



United Nations General Assembly Open-ended Working Group for the purpose of strengthening the protection of the human rights of older persons

Eleventh working session

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**Guiding Questions for Defining the Normative Content of the Issues Examined at the Tenth Working Session of the Open-ended Working Group:  
Social Protection and Social Security (including social protection floors)**

**Definition**

1. What is the definition of the right to social security and social protection (including social protection floors) for older persons in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?

The legal and regulatory framework, which enshrines the rights, status and position of elderly citizens in the Kyrgyz Republic, seems to be concise. It concerns both general and special legislation. The basis for the development of legislation that establishes a system of social rights for older people are defined in the Constitution of the Kyrgyz Republic.

**Scope of the right**

2. What are the key normative elements of the right to social protection and social security for older persons? Please provide references to existing standards on such elements as below, as well as any additional elements:

- a) Availability of contributory and non-contributory schemes for older persons

Persons who have pension saving in their personal insurance account receive the cumulative part of the pension under the Law of the Kyrgyz Republic "On State Pension Social Insurance".

There are following methods of pension distribution in the Kyrgyz Republic:

- Solidarity and distribution: the economically active part of the population, who pays taxes and contributions, "support" pensioners (the scheme of the Social Fund, according to which the citizens work all his life and receives a pension through the Social Fund);
- Conditional-cumulative: personal savings in non-state pension funds (the citizens save some amount of money for at least 7 years, then they receive additional amount of money in basic earnings through the non-state pension fund).

- b) Adequacy of benefits to guarantee older person's access to an adequate standard of living and adequate access to health care

"State guarantee programme on the provision of health care to citizens (PGG)" has been implemented in the Kyrgyz Republic. The amount of health care within the framework of PGG is determined according to the financial limits of health care from the national budget and mandatory health insurance. Under the programme, pensioners over 70 years old are entitled to free health care at the outpatient basis and in hospitals.

- Minimum social standards of social services are provided to persons staying in social inpatient facilities of the authorized body in the field of social development.
- The Law of the Kyrgyz Republic "On the Fundamentals of Social Services in the Kyrgyz Republic" defines social services, including the activities of social services such as social and legal services, material assistance, social adaptation and rehabilitation of citizens in difficult situations.

- The Law of the Kyrgyz Republic "On the Rights and Guarantees of Persons with Disabilities" guarantees social assistance to persons with disabilities and their disabled family members, as well as families with persons with disabilities, including invalid pensions payments, state benefits and compensations. Persons with disabilities are guaranteed by pensions under the legislation of the Kyrgyz Republic.
  - Standard regulations on home social care contain standards of social services, conditions for admission to social services and removal from the register of social services for elderly citizens and persons with disabilities in need of social services.
  - Special legislation : War Veterans, Armed Forces and Home Front Workers Act of 24 April 1996. It defines basic social laws that establishes legal guarantees for the social protection of veterans in the Kyrgyz Republic guaranteeing life in dignity, active work, honour and respect in society.
- c) Accessibility, including older person's coverage by social security systems, eligibility criteria, and affordability of contributions

The legislation on pensions presented by the Law of the Kyrgyz Republic of July 21, 1997, No. 57 "On State Pension Social Insurance" and a number of other laws have a considerable importance for social support of the older persons, because retirement is particularly important in one's life and it is related to the lifestyle of the older generation in the future.

- d) Equitable access by older persons to the enjoyment of the right to social security and social protection, paying special attention to groups in vulnerable situation

Special social legislation of the Kyrgyz Republic "On Senior Citizens in the Kyrgyz Republic" July 26, 2011, No. 133 establishes the rights and guarantees of older persons.

- e) Participation of older persons in the design and administration of the social security system  
More than 10 NGOs registered and active in the Kyrgyz Republic, deal with the problems of the elderly and animate public discussions and various interagency working groups on the development of social security programs for the older persons.  
Since 2005, the International Gerontological Network AgeNet International has been operating in Kyrgyzstan, bringing together NGOs from 10 countries and promoting the rights and interests of older persons.

### **State obligations**

3. What are the measures that should be undertaken by the State to respect, protect and fulfill the right of social security and social protection for older persons, regarding the normative elements as provided above?

- The state policy on elderly citizens refers to different departments. Social Fund of the Kyrgyz Republic establishes and implements the pension policy, Ministry of Labor and Social Development of the Kyrgyz Republic makes the policy of development of social services and provision of social services. So, the development of the policy and its implementation is carried out by one state body, thus this organization cannot take fully into account all the needs of older persons.
- There is need of strengthen interaction between government agencies and local government bodies to provide social support to older citizens are at the local level; This should be organized by central level.

- Addressing social issues at the local level requires a comprehensive approach of such key agencies as the Ministry of Health, Social Fund, Ministry of Labor and Social Development, local public administration, local authorities.

### **Special considerations**

4. What special measures and specific considerations should be considered in developing the normative content of the right of older persons to social protection and social security?

There is a problem of taking into consideration the additional financial costs of the regulatory legal acts during the drafting process.

The slow implementation of changes in the social sphere is caused by the incoherence between the social security system and economic development. Therefore, it is necessary to differentiate all approaches considering social security and services for older citizens, provide them effective social protection and create an effective system of social services of quality to the population, while considering the individual needs of each recipient of services.

Moreover, the actions requiring considerable political will remain unfulfilled.

5. How should the responsibilities of non-State parties such as private sector be defined in the context of the right of older persons to social protection and social security?

- Mandatory social contributions to the pension fund;
  - Development of private residences for the older persons and private social services and day care centres;
  - Implementation of socially oriented projects aimed at the development of social services for older citizens;
  - socially responsible business communities and projects aimed at providing social assistance to single pensioners;
- Development of non-governmental pension funds providing additional voluntary non-governmental pension provision to individuals on the basis of pension agreements.

### **Implementation**

6. What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on social security and social protection for older persons?
  - One of the good practices in the Kyrgyz Republic is the implementation of the system of social orders of the Ministry of Social Development of the Kyrgyz Republic, aimed at issuing grants to public organizations that provide services to elderly citizens.
  - The problem is that the development and implementation of the regulatory framework for social security and social protection of older people has been delayed for a long time. As a result, some projects have been coordinated with various ministries and agencies for several months, thus delaying the implementation of measures within the specified time frame.
  - State programs are often implemented at the expense of the funds of executors and public organizations, therefore their quality decreases.