level, the Government approved an anti-drug programme and an implementation plan. In 2014, a coordination mechanism was launched at the level of the National Coordinating Committee on the Control of Narcotic Drugs, Psychotropic Substances and Precursors. In 2017, the mechanism started to effectively work. The Coordinating Committee is chaired by a Deputy Prime Minister and includes deputy heads of almost all ministries and agencies and heads of local Government units. In 2016, the State Drug Control Service Agency has been abolished and all its functions are being carried out now by the Ministry of Interior.

The Kyrgyz Republic cooperates bilaterally and multilaterally in the fight against drug trafficking. The EU conducts regional projects in Central Asia related to the fight against drugs in the context of the Central Asia Drug Action Programme (CADAP). The current phase of the programme started in 2015 and will be implemented until 2019. Components of CADAP-6 include expanding national authorities' knowledge of the EU anti-drug policy and assistance in the development of a new national anti-drug strategy, action plans and anti-drug legislation, adopting an integrated approach to data collection and support for the implementation of drug prevention programmes. Kyrgyzstan has also benefited from support of the Heroin Route Programme, a trans-regional programme contributing to combatting organised crime and trafficking from Afghanistan. The successor programme EU against Organised Crime (EU ACT) has been launched in 2017. The EU also supports capacity building for effective implementation of integrated border management through its programme Border Management in Central Asia (BOMCA).

Moreover, projects are conducted in cooperation with the UN Office on Drugs and Crime (UNODC). The project Strengthening the State Service on Drug Control of the Kyrgyz Republic is an effort to develop the State Service on Drug Control into an efficient, robust and dedicated law-enforcement agency (project extended until end of 2017). The project Countering the Trafficking of Afghan Opiates via the Northern Route by enhancing the capacity of key border crossings points and through the establishment of Border Liaison Offices seeks to boost trust between countries of the region, improve infrastructure at checkpoints, provide specialised equipment and personnel training and develop the legal framework needed for inter-agency cooperation. Finally, the AKT Initiative (involving

Afghanistan, Kyrgyzstan and Tajikistan) also seeks to coordinate the actions of the three countries and established the exchange of operational information. Further measures are taken in the framework of the Collective Security Treaty Organization (CSTO), the Shanghai Cooperation Organisation, the Central Asian Regional Information and Coordination Centre (CARICC) and others.

The abolition of customs controls at the borders of the Eurasian Economic Union poses an additional challenge for the drug law enforcement authorities. Kyrgyz law enforcement has made efforts in 2016 to detect narcotic drugs at border-crossing points with Kazakhstan. The Kyrgyz Government stresses the need to address this issue within the framework of the Customs Union.

No underground bases or laboratories producing narcotic drugs were so far detected in the territory of the Kyrgyz Republic. The precursors used for the production of drugs are also not manufactured in Kyrgyzstan.

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

Kyrgyzstan was ranked number 136 out of 176 countries in the 2016 Transparency International's Corruption Perception Index, with a score of 28 out of 100 (whereby zero means 'highly corrupt'). The score did not change compared to 2015 and improved slightly compared to 2014 (27) and 2013 (24).

The authorities acknowledge the problem of corruption. The President, Parliament and Government office have over recent years adopted many legal acts and haven taken measures to enhance both prevention and prosecution of corruption crimes. Relevant documents include the National Anti-Corruption Policy Strategy (2012), the National Sustainable Development Strategy (2013), the Presidential Decree on Measures to Eradicate the Causes of Political and Systemic Corruption in Public Bodies, the Presidential Decree to Fight Corruption among State Institutions (2015), the Plan to Implement the Sustainable Development Strategy 2013-2017 and the Action Plan of Public Institutions for Implementing the State Strategy of Anti-Corruption Policy in 2015-2017. In June 2016, the President signed the Act on State Civil Service and Municipal Service, aiming at further professionalization and capacity of the civil service. The Government plans to adopt a law on protection of whistle-blowers and to implement a law on conflicts of interests.

