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May 21, 2020

HUMAN  
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WATCH

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Dear Mr. Isakov,

On behalf of Human Rights Watch, please accept my best regards.

As you know, Human Rights Watch is an independent international organization that works in over 90 countries to defend people's rights. Human Rights Watch does not receive funding from any government. Our organization has conducted research on the rights of people with disabilities in dozens of countries around the world.

We commend Kyrgyzstan for its ratification of the Convention on the Rights of Persons with Disabilities (CRPD) last year, which underscored its commitment to guaranteeing the right to quality, inclusive education for people with disabilities. We are aware of positive policy initiatives regarding protection of the rights of people with disabilities, including the "Concept on Inclusive Education" announced in July 2019, and several inclusive education pilot programs backed in part by international organizations.

Over the last year, Human Rights Watch has conducted interviews with over 100 children with disabilities, their parents, experts, and disability rights activists in several cities in Kyrgyzstan about their experiences accessing inclusive education, including experiences at the Psycho-Medical Pedagogical Consultations (PMPC). We also visited four residential special schools in Osh, Uch-Korgon, and Chuy regions. We reviewed legislation and government policies regarding inclusive education.

We write to you now in the spirit of constructive engagement to share with the Ministry of Education our preliminary findings. We also write to ask the questions listed below regarding progress toward guaranteeing inclusive education, and other steps your ministry has taken to meet its international obligations in line with the CRPD.

The results of our research will be published in a report, and we ask that you please respond to our questions by June 15, 2020 so as to ensure that we

have adequate time to reflect your views. We hope our findings and recommendations will be useful for Kyrgyzstan as it seeks to ensure access to quality, inclusive education for all children with disabilities.

### **Preliminary Findings Relevant to the Ministry of Education**

#### *On Special Residential Schools*

In the course of our research we found that children and young adults in special residential schools face isolation and neglect. We also note that there are no accessible or age-appropriate complaint mechanisms in place for a child to report physical or verbal abuse or negligent practices. In fact, most residential schools banned the use of phones except in front of a caretaker, clearly limiting a child's ability to report abuse to their parent or relative in a confidential and private manner.

We found that staff in residential special schools used forced psychiatric hospitalization to confront behaviors they deemed problematic. Our review of medical documentation showed that children were treated with antipsychotics and sedatives while there. It is not clear that parents gave informed consent to the use of these medications, or were given any explanation as to their use or potential side effects before consenting to the treatment. If children did not have parental guardians, the staff signed off on treatment themselves and made no attempts to obtain consent from children or involve them in their treatment plan in any way. While international law recognizes that children can be treated with consent of a parent or guardian, the Convention on the Rights of the Child (CRC) stresses the importance of children's participation in this process.

Parents of children with disabilities complained that the quality of education provided in residential special schools was unsatisfactory. Teachers said that while these schools provide eight or nine years of education, it was equivalent to a four-year education in a mainstream school. They also said they were banned from giving failing grades. Parents said there was a lack of individual attention given to children with higher support needs, and a noted lack of speech therapy in particular, which many children in special schools for children with intellectual disabilities desperately need.

#### *On Inclusive Education*

Human Rights Watch found that a number of barriers contribute to the exclusion of children with disabilities from mainstream education.

These include discriminatory barriers to enrollment. Our research shows that the Psycho-Medico Pedagogical Committee (PMPC) decisions, which are purportedly non-binding and should be limited to providing recommendations about a child's educational path, often lead to the segregation of a child with a disability, either in a special school or in homeschooling. While we spoke to some parents who were able to enroll their child in a mainstream school contrary to a decision by the PMPC, this was often only possible after insistence of and support from disability rights groups and NGOs. Our research suggests that many parents lack relevant information about how to enroll their child in a mainstream school contrary to a PMPC decision, and feel compelled to follow the commission's recommendation. Some parents also raised concerns about the quality and accuracy of the PMPC assessments that led to these recommendations.

The PMPC has limited reach: only a few of the children with disabilities interviewed for this report had undergone the PMPC, most of them in or near Bishkek. The remaining parents had, in most cases, never heard of the PMPC, and instead used documentation from the Medico-Social Expertise Commission (MSCE) when attempting to enroll their children in school. As you know, this committee is primarily made up of medical experts who are unlikely to have any specific pedagogical training. Children were often excluded from mainstream schools and either referred to a special school or homeschooled on the basis of a conclusion by the MSCE.

