



# General Assembly

Distr.: Limited  
5 May 2010

Original: English

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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Eighth session**  
Geneva, 3-14 May 2010

## **Draft report of the Working Group on the Universal Periodic Review\***

**Kyrgyzstan**

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\* The final document will be issued under the symbol A/HRC/15/2. The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its eighth session from 3 to 14 May 2010. The review of Kyrgyzstan was held at the first meeting, on 3 May 2010. The delegation of Kyrgyzstan was headed by the Deputy Minister of Justice of Kyrgyzstan, Mrs. Jyldyz Mambetalieva. At its 5th meeting, held on 5 May 2010, the Working Group adopted the report on Kyrgyzstan.
2. On 7 September 2009, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Kyrgyzstan: Burkina Faso, Nicaragua and China.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Kyrgyzstan:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/8/KGZ/1);
  - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/8/KGZ/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/KGZ/3).
4. A list of questions prepared in advance by Belgium, the Czech Republic, Denmark, Germany, Ireland, Lithuania, the Netherlands, Slovenia, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland was transmitted to Kyrgyzstan through the troika. Those questions are available on the extranet of the universal period review.

## I. Summary of the proceedings of the review process

5. During the interactive dialogue, 51 delegations made statements. Additional statements that could not be delivered during the interactive dialogue owing to time constraints will be posted on the extranet of the universal periodic review when available.<sup>1</sup> Recommendations made during the dialogue are found in section II of the present report.

### A. Presentation by the State under review

6. At the first meeting, on 3 May 2010, the delegation of Kyrgyzstan, headed by the Deputy Minister of Justice, Mrs. Jyldyz Mambetalieva, began its presentation with information about the situation in the country following the political events of April 2010. Because of the situation that has developed since 7 April, the provisional Government assumed power and took on functions entrusted to the President and the parliament of Kyrgyzstan. The delegation stated that, at the time of reporting, all State institutions were performing their functions in all their capacities and that the provisional Government, headed by Mrs. Rosa Otunbaeva, had full control over the situation in the country.
7. As stated by the delegation, because of the April events, Kazakhstan and Uzbekistan have closed their borders. The provisional Government has, however, taken the steps

<sup>1</sup> Bhutan, the Sudan and Morocco.

necessary to address that issue, as the opening of the border could not only positively affect the country's social and economic situation, but also ease the tension in Kyrgyzstan.

8. The delegation cited the three priorities of the provisional Government: restoring law and order in the country, resolving socio-economic problems and restoring the legitimacy of the Government through democratic reform and democratic processes. The aim of the provisional Government, as explained by the delegation, was to return the country to democratic governance and the rule of law and to overcome cronyism and tribalism in the public administration system. Promoting a nationwide discussion on the draft constitution, holding a referendum for its adoption and conducting free and fair parliamentary and presidential elections were cited as the short-term objectives of the provisional Government.

9. With respect to the national report, the delegation stated that a number of public events had been organized, including seminars and consultative meetings with civil society and international organizations in the preparation of the national report for the universal periodic review. The report presented the main legal framework for the human rights mechanism. As noted by the delegation, the April events in Kyrgyzstan demonstrated that the human rights practices of the State did not meet the requirements and needs of the people. Despite the political changes, the delegation took part in the Working Group session with a view to an open and constructive dialogue, confident that an objective assessment of the national report and the recommendations of States would serve the promotion and protection of human rights in Kyrgyzstan.

10. The provisional Government, committed to ensuring human rights and freedoms, has taken several measures to that end. These have included supporting the release of political figures and public leaders from their places of detention, including those who had been illegally detained and charged with organizing mass disturbances on the eve of the presidential elections in 2009. As noted by the delegation, the provisional Government has placed priority on the issue of an independent judiciary, planned to pursue a policy aimed at protecting the rights of refugees, and expressed its commitment to freedom of expression, planning to introduce public broadcasting. The ratification by Parliament in March 2010 of the Second Optional Protocol to the International Covenant on Civil and Political Rights is noteworthy.

11. The delegation noted that protecting children's interests remained a priority for the country and that the relevant domestic legislation reflected the norms set out in the Convention on the Rights of the Child aimed at the more effective protection of children's rights. The delegation noted that State orphanages remained the main form of support for neglected children and that more than 88 per cent of children in orphanages had been separated from their families because of difficult economic situations. Local centres had been established to support children and families as a part of a decentralized system for the protection of children and families. The delegation expressed the need to further develop the capacities of existing institutions and of United Nations technical assistance. Kyrgyzstan planned to establish a juvenile justice system and believed it necessary to adopt a plan of action regarding the issues of the trafficking in children, child pornography and prostitution.

12. While referring to a number of measures that had been taken to ensure the participation of women in public administration, the delegation recognized the need to strengthen the strategy aimed at eliminating stereotypes regarding the role of women and men in society and the family. The delegation also referred to the problem of violence and bride-kidnapping, which had persisted despite a number of criminal prosecutions; expressed its readiness to take further measures to improve the situation, including awareness-raising measures; and cited the need to develop national projects and relevant technical assistance.

13. The delegation referred to a number of measures taken to ensure the rights of ethnic minorities, including the provision of education in four languages. The delegation also noted its plans to develop and implement a policy that took into account the ethnic and cultural diversity of its society. The delegation expressed the adherence of Kyrgyzstan to the principles of tolerance and mutual respect among various ethnicities and religions.

14. While referring to the decrease in the number of imprisoned persons since 2007, the delegation expressed its intention to further develop alternative forms of punishment for juvenile offenders and adults by continuing initiated reforms in the penitentiary system, and acknowledged the need to improve the conditions of detention of convicted persons. The delegation expressed the commitment of Kyrgyzstan to the implementation of its international obligations and its support for the activities of international organizations.

## **B. Interactive dialogue and responses by the State under review**

15. A number of delegations thanked the provisional Government of Kyrgyzstan for its cooperation with the universal periodic review mechanism and commended the delegation for the comprehensive presentation of the national report. A number of delegations noted with appreciation that despite the politically difficult situation, Kyrgyzstan had participated in the universal periodic review.