Several amendments have been introduced into Kyrgyz law in recent years with the intention to further incorporate international legal instruments into national legislation. Kyrgyzstan also prepares the ratification of the anti-corruption conventions of the Council of Europe and the accession to the Group of States against Corruption (GRECO).

The Kyrgyz institutional system for countering corruption includes the Prosecutor General's Office, the State Committee for National Security, the State Service to Combat Economic Crime (financial police), the State Financial Intelligence Unit and the Ministry of the Interior. A Presidential Decree on Measures on Reform of the Kyrgyz Republic's Law Enforcement Agencies System (2016) reallocated the authority regarding investigations of corruption and economic crime. Responsibility now lies with the financial police within the Ministry of Economics (for economic crimes) and the Anti-corruption Service of the State Committee of National Security (for corruption offences), while the General Prosecutor's Office oversees and coordinates such investigations. Overall, Kyrgyzstan has established a multi-layered anti-corruption framework at the policy and institutional levels.

However, according to the latest UNODC country review of 2017, this legal framework needs to be improved. The definition and categories of officials should be brought fully in line with the Convention; definitions of a foreign public official and an official of a public international organisation should be included in the Criminal Code. Offering a bribe to such officials should be established as an offence. The articles of the Criminal Code on bribe-giving and bribe-taking should be harmonised. Furthermore, the mechanisms to provide protection to persons who provide information regarding corruption offences should be clearly governed, and additional efforts should be made to ensure that entities or persons have the right to initiate legal proceedings in order to obtain compensation if they suffered from damages stemming from corruption. Sanctions and other provisions relating to the level of punishment for offences established by the Convention should be revised to ensure that sanctions are proportional to the gravity of the offence. The Kyrgyz Government should continue to strive to achieve a balance between the immunity accorded to Members of Parliament and other public officials and the possibility of effectively investigating, prosecuting and adjudicating corruption offences. Measures to enable the freezing, seizure and confiscation of proceeds from all types of corruption offences should be adopted. Finally, the specialisation of anti-corruption units and the professional training of their staff should be further improved, and their autonomy and independence should be ensured. The UNODC review group suggests the Kyrgyz Government to consider providing for extradition in cases of corruption offences and bringing different national laws in line to facilitate extradition proceedings. The introduction in the Criminal Code of a provision for the suspension of the statute of limitations for criminal proceedings if the criminal case is suspended due to immunity was highlighted as a success. Another good practice noted is the possibility of providing legal assistance in the absence of dual criminality as a measure facilitating international cooperation.

Civil society, which is very active compared regional standards, could play an important role as a watchdog for further improvements in the fight against corruption. It is important to ensure political support, effort and resources to decisively address the problem of corruption, which seriously undermines the rule of law and the business environment in the country. The EU assists the Kyrgyz authorities in fighting against corruption through its Rule of Law Programme.

## **Conclusions**

*The Kyrgyz Government is increasingly active in the fight against drugs. To this end, the Government works closely with a number of international partners on national and regional projects. Despite the difficult regional situation and a steep increase in drug trafficking with Afghanistan since Kyrgyzstan's independence, moderate improvements were achieved in recent years.*

*Regarding the fight against corruption, the Government has adopted many new laws and regulations in recent years, having resulted in the establishment of a multi-layered anti-corruption framework. Still, further work needs to be done to improve the legal framework on a number of issues, for example on the punishment of corruption offenses. Yet, due to widespread corruption in many institutions, and its acceptance by large parts of the society, expectations for progress in this field need to be realistic. Developments to follow in the*

*coming year include the adoption of a law on the protection of whistle-blowers and the implementation of a law on conflicts of interests.*

## **3. Trade and Economy**

### **3.1. Trade Picture**

Since its independence, the economy of the country has been hampered by a number of structural problems: high dependence on remittances, a struggling private sector, an economy of which 70% is constituted of informal revenues, a business environment lacking transparency and a general lack of national trade facilitation policies.