Human Rights Watch's research found that when mainstream schools did admit children with disabilities, they did not provide reasonable accommodations—defined as a “necessary and appropriate modification or adjustment” to support a child's learning—for them. Children with disabilities studying in mainstream schools said they have limited physical accessibility, including inside the buildings and toilets. Schools lacked sufficient staff, such as support aides, to assist children in the classroom. Our research also found that in some schools, the academic programs lack flexibility or do not have teaching materials to accommodate children with particular learning needs. The teaching of braille or sign language is virtually unheard of in mainstream schools.

We would be grateful if the Ministry of Education could provide information and data to the following questions:

### **Data**

1. How many children with disabilities live in Kyrgyzstan? How many are boys, and how many are girls?
2. Can you please provide information regarding how children (age 6-16) and teenagers (age 16-18) with disabilities are being educated in each of the following ways, disaggregated by disability:
  - a. Educated in mainstream schools on a fulltime basis;
  - b. Educated in mainstream pre-school or kindergarten on a full-time basis;
  - c. Homeschooled with partial attendance of a mainstream school;
  - d. Homeschooled with no attendance of a mainstream school;
  - e. Enrolled in a special school;
  - f. Enrolled in a special preschool or kindergarten;
  - g. Not receiving any kind of education;

### **Special Schools**

3. Can you please provide data for:
  - a) the total number of special schools in Kyrgyzstan;
  - b) the total number of children who study at residential special schools, and the number that live there.
4. Does the government of Kyrgyzstan plan to open any new special schools in the next five years?
  - a. If yes, how many? Which parts of the country?
  - b. Will these be residential or non-residential schools?
5. What are the policies currently regulating the amount and standard of speech therapy provided in special schools?
6. What measures were taken at special residential schools in response to the Covid-19 pandemic? In particular, what happened to those children who do not have parental guardians?

### **Deinstitutionalization of Special Residential Schools**

7. We understand that three special residential schools were included in Kyrgyzstan's deinstitutionalization plan. Can you confirm which special residential schools are participating in the plan, and how many children from each school have been reunited

with their families? How many children have been transferred to other institutions or special residential schools for children with disabilities?

8. Have you conducted any monitoring or data collection on the quality of education children receive once they leave a special residential school and return to live at home?
  - a. How many of these children have been enrolled in mainstream schools, and how many are homeschooled?
  - b. Do you collect any information about the type or level of support they need and are not being provided within a mainstream school?
9. When do you expect deinstitutionalization of residential schools currently part of the plan to be complete? Are there plans to transform or close more residential special schools, and if so, when?

#### **PMPC**

10. How many children are evaluated by all Kyrgyzstan's PMPC offices each year? Can you please provide any disaggregated information for the number of children evaluated in each region?
11. How many PMPC conclusions result in:
  - a. A child being placed in a mainstream school?
  - b. A child being placed in a special school?
  - c. A child being homeschooled?
  - d. A child not receiving any form of education?
12. How many PMPC offices operate year-round? Of those PMPC offices that do not work year-round, how many days per year do they work?
13. What policies or protocols exist regulating the PMPC? Can you please share a copy?
14. What guidelines are in place to ensure that children with disabilities are assessed by PMPC in conditions conducive to protecting the best interests of the child?

15. Is a PMPC decision recommendatory or required for children with disabilities to attend mainstream schools? Could you please provide further details on the guidance provided to school officials on how they should interpret PMPC decisions?
16. We found that many children with disabilities were seen not by the PMPC but by the MSCE, overseen by the Ministry of Labor and Social Development. How does your ministry cooperate with the MLSD regarding the educational path of a child with a disability? Are employees of the MSCE instructed to recommend a child undergo evaluation by the PMPC, or vice versa?