16. Tajikistan considered that the presentation reflected the country's commitment to human rights. It welcomed the adoption of the Agenda for National Renewal, based on the rule of law. It noted that Kyrgyzstan had acceded to most international human rights instruments and cited the Government's intention to improve gender equality and the rights of children. Tajikistan made recommendations.

17. The Democratic People's Republic of Korea acknowledged the results achieved in the area of ensuring equal rights and freedoms for all minorities. It took note of the compulsory and free general basic education system and several benefits aimed at ensuring better living conditions for the unemployed. The Democratic People's Republic of Korea expressed appreciation for current policies aimed at achieving gender equality and protecting children's rights. It made a recommendation.

18. The Lao People's Democratic Republic took note of progress made in reinforcing social cohesion, attaining political stability and achieving economic development for all ethnic groups. It added that, in accordance with the Constitution, the Government had spared no effort in protecting the basic rights and freedoms of its people, irrespective of race, sex, language and religion. It made recommendations.

19. Kuwait acknowledged the efforts made to eradicate terrorism and referred to the law of 8 November 2006, which placed priority on respect for human rights and the protection of people exposed to dangers resulting from terrorist acts. It welcomed constitutional measures to protect children's rights stipulating that parents had the primary responsibility for their children's education and that the State was responsible for the protection of orphans. Kuwait made recommendations.

20. Algeria welcomed the presentation of the report despite the difficult situation. It expressed hope for the rapid restoration of constitutional order, the restoration of stability, respect for human rights, and the achievement of socio-economic development. It requested further information about recent legislation regarding the relationship between international and national laws, as well as the role of the Office of the Mediator. Algeria made recommendations.

21. Norway expressed regret at the recent loss of life and underlined the importance of an early return to public order under a democratic Government that fully respected human

rights. It welcomed moves towards constitutional reform and democratic elections. Norway expressed concern about the vulnerable situation of human rights defenders, journalists and lawyers. Norway made recommendations.

22. Brazil believed that the universal periodic review could contribute to the efforts to achieve democratization, strengthen the judiciary, reduce poverty, pursue sustainable development and guarantee freedom of expression. It highlighted the abolition of the death penalty. It inquired about steps taken to protect children and women, combat discrimination and the shortcomings regarding economic, social and cultural rights. Brazil made recommendations.

23. Turkey underscored the importance of fair and timely elections in upholding the rule of law and welcomed the announcement of the upcoming constitutional referendum and parliamentary elections. Turkey encouraged Kyrgyzstan to accede to the Convention on the Rights of Persons with Disabilities and to consider the establishment of an independent national human rights institution.

24. Indonesia hoped for the swift restoration of national stability. It noted the ratification of the “New Generation” programme on children’s rights. It highlighted the fact that the Constitution provided for gender equality and noted the substantial increase in the number of women in Government positions. It asked for further information about the Act on social and legal protection against domestic violence and human trafficking.

25. Kazakhstan welcomed the will of the Kyrgyz people to live in a free and democratic society. It noted the new challenges relating to the stabilization of the political situation and the enhancement of economic development. It stated that it believed that the provisional Government was aware of the concerns of the international community, and expressed the hope that the Government would cooperate with it. Kazakhstan made recommendations.

26. Kyrgyzstan noted that, since 2009, the Ministry of Labour, Employment and Migration had assumed the function of coordinating the efforts of central and local governments aimed at the implementation of the State gender policy. As one of the objectives of the national strategy on gender equality 2007-2010 was to combat all forms of violence against women, amendments to the legislation on domestic violence, based on the results of the monitoring of the implementation of the domestic violence legislation, had been drafted and submitted to parliament. In March 2010, the campaign against domestic violence had been officially launched in Kyrgyzstan, in cooperation with the United Nations. Polygamy and bride-kidnapping constituted crimes under the Criminal Code. The delegation also noted the draft amendments to national legislation aimed at strengthening punishments for human trafficking and associated crimes and at protecting the victims of trafficking.

27. With regard to freedom of expression, the delegation noted that the investigation of a number of cases involving violence against journalists remained a priority for the law enforcement bodies. Since 2005, 34 cases of violence against journalists had been recorded and 28 criminal cases had been launched. In that respect, through a decision by the Ministry of the Interior, a special investigative group had been established to investigate cases of violence against journalists and to bring the perpetrators to justice.

28. Kyrgyzstan noted that a large number of print and broadcast media were registered in the country. However, journalists faced serious problems in performing their functions, as there had been a number of cases in the past involving beatings and other forms of violence directed against journalists, including threats to their lives. The previous authorities had established control over media through re-registration mechanisms, and any criticism expressed in the media had resulted in the closure of the media outlet concerned. The Ombudsman had established a special division on the protection of civil and political

rights, and was in the process of developing a national human rights action plan that would include protection of the rights of journalists. The Office of the Ombudsman had also been monitoring the implementation of the Law on Media and planned to report the results to parliament.

29. Germany encouraged Kyrgyzstan to enhance respect for human rights and international law. It asked how the Government intended to promote civil society, particularly human rights defenders; how it would ensure that civil rights would be strengthened through the constitutional reforms; and whether it intended to change the Law on Religion in order to guarantee freedom of religion. Germany made recommendations.

30. India noted the accession by Kyrgyzstan to most human rights instruments. It welcomed the establishment of institutional mechanisms to protect children rights. It acknowledged the substantial achievements regarding the National Plan of Action for Gender Equality. India noted that 35 per cent of the population continued to live below the poverty line. It expressed the hope that the adoption of national development strategies would improve the standard of living.

31. Singapore expressed the hope that the Kyrgyz people would set aside their differences, eschew violence and seek a peaceful and durable solution. It noted the provisional Government's commitment to consulting a new constitution based on political agreement and to the holding of transparent elections. It stated that the transition had opened up an opportunity to create an environment free from corruption. It made a recommendation.

32. The Russian Federation acknowledged the steps that Kyrgyzstan had taken since its independence to establish the legal foundations for human rights and democracy. It noted the challenges ahead. It mentioned the high levels of poverty as one reason for political instability. It hoped for rapid normalization, through a return to the rule of law, the adoption of a new constitution and the holding of elections.