However, within the last two years, Kyrgyzstan has been witnessing some positive economic developments. Kyrgyzstan has steadily maintained GDP growth, despite interventions to retain the value of the currency and the crisis in the Russian Federation which negatively affected the Kyrgyz economy.

In the region, Kyrgyzstan is ranked as the poorest country after Tajikistan and its main political and economic partner is the Russian Federation. In this context, if the accession to the Eurasian Economic Union (EEU) in 2015 improved the labour conditions for Kyrgyz migrants living in Russia, the impact of the EEU on the economy of the country is not yet tangible.

Bilateral trade relations between the EU and the Kyrgyz Republic are regulated by the Partnership and Cooperation Agreement signed in 1995, in force since 1999. Trade between the EU and Kyrgyzstan in 2016 amounted to around EUR 310 million. More specifically, EU imports from Kyrgyzstan increased by 43%, from EUR 50.5 to around EUR 72 million, while EU exports to Kyrgyzstan decreased by 12.2% to EUR 237 million in 2016 (only 56% of their 2012 level). EU exports to Kyrgyzstan were dominated by manufactured goods, chemicals, machinery, transport, and equipment. Kyrgyz exports to the EU consisted predominantly of basic agricultural products, base metals (gold) and textiles. Germany, the Netherlands, Lithuania, Poland and Italy have the most dynamic commercial relations and trade turnover with Kyrgyzstan.

There is a small but dynamic young business community interested in strengthening commercial ties with Europe and in developing sectors with significant potential such as tourism, agriculture, services, organic production and water supplies. There are also positive changes at the institutional level, following the drafting of a new export strategy which takes into consideration the GSP+ status of the country.

### **3.2. GSP+ Statistics**

Figures 1-3 below describe Kyrgyzstan's utilisation of GSP+ in the context of the EU's overall imports from Kyrgyzstan.

In 2016, 8% (EUR 6 million) of total EU imports from Kyrgyzstan qualified for trade preferences under GSP+. 4% (EUR 3.2 million) out of total EU imports from Kyrgyzstan effectively used GSP+ preferences. EU imports from Kyrgyzstan under GSP+ are concentrated on edible fruits and nuts (41% of total EU imports from Kyrgyzstan under GSP+). The overall GSP+ preferences utilisation for Kyrgyzstan in 2016 was 53%, leaving still ample room for improvement.

GSP+ has generated considerable interest among the Kyrgyz business community, notably because of the possibility to diversify export markets and to stimulate the economy. Exports to the EU have increased, but the share of goods exported under the GSP+ scheme remains below its full potential.

To take advantage of GSP+ trade preferences, the country would need to establish a well-functioning system supporting exporters to meet the necessary requirements, progress with private sectors reforms and trade facilitation policies and invest in export strategies. At a more technical level, there is a need to develop an accreditation system in line with international standards (ISO standards) to ensure the adherence to the rule of origins of products being exported to EU. Through targeted technical assistance, the EU helps Kyrgyzstan benefit more efficiently from GSP+. In practice, Kyrgyzstan has already started benefiting from the Partnership Instrument (PI), an EU tool established to improve economic diplomacy and trade relations with third countries. The PI is enhancing trade facilitation policies through the TAIEX (Technical Assistance and Information Exchange) instrument of the European Commission.

