*Informal translation*

**Responses to the Questionnaire of the UN Independent Expert on the rights of older persons**

**Forms and manifestations of ageism and age discrimination**

**Question 1. What forms does age discrimination affecting older persons take and which ones are the most prevalent? Where available, please provide concrete examples and collected data including in employment, education, social protection, and health, financial and social services.**

**Answer**: One of the forms of infringement or violation of universal human rights of older people is age discrimination. Negative stereotyping and stigmatization of older persons can manifest itself in society's lack of interest in their problems, the risk of marginalization and the denial of equal access to opportunities, resources and benefits.

The level of discrimination against older people in social, economic, political and public life is influenced by cultural values associated with age and gender.

Increasing the level of security of elderly people is one of the fundamental principles of state policy and is expressed in the regulation of the human right to protection of their rights and freedoms from criminal and other encroachments. Strengthening the legal protection of elderly citizens by promoting in the current legislation special norms that contribute to the implementation of constitutional guarantees of their rights, the implementation of comprehensive measures of legal and other protection of the elderly who find themselves in difficult life situations and affected by criminal acts, is one of the priority tasks of the state.

The constant increase in the proportion of older people in the entire population is becoming an influential socio-demographic trend in almost all developed countries. One of the trends observed in developed countries of the world in recent decades is the increase in the absolute number and relative proportion of the population of older people.

So, according to the UN data, in 1950 approximately 200 million people at the age of 60 and older lived in the world, by 1975 their number increased up to 550 million. According to forecasts, by 2025 the number of people older than 60 years will reach 1 billion. 100 million people. Compared to 1950, their number will increase by more than 5 times, while the world's population will increase only 3 times.

*Conflicts within the family and household and elder abuse*

Often elderly citizens, as the most vulnerable category of our population, are subjected to criminal abuse in the home. This can include neglect, such as failure to provide attention, proper nutrition, clean clothing, a safe and comfortable place in the home, good medical care, personal hygiene, and opportunities for social interaction.

Family and domestic conflicts are among the most difficult social problems, since there are no effective measures for their prevention. Most violent crimes in the family are considered by others as a purely personal matter, so many facts are simply not made public, although not a day goes by that there are no domestic crimes committed in the country.

Violent crimes in the sphere of family and domestic relations are the result of solving conflicts that have arisen between persons in certain family and domestic relations in an unlawful way. The most typical motives for committing crimes in the sphere of family and domestic relations are: personal enmity, leading to quarrels, fights and other domestic excesses, hooligan motives and accompanying revenge, jealousy, self-interest, envy, other motives.

The Constitution of the Kyrgyz Republic enshrines the fundamental provision that the family is under the primary protection of the law. The Law of the Kyrgyz Republic "On Protection and Safeguarding from Family Violence" No. 63 of 27 April 2017 defines the legal basis for the prevention and suppression of family violence, ensuring social and legal protection and protection of victims of family violence. This law applies to family members and persons equivalent to family members living together.

Also according to the law “On Social and Legal Protection from Domestic Violence”, a victim of domestic violence or his/her representative has the right to apply for a temporary protection order in case of a situation posing a direct threat to the life or health of a family member.

In the Kyrgyz Republic, state pension security is a system of state-guaranteed types of security for insured persons in case of loss of earnings or income due to an occupational injury or disease, disability, old age, loss of breadwinner and death at the expense of mandatory insurance premiums of employers and citizens.

The Social Fund of the Kyrgyz Republic is an executive body of the system of state social insurance and pension provision in the Kyrgyz Republic, carrying out public policy and management in the field of state social insurance and pension provision, acting on the principles of self-government. The main task of the Social Fund of the Kyrgyz Republic is to increase the level of pension provision, taking into account the financial capabilities of the Pension Fund and the national budget.

In the work of the Social Fund of the Kyrgyz Republic there are no forms and manifestations of ageism and age discrimination, as well as any other forms of discrimination.