33. France recognized the Government's commitment to re-establishing legality, holding transparent elections and guaranteeing human rights protection. France expressed its readiness to cooperate. It expressed concern at allegations of torture and other forms of ill treatment, in particular relating to minors in detention. It also noted several communications based on allegations involving the intimidation and harassment of human rights defenders. France made recommendations.

34. Saudi Arabia noted the constitutional right to education and legal provisions aimed at compulsory primary education. It referred to the recommendation of the Committee on the Rights of the Child that efforts to combat dropping out of school be improved. It noted the improved legislation on human rights and basic freedoms as well as measures to improve the situation in the area of children's rights. It made a recommendation.

35. Hungary welcomed the upcoming constitutional referendum and parliamentary elections. It emphasized that the Government should ensure the right to peaceful assembly and to vote, and the freedoms of association and speech. Hungary noted the cooperation shown during the visit by the Special Rapporteur on the independence of judges and lawyers, and commended efforts related to children's rights. Hungary made recommendations.

36. Slovenia expressed concern at the deterioration of human rights, including a large number of unresolved cases involving the deaths of journalists. Slovenia referred to, inter alia, the imposition of controls over democratic freedoms through the blocking of independent news websites and the adoption of new legislation restricting the freedoms of assembly and religion. Slovenia made recommendations.

37. Palestine noted the challenges facing Kyrgyzstan in terms of insecurity, a high poverty rate and the situation of refugees. It noted the efforts made to improve the legislative framework in the areas of gender equality and children's rights. It took note of the commitment to abide by several international human rights instruments. Palestine made a recommendation.

38. Spain remained concerned about the events of April 2010 and, in keeping with the 26 April conclusions of the Council of the European Union, highlighted the importance of the prompt restoration of public order under a democratic Government that fully respected the rule of law and human rights. Spain made recommendations.

39. The Libyan Arab Jamahiriya noted the focus on respecting the rights of previous and future generations in the report. It raised three questions, related to the national programme for human rights; the steps taken to achieve dialogue and understanding among ethnic groups, as well as civil reconciliation; and the problems of early marriage, the kidnapping of brides and domestic violence directed against women. It made recommendations.

40. Italy welcomed the announcement of the constitutional reforms and democratic elections. It recalled the Secretary-General's concerns regarding poverty, corruption, violence against women and limitations on freedom of expression in Kyrgyzstan. It expressed concern about the new law regarding freedom of religion, allegations of torture against minors and the intimidation and harassment of journalists. It made recommendations.

41. Pakistan highlighted the steps taken to ensure greater political participation on the part of women in Kyrgyzstan. It added that the national human rights programme for 2002-2010 had contributed to a gradual improvement in legislation and the introduction of new mechanisms in the field of human rights. Pakistan recognized the constructive acknowledgement of Kyrgyzstan's challenges. It made recommendations.

42. Switzerland expressed concern at recent political troubles and violence. It noted many allegations involving aggression against journalists and human rights defenders in 2009. It congratulated Kyrgyzstan on its ratification of the Optional Protocol to the Convention against Torture and the creation of its national preventive mechanism. Switzerland commented that the abduction of young girls for forced marriage continued. Switzerland made recommendations.

43. China appreciated the strategies for eradicating poverty and the progress made in promoting and protecting the right to social protection, health and education. China welcomed the adoption of a national human rights programme, as well as the priority placed on women's rights. China hoped that the provisional Government would continue to take effective measures to restore order and social stability. China made recommendations.

44. Angola recognized the implementation of a programme to provide health care and inquired how it was being monitored. It acknowledged efforts taken to improve the institutional mechanism for protecting children, welcomed the fact that 52 per cent of Government posts were held by women and inquired whether non-citizens enjoyed the right to education. Angola made recommendations.

45. Jordan hoped that the country would effectively resume political and democratic reforms as it had done in the early 1990s. It appreciated the announcement that free and fair elections would be held in the near future. Ensuring democracy would not only improve overall human rights and fundamental freedoms, but also ensure the achievement of stability and political and socio-economic progress. Jordan made recommendations.

46. Egypt commended the adoption of the Children Code in 2006, which set out the broad legal framework for child protection and child services. It also commended the adoption of the National Gender Action Plan, which strengthened procedures for the



assessment of legislation from a gender perspective and the establishment of a national mechanism for monitoring the status of women. Egypt made recommendations.

47. The United Kingdom of Great Britain and Northern Ireland regretted the loss of life and remained concerned about potential further violence. It noted reports of land seizures targeting non-ethnic Kyrgyz citizens. It acknowledged actions to promote reconciliation and urged Kyrgyzstan to work with the international community. It welcomed the abolition of the death penalty but noted allegations involving widespread torture and concerns about media freedom. The United Kingdom made recommendations.

48. Mexico expressed concern at the instability in Kyrgyzstan and stressed that the de facto authorities were responsible for ensuring the protection of human rights. Mexico called for the re-establishment of democratic and constitutional order and expressed confidence that a constitutional referendum and parliamentary elections would be held promptly. It urged the Government to set dates for such elections. Mexico made recommendations.

49. Lithuania regretted the loss of life during recent events and remained concerned at the fragile situation in the country. Lithuania welcomed the provisional Government's engagement with the United Nations. Lithuania was particularly concerned by child labour in radioactive waste dumps, which must be discontinued as a matter of priority. Lithuania made recommendations.

50. Canada appreciated the commitment of the provisional Government to human rights, as well as the launching of the Plan of Action to Decrease and Prevent Statelessness. It expressed concern about allegations involving attacks against journalists and recent media blackouts, as well as ongoing abuses related to women's rights. It was troubled by reports of widespread torture. Canada made recommendations.

51. Kyrgyzstan confirmed that a referendum was planned for June and that elections would be held in October 2010. Concerning questions about the 2009 elections, Kyrgyzstan noted that, under its laws, access to the Electoral Commission was open, relevant stakeholders as well as the media were able to attend its meetings, and its decisions were published in the media. Kyrgyzstan explained that an automated system had been established for voter registration and for the provision of information about the electoral process. The provisional Government would establish a commission in order to ensure a transparent electoral process, with full participation on the part of civil society and the political parties.