### **Mainstream Schools**

17. How does the Ministry of Education ensure that mainstream schools are accessible to all children with disabilities? What recourse do parents and children have when school administrators deny admission to children with disabilities?
18. We are aware that UNICEF is currently piloting a project for several inclusive schools across the country. Can you please tell us:
  - a) What is the Ministry of Education's role in this project? Does the Ministry or other state actors have any role in financially supporting this project at this time?
  - b) How many "inclusive schools" exist outside of this UNICEF project in Kyrgyzstan? What are the criteria used to determine that a school meets the standards of inclusion?
19. Some experts told us of the existence of a ".3 coefficient," or a 30% increase in pay for teachers working with children with disabilities in mainstream schools. What policies exist regulating the distribution of this coefficient? How many teachers, or schools, have been granted this coefficient, and how do they go about accessing it?
20. How does the government monitor enrollment of children with disabilities in inclusive schools, including to ensure that these children are in fact enrolled when schools report that they are?

### **Homeschooling**

21. Which policies or protocols regulate the standards of homeschool education? Are children who are homeschooled expected to meet the same requirements as other students? What monitoring systems have been put in place to ensure quality education in homeschooling?
22. What policies or protocols exist regulating the length of time for which a child can be homeschooled? What steps is the government taking to reach children who are homeschooled and include them in mainstream schools?
23. What support or training on teaching children with disabilities is given to teachers who are responsible for homeschooling of these children?
24. What is the minimum and maximum of in-person contact hours between a teacher and a child when the child is being homeschooled?

### **Higher and Vocational Training**

25. How many people and with what types of disabilities are enrolled in higher education in Kyrgyzstan?
26. Does the Ministry of Education offer any adult schooling options for people with disabilities, including for those people who did not have access to education as children?

### **General Questions**

27. What steps have been taken so far towards implementation of the government's Concept on Inclusive Education from July 2019? Has any relevant legislation been proposed or passed?
28. Does a definition of reasonable accommodation exist in any Kyrgyz law or regulations? Are there plans to incorporate a definition of reasonable accommodation based on the CRPD, as well as define the denial of reasonable accommodation as prohibited grounds for discrimination in all spheres of life, in line with CRPD Committee recommendations?
29. How does the Ministry of Education plan to provide reasonable accommodations, including accessible educational materials, modified curricula, aides to students who

require them, and other support for children with disabilities, to ensure that they can study in mainstream schools and receive a quality education on an equal basis with other children?

30. What steps is the Ministry of Education taking to ensure physical accessibility of school buildings, including classrooms, toilets and all relevant spaces used by children and staff, and transportation to and from school for children with disabilities?
31. What is the Ministry of Education doing to ensure that all teachers working in mainstream schools in Kyrgyzstan receive, including through ongoing professional development courses, training in inclusive education? What kind of training do teachers receive in inclusive education, and how often?
32. How does the Ministry of Education promote awareness about the right of children with disabilities to attend schools in the general education system?
33. How is the responsibility for ensuring access to inclusive, quality education organized between different levels of government? Between different ministries?
34. Is the decision to allocate resources toward ensuring inclusive, quality education for children in Kyrgyzstan made at a local, regional, or national level?
35. How does the Ministry of Education ensure that adequate and equitable resources are allocated such that all children in Kyrgyzstan have equal access to inclusive education?
36. How much of your budget (in Kyrgyz *soms*) has been allocated to the development of inclusive education initiatives or schools?

We thank you for your attention to these questions and look forward to receiving your response.

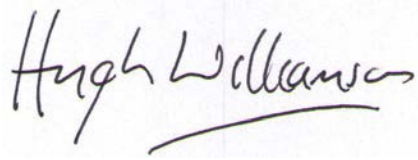
Thank you once again for your engagement on this issue and the constructive dialogue between our offices.

We ask you to kindly send your response to my colleagues Laura Mills (by email at [millsl@hrw.org](mailto:millsl@hrw.org) or by phone at +1-917-836-9883) and Aichurek Kurmanbekova (+996



555991023). Please do not hesitate to contact Ms. Kurmanbekova or Ms. Mills with any questions in the meantime.

Kind regards,

A handwritten signature in black ink that reads "Hugh Williamson". The signature is written in a cursive style with a long horizontal flourish underneath the name.

Hugh Williamson  
Director, Europe and Central Asia Division  
Human Rights Watch