Thus, pension provision in the Kyrgyz Republic is based on the principle of social insurance. The size of the pension depends directly on the contribution of each insured person to the Pension Fund. According to the legislation, pensioners are not divided into categories of women and men. The payment of insurance contributions by insured persons gives them all the same rights in the state social insurance system to the assignment of pensions in accordance with the Law of the Kyrgyz Republic "On State Pension Social Insurance”.

**Question 2: Please provide information and data collected about the causes and manifestations of ageism in society, both for younger and older generations, and how it translates into discriminatory practices.**

**Answer**: The International Madrid Plan of Action on Ageing (hereinafter referred to as MIPAA) was adopted in April 2002 by representatives of 159 countries at the Second World Assembly on Ageing by UN member states, including the Kyrgyz Republic.

The goal of the MIPAA is to ensure that the elderly citizens of all countries of the world are able to live in safe and dignified conditions and continue to participate in society as full citizens.

With the technical support of the UN Department of Social and Economic Affairs, a study on population ageing was conducted for the first time in Kyrgyzstan.

**In the first stage** an analysis of the current situation of elderly citizens in the country (desk study) was conducted and a report was compiled.

**At the second stage**, an interdepartmental working group, established by the Ministry of Social Development pursuant to Decree № 74 of 2 November 2015, developed a questionnaire survey of the population and agreed with the UN Department of Social and Economic Affairs.

**The third stage** of the study is the conduct of fieldwork. The field[[1]](#footnote-1) research was conducted by the National Statistical Committee of the Kyrgyz Republic.

On the basis of the obtained result the Action Plan to improve the quality of life of senior citizens of the Kyrgyz Republic for 2019-2025 was developed.

The Action Plan to improve the quality of life of senior citizens in the Kyrgyz Republic for 2019-2025 was approved by the Government of the Kyrgyz Republic on 30 August 2019 № 442.

And as part of the project "Right to life without violence in old age" implemented by HelpAge International in partnership with the Association of Crisis Centers, research on violations of the rights of older people in Kyrgyzstan was conducted. The research was conducted in 12 focus villages in six provinces of Kyrgyzstan[[2]](#footnote-2) in December 2011 and January 2012. Key findings:

* An overwhelming majority of residents of the surveyed villages (71%) believe that there is a problem of domestic violence against older people in Kyrgyzstan;
* A relative majority of survey participants (47%) and almost all in-depth interview participants (50 people) noted an increase in violations of older people's rights over the past 10 years;
* One-third of the survey participants (35%) have information about cases of domestic violence against older people;
* Because of the prevalent invisibility, the available data on the extent of violations of the rights of older people do not reflect the real state of the problem;
* Among the types of violence against the elderly, many residents of the surveyed villages identified mainly physical violence, poor care, and then placement in residential care facilities for the elderly;
* In the studied villages there is a widespread perception that domestic violence against the elderly is an internal family matter, so many residents prefer not to get involved;
* Survey shows that all known forms of family violence against the elderly occur in the focus villages. 55% believe that the needs of the elderly are often neglected; according to 47%, elderly fellow villagers often experience psychological violence; 13% believe that elderly people are often economically abused; 6% of respondents said that they are often victims of physical violence; 1% believe that elderly people in their village are sexually abused;
* According to the high prevalence of labor migration, more and more elderly people are left without help or support from their children;
* Violence against the elderly is a complex social phenomenon that includes several forms of violence, which manifest themselves with varying degrees and frequencies. There is no consensus about its causes;
* The main reason for the violation of the rights of the elderly, according to the respondents, is poverty and unemployment (368 mentions out of 500, or 73.6%), but some participants in the study stressed that the opinion that violence is explained only by poor material conditions is erroneous. The second and third most frequently mentioned causes were alcoholism and drug addiction (322 mentions), and the helplessness of the elderly (213). Other reasons included the destruction of moral and ethical values (185 mentions), impunity (121 mentions), and the desire to assert oneself at the expense of a helpless and weak family member (83 mentions);
* Analysis of official statistics from the Ministry of Internal Affairs and the courts shows that most reported cases of domestic violence against the elderly were committed by unemployed men with a high school education between the ages of 20 and 40;
* According to cultural traditions, the burden of responsibility for caring for elderly parents is placed on daughters-in-law, who traditionally live in their husbands' families after marriage, which may be why 33% of respondents believe that domestic violence against the elderly is more often committed by daughters-in-law. Almost as many respondents (30%) believe that violence against older people comes from children. Sometimes conflicts occur between elderly spouses, and both wife and husband (17%), grandchildren (7%), sons-in-law (5%) and other relatives (8%) can be victims;
* The level of awareness of the population in focus villages about legislative measures aimed at protecting against family violence is low. 40% of respondents have not heard anything about the law "On Social and Legal Protection from Domestic Violence"; 31% do not know which state agencies can be addressed in cases of domestic violence; very few respondents have information about protection orders and the full range of services provided by the state for victims of domestic violence; 45% do not know which non-governmental organizations can provide support in cases of domestic violence;
* Increasing public awareness of the rights of older people experiencing domestic violence can change the perception that domestic violence is a private matter in which outsiders should not interfere.