52. With regard to the judiciary, Kyrgyzstan noted that, since its independence, a comprehensive judicial system had been established and that interference with the judiciary was prohibited by the Constitution. However, further measures would need to be taken to strengthen the judiciary and its independence. The first step taken by the provisional Government had been aimed at the reform of the Constitutional Court. This would be followed by measures to strengthen the independence of the judiciary.

53. Regarding the issue of children's rights, Kyrgyzstan rejected the view that corporal punishment was permitted in Kyrgyzstan, noting that corporal punishment and the infliction of physical or moral suffering on children was prohibited by law. Accordingly, cases of violence against children were duly investigated and prosecuted. A system of juvenile justice was in the process of being established, and special measures had been taken to assist children in conflict with the law. A draft law on juvenile justice, as well as amendments to other relevant legislation, had been formulated by a special working group. In addition, a major study on domestic violence had been carried out in 2009 together with UNICEF. The study would serve as the basis for the formulation of additional amendments to laws, as well as plans of action to eradicate violence against children. There were also plans to seek alternatives to detaining children in conflict with the law; these included

programmes in special schools, such as rehabilitation programmes and therapy, as well as active work with families. As part of a pilot project, further work would be carried out with the aim of reforming major institutions that provide services to children in crisis. Standards for foster family services were set out in the Children's Code. The best interests of the child would always be at the centre of the measures undertaken.

54. With regard to the right to peaceful assembly, it was noted that all citizens had that right as long as they did not carry firearms. However, a law adopted on that right in 2008 was considered not to be in accordance with international standards. Accordingly, efforts were under way to formulate a new law. A working group had been established for this purpose; it worked in conjunction with the Ombudsman and independent experts. A new draft law had already been reviewed by the OSCE Office for Democratic Institutions. In that context, it was noted that the Office of the Ombudsman required additional administrative support from the international community in order to strengthen its capacity to review draft legislation.

55. The delegation further stated that the provisional Government had embarked on measures to address past violations of rights for political reasons. A number of individual cases had been reviewed, including in connection with the suppression of civil unrest in 2008, which had involved arbitrary detention and the violation of due-process rights, in addition to the reported use of torture. Past investigations carried out by the Ministry of Interior had been characterized by irregularities, including political pressure on investigators. Political opponents who had been arrested, often as a reprisal measure, had now been acquitted.

56. Malaysia regretted the casualties resulting from the recent unrest. It acknowledged Kyrgyzstan's commitment to fulfilling its human rights obligations, noting the adoption of the National Human Rights Programme for 2002-2010 and the Agenda for National Renewal in 2009. Malaysia encouraged Kyrgyzstan to, inter alia, increase efforts to bring its national legislation into line with relevant international human rights instruments. Malaysia made recommendations.

57. Austria expressed concern about the loss of life and the continuing instability. The re-establishment of public order, respect for the rule of law and human rights were of the utmost importance. Austria welcomed the commitment of the provisional Government to ensuring respect for international human rights obligations. Austria welcomed the announcement regarding the pursuit of constitutional reform and the preparations for democratic elections. Austria made recommendations.

58. Armenia acknowledged the planned steps to establish the rule of law and promote human rights. Armenia expressed its readiness to support Kyrgyzstan's efforts to build a future-oriented society whose members would fully enjoy the human rights enshrined in the Universal Declaration of Human Rights. It inquired about the plans to establish juvenile justice. Armenia made recommendations.

59. Netherlands regretted the loss of life and welcomed the fact that elections were planned to be held soon. It called upon the provisional Government to continue to cooperate with international actors. It was concerned about reports concerning torture following the event in Nookat in October 2008, attacks on journalists and the restrictive law on religion adopted in 2007. The Netherlands made recommendations.

60. The Czech Republic acknowledged that, in 2008, Kyrgyzstan had become a State party to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). It made recommendations.

61. Argentina noted the legal reforms aimed at achieving equality between men and women and at guaranteeing a minimum of 30 per cent representation of women in local and national bodies. Argentina made recommendations.
62. Lebanon hoped that the participation of the provisional Government in the review would contribute to the improvement of the human rights situation and to the fulfilment of the aspirations of the Kyrgyz people. Lebanon made recommendations.
63. Belgium underscored that it was important that the process of ratifying the Second Optional Protocol to the International Covenant for Civil and Political Rights be concluded successfully. Belgium called attention to concerns expressed by the Committee on the Elimination of Racial Discrimination regarding asylum seekers belonging to certain minority groups. It expressed concern about domestic violence. Belgium made recommendations.
64. The Islamic Republic of Iran appreciated the fact that the Government had participated in the universal periodic review despite recent developments. It noted the preparation of a referendum and general elections. It recognized efforts to address challenges and shortcomings. It highlighted achievements in the areas of education, the rights of women and children, and the right to life and health. Iran made recommendations.
65. Denmark encouraged the provisional Government to ensure respect and protection for all human rights and to provide for free, fair and transparent democratic elections. It asked about measures to protect journalists and human rights defenders. Denmark noted that child labour remained a growing challenge, citing reports of widespread torture and other forms of ill treatment. Denmark made recommendations.
66. Slovakia expressed appreciation for the abolition of the death penalty in Kyrgyzstan in 2007 and the country's planned accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights. The delegation recognized the commendable normative framework in place concerning children. However, it expressed concern about the persistence of child labour in the country. Slovakia made recommendations.
67. Sweden requested further elaboration about measures taken to protect freedom of expression, including the protection of the security of journalists. It also mentioned the issue of the corporal punishment of children and inquired about measures taken to ensure the freedom of children from violence, including corporal punishment, in any setting. Sweden made recommendations.
68. Uruguay welcomed the efforts made by Kyrgyzstan to abolish the death penalty and to incorporate that prohibition into its Constitution. Uruguay also welcomed the opening of the OHCHR office for Central Asia in the country. It also welcomed progress made through the approval of a law on State guarantees for equal rights and opportunities. Uruguay made recommendations.
69. Japan expected that efforts aimed at the restoration of democracy and constitutional order would proceed legally and peacefully. Japan would follow closely the human rights situation in Kyrgyzstan. It noted the efforts to promote and protect the rights of women and children, such as the adoption of relevant action plans, national programmes and the planned formulation of criteria relating to domestic violence and preventive measures. Japan made a recommendation.
70. Ireland appreciated the abolition of the death penalty. It remained concerned about a number of issues, in particular de facto discrimination against women and widespread domestic violence; the independence of the judiciary; and the increasing attacks against journalists and obstacles to the right to peaceful assembly. Ireland made recommendations.

