

Statement for the UPR Pre-Session on Kyrgyzstan

Excellencies, distinguished delegates, ladies and gentlemen,

I am delivering this statement on behalf of NGOs Bir Duino Kyrgyzstan, Coalition for Equality, ADC Memorial, Equality Now, Public Association Union of People with Disabilities "Ravenstvo," Positive Dialogue Public Foundation, Public Association "Civic Union," and Public Association "Ensan Diamond". Our role is to protect and promote human rights with a particular focus on civil liberties, protection from torture, access to justice and migration.

Despite Kyrgyzstan's formal support for **193 out of 232 recommendations** from 3 cycle of Universal Periodic Review (UPR), the initiation of legislative proposals aimed at introducing additional barriers and legal restrictions for NGOs and the media is seen as yet another mechanism for authorities to influence the processes of protecting and promoting fundamental and democratic principles of freedom of speech and expression.

In this statement, we will address the following key areas of concern: **freedom of association, prevention of torture, migration, and access to justice for survivors of sexual violence**. While some progress has been made in recent years, significant gaps remain in legal protections, enforcement, and government accountability.

Freedom of Association

In 2024, a new law on "foreign representatives" for NGOs was adopted, increasing government control over civil society. The law requires mandatory registration, broadly defines "political" activity, and allows excessive government oversight, with severe penalties for non-compliance, including suspension and liquidation. The Venice Commission has criticized this law as inconsistent with international standards.

By Resolution No. 518 of the Cabinet of Ministers of the Kyrgyz Republic dated August 27, 2024, the procedure for managing the register of non-commercial organizations acting as foreign representatives was approved.

As of December 2024, only five organizations have registered, while others have either limited their activities, initiated self-liquidation, Bir Duino continues to defend the right to freedom of association in court, but so far without success.

Recommendations

1. Ensure the adoption of a new version of the Law of the Kyrgyz Republic " Non-Governmental Organizations," taking into account the opinion of the European Commission for Democracy through Law (Venice Commission) dated October 14, 2024,
2. Ensure that civil society organizations can operate freely.

Combating Torture

Kyrgyzstan supported 14 recommendations on preventing torture, but the practice continues. Most complaints of torture are not investigated, and courts refuse to initiate cases. Medical professionals fail to document signs of torture, preventing accountability. Detainees are often denied legal representation, increasing vulnerability to abuse.

8 recommendations for effective investigation and access to justice: two have been partially implemented, with the NPM (National Preventing Mechanism) actively working against torture. The remaining recommendations related to effective investigations and access to justice have not been implemented, as 99% of complaints are not properly reviewed, and no guilty verdicts are issued as a result. According to the NPM, in 2023, the prosecutor's office registered 126 reports of torture, the NPM received 119 complaints of ill-treatment and torture, and 104 cases were denied criminal prosecution. Two recommendations concern detention conditions are partially implemented. However, there are aspects where a lack of funding remains an issue.

Recommendations

- Exclude the pre-investigation stage or ensure its legal regulation by granting rights to applicants and suspects, as well as establishing key requirements for the quality of the review and accountability for inadequate investigations.
- Develop a draft legislative amendment to establish an independent body for investigating torture.
- Develop amendments to the Criminal Code of the Kyrgyz Republic to introduce penalties for ill-treatment.

ACCESS TO JUSTICE FOR SURVIVORS OF SEXUAL VIOLENCE IN KYRGYZSTAN

During the 3rd UPR cycle, Kyrgyzstan received and supported several recommendations on combating violence against women and girls.

- a. Amend legislation to comprehensively protect women (140.29);
- b. Adopt further measures to protect the rights of vulnerable groups, especially women and children, and persons with disabilities (140.43);
- c. Create mandatory training programmes for judges, prosecutors, and law enforcement officials on the application of criminal law dealing with violence against women (140.142);
- d. Further combat domestic and sexual violence against women and girls, in particular against the abduction of brides, forced marriage, and religious child marriage (140.149);

e. Take all necessary action, including through awareness-raising campaigns and training, to effectively implement legislation on violence against women and girls and ensure that all reports of violence are thoroughly investigated and that perpetrators are brought to justice (140.162).