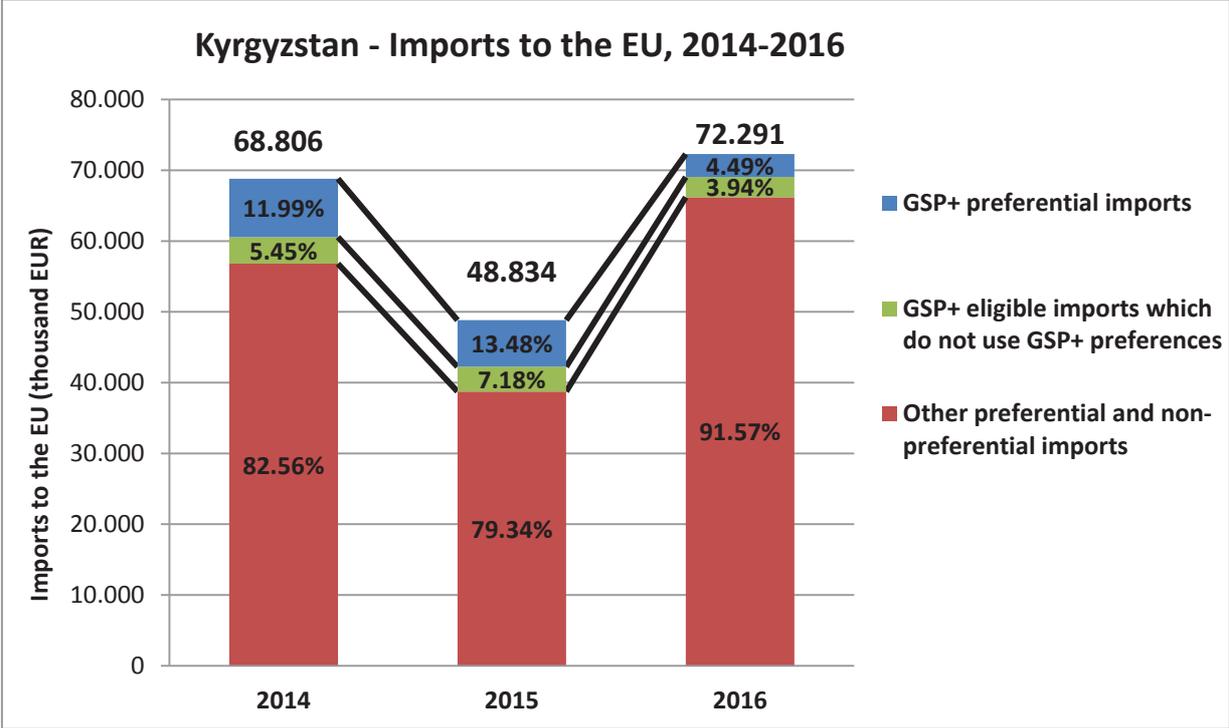
Source for all statistics: Eurostat data as of September 2017.<sup>2</sup>