Older women can experience multiple discriminations, often related to their dire economic situation and the need for younger family members to leave for labor migration. One of the consequences of migration is the problem of abandoned children. The older generation, especially older women, play an important role in raising children (grandchildren). The burden of caring for grandchildren is considerable. In addition to health problems and the physical burden of caring for children and household chores, elderly parents of migrant workers may experience financial difficulties. According to surveys conducted among elderly people in a number of villages in Chui, Naryn and Batken provinces, just over a third received support (mainly food, but also money, clothes and medicines) from their migrant children (of which 48% received support from sons and 30% from daughters). For the majority of respondents (83%) pensions were the main source of income, followed by remittances (24%). In families where migrants do not send remittances, pensions make up a significant part of the family budget (FAO).

**Question 3: From an intersectional perspective, are there specific factors that aggravate ageism and age discrimination and how? Please provide concrete examples and collected data where available.**

**Response: Violence against the elderly in Kyrgyzstan**

* Lack of information on the extent of violence against the elderly;
* Elderly people are not aware of their rights, what protections exist against domestic violence;
* Low public awareness about domestic violence against the elderly;
* National legislation is not fully applied to the elderly;
* Lack of capacity and knowledge of support services to prevent, intervene, and combat elder abuse;
* Law enforcement agencies view elder abuse as an internal family matter and prefer not to intervene;

**According to a study by HelpAge International and the Association of Crisis Centers (2011):**

* 71% of interviewees believe that elder abuse is a problem in Kyrgyzstan;
* 47% reported that domestic violence against older people has increased in the last 10 years;
* 35% are informed about cases of elder abuse;
* 39% of women and 31% of men surveyed reported experiencing at least one form of abuse after age 50;
* *Financial abuse*: 26.5% of women and 19.5% of men experienced denial of money, property;
* *Psychological and emotional abuse*: 16% - women and 8% - men experienced psychological abuse;
* *Physical violence*: 4% of female respondents and 8% of male respondents experienced physical violence;
* *Sexual violence*: 1% of women.

**Causes of elder abuse in the home**

Perceptions of the elderly as a burden;

* Alcoholism and unemployment in the family;
* Helplessness of the elderly;
* The need for long-term medical care;
* Impunity and the desire to assert themselves at the expense of a helpless and weak family member;
* Labor migration, where children leave elderly parents without care or help, which also contributes to increased violence;
* By 2025, the global population aged 60 and over is projected to double to 1.2 billion.
* Today, 8% of the population of the Kyrgyz Republic is over 60 years of age; this number is projected to increase to 20 percent by 2050, more than doubling. As the population ages, more older people will be at risk of abuse and neglect, highlighting the need for urgent appropriate measures to stop the potential increase in violence against older people.