71. The Republic of Korea welcomed Kyrgyzstan's efforts to enhance cooperation with the United Nations human rights mechanisms. It acknowledged the progress made regarding women's rights and asked about measures aimed at the implementation of existing legislation in that field. It recalled concerns about the lack of independence of the judiciary and requested further information, especially regarding constitutional reform. It made a recommendation.

72. Latvia called on Kyrgyzstan to abide by all its international obligations and commitments and to ensure an early return to the constitutional order, the rule of law and respect for human rights. Latvia noted still-pending requests by the United Nations special procedures mandate holders to visit Kyrgyzstan. Latvia made recommendations.

73. Afghanistan expressed its condolences with regard to those who had lost their lives during recent mass riots. It welcomed the readiness of the provisional Government to cooperate with the United Nations and other international organizations in providing democratic, open and transparent referendum and elections. It called for the support of the international community. Afghanistan made recommendations.

74. Bangladesh hoped for the restoration of peace and stability in Kyrgyzstan. It highlighted the recent adoption of several important legislative measures, including amendments to the Citizenship Act and the Family Code and the adoption of the Law on State Guarantees for Equal Rights and Equal Opportunities. Bangladesh also referred to Kyrgyzstan's development strategies aimed at eradicating poverty. Bangladesh made recommendations.

75. The delegation of Kyrgyzstan expressed its appreciation for the constructive and open interactive dialogue and for the support extended to the provisional Government of Kyrgyzstan. The protection of rights and freedoms remained the essential goal of the reforms that had been implemented in Kyrgyzstan. As noted by the delegation, all legal conditions would be established in Kyrgyzstan to protect the fundamental rights of individuals, along with the conditions necessary for a market economy, free entrepreneurship and trade, and investment. The delegation concluded that human rights protection would remain an indivisible part of the Government's activities.

## **II. Conclusions and/or recommendations**

76. The recommendations formulated during the interactive dialogue and listed below have been examined by Kyrgyzstan and enjoy its support:

1. Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Spain);
2. Ratify, as soon as possible, the Second Optional Protocol to the International Covenant on Civil and Political Rights (Belgium);
3. Become party to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Argentina);
4. Establish constitutional reforms that will guarantee the separation of powers, the rule of law, the independence of the judiciary and the civil and democratic rights of Kyrgyzstan's citizens (Germany);
5. Proposed constitutional reform should provide for the comprehensive protection and promotion of all human rights and fundamental freedoms (Pakistan);

6. That the ongoing constitutional reform should provide for the comprehensive promotion and protection of all human rights, with particular emphasis on the rights of women and children (Egypt);
7. Provide for the comprehensive protection and promotion of all human rights and fundamental freedoms within the envisaged constitutional reform (Armenia);
8. Re-establish expeditiously constitutional order and the rule of law in the country, and ensure full accountability for all human rights violations following the events of 6 to 7 April 2010 (Slovakia);
9. That the provisional Government urgently take all steps necessary to ensure the holding of the referendum on the new constitution and parliamentary elections – announced for 27 June and 10 October 2010 - in a free, fair and democratic manner, and fully take into account the relevant expert opinion of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, as well as of the Venice Commission of the Council of Europe (Austria);
10. Take on board the opinions of the Office for Democratic Institutions and Human Rights of the Organization of Security and Cooperation in Europe and the Venice Commission of the Council of Europe in the organization of the constitutional referendum and parliamentary elections (Ireland);
11. Take into account the relevant expert opinions of the Office for Democratic Institutions and Human Rights and the Venice Commission in organizing the constitutional referendum and the elections announced for 27 June and 10 October 2010, respectively (Italy);
12. Abide by all its international obligations and commitments and ensure an early return to constitutional order, the rule of law and respect for human rights (Latvia);
13. Continue to implement its national plans, including for the reform of its human rights legislation, and further to improve the effectiveness of enforcing its national laws (Saudi Arabia);
14. Bring the Law on Peaceful Assembly into compliance with international human rights standards (Hungary);
15. Adopt legislation on the National Preventative Mechanism in line with international standards and fully implement it (United Kingdom of Great Britain and Northern Ireland);
16. That the provisional Government ensure full respect for the rule of law and human rights and, in this regard, abide by all of Kyrgyzstan's international obligations and commitments (Lithuania);
17. Review the compliance of its national legislation with provisions of the International Covenant on Civil and Political Rights on freedom of expression, association and assembly (Czech Republic);
18. Guarantee freedom of the media in the draft media law in accordance with international standards (Ireland);
19. Provide for the comprehensive protection and promotion of all human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights (Tajikistan);
20. Establish a national preventive mechanism that will constitutionally guarantee the rights of all people, particularly the rights of minorities (Tajikistan);