**Figure 1**

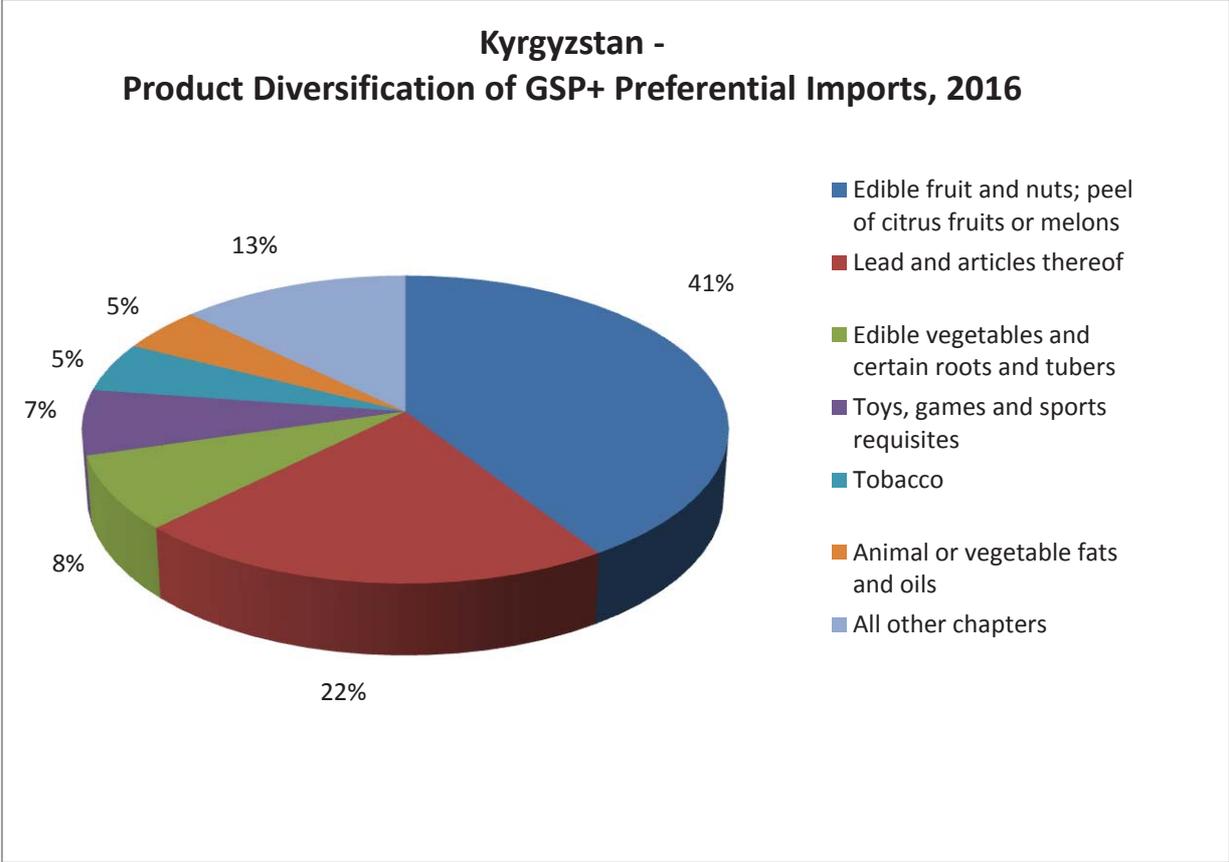
<b>Kyrgyz Republic - Imports to the EU, 2014-2017</b>					
<i>Figures in thousand EUR</i>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017 (Q1-2)</b>	<b>Trend 2014-2016</b>
<b>Total imports to EU</b>	68,806	48,834	72,291	17,195	5.1%
<b>GSP+ eligible imports</b>	12,000	10,089	6,091	3,356	-49.2%
<b>GSP+ preferential imports</b>	8,248	6,581	3,245	2,100	-60.7%
<b>GSP+ utilisation rate</b>	68.7%	65.2%	53.3%	62.6%	-22.5%

<sup>2</sup> Kyrgyzstan is benefiting from GSP+ since 2016; figures for previous years reflect Kyrgyz imports under Standard GSP.

**Figure 2**



**Figure 3**



# ANNEX

## Kyrgyzstan – Treaty Ratification and Reporting

Convention	Status of ratification / reservations <sup>3</sup>	Compliance with reporting obligations to monitoring bodies
1. Convention on the Prevention and Punishment of the Crime of Genocide	Accession: 05.09.1997 No reservations	<b>No reporting obligations</b>
2. International Convention on the Elimination of All Forms of Racial Discrimination	Accession: 05.09.1997 No reservations	<b>Compliant with reporting obligations</b> Latest national report submitted on 16.12.2016 Latest monitoring body report issued on 19.04.2013
3. International Covenant on Civil and Political Rights	Accession: 07.10.1994 No reservations	<b>Compliant with reporting obligations</b> Latest national report submitted on 03.04.2012. Latest monitoring report published on 22.04.2014. Next national report due on 28.03.2018.
4. International Covenant on Economic, Social and Cultural Rights	Accession: 07.10.1994 No reservations	<b>Compliant with reporting obligations</b> Latest national report submitted on 03.04.2012. Latest monitoring report submitted on 06.07.2015. Next national report due on 30 June 2020.
5. Convention on the Elimination of All Forms of Discrimination against Women	Accession: 10.02.1997 No reservations	<b>Compliant with reporting obligations</b> Latest national report submitted on 18.01.2013. Latest monitoring report submitted on 10.03.2015. Next national report due on 01.03.2019.
6. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Accession: 05.09.1997 No reservations	<b>Compliant with reporting obligations</b> Latest national report submitted on 13.09.2012. Latest monitoring report published on 19.12.2013. Next national report due on 23.11.2017.
7. Convention on the Rights of the Child	Accession: 07.10.1994 No reservations	<b>Compliant with reporting obligations</b> Latest national report submitted on 16.08.2010. Latest monitoring report published on 06.07.2014. Next national report due on 06.11.2019.
8. Convention concerning Forced or Compulsory Labour, No. 29	Ratification: 1992	<b>Lack of compliance with reporting obligations</b> Latest CEARC comments: Direct Request 2016; no reply to comments, reporting out of cycle.
9. Convention concerning Freedom of Association and Protection of the Right to	Ratification: 1992	<b>Compliant with reporting obligations</b> Latest CEACR comments: Direct Request 2014.