**Types of violence (according to respondents)**

* Sexual violence - 1%;
* Banished from home - 3%;
* Sent to a nursing home - 4%;
* Denied medical care, do not invite a doctor - 6%;
* Beatings, bullying - 6%;
* Deprived of the opportunity to communicate with neighbors, friends, relatives - 8%;
* They don't buy necessary medicines - 10%;
* Taking away pensions, savings or property (house, cattle, furniture, land, etc.) without their consent - 10%;
* Insults, swearing and cursing - 11%;
* Being left alone, forgetting about their existence - 12%;
* Blaming (e.g., "no one needs old people," "you are a burden") - 12%;
* Poor care (dirty bed, clothes and shoes; no bathing) - 13%.
* Poor feeding - 13%;
* Not buying necessary things (household items, clothes, shoes, etc.) - 13%;

**Legal, political and institutional framework related to ageism and age-discrimination**

**Question 4: What international, regional and national legal instruments exist to combat ageism and age discrimination?**

**Answer**: The Universal Declaration of Human Rights enshrines the fundamental rights of all human beings in the civil, political, social, economic and cultural spheres. This document provides the ethical basis for a wide range of international legal instruments.

Under the Constitution of the Kyrgyz Republic, human rights and freedoms are of supreme value. They act directly, determine the meaning and content of the activities of the legislative, executive and local authorities. No one may be subjected to discrimination on the basis of gender, race, language, disability, ethnicity, religion, age, political or other beliefs, education, origin, property or other status, as well as other circumstances.

And also according to the above study on population ageing in the Kyrgyz Republic, the main directions of the Action Plan are:

* Equality and non-discrimination. Measures to prevent abuse and violence against older citizens;
* Prevention and health promotion, increasing access to quality health services for older citizens through improving the health care system and promoting active longevity;
* Ensuring well-being at all stages of the life cycle of older citizens. Reducing the level of poverty among senior citizens;
* Ensuring access for elderly citizens to state and municipal services through the development of the market of social services and the expansion of forms of support for the non-state sector.

The implementation of the Action Plan will ensure a safe and dignified life of older citizens in the Kyrgyz Republic, equally participating in political, social, economic and cultural spheres.

The Kyrgyz Republic has adopted the "Law of the Kyrgyz Republic on the Elderly Citizens of the Kyrgyz Republic"[[3]](#footnote-3) in July 2011. This law defines the state policy in relation to elderly citizens, aimed at creating decent conditions that allow them to lead a full life, participate in the economic and political life of society, as well as perform their civic duties in accordance with the Constitution of the Kyrgyz Republic, generally accepted principles of international law and international treaties of the Kyrgyz Republic. This law guarantees the following types of social protection to older citizens, taking into account the categorical and targeted approach:

* Social guarantees;
* Pensions, social benefits (in the absence of the right to pension provision);
* Home care;
* Service in residential care institutions;
* All types of rehabilitation.

State and local government bodies have the right to establish additional social guarantees for senior citizens. In accordance with the Law of the Kyrgyz Republic "On the guaranteed state minimum social standards" of 26 May 2009 (Nb. 170) social standards in the field of social protection provide for the definition of:

* State benefits for citizens with low incomes, taking into account the survey of the degree of their need;
* Requirements to the services provided to socially vulnerable categories of citizens in the sphere of social services, in accordance with the Law of the Kyrgyz Republic "On the basis of social services in the Kyrgyz Republic" of 19 December 2001 (Nb. 111).

Citizens are entitled to the following basic types of social services:

* to social services in stationary social service organizations;
* in-home social services;
* social services in day care centers of semi-permanent social service organizations
* temporary shelter;
* material assistance;
* consultative assistance;
* social rehabilitation, including children with deviant behavior, unemployed, exposed to violence;
* social patronage;
* social services in enterprises and in institutions of mercy (hospice);
* social assistance for orphans and children left without parental care;
* provision of pensions and allowances;
* support for entrepreneurial activities (disabled and single elderly citizens);
* social and domestic services;
* social and legal services;
* social and psychological services;
* psychological and pedagogical services
* social and medical services;
* other services not contradicting this Law.