21. Continue to strengthen the national preventive mechanism (Democratic People's Republic of Korea);
22. Improve and strengthen good governance, institutions and the rule of law for long-term stability (Kazakhstan);
23. Guarantee that its national mechanism respects all the provisions of the Optional Protocol to the Convention Against Torture, ensuring that it has all the necessary financial and human resources (Switzerland);
24. Establish a national preventive mechanism that would constitutionally/institutionally guarantee the rights of all people, particularly the rights of minorities (China);
25. Establish a national preventive mechanism that will constitutionally guarantee the rights of all people, particularly the rights of minorities (Afghanistan);
26. Place emphasis on the rights of women and children in its policies and programmes (Tajikistan);
27. Adopt a zero-tolerance policy towards corruption (Tajikistan);
28. Adopt a zero-tolerance policy towards corruption (Afghanistan);
29. Fight corruption at all levels (Jordan);
30. Continue its reform of the system to protect children and enhance the social services for its population through the "New Generation" programme (Kuwait);
31. Strengthen its policy for the full guarantee of the rights of the child, with attention to implementing the Guidelines for the Alternative Care of Children, according to resolution 11/7 of the Human Rights Council and 64/142 of the General Assembly (Brazil);
32. Seize this opportunity to create a corruption-free environment (Singapore);
33. Continue the same level of methodology and transparency; we consider that the content of the report reflects the importance of the work to be carried out in spite of the challenges (Palestine);
34. Speed up the drafting of the strategy to protect human rights and civil rights (Libyan Arab Jamahiriya);
35. Activate the New Generation programme with regard to children's rights and initiate cooperation with UNICEF and other relevant international human rights organizations (Libyan Arab Jamahiriya);
36. Continue to place emphasis on the rights of women and children in its policies and programmes (Pakistan);
37. Place emphasis on the rights of women and children in its policies and programmes (Afghanistan);
38. To the current authorities, protect all human rights and respect democratic principles and the rule of law (Switzerland);
39. Strengthen policies for the protection of the rights and interests of children (Angola);
40. Seek to incorporate human rights considerations in accordance with Kyrgyzstan's international obligations in any reform process it plans to carry out (Lebanon).

41. Continue to cooperate with the United Nations and the Human Rights Council in protecting and promoting human rights (Lao People's Democratic Republic);
42. That the temporary Government draw upon the expertise of the Office for Democratic Institutions and Human Rights and the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, and the Venice Commission of the Council of Europe with regard to the constitutional reform and rapid democratic elections (Norway);
43. Work closely with civil society organizations and other international organizations in the implementation of the recommendations emanating from this process (Austria);
44. Further improve its cooperation with all United Nations human rights mechanisms, submitting its overdue reports to treaty bodies, as well as its response to communications of the special procedures (Slovakia);
45. Continue to promote women's emancipation in all spheres of society (Angola);
46. Give special regard to women and children and enhance their enjoyment of human rights and fundamental freedoms (Jordan);
47. Ensure that the new constitution guarantees equality between women and men (Austria);
48. Ensure that gender issues are appropriately addressed in its future programmes (Lebanon);
49. Continue to empower women and broaden the scope for their participation in society (Bangladesh);
50. Adopt all provisions necessary to prevent acts of torture and cruel, inhuman or degrading treatment committed by penitentiary or law enforcement personnel, and establish a system for the independent monitoring of all detention centres without exception (France);
51. Fight against torture, in particular torture against minors (Italy);
52. Undertake clear commitments to put an end to all forms of intimidation, harassment, aggression, arbitrary arrest and detention, and torture against all persons, in particular human rights defenders, peaceful demonstrators and journalists (France);
53. Strengthen its safeguards against torture, including through the improvement of conditions in prisons and detention facilities and the establishment of a complaint mechanism for victims of torture (Czech Republic);
54. Condemn the use of torture and other ill treatment and ensure the prompt, impartial and comprehensive investigation of all complaints involving the torture of any person subjected to any form of arrest, detention or imprisonment (Denmark);
55. The Government of Kyrgyzstan reopen proceedings related to the events in Nookat and ensure that allegations of torture are investigated and that all evidence obtained through coercion is disregarded (Netherlands);
56. Ensure the full legal protection of the freedom of children from physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including corporal punishment in any setting, and take further practical measures to stem the occurrence of violence against children (Sweden);

57. Stop all acts of intimidation, corporal punishment or arrest linked to the activities of human rights defenders, political activists and journalists, and guarantee freedom of expression, without introducing any provisions restricting its exercise (Argentina);
58. Take further legislative and practical measures to end violence against women, in particular also addressing the problem of bride kidnapping (Austria);
59. Further improve measures to address the problems related to gender issues, including violence against women, through, inter alia, the establishment of effective coordination and the strengthening of an enforcement and judicial system for the greater protection of women and girls (Malaysia);
60. High priority is given to the fight against domestic violence, forced marriages and trafficking in human beings, including through the strengthening of provisions for the investigation of and punishments for such crimes, the provision of support and protection to the victims, and raising public awareness of them (Czech Republic);
61. Adopt measures to ensure full compliance with laws criminalizing bride kidnapping, forced marriage and polygamy, as well as the training of police and judicial staff in strengthening those mechanisms aimed at respecting the rights and protection of victims of domestic violence (Argentina);
62. Intensify in practice sanctions in cases of domestic violence, bride-kidnapping, forced marriage, polygamy and discrimination against women due to sexual orientation, as well as promote mechanisms of protection that guarantee the rights of victims of domestic violence (Uruguay);
63. Address the situation of children living or working on the street and juvenile offenders; intensify measures to criminalize and sanction cases involving the sale of children, child prostitution and child pornography; and initiate reforms of the juvenile justice system in line with international standards (Uruguay);
64. Continue making efforts to take effective measures for the promotion and protection of women's and children's rights, including improvements with regard to the issues of bride-kidnapping, domestic violence, child abuse and the sale of children (Japan);
65. Continue its institutional efforts to combat human trafficking (Pakistan);
66. Ensure that the independence of the judiciary is fully guaranteed in its legal framework (Ireland);
67. That the gradual entry into force of the 2009 Law on Jury Trials be accompanied by substantial preparatory work with judges, together with awareness-raising, and with the inclusion of the human rights education in practice (Hungary);
68. Provide and improve training programmes on human rights for the judiciary, law enforcement personnel and lawyers (Jordan);
69. Establish a juvenile judiciary (Afghanistan);
70. Take measures to ensure the full independence of the judiciary and to ensure that guarantees of fair trial for everyone are implemented (Austria);
71. Introduce human rights education and training to members of the police and prison and detention staff, and ensure their accountability for human rights violations (Czech Republic);



