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National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Kyrgyzstan

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I. Methodology and consultation process

Information on recommendation 76.33¹

1. This national report was prepared in accordance with the general guidelines set out by the United Nations Human Rights Council in its decision 17/119. It focuses on the progress achieved in protecting human rights and implementing the recommendations made during the universal periodic review in 2010.

2. The national report was prepared by the Government's Human Rights Coordinating Council and the interdepartmental working group established by approved by Government Order.² The interdepartmental consultations made it possible to take account of all aspects of the activities of State agencies, including the work of the legislative, the executive and the judicial branches.

3. In preparing the report, account was taken of documents produced by civil society organizations, national human rights institutions and national research institutions. Overall, more than 80 civil society organizations from different regions of the country participated in the preliminary consultations, which were held in the early stages of preparation of the national report, making it possible to reflect the key issues and risks in the field of human rights for Kyrgyzstan.

II. Legislative, legal and institutional developments

A. Legal framework

Information on recommendations 76.1, 76.2, 76.3, 76.4, 76.5, 76.6, 76.7, 76.13, 76.14, 76.15, 76.17, 76.19, 76.22, 76.38, 76.47, 76.58, 76.90, 76.121, 76.122, 77.1, 77.2, 77.3, 77.4, 77.5, 77.6, 77.7, 77.8, 77.9, 77.10, 77.11, 77.12, 77.13, 77.14, 77.15, 77.33, 77.37, 77.38

4. The Constitution of Kyrgyzstan was adopted by referendum on 27 June 2010 following an open and transparent process of constitutional reform. The Constitution affirms the principle of the rule of law, guarantees the principles of the separation of powers and the independence of the courts, and establishes safeguards for the protection of human rights. The Constitution has supreme legal force and is directly applicable.

5. The norms enshrined in the Constitution assert the utmost importance of human rights and freedoms and determine the meaning and content of the activities of the legislature, the executive and local authorities. International treaties that have entered into legal force and the generally recognized principles and norms of international law form an integral part of the legal system. International human rights instruments are directly applicable and take precedence over other international agreements.

6. The Constitutional norms guarantee equality and the inadmissibility of discrimination on the grounds of sex, race, language, disability, ethnic background, religion, age, political or other opinions, education, origin, property or other status, or other characteristics. Special attention is paid to the issues of equal rights and freedoms of women and men, equal opportunities for their enjoyment, and guarantees of protection of the rights of the child. Thus, in Kyrgyzstan, the principle of the best interest of the child is upheld, the exploitation of child labour is prohibited and every child has the right to an adequate standard of living for his or her physical, mental, spiritual, moral and social development. Every parent or other caregiver has the responsibility to ensure appropriate living conditions for the development of the child, within the limits of his or her capacities

and financial possibilities. The State provides for the care, upbringing and education of orphans and children deprived of parental care.

7. Kyrgyzstan has ratified the following main international United Nations human rights treaties:

- The International Covenant on Civil and Political Rights³ and its first and second optional protocols;
- The International Covenant on Economic, Social and Cultural Rights;
- The Convention on the Rights of the Child and its first and second optional protocols;
- The International Convention on the Elimination of All Forms of Racial Discrimination;
- The Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol;
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- The Convention Against Torture and its Optional Protocol.⁴

8. In total, Kyrgyzstan has assumed commitments under more than 40 instruments relating to various aspects of human rights within the framework of the United Nations and the Organization for Security and Co-operation in Europe.

9. The following was achieved between 2010 and 2014 in respect of the country's accession to the international human rights treaties.

10. In 2011, the United Nations Convention on the Rights of Persons with Disabilities was approved by Government Order.⁵ A number of activities intended to improve the quality of life of such persons are planned in the framework of the 2012–2014 Social Protection Development Strategy⁶ in preparation for ratification of the Convention.

11. Kyrgyzstan became a party to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption in 2012.⁷

12. Ratification of the Rome Statute of the International Criminal Court and the International Convention for the Protection of All Persons from Enforced Disappearance is currently under consideration.