<sup>3</sup> Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

Organise, No. 87		
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratification: 1992	<b>Compliant with reporting obligations</b> Latest CEACR comments: Direct Request 2014.
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 1992	<b>Lack of compliance with reporting obligations</b> Latest CEACR comments: Direct Request 2016, no reply to comments, reporting out of cycle.
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 1999	<b>Lack of compliance with reporting obligations</b> Latest CEACR comments: Direct Request 2016, no reply to comments, reporting out of cycle.
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1992	<b>Lack of compliance with reporting obligations</b> Latest CEACR comments: Direct Request 2016, no reply to comments, reporting out of cycle.
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 1992	<b>Lack of compliance with reporting obligations</b> Latest CEACR comments: Direct Request 2016, Observation 2016, no reply to comments, reporting out of cycle.
15. Convention concerning Minimum Age for Admission to Employment, No. 182	Ratification: 2004	<b>Compliant with reporting obligations</b> Latest CEACR comments: Direct Request 2016, Observation 2016.
16. CITES	Accession: 04.06.2007 No reservations	<b>Lack of compliance with reporting obligations</b> All Biennial Reports are due. Annual Reports for 2015 and 2016 due. Latest Annual Report submitted on 06.05.2016.
17. Montreal Protocol	Accession: 31.05.2000 No reservations	<b>Compliant with reporting obligations</b> Most recent annual data for 2016 was submitted.
18. Basel Convention	Accession: 13.08.1996 No reservations	<b>Lack of compliance with reporting obligation</b> National Reports for 2002, 2005, 2006, 2007, 2008, 2014 and 2015 are due. Latest (2013) National Report submitted on 14.04.2015.
19. Convention on Biological Diversity	Accession: 04.11.1996 No reservations	<b>Compliant with reporting obligations</b> Latest (Fifth National) Report submitted on 18.01.2016. Revised National Biodiversity Strategy and Action Plan submitted on 18.01.2016.
20. UN Framework Convention on Climate Change	Accession: 29.07.1994 No reservations	<b>Compliant with reporting obligations</b> First National Communication submitted on 31.03.2003. Second National Communication submitted on 01.12.2008. Third National Communication submitted on

		24.01.2017.
21. Cartagena Protocol on Biosafety	Accession: 03.01.2006 No reservations	<b>Compliance with reporting obligations</b>  First National Report not submitted.  Second National Report submitted on 31.10.2011.  Third National Report submitted on 09.12.2015.
22. Stockholm Convention	Ratification: 04.10.2006 No reservations	<b>Lack of compliance with reporting obligations</b>  No National Reports submitted.
23. Kyoto Protocol	Accession: 16.02.2005 No reservations	<b>No reporting obligations</b>
24. UN Single Convention on Narcotic Drugs	Accession: 07.10.1994 No reservations	<b>Reviewing is fulfilled by the International Narcotics Control Board (INCB).</b>
25. UN Convention on Psychotropic Substances	Accession: 07.10.1994 No reservations	
26. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Accession: 07.10.1994 No reservations	
27. UN Convention against Corruption	Ratification: 16.09.2005 No reservations	<b>Reviewing is fulfilled by the UN Office on Drugs and Crime (UNODC).</b> Latest UNODC review executive summary was published on 11.04.2017.