72. Ensure a prompt and independent investigation regarding the loss of lives resulting from the violence in April this year, for the purpose of justice and confidence-building in Kyrgyzstan (Norway);
73. That all attacks on journalists are thoroughly investigated in a timely manner (Netherlands);
74. Investigate and punish cases involving the intimidation, harassment, persecution and torture of journalists, activists and human rights defenders, as well as participants in demonstrations (Uruguay);
75. Consider increasing the minimum age of marriage for girls (Jordan);
76. Raise the minimum age for marriage and establish a juvenile judiciary (Egypt);
77. Continue actions to improve the situation of women, and take additional actions to eliminate forced or arranged marriage, polygamy and sexual violence (Lithuania);
78. Investigate all attacks on journalists and members of the opposition, and take appropriate measures to fight against impunity for such crimes (Slovenia);
79. Guarantee an environment for journalists free of intimidation and attacks (Italy);
80. Take steps to ensure the safety of journalists and to properly investigate attacks against them (Lithuania);
81. Continue to take all the measures necessary to prevent interference with press freedom and the work of human rights defenders (Switzerland);
82. Take measures to ensure the right to freedom of expression, including guaranteeing unhindered access for independent media to airtime and the Internet, and to introduce criminal measures for the threatening of journalists and media outlets (Canada);
83. Take measures to ensure the unhindered exercise of freedom of expression and freedom of assembly (Austria);
84. Take all measures necessary to ensure full respect for the freedom of expression in accordance with Kyrgyzstan's international obligations (Sweden);
85. Protect the rights of the victims of the recent mass riots (Tajikistan);
86. That official, individualized documents be presented to human rights defenders whose bans are lifted (Norway);
87. That the forces of a free society (human rights defenders, journalists and lawyers working in defence of a free media, civil liberties and human rights in Kyrgyzstan) be allowed to operate in the country (Norway);
88. Ensure that the basic civil and political rights of civil society organizations are protected in line with the obligations set out in the International Covenant on Civil and Political Rights (Spain);
89. Ensure the effective implementation of freedom of assembly, and, in particular, guarantee that participants in peaceful assemblies, as well as civil society activists and political parties, are free from pressure and are not prosecuted for exercising this right (Lithuania);

90. Guarantee in law and in practice the right to the freedoms of expression, association and peaceful assembly, as well as the right of all citizens to participate, without discrimination, in the country's public and political life, including the right to vote and be elected. In this regard, it is urgent that the bill on freedom of assembly be concluded and approved. (Mexico);
91. Intensify efforts to ensure at least 30 per cent representation of women in central and local state bodies, including at the decision-making level, in line with presidential decree No. 136 of 20 March 2006 (Algeria);
92. Hold open and transparent elections (Tajikistan, Pakistan);
93. Hold free and fair elections as soon as possible (Canada);
94. Hold open and transparent elections (Afghanistan);
95. In light of the upcoming elections, implement key OSCE commitments for democratic elections<sup>2</sup> (Slovenia);
96. Organize the forthcoming referendum and elections in line with international standards, including the opinions of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe and the Venice Commission of the Council of Europe (United Kingdom of Great Britain and Northern Ireland);
97. Consider inviting international observers to the upcoming electoral processes, which will be held in the next months, to ensure that the new authorities are elected democratically and by legal means (Mexico);
98. That the organization of a transparent and inclusive election process in compliance with international standards is undertaken as a matter of priority, together with the thorough transparent, impartial and independent investigation of the recent violent events (Czech Republic);
99. Do its utmost to guarantee the holding of open and transparent elections on the dates set (Lebanon);
100. Implement urgently the provisions enshrined in the ILO Worst Forms of Child Labour Convention, with special emphasis on articles 1 and 6 (Hungary);
101. Eliminate the practice of requiring boys and girls to work in the educational institutions where they are enrolled (Spain);
102. Further protect children's rights; in particular, fully implement the prohibition of child labour and adopt legislation providing for responsibility for the use of child labour (Lithuania);
103. Adopt and implement necessary measures, including its national programme of action of the social partners for the eradication of the worst forms of child labour, with a view to eliminating this phenomenon (Slovakia);
104. Ensure that all journalists and human right defenders can work in safe conditions (Denmark);
105. Ensure that measures are in place to fight and eradicate child labour (Denmark);

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<sup>2</sup> The original recommendation read as follows: "In light of the upcoming elections, implement these OSCE recommendations". (Slovenia)

106. Fight poverty and provide high-quality education and health care for sustainable development (Kazakhstan);
107. Pursue development policies and programmes aimed at poverty alleviation and eradication (Pakistan);
108. Pursue development policies and programmes aimed at poverty alleviation and eradication (China);
109. Pursue development policies and programmes aimed at poverty alleviation (Egypt);
110. Pursue development policies and programmes aimed at poverty alleviation and eradication (Tajikistan);
111. Pursue development policies and programmes aimed at poverty eradication (Afghanistan);
112. Continue its efforts aimed at the development of policies and programmes for poverty alleviation and eradication, with special emphasis on vulnerable groups, including people with disabilities and women and children, and mainstream a gender perspective into all relevant policies and programmes being developed (Armenia);
113. Take serious steps to eradicate poverty, especially in rural areas, and improve living standards (Islamic Republic of Iran);
114. Continue its efforts to combat poverty with the support of the international community (Bangladesh);
115. Focus on the development of an efficient education system for all throughout the country (Iran);
116. Protect the rights of people with disabilities (Tajikistan, Afghanistan);
117. Strengthen its efforts to eradicate the illegal spread of narcotic drugs (Pakistan);
118. Continue its efforts to preserve the nation's ethnic diversity and promote its cultural heritage (Pakistan);
119. That anti-minority attacks be publicly condemned by authorities, and that such attacks are investigated in order to bring the perpetrators to justice (Norway);
120. That the minority communities be included in the process of constitution-making and the formulation of the Electoral Code, in order to take into account their wishes and aspirations (Norway);
121. That inclusive and longer-term measures be taken with respect to linguistic policy, education and participation in decision-making for minorities (Norway);
122. Ensure full respect for minority rights in the new constitution (Austria);
123. Cooperate actively with the international community and international financial institutions in the implementation framework for development cooperation programmes, in order to fully implement the protection and promotion of human rights (Kazakhstan);
124. Continue its efforts to combat terrorism financing and de-legitimize income generated through criminal means (Kuwait);
125. Share experience and good practices with others (Lao People's Democratic Republic);

126. Strengthen cooperation with the international community and organizations including the United Nations in building capacity and technical cooperation in crucial areas such as poverty eradication, increase access to sanitation, education, combating drug abuse and illegal drug trafficking (Malaysia);

127. Make efforts to strengthen national capacities in the field of human rights while benefiting from the technical assistance of the Office of the High Commissioner for Human Rights (Iran).

