



# ▶ Social Protection in Action: Building Social Protection Floors for All

2022

## *Kyrgyzstan: Ratification of the Maternity Protection Convention, 2000 (No. 183)*

### Summary

Kyrgyzstan is working to improve national legislation on maternity protection at the workplace, with the support of the ILO and in line with up-to-date international labour standards. These efforts aim to prepare the country to ratify the ILO Maternity Protection Convention, 2000 (No. 183).

The policy work on improving maternity protection was done through a consultative process between the Government and social partners and resulted in the formal adoption of a road map for the ratification of Convention No. 183 on 9 March 2020 by the Ministry of Labour and Social Development. In addition, a comparative analysis between current legislation and practice and Convention No. 183 was prepared with the ILO's support in 2021.

The experience of Kyrgyzstan in expanding maternity protection is in line with the principles set forth in the Social Protection Floors Recommendation, 2012 (No. 202). They ensure that eligibility is progressively expanded with the aim of reaching universal coverage; that entitlements to adequate and predictable benefits are prescribed by national law; and that the levels and duration of benefits

are responsive to special needs and circumstances of beneficiaries.

### Main Lessons Learned

- ▶ International labour standards provide guidance for improving national social protection systems, including on maternity protection, and the ratification process by Member States contributes to establishing a legal foundation which strengthens the sustainability of universal social protection.
- ▶ Explaining how maternity protection can provide benefits to various aspects of society and economy, such as in terms of gender equality, employment practices and the extension of social protection, contributes to increasing national stakeholders' commitment to expanding protection, even in the case of changing political priorities as was seen during the COVID-19 pandemic.

### Social Protection Floors Recommendation, 2012 (No. 202)

SDG 1.3 aims to implement nationally appropriate social protection systems and measures for all, including floors, and by 2030, achieve substantial coverage of the poor and the vulnerable.

Social protection floors (SPFs) guarantee access to essential health care and basic income security for children, persons of working age and older persons. 187 countries have adopted the Social Protection

This brief is also an example of an interesting social protection policy reform process that follows the principles set forth in Recommendation No. 202. They ensure that eligibility is progressively expanded with the aim of reaching universal coverage; that entitlements to adequate and predictable benefits are prescribed by national law; and that benefits are responsive to special needs and circumstances.

- Maternity protection was also at the centre of several UN agencies' agendas, which facilitated "One UN" collaboration in supporting the formulation of recommendations and their implementation, providing a coherent and efficient response to country needs.
- Expanding maternity protection can facilitate the transition towards a more formalized economy and reduce gender inequalities in the workplace.
- The involvement and active participation of social partners in policy developments was key to creating a national consensus that supports the reform.

## Context

Improving maternity protection has been a key priority for the Government since the 1990s, as reflected in various policy documents adopted since then. The framework for maternity protection was partly improved and adapted, including through the implementation of the most recent Social Protection Development Programmes for 2012–2014 and 2015–2017. The latter was considered as an important milestone in country's overall efforts to establish a minimum level of social protection for all, in line with Recommendation No. 202 and the 2030 Agenda for Sustainable Development.

Maternity benefits in Kyrgyzstan encompass income-security measures and access to health services (delivery and antenatal and postnatal care). However, the protection is limited to female workers in the formal sector – both salaried and self-employed workers, as well as those benefiting from unemployment insurance – and those working on small-scale farms.<sup>1</sup>

## Description of the initiative

In late 2014, an Assessment-based National Dialogue (ABND) was launched by the Government, the UN country team and a technical working group composed of representatives of the Government, employers' and workers' organizations, civil society and international organizations. The ILO played a leading role in facilitating national dialogue, undertaking the assessment and providing technical support throughout the process.

The first national dialogue meeting was held in 2015 and presented and discussed the draft assessment matrix prepared by the ILO. The matrix contained policy gaps, implementation issues and recommendations for establishing social protection floors (SPFs) in Kyrgyzstan and covered four SPF guarantees. The second national dialogue, held in 2016, sought to convert recommendations into feasible policy options and identify financing modalities. The final national dialogue was held in 2017 and covered the final report and the findings of the assessment.