13. Work was done between 2010 and 2014 to bring legislation into conformity with the Constitution and the international human rights standards. To meet its obligations under the Optional Protocol to the United Nations Convention against Torture, Kyrgyzstan has adopted an Act on the National Centre for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,⁸ regulating the organization and functioning of the system for preventing torture and ill-treatment in places of detention and imprisonment.

14. The new Children's Code⁹ was adopted in 2012; it introduces institutional changes into the child protection system and strengthens safeguards and procedures, including for the protection of vulnerable groups such as children in difficult circumstances, children with disabilities and children in conflict with the law.

15. The Peaceful Assembly Act¹⁰ was extensively revised to bring national legislation into conformity with the provisions of the International Covenant on Civil and Political Rights.

16. A working group comprising representatives of State authorities and independent experts was set up¹¹ to work on amendments to the Freedom of Religion and Religious Organizations Act. In 2014, the Constitutional Chamber of the Supreme Court removed from legislation as unconstitutional a provision making lists of initiators of religious organizations subject to the approval of local authorities. This will considerably simplify the process of registering religious organizations.

17. Amendments have also been made to better protect human rights in the provisions of the Civil Code, the Administrative Liability Code, the Criminal Code and the Code of Criminal Procedure. In particular, criminal liability has been strengthened for trafficking in persons, which is now characterized as a serious offence. New offences, such as the use of forced labour and the involvement of a person known to be a minor in activities associated with the production of pornographic materials or items, have also been introduced. Amendments made to the Criminal Code¹² in 2013 introduce harsher penalties for the abduction of women for the purpose of marriage. Furthermore, libel and defamation, which were previously categorized as criminal offences under the Criminal Code, have now been decriminalized in line with international standards.

18. All of the above legislative changes were developed with the participation of civil society organizations, representatives of academic institutions and international organizations and introduced after broad comprehensive consultations.

19. Work is continuing to bring legislation into line with the Constitution and international human rights standards. In 2013, for instance, expert working groups were set up to work on the following legislation:¹³

- The Criminal Code and the Code of Offences;
- The Code of Criminal Procedure;
- The Penal Enforcement Code;
- The Code of Civil Procedure;
- The Enforcement Proceedings Act;
- An Act providing for amendments to legislation to increase the accountability of judges;
- The State Legal Aid Act.

20. The State guarantees all the ethnic groups that constitute the country's population the right to preserve their native languages and to create conditions for their study and development. Everyone is guaranteed the freedom of conscience and religion, and everyone has the right freely to determine and indicate his or her ethnic affiliation. Thus, pursuant to article 2 of the Constitution: "The State creates conditions for the different social groups defined by the law to be represented in Government bodies and local authorities, including in posts with decision-making powers." The principle of equal opportunities is also enshrined in article 52 of the Constitution, which stipulates that citizens have equal rights and opportunities to enter both State and municipal civil service.

21. The Criminal Code contains provisions establishing liability for undermining the equality of citizens; for acts designed to incite ethnic, racial, religious or regional hatred or demean ethnic dignity; and propaganda promoting the exclusivity, superiority or inferiority of citizens on grounds of their attitude to religion, ethnic origin or race, if carried out in public or through the media. Work is continuing to bring legislation into conformity with the universally recognized norms of international law.

22. Pursuant to the Laws and Regulations Act, in order to ensure the quality of standard-setting activities, all draft legislative and regulatory instruments are subject to scrutiny by

experts in the areas of the law, human rights, gender, environment, anti-corruption work or others, as appropriate. The purpose of the expert scrutiny is to assess the quality and soundness of the bill, whether it is consistent with the country's Constitution, constitutional laws and international commitments, and to identify and assess any possible social, economic, scientific, technical, environmental or other adverse effects it may lead to.

B. International cooperation

Information on recommendations 76.35, 76.41, 76.43, 76.44, 76.123, 76.125, 76.126, 76.127, 77.22, 77.23, 77.24, 77.25, 77.26, 77.27, 77.28, 77.29, 77.30

23. Kyrgyzstan recognizes the importance of international cooperation in political, economic and cultural development and the promotion of human rights. All its national reports due between 2010 and 2014 have been submitted to the United Nations treaty bodies. The concluding observations of the United Nations treaty bodies on the situation in Kyrgyzstan have been disseminated to all State agencies for implementation of the recommendations. The recommendations are taken into consideration by the State authorities in developing the relevant strategies and workplans. Furthermore, during the reporting period, at the invitation of the Government, the country received visits from the United Nations Special Rapporteurs on the question of torture (2011) and on the sale of children, child prostitution and child pornography (2013). A methodology is currently being developed to assess implementation of the recommendations made by the United Nations treaty bodies, the Human Rights Council and the special thematic mandate holders.