Significant progress has been made with the adoption of Law No. 24 (January 22, 2024) and Law No. 161 (August 7, 2024), aimed at supporting survivors of sexual, gender-based, and domestic violence, eliminating impunity, and improving access to justice. However, further legal reforms are needed to ensure full protection for women and girls.

Despite these reforms, key recommendations remain unimplemented. Kyrgyzstan must adopt a gender-sensitive methodology for investigating sexual violence to prevent re-victimization.

Women and girls with disabilities are particularly vulnerable to sexual violence, especially in psychiatric institutions and care homes. Stigma and lack of procedural accommodations further limit their access to justice.

Gender-based violence remains a serious issue, with insufficient protective measures, and investigations are often dismissed based on the survivor's "competency" to testify. Stronger measures are needed to ensure justice and protection for survivors.

Recommendations

- Introduce a consent-based definition of rape in accordance with international human rights standards, including the ones developed by the CEDAW Committee.
- Ensure that all cases of sexual violence against women and girls are investigated, prosecuted, and adjudicated with a victim-centered approach and from a gender-, age- and disability perspective and put in place human rights-based manuals and trainings on this matter.
- Improve the collection of data on all forms of violence against women and girls, including sexual violence, by the authorities.

The rights of Kyrgyzstani migrants working abroad

Challenges:

1) Economic dependence of Kyrgyzstan on migrant labor, mainly in Russia

- as of December 2023, the migration flow to Russia amounted to 870,304 Kyrgyzstan citizens
- in 2021, the share of money transfers from the Russian Federation amounted to about \$ 2,677 million (98% of the total volume of money transfers), in 2022 – \$ 2,938.5 million (95%), and in 2023 – \$ 2,531.5 million (94%)

2) New risks due to the Russian war against Ukraine

- **escalation of xenophobia in Russia;** hate speech; street violence by non-state actors
- **new wave of anti-migrant legislation,** including a ban of the admission of migrant children to school without proving their competence in the Russian language and legal status

- **Coercion to serve in the Russian army and private military companies**
- **The risk of statelessness** for Kyrgyzstanis having Russian passports: new legislation deprives the naturalized migrants of Russian citizenship for anti-war position and non-registration for military service
- **The risk to die at the war:** at least 51 Kyrgyzstan natives died in Ukraine, 25 of them definitely were Kyrgyzstan citizens

3) **Insufficient protection of the rights of migrant women working abroad and insufficient measures to support the employment of women in Kyrgyzstan**

- High level of feminization of labor migration from Kyrgyzstan: from 45% to 60% of the migration flow are women; additional difficulties due to gender
- Employment of women within the country is hampered inter alia due to the so-called list of prohibited professions which was abolished only in early 2025.

Recommendations

- Adopt comprehensive antidiscrimination legislation.
- Take effective legislative and practical measures to protect the rights of migrant workers abroad, paying special attention to ensuring the right of children to education without discrimination.
- Take effective measures to prevent the participation of Kyrgyzstan citizens in armed conflicts abroad, in particular, in Russia's war against Ukraine.
- Create better conditions for non-discriminative employment of women in Kyrgyzstan, in particular:
 - = ensure gender equality in employment, following up the lifting professional bans for women in line with the new Labor Code
 - = Open education and job opportunities for women who want to be employed on previously forbidden jobs, promote gender equality in employment through wide information campaigns.

Conclusion

Despite Kyrgyzstan's formal support for many UPR recommendations, there has been a significant deterioration in fundamental rights, particularly concerning freedom of expression, assembly, and association. The government must take urgent steps to reverse these trends, protect vulnerable communities, and align domestic laws with international human rights standards.

We urge the international community to strengthen monitoring the situation and to support efforts aimed at promoting human rights and the rule of law in Kyrgyzstan.

Thank you.