The ABND identified significant gaps in the scope, coverage and adequacy of maternity protection, and suggested a number of policy options to bring them in line with international social security standards. The following priorities were identified:

- to improve the coverage of formal economy workers, farmers and self-employed and to regularly index benefit levels according to inflation from 2020 onwards;
- to extend coverage to informal economy workers and increase social protection benefits to a level that enables decent living (referred to officially as "subsistence minimum") by 2030; and
- to expand coverage to all women and increase benefit levels to two thirds of average or previous earnings by 2040.

The ILO provided technical assistance to operationalize the ABND recommendations and further supported the review of national legislation and its compliance with the Convention No. 183. One of the focus areas of the review was the analysis of the national maternity benefit formula and current financing modalities to seek further alignment with international social security standards.

## Impact

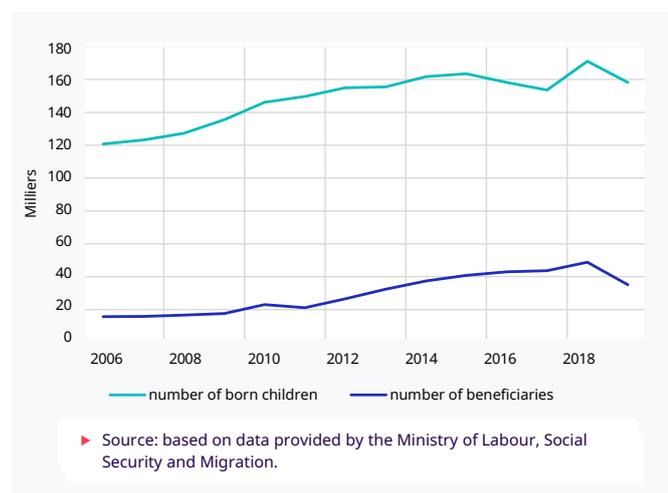
The ABND discussions and the review of national legislation established a clear set of policy recommendations relating to the scope of coverage, the formulas used for calculating benefits and the adequacy of benefits.

<sup>1</sup> The Kyrgyz system has a separate category of farms, which roughly translates as "peasant farms" meaning farms, often at the household level, that operate on a small scale, usually for subsistence purposes.

## Expanding maternity protection coverage to all women

Figure 1 shows the coverage of women workers from 2006 to 2020. Although coverage has on average increased steadily, from 13.0 per cent in 2006 to 22.2 per cent in 2020, large parts of the population remain without maternity protection. Those covered include salaried and self-employed workers in the formal economy, those working on small-scale farms and officially registered unemployed women. Workers in the informal economy, in which women are over-represented, are fully excluded from coverage.

**Figure 1. Number of maternity protection beneficiaries in Kyrgyzstan, 2006–2020**



Although unemployed women are covered by law, in practice many are left behind. It is estimated that only eight unemployed women received maternity benefits in 2020. Two reasons exist for this low coverage. First, only unemployed women who are officially registered as being unemployed are eligible. Second, they are required to prove that they have work experience of at least 12 months in the last three years.

## Simplifying the formulas used for calculating benefits

The Government expects to undertake significant steps to reform maternity benefit formulas and financing modalities. The country currently applies complex benefit formulas for different categories of workers in an attempt to correct for differences in socio-economic contexts between regions. However, whether their desired impact on equity has been achieved is unclear.

More generous protection is provided for those who work in mountainous or remote areas. According to the Ministry of Health and Social Development, the benefit amount varies from 20,000 to 300,000 Kyrgyzstani som in mountainous/remote areas to 4,000 som elsewhere. Table 1 provides a comparison of maternity benefits in Kyrgyzstan by area of residence.