24. A National Plan to Combat Torture has been developed and approved, in collaboration with civil society organizations, on the basis of the outcome of the visit by the Special Rapporteur on the question of torture and the recommendations received from the Committee against Torture.¹⁴

25. Government authorities collaborate regularly with international organizations, including the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund (UNICEF), the International Labour Organization, the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme (UNDP), the Organisation for Security and Co-operation in Europe (OSCE) and the Commission of the European Union, as well as such financial institutions as the World Bank, the Islamic Development Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, the Eurasian Development Bank, and the EurAsEC Anti-Crisis Fund in the sphere of promotion and protection of human rights.

C. Agencies and institutions for the protection of human rights

Information on recommendations 76.20, 76.21, 76.23, 76.24, 76.25, 76.50, 76.53, 76.66, 76.70, 76.86, 77.16, 77.17, 77.18, 77.19, 77.20, 77.21, 77.32, 77.33, 77.34

26. The Ombudsman (Akyikatchy) Act¹⁵ was adopted in 2002 and a national human rights institution was established. It has "B" status accreditation from the International Coordinating Committee of National Institutions, as not fully in compliance with the Paris Principles. This is because, under the Act, the Ombudsman is not a fully independent political figure and can be removed from office by the deputies of the country's Parliament.

27. As the current Act is at variance with the norms of the Constitution and other legislative and regulatory instruments, as well as international human rights standards, the Office of the Ombudsman, with technical support from UNDP, has developed and

submitted to Parliament a new bill to bring it into conformity with the Paris Principles conditions for obtaining “A” status.

28. The Ombudsman currently deals with a wide range of human rights issues, including civil and political rights, the rights of the child, the rights of vulnerable groups (persons with disabilities, the elderly and prisoners) and gender equality. The Ombudsman submits an annual report to Parliament, as well as special reports covering the most important current human rights issues, so they can be taken into account in the drafting of new legislation.

29. The Act on the National Centre for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted in 2012. The establishment of the Centre has brought with it a system for the independent monitoring of places of detention and imprisonment.

30. The Centre is an independent body, and the Act provides for the representation of ethnic minorities and a gender balance within its staff. No more than 70 per cent of all employees may be of the same sex. This legal requirement is complied with. Ethnic minorities make up more than 50 per cent of the Coordinating Council, its highest authority, which comprises the Ombudsman, two parliamentary deputies and eight representatives of human rights non-profit organizations.

31. The National Centre for the Prevention of Torture was established relatively recently and is funded from the State budget. To operate effectively, the Centre requires continued support and the necessary resources.

32. The Human Rights Coordinating Council, reporting to the Government, was established in 2013 as an inter-ministerial consultative and advisory body.¹⁶ Its purpose is to improve the mechanisms for protecting human and civil rights and freedoms and to meet the country’s international human rights commitments. The Council has considerable powers in terms of improving the mechanisms for the promotion and protection of human rights and freedoms, fulfilling the country’s international obligations in the area, including the preparation of national periodic reports to international human rights bodies, and implementing measures to respond to the recommendations of international bodies.

33. Citizens, stateless persons and foreign nationals in Kyrgyzstan all have the constitutional right to judicial protection of their rights and freedoms.¹⁷ Judges are independent and are subordinate only to the Constitution and the law. They have the right of judicial inviolability and may be subject to neither detention, arrest, nor searches of their property or person, except when caught in flagrante delicto. No one has the right to demand from a judge a report on a particular court case. There may be no interference in the activity of a court in the administration of justice. Persons guilty of attempting to influence a judge shall be held liable under the law. A judge is provided with social, material and other guarantees of independence in accordance with his or her status.¹⁸

34. In the framework of the ongoing reform of the judicial system, work is being done to promote compliance by the courts with international standards. Thus, pursuant to the Constitution, the judicial recruitment procedure involves an open competitive examination organized by a specially formed constitutional body, the Judicial Selection Board, which is composed of representatives of the judiciary, practising lawyers and representatives of civil society. Staff of the Supreme Court and the provincial courts have been appointed through this process, in accordance with the requirements of the Constitution.