The list of guaranteed social services provided to the population is approved by the Jogorku Kenesh (Supreme Council) of the Kyrgyz Republic upon the submission of the Government of the Kyrgyz Republic.

Local state administrations and local self-government bodies can adopt territorial lists of additional social services taking into account the capacity of local budgets and needs of the population of the territory.

In addition, services are provided within the framework of the Law "On the state social order".

**Pension provision**

Under Act No. 57 of 21 July 1997 on State pension social insurance, insurance principles are laid down in compulsory State pension social insurance for citizens and pension benefits are guaranteed to insured persons in the event of an insured event.

The following types of pensions are granted under this Act:

a) old-age pensions;

b) disability pensions;

c) for loss of breadwinner;

**Old-age pensions**

Men who have reached the age of 63 years and women who have reached 58 years are entitled to old-age pension. Estimated length of service for granting full old-age pension on general grounds is: for men - 25 years, for women - 20 years. Persons who have 15 years more than the required length of service for granting a pension under paragraph 1 of article 9 shall be entitled to an early retirement pension: men - from the age of 60, women - from the age of 55.

Early retirement pensions are also provided for women by law:

* women who have given birth to five or more children and raised them up to the age of eight are entitled to an early retirement pension when they reach the age of 53 and with 15 years of insurance experience;
* women at age 50, if they have worked at least 20 calendar years in high altitude conditions and have a length of insurance service of 20 years;
* women who have given birth to three or more children and raised them to the age of 8 - at the age of 45 years and with 20 years of insurance experience, if they have worked for at least 15 calendar years in high altitude conditions;
* mothers of disabled children who have raised them to the age of 8 are entitled to a retirement pension at the age of 53 and with 20 years of insurance service;
* women workers in textile industries working on machine tools - according to the list of industries and professions approved by the Government of the Kyrgyz Republic - upon reaching the age of 53 years and with a length of insurance service of not less than 20 years for the above-mentioned jobs.

According to the State statistical reporting on the form 94- SOC as of 31 December 2019, the number of female pensioners in the Republic, who are registered with the Social Fund, is 449.6 thousand people or 67.1% of the total number of pensioners.

By way of information, we would like to inform you that currently works are carried out to improve the social insurance system, the processes of facilitating the procedure for assignment of pensions (reducing the number of documents to be presented at the appointment of pensions), work on digitalization (on the website of the Social Fund in the "Personal account", the insured will be able to get all necessary information about the payment of insurance contributions, information on the amount of pension, on the missing documents for the appointment of pensions, etc.).

We also note that pensions are paid in a timely manner, in full and only in cash. For even greater optimization and transparency of the pension payment process, the Social Fund, at the request of the pensioner himself, transfers the funding of his pensions through any bank or post office of his choice.

**Question 5: Please also note any action plans or policies to raise awareness and combat ageism (including anti-ageism in school curricula) and to move toward a more age-friendly and inclusive society.**

**Response**: Intergenerational dialogue can have a profound impact on children's worldviews as they learn to see the world through the eyes of others. Older people serve as a link between the past and the present, they have a lot of experience in life, knowledge and values and they can share them with the younger generation.

**Question 6: At the national level, please describe existing legal protections against age discrimination and indicate whether age is explicitly recognized as a ground for discrimination? If so, are there specific areas where equality is explicitly guaranteed? Are there any areas where differential treatment based on age is explicitly justified?**

**Answer**: Kyrgyzstan has ratified a number of international treaties, which are reflected and developed in national legislation. For example, article 53 of the Constitution of the Kyrgyz Republic states:

«1. Citizens are guaranteed social security in old age, in cases of illness and disability, and in the event of loss of a breadwinner in cases and according to the procedure established by law.

2. Pensions and social assistance in accordance with the economic possibilities of the state shall ensure a standard of living not lower than the subsistence minimum established by law."

Elderly women can be subjected to violence, abuse and neglect due to a multitude of factors. Commitments under Sustainable Development Goal 5 to "achieve gender equality and empower all women and girls" have removed the upper age limit from indicators of violence.