77. The following recommendations will be examined by Kyrgyzstan, which will provide responses in due course, but no later than the fifteenth session of the Human Rights Council, in September 2010:

1. Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, the Second Optional Protocol to the International Covenant on Civil and Political Rights and the ratification of the Rome Statute, and accomplish the Human Rights Voluntary Goals set out in resolution 9/12 of the Human Rights Council (Brazil);

2. Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (France);

3. Ratify the Convention on the Rights of Persons with Disabilities (Iran);

4. Sign and ratify the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; and the International Convention for the Protection of All Persons from Enforced Disappearance (Spain);

5. Consider adhering to the Convention on the Rights of Persons with Disabilities (Algeria);

6. Consider acceding to the Convention the Rights of Persons with Disabilities (Jordan);

7. Consider acceding to the Convention on the Rights of Persons with Disabilities, and devise national policies and legislation to protect the rights of persons with disabilities (Egypt);

8. Ratify the Rome Statute of the International Criminal Court (Austria);

9. Become a party to the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and to the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);

10. Ratify the Rome Statute of the International Criminal Court, including accession to the Agreement on Privileges and Immunities (Slovakia);

11. Ratify the Rome Statute establishing the International Criminal Court, as well as the International Convention on the Protection of All Persons from Enforced Disappearance (Uruguay);

12. Modify relevant legislation; in particular, remove provisions of the Criminal Code on the prosecution of journalists for libel (Lithuania);

13. Review the compliance of its national legislation with provisions of the International Covenant on Civil and Political Rights on non-discrimination, in particular with regard to women and persons of minority ethnicity, sexual orientation or gender identity (Czech Republic);

14. Harmonize its national legislation with what has been recommended by Committee on the Elimination of Racial Discrimination (Uruguay);
15. Remove the offence of liable for journalists from the Criminal Code (Ireland);
16. Establish a National Human Rights Institution accredited with the International Coordinating Committee of the National Human Rights Institutions (Algeria);
17. Consider establishing an independent national human rights institution in conformity with the Paris Principles (Malaysia);
18. Develop a well-functioning human rights infrastructure, including by establishing a national human rights institution, strengthening the mandate of the Ombudsman and setting up a specialized body responsible for gender issues (Norway);
19. Consider establishing an independent national human rights institution in conformity with the Paris Principles (Egypt);
20. Create a specific institution to ensure the proper implementation of measures related to gender equality and violence (Spain);
21. Put in place a specialized body specifically responsible for gender issues (Ireland);
22. Consider issuing a standing invitation to United Nations human rights special procedures (Brazil);
23. Issue a standing invitation to the special procedures of the Human Rights Council (France);
24. Issue an open and standing invitation to all special procedures of the Human Rights Council (Spain);
25. Issue an invitation to the Special Rapporteur on Torture to visit Kyrgyzstan in 2010 (Canada);
26. Issue a standing invitation to all special procedures of the Human Rights Council (Austria);
27. Issue a standing invitation to the human rights special procedures (Czech Republic);
28. Issue a standing invitation to the United Nations mechanisms and procedures (Uruguay);
29. Consider favourably issuing a standing invitation to all special procedures in order to further its cooperation with the United Nations human rights mechanisms (Republic of Korea);
30. Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);
31. Review the national implementation of the principle of non-refoulement (Czech Republic);
32. Sanction very severely cases involving domestic violence and forced marriages, and ensure that there is a proper legal framework for protecting women against violence (Switzerland);

33. Review and strengthen existing legislation prohibiting violence against women and discrimination on any grounds; allocate significant financial and human resources to enforce implementation of policy, and increase accountability measures for acts of violence by state actors (Canada);
  34. Take concrete measures to ensure the effective application of the law on domestic violence, and in particular increase human and financial resources for this purpose (Belgium);
  35. Undertake the corresponding measures to improve the birth registry system as recommended by the Committee on the Rights of the Child (Uruguay);
  36. In regard to freedom of movement, make more flexible the requirements for those people who change their place of residence within the country so that they have equitable access to social security, health care, education and pensions (Mexico);
  37. Review the Law on Religion so as to ensure that the right to freedom of religion is upheld in compliance with international legal standards (Netherlands);
  38. Introduce measures to ensure and promote the freedom and security of reporters and human rights defenders, including revoking the criminal liability of journalists for libel and slander, and refrain from endorsing measures that limit the activity of independent civil society (United Kingdom of Great Britain and Northern Ireland);
  39. Train armed forces and police in the respect of fundamental rights of the citizens, notably the right to assembly and legally ban the disproportional use of force against its own population (Germany);
  40. Request cooperation and technical assistance from the relevant UN bodies for the removal of land mines and the demarcation of border zones, as well as to improve the distribution of drinking water and the access to sanitation services (Uruguay);
  41. Respect in all circumstances the principle of non-refoulement, guarantee that asylum seekers have an asylum procedure which is in line with international standards, and respond to the requests for information made by the Committee on the Elimination of Racial Discrimination regarding the treatment of asylum seekers (Belgium);
78. All conclusions and/or recommendations set out in the present report reflect the positions of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of Kyrgyzstan was headed by the Deputy Minister of Justice of Kyrgyzstan, Mrs. Jyldyz Mambetalieva, and was composed of five members:

- Mr. Muktar Djumaliev, Ambassador, Permanent Representative of the Kyrgyz Republic to the United Nations in Geneva;
  - Mr. Tursunbek Akun, Ombudsman of the Kyrgyz Republic;
  - Mr. Aibek Turganbaev, Deputy General Prosecutor, acting Military Prosecutor of the Kyrgyz Republic;
  - Mrs. Nuriyla Joldosheva, Deputy Minister of Labour, Employment and Migration of the Kyrgyz Republic;
  - Mr. Ulan Daniarov, First Secretary of the Department on International Organizations and Security of the Ministry of Foreign Affairs of the Kyrgyz Republic.
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