35. Work is continuing on establishing a legislative framework for the activities of the courts, to regulate issues related to the organization of the courts and court proceedings, and the legal and social status of judges, to strengthen the guarantees of their independence and to increase their responsibility. The Judicial Reform Council, an advisory and consultative

body, has been set up in the Office of the President to coordinate measures in the priority areas of the judicial reform and to ensure concerted action by State bodies.

36. The special Government programme on the development of the judicial system 2014–2017¹⁹ is playing a particular role in the reform of the court system. It is the logical conclusion of the functional analysis of the country's judicial system carried out in 2012, which considered its strengths and weaknesses and identified opportunities to improve the effectiveness of the courts' work.

37. The programme is designed to meet the new challenges raised by the country's intention to comply with international standards for the administration of justice, including by ensuring the accessibility, openness and transparency of the justice system, increasing public confidence in it, guaranteeing the independence of the judiciary and improving the enforcement of judicial acts.

38. Under the reform, rules have been introduced establishing a new approach to the financing of the judicial system in order to guarantee the complete independence of the judiciary. Legislation thus provides that the judicial branch establishes its budget independently, in consultation with the executive and the legislative branches, and the budget is then included in and part of the national budget. Cuts may be made to budgetary provisions allocated under the law to the judicial system in the current fiscal year only with the consent of the Council of Judges. As part of the reform, it is proposed that the budget of the judicial system should be established at the level of 2 per cent of expenditure of the national budget. This will make it possible to increase the salaries of members of the judiciary and provide them with decent working conditions.

39. As recent events have shown, increasing numbers of participants in the judicial process are violating the rules of conduct during trials, displaying aggression accompanied by threats and physical pressure on persons involved, and thereby violating the principle of adversarial proceedings. There are also cases of attempted coercion of judges in their professional activities by participants in a trial.

40. At the moment, the Department of Internal Affairs is responsible for the maintenance of order in court buildings and the safety of participants in trials. Experience shows that local law enforcement officers do not always respond in a timely manner to threats that arise during a trial. This is especially true for courts in outlying locations in the country. Bearing that in mind, and to enforce legislation, it is planned to introduce the institution of bailiffs to ensure order in court buildings.²⁰

41. The Bar and Advocacy Act²¹ was adopted in 2014, with the aim of ensuring the independence of the legal profession.

42. Various Government agencies have set up sections in charge of meeting the targets set for the protection of human rights. The Ministry of Social Development plays an important role in promoting human rights and protecting the rights of vulnerable population groups. It is responsible for protecting children's rights and is the central State authority for implementation of the Government's unified gender policy. The Ministry's mandate includes coordination of the activities of State bodies, local government bodies and legal persons, irrespective of their form of ownership, in implementing the policy; it conducts information and awareness-raising activities on gender development; and ensures that the gender perspective is incorporated into Government programmes. The Ministry also carries out coordination, monitoring and control of the activities of the agencies and individuals involved in protection of children living in difficult circumstances, as well as of other facilities that provide services in this area, and ensures that the child protection system functions. It is also responsible for the development of social policy and promotion of the rights of the most vulnerable groups, such as persons with disabilities and senior citizens.

43. Changes have been made in the development of the institutional mechanism not only within the executive, but also in the legislative branch. Issues related to gender equality are part of the mandate of the Parliamentary Social Policy Committee. A Parliamentary Committee on Human Rights, Constitutional Law and State Structure has also been established, with responsibility for electoral law, notaries and the legal profession and the basic constitutional and human rights and freedoms. During 2013, it reviewed 86 bills aimed primarily at regulating the legal status of citizens, guaranteeing human rights and freedoms, democratizing the political system and modernizing the fundamental principles governing the organization of State power.