**Table 1. Comparison of maternity benefits in Kyrgyzstan by area of residence**

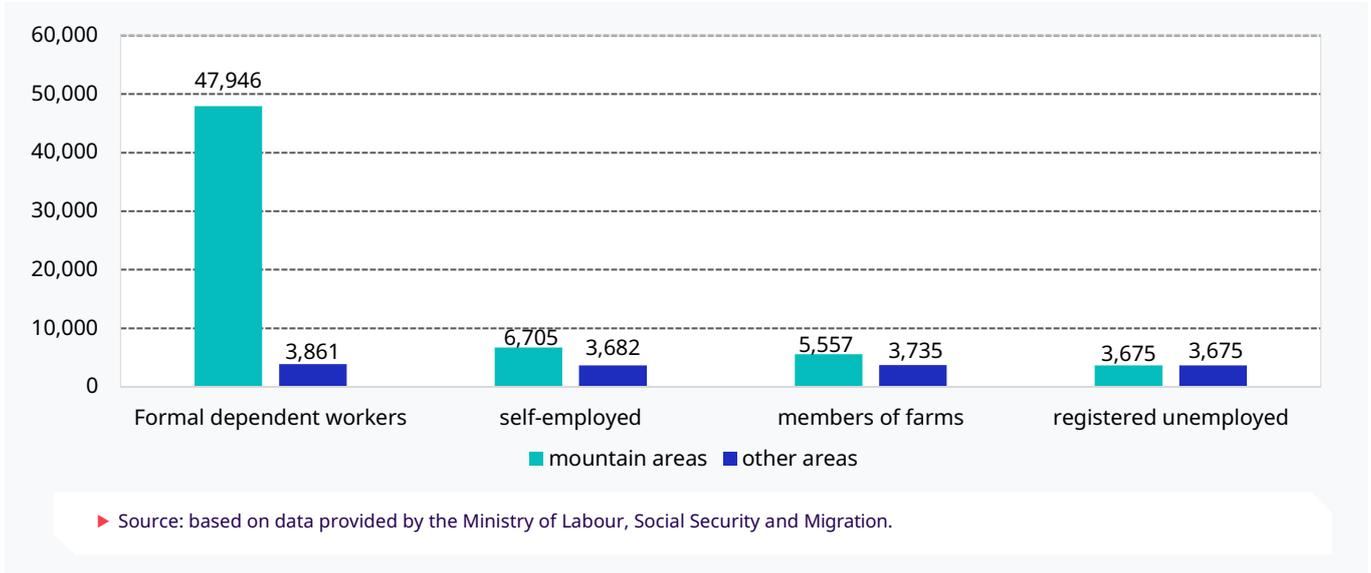
	Maternity leave	Maternity benefit formula
<b>Formal dependent workers (under contractual arrangements, public and private sectors)</b>		
► Workers in mountainous areas	140 calendar days (70 days before and 70 days after delivery)	Amount is based on average earnings for last 3 months
► Other areas	126 calendar days (70 and 56 days accordingly)	First 10 days paid by the employers based on average salary 11+ is covered by state equal to 10 times the monthly calculation <sup>a</sup> index

► Notes: <sup>a</sup> The amount of calculation index is som100 (US\$1.20 in July 2021). It is a standard monetary indicator used by the state to determine the level of social payments, compensations, economic sanctions, administrative penalties and fines, as well as other economic indicators not related to wages. <sup>b</sup> Remoteness coefficients are calculated based on the altitude, remoteness and inaccessibility of the beneficiary's place of residence.

► Source: Authors' elaboration.

	Maternity leave	Maternity benefit formula
<b>Self-employed, members of household farms</b>		
► Workers in mountainous areas	126 calendar days	First 10 days is not paid, 11+ is covered by state equal to 10 times the monthly calculation index + remoteness coefficient <sup>b</sup>
► Other areas		First 10 days is not paid, 11+ is covered by state equal to 10 times the monthly calculation index
<b>Registered unemployed</b>	126 calendar days	First 10 days is not paid, 11+ is covered by state equal to 10 times the monthly calculation index
<b>Informal workers</b>	No protection	