Gender-based violence can occur throughout one's life course and can be exacerbated in old age. Despite stereotypes that violence tends to be experienced by younger women, data on violence against women over the age of 49 show that it continues into old age. Violence affects women and girls of all ages. Older women are also exposed to violence, abuse, and neglect based on age. Deeply ingrained prejudices and dehumanizing stereotypes about older people accumulate ageism and perpetuate prevailing social norms that tolerate or even approve of violence, abuse, and neglect in old age.

**Question 7: Do existing legal protections against age discrimination allow for claims based on intersectional discrimination, i.e. discrimination based on the intersection of age and other characteristics such as race, ethnicity, gender, disability, sexual orientation or other status?**

**Answer**: Article 16, paragraph 2, of the Constitution of 27 June 2010 states that the Kyrgyz Republic shall respect and ensure the human rights and freedoms of all persons within its territory and subject to its jurisdiction.

No one may be subjected to discrimination on the basis of sex, race, language, disability, ethnicity, religion, age, political or other beliefs, education, origin, wealth or other status, or other circumstances.

Special measures established by law and aimed at ensuring equal opportunities for various social groups in accordance with international obligations shall not constitute discrimination.

In addition, Act No. 184 of 4 August 2008 on State guarantees of equal rights and equal opportunities for men and women establishes state guarantees of equal rights and opportunities for men and women in political, social, economic, cultural and other areas of activity; it is intended to protect men and women from discrimination on the basis of sex and is designed to establish progressive democratic relations between men and women.

**Question 8: What legal and other measures have been taken to address and protect against racism, sexism, ableism or other similar forms of discrimination that may be useful models for addressing ageism?**

**Answer**: Under Law No. 67 of 4 May 2007 on the Procedure for Consideration of Citizens' Appeals, every citizen has the right to appeal in person or through a representative to State authorities, local self-government bodies and their officials, who are obliged to provide a substantiated response within the period prescribed by law.

**Question 9. Please indicate whether there is an institutional mechanism or a complaint mechanism for addressing inequality or complaints regarding ageism and age discrimination. If yes, please provide statistics on cases and types of cases received?**

**Answer**: Kyrgyz Republic Law 136 "On Ombudsman (Akyikatchy) of the Kyrgyz Republic" dated July 31, 2002.

**Reports of ageism and age discrimination and other relevant information**

**Question 10: Please outline any other areas that you deem important in the context of ageism and age discrimination. Thank you for sharing any relevant reports about ageism and age discrimination.**

**Answer**: In order to prevent offenses against elderly people on an individual basis, internal affairs agencies take preventive measures provided for by law against people who lead antisocial lifestyles. Internal affairs officers should visit elderly citizens in order to identify their problems and provide information on the observance of personal and property security measures. In order to carry out effective preventive work, to widely use the capabilities of public organizations, associations, to establish trusting (partnership relations with the police and citizens.[[4]](#footnote-4) The main purpose of preventive measures is to increase the credibility of internal affairs officers among the population, establishing trusting relationships with citizens and ensuring transparency in the work of internal affairs bodies.

1. Law "On Social and Legal Protection from Domestic Violence" № 62 of March 25, 2003 [↑](#footnote-ref-1)
2. Chui region: Besh-Kungey, Gavrilovka; Issyk-Kul region: Jany-Aryk, Kara-Oi; Jalalabad region: s Jany-Dykan; Naryn region: Kenesh; Osh region: Gulcha, Kara-Kochkor, Myrza-Ake, Toloykon; Talas region: Sasyk-Bulak [↑](#footnote-ref-2)
3. <http://www.erkintoo.kg/news4160>: LAW OF THE KR ON ELDERLY CITIZENS IN THE KYRGYZ REPUBLIC, Bishkek, July 26, 201 1, No. 133 [↑](#footnote-ref-3)
4. Instruction on the organization of the activities of the district police inspector [↑](#footnote-ref-4)