44. By ratifying the first Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention on the Elimination of Discrimination against Women, the State has made it possible for all persons whose rights have been violated to bring individual complaints to the relevant United Nations treaty bodies. By 2014, 33 individual complaints concerning Kyrgyzstan had been submitted to the United Nations Human Rights Committee; 14 were recognized to concern violations of human rights by Kyrgyzstan. In line with the Constitution,²² where international human rights bodies have recognized violations of human rights and freedoms by Kyrgyzstan, the Government takes measures to restore the rights violated and/or provide compensation for the harm caused.

45. The mechanism for implementation of the decisions of the United Nations Human Rights Committee on individual complaints is currently being improved. Pursuant to the Code of Criminal Procedure, a decision of an international body constitutes grounds for reopening criminal proceedings in the light of new circumstances surrounding a case. The Human Rights Coordinating Council is also considering this issue, and is planning to develop procedures and mechanisms to make it possible to realize constitutional provisions and restore violated rights in accordance with the decisions of the United Nations Human Rights Committee.

D. Ensuring transparency in the activities of Government agencies, cooperation with civil society and combating corruption

Information on recommendations 76.27, 76.28, 76.29, 76.32, 76.43, 76.87, 76.88, 76.104, 77.38

46. The Anti-Corruption Act²³ was adopted in 2012, setting out the legal and organizational basis for combating corruption and minimizing and addressing its consequences, and aiming to guarantee national security and protection of the rights and freedoms of citizens and the public interest against threats arising from corruption. The Criminal Code establishes liability for corruption.

47. The Ministry of Justice carries out regular anti-corruption reviews of proposed and current legislative and regulatory instruments to exclude legislative standards that lead to corruption.

48. To encourage the State authorities, local government bodies and civil society to eradicate corruption, the State Anti-corruption Policy Strategy and measures to combat corruption were approved in 2012. The Government Anti-corruption Programme and Action Plan 2012–2014²⁴ was approved the same year, and the Supreme Council also approved the Action Plan to Prevent Corruption in the Courts.

49. A number of legislative and regulatory instruments were also developed and approved in 2013 to significantly build up the legal framework for fighting corruption. International anti-corruption standards are actively enforced. In 2013, the President signed a

Decree on measures to eliminate the causes of political and systemic corruption in Government.²⁵ In line with the requirements of the United Nations Convention against Corruption,²⁶ an anti-corruption monitoring and evaluation methodology²⁷ has been developed and approved with a view to introducing a system to assess anti-corruption measures, their adequacy and effectiveness.

50. In 2013, a Defence Council working group was established to monitor the implementation of the State Anti-corruption Policy Strategy. This resulted in increased activities and the further systematization of measures to detect corruption schemes and risks in the public administration system. In particular, a plan of step-by-step measures has been developed and adopted to eliminate the causes and conditions that generate risks of corruption as well as to dismantle existing corruption schemes in the different branches.

51. A process has been established of collaboration between the law enforcement and regulatory agencies to detect and suppress illegal acts by persons and entities involved in corrupt activities. Between 2010 and mid-2014, the law enforcement agencies carried out 6,430 checks, resulting in 7,058 cases launched by the procuratorial authorities and 2,626 criminal cases brought. A total of 4,553 persons were charged with disciplinary offences, 239 with administrative offences and 2,805 with criminal offences. Compensation for material harm to a total of 32,886,619 som was provided.

52. It must be stressed that, during the work of the regular international monitoring meeting under the Istanbul Anti-corruption Action Plan held from 16 to 18 April 2014, the steering group of the OECD²⁸ Anti-corruption Network for Eastern Europe and Central Asia noted that there is firm political will on the part of the leadership of Kyrgyzstan to continue the fight against corruption.

53. An anti-corruption forum for dialogue with civil society was set up to ensure transparency in the activities of State bodies in combating corruption. It is working to address corruption schemes and urgent issues in the energy sector, public procurement and the allocation of land and reclassification of its status.

54. As part of improving transparency in respect of spending from both the State budget and outside resources, reports are published on implementation of budgets at all levels, as well as investment projects, together with information on the audit reports produced by the Kyrgyzstan Audit Chamber, except where the information concerned constitutes a State secret.