**Figure 2. Average benefit amount by worker type in Kyrgyzstan, in Kyrgyzstani som, 2020**



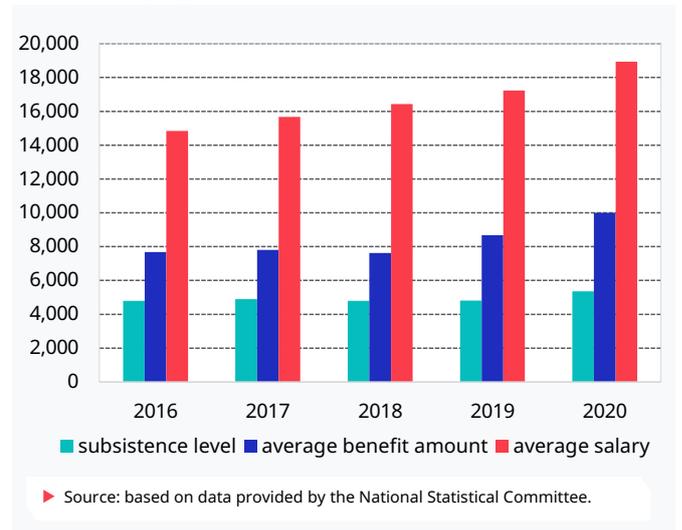
In addition to increased benefit amounts, the duration of maternity benefits is longer for workers in mountainous areas. Nonetheless, the duration of maternity leave is at least 126 calendar days for all registered workers, regardless of location, which is above the levels proposed by the Maternity Protection Convention, 2000 (No. 183) and the Maternity Protection Recommendation, 2000 (No. 191)

The data in figure 2 shows the large differences in benefits that formal dependent workers in mountainous/remote areas receive relative to those in other areas and forms of employment. This may be an indication that the monthly calculation index, used to calculate benefit levels for all except dependent workers in mountainous/remote areas, has not kept pace with average wage developments.

### Assessing the adequacy of benefits

Figure 3 compares the average benefits received to the subsistence income level and the average salary from 2016 to 2020. The results show that while average benefits have consistently been above the subsistence level, they represent only about 50 per cent of the average salary. Further analysis is required to establish whether compliance with Convention No. 183 has been met, which requires benefit levels of at least two thirds of previous earnings.

**Figure 3. Average benefit amount compared to average salary and subsistence minimum in Kyrgyzstan, 2016–2020**



### What's next?

The comparative analysis between Convention No. 183 and the national law and practice, in particular the analysis of the maternity benefit formula and coverage rates, have reaffirmed the feasibility of a gradual alignment of national legislation with international labour standards in order to

ensure, among other things, the progressive extension of social security to all female workers, including those in the informal economy. A revision of the current maternity benefit formula and financing schemes will be necessary to achieve better compliance with the social security-related provisions of Convention No. 183. In this regard, it should be noted that the Government is currently working jointly with the social partners and the ILO to analyse existing financing options for maternity benefit schemes, as well as to develop policy options, including through social insurance mechanisms, to extend and improve protection.

As reflected in the comparative analysis, full compliance with Convention No. 183 will also require adopting measures in other areas, including health protection and employment protection, as well as adopting non-discrimination measures. This includes, among other considerations, ensuring that pregnant or breastfeeding women are not obliged to perform work that may be harmful to the health of the mother and child; that women seeking maternity benefits are protected from

discrimination in the workplace, such as work terminations in relation to the pregnancy or birth of the child; and that women are provided with the right to breaks or reduced working hours in order to breastfeed their child.

Lastly, following the adoption of a road map for the ratification of Convention No. 183 by the Government, there is a clear momentum to move towards incorporating international labour standards on maternity protection into national legislation. In addition, the institutions responsible for implementing the social protection system will find a new space for discussions of the importance of defining the minimum standards of the social security sector in order to reinforce progress towards the fight against poverty and to achieve a better redistribution of the social spending and comprehensive risk protection needed by workers and their families. It is important that workers' and employers' organizations and civil society are represented and involved in these discussions in order to ensure that future reforms enjoy broad support and are sustainable.

## References

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