55. In 2014, the State Agencies Public Councils Act²⁹ was adopted with the aim of improving collaboration and cooperation between the authorities and the public, establishing mechanisms for the public monitoring of their activities and taking public opinion into account in the formulation and implementation of State policy. The Act establishes the legal and organizational basis for the formation and activities of public councils of State agencies. The Act was developed and adopted after successful work by the councils between 2011 and 2013, based on the Presidential Decree on improving collaboration between the authorities and civil society.³⁰

56. In two years, 40 such public councils have been set up, their membership including representatives of human rights NGOs, trade unions, representatives of the scientific community and others. The establishment of the councils as special advisory bodies to State agencies was a step forward in the implementation of civilian oversight and has increased public confidence in the authorities. Between 2011 and 2013, the councils focused on issues such as the agencies' policies, monitoring of their activities, work with interest groups, anti-corruption activities and their staffing policies. Examination of their financial activities was an important part of the councils' work. In line with the Act, new memberships are currently being constituted; they will begin work early in 2015.

57. The country has had consistently positive experiences with the involvement of civil society organizations in the activities of various working groups dealing with norm-setting, the development of strategies, concepts and methodologies and other activities. The results of civil society involvement and initiatives are reflected in the degree to which the concerns of the most vulnerable groups are taken into account, as well as the development of procedures and mechanisms that are more effective and accessible for them.³¹ In Kyrgyzstan, there are more than 10,000 registered active not-for-profit organizations.

58. The Act on Access to Information within the Jurisdiction of Central and Local Government Bodies³² has been amended: the mechanism for disclosure of official information now requires State agencies to submit annual reports on the outcome of monitoring and evaluation of the effectiveness and impact of laws and regulations, as well as reports on the implementation of Government programmes.

E. Training for staff of State agencies and human rights education

Information on recommendations 76.61, 76.67, 76.68, 76.71, 77.1, 77.39

59. There are various study and vocational training centres that provide further and vocational training for staff of the State agencies and whose programmes include human rights promotion and protection. The establishment of the Supreme Council Judicial Training Centre has expanded the opportunities available in the field of human rights, its main purpose being to provide vocational and further training for judges and staff of the judicial system. Its curricula include topics related to human rights protection and, in 2010–2012, it offered regular lectures looking at international practice and the norms established in the treaties ratified by Kyrgyzstan in respect of the standards for a fair trial. A training module on the Bangalore Principles of Judicial Conduct was tested in 2013. As the introduction of juries into courts has been moved to 2015, the Training Centre is now considering introducing training courses on dealing with jury trials.

60. A vocational training centre established under the General Procurator's Office provides vocational and further training activities for staff of the Office to improve the protection of human rights and freedoms. In 2013, prosecutors were trained in the following areas: anti-corruption policy, the fight against human trafficking, effective investigation of allegations of torture, juvenile justice and the legal basis for refugee status.

61. The programme of the State Penal Correction Service training centre, which offers regular courses for staff of the Service, includes the study of human rights, the rights of persons deprived of their liberty in line with international standards, issues related to combating torture, and juvenile justice.

62. Internal affairs officers also study human rights regularly in various training sessions and seminars. The Internal Affairs Academy has a Human Rights Centre that has produced training manuals on: preventing and investigating violent crimes against women and children; and the role of the internal affairs agencies in preventing and combating gender-based and domestic violence. The training includes courses on human rights, domestic violence, gender policy in the activities of the internal affairs agencies and juvenile justice.

63. The Academy of Public Administration has been set up under the Office of the President to provide training for new professional administrative staff. It offers training and further training for State and municipal officials, as well as research opportunities in the field of public policy. The Academy's activities include various training courses on human rights issues.

64. The curriculum for post-secondary students includes the topic of “the individual and society” for the senior classes. The course, which has a total of 102 hours per academic year, covers questions related to jurisprudence.

65. Pursuant to a Ministry of Education and Science Decree on compulsory minimum course content requirements and levels of training for graduating students,³³ a course on human rights has been introduced into the higher and secondary vocational education system. The subject of human rights is included in the law studies curriculum. In line with State educational standards for all areas and disciplines of higher education, it is also included in general humanities and socioeconomics courses.

F. Development of a strategy for the protection of human rights

Information on recommendations 76.26, 76.34, 76.36, 76.37, 76.40

66. Human rights protection is reflected in the National Sustainable Development Strategy 2013–2017,³⁴ as well as in other special programmes. The Strategy, which is based on the country’s commitments to achieving the Millennium Development Goals, is a practical action plan that includes the following provisions to improve the protection and promotion of human rights:

- Strengthening of the constitutional State and the rule of law;
- Completion of the judicial reform and greater independence and authority for the judiciary in protecting the rights, freedoms and lawful interests of the State and society.

67. The National Strategy on Gender Equality to 2020 and the 2012–2014 Plan³⁵ were adopted in implementation of the State policy on gender equality. The Government has approved an anti-human trafficking programme for the period 2013–2016.³⁶

68. The Social Protection Development Strategy 2012–2014 has also been adopted, offering a range of measures for improving the situation of the most vulnerable groups of the population.

69. A plan has been approved to optimize the management and funding of children’s residential care for the period 2013–2016.³⁷ The aim is to provide children deprived of parental care and children living in difficult circumstances with effective State care based on realization of their rights to live and be raised in a family environment, the development of alternative forms of family arrangements and the provision of quality social services for children.

70. The State Security Programme and Plan for Victims, Witnesses and other Participants in Criminal Proceedings, 2014–2016³⁸ has also been approved.

71. The Human Rights Coordinating Council works to promote the recommendations of the United Nations treaty bodies. Its mandate includes disseminating the treaty bodies’ recommendations and decisions, as well as encouraging their systemic implementation in the work of State agencies.

III. Progress achieved in the promotion and protection of human rights, issues and initiatives

A. The restoration of constitutional order and the rule of law after the events of 2010

Information on recommendations 76.4, 76.5, 76.6, 76.7, 76.8, 76.9, 76.10, 76.11, 76.12, 76.16, 76.42, 76.72, 76.85, 76.92, 76.93, 76.94, 76.95, 76.96, 76.97, 76.98, 76.99, 76.119, 76.120

72. Kyrgyzstan experienced several serious shocks during the reporting period, including the 2010 April revolution which resulted in profound changes to the social and political life of the country and the replacement of the presidential system by a parliamentary form of government. On 7 April 2010, nearly 90 people were killed in revolutionary clashes and more than 1,000 people received injuries of varying severity. As a result of the especially serious crimes that led to loss of life during the April events, ex-President Bakiev and 27 of his entourage were charged with offences; 12 of them were found guilty.

73. Inter-ethnic conflicts took place in Osh and Jalal-Abad provinces in June 2010. The tragic events of 10–14 June 2010 were accompanied by outbreaks of violence widespread, arson and destruction, claiming numerous victims. Decrees issued by the Interim Government failed to prevent the escalation of the violence and a humanitarian disaster. The conflict was localized and stopped within four days. The Interim Government has taken comprehensive measures to carry out an inquiry into the events, to restore the facilities destroyed and to provide support to the families of those killed and injured during the conflict. The Government is still paying supplementary social benefits to families and children affected by the conflict. Foreign States and international organizations have provided assistance, allocating significant funding to the affected areas.

74. During 2010 and 2011, the work of the Interim Government focused on three priority areas: restoring law and order in the country, addressing the socioeconomic problems and restoring the legitimacy of the Government through democratic reforms and processes. The basis for restoration of the rule of law in the country has been the promotion of a transparent process of constitutional reform, public discussion of the draft Constitution, the organization of a referendum on its adoption and the holding of fair and transparent parliamentary and presidential elections.

75. The process of constitutional reform in 2010 was extremely open and free. A constitutional meeting was convened to hold a preliminary discussion of the draft Constitution. It was attended by various political forces in the country, including associations representing the interests of the different minority groups and civic groups. Participation by civil society representatives made it possible to introduce progressive and qualitative norms into the Constitution, establishing human rights as a priority in the activities of State agencies and taking account of the rights of vulnerable groups (women, children and ethnic minorities). The constitutional reform was aimed at making it impossible to concentrate power in the hands of a single person, thus avoiding its misuse. Parliament has a key role in the system of government. It should be noted that the draft Constitution was assessed by the European Commission for Democracy through Law (Venice Commission), which considered that the section on human rights and freedoms deserved praise.

76. The process of preparing for and holding the referendum on the new Constitution took place under impartial monitoring by international organizations. A total of 189

international observers took part. The media provided informational support throughout the period of the constitutional reform and organization of the referendum. Extensive information was published and distributed in all the regions of the country to inform citizens of the procedures and issues of the referendum and to encourage them to participate.

77. The parliamentary election of 10 October 2010 and the presidential election of 30 October 2011 also took place in all transparency. A total of 850 international observers representing 52 States and the OSCE Office for Democratic Institutions and Human Rights monitored the voting in all regions of the country. Their assessments were positive and the technical violations noted did not affect the outcome of the election.

78. The presidential elections in 2011 were organized in line with the new Constitutional Act on Presidential Elections and Elections to the Zhogorku Kenesh.³⁹ The Central Commission for Elections and Referendums accredited a total of 792 international observers representing 57 States. Where violations were noted, the votes were recounted and reports were submitted to the Office of the General Procurator and the courts. The election process was also given maximum coverage by the media. The international observers from the OSCE Office for Democratic Institutions and Human Rights found that the elections were conducted in a calm and transparent manner.

79. The constitutional reform and the elections resulted in the restoration of constitutional order, the rule of law and the legitimacy of the Government. The actions taken to investigate the April revolution events and the inter-ethnic conflict in June 2010 were important in restoring the rule of law, as were the measures adopted towards reconciliation and reconstruction in the affected areas of the country.

80. A total of 5,641 criminal cases were opened in connection with the June 2010 events. Criminal charges were brought against 545 people, of whom 400 were ethnic Uzbeks, 133 ethnic Kyrgyz and 8 from other ethnic groups. The Office of the Procurator-General, reporting on the results of its work in the first half of 2011, noted that few of the crimes committed in the south of the country in June 2010 had been solved. By 2014, 402 criminal cases (7.1 per cent) had been solved. Most of the cases have not been solved because of failure to establish the identity of the perpetrators, but investigations are nevertheless continuing.

81. The Office of the Procurator-General has issued a legal opinion on the actions of the members of the Interim Government during the June 2010 events, finding no evidence of criminally punishable acts. However, the Interim Government has recognized its responsibility and guilt for having failed to protect the country from tragedy.

82. Several national commissions have been set up to examine the tragic events of June 2010 and international organizations and voluntary associations have carried out investigations. At the end of October 2010, it was decided to set up an independent international commission of inquiry into the tragic events, which was given the full support of the Interim Government. The open and wide-ranging discussion of the tragic events of June 2010 and the political will of the country's leadership have led to determined efforts to gain an understanding of the inter-ethnic situation, and to the State and society adopting a series of measures to ensure respect for human rights, further develop democracy and work towards the reforms needed in the country's law enforcement agencies.

B. Ethnic policy and the rights of ethnic minorities

Information on recommendations 76.118, 76.121

83. To ensure that inter-ethnic issues are monitored constantly, a department for ethnic and religious policy and cooperation with civil society was set up in August 2010 in the Office of the President and a State Agency for Local Government Affairs and Inter-Ethnic Relations was established under the Government in March 2013.⁴⁰ The Policy Framework on Strengthening National Unity and Inter-Ethnic Relations in Kyrgyzstan has been adopted, defining the task of ensuring national unity by improving inter-ethnic relations and preserving the country's cultural heritage and ethnic diversity,⁴¹ its implementation plan being funded from the State budget. The National Programme for the Development of the State Language and Language Policy in Kyrgyzstan 2014–2020 has also been adopted, one of its purposes being to bring up a new generation of multilingual citizens who have a perfect command of their native language, the State language (Kyrgyz) and the official language (Russian), as well as international languages.

84. The State Agency for Local Government Affairs and Inter-Ethnic Relations has an Inter-ethnic Public Advisory Council and a Public Council of Experts, as well as a monitoring centre tasked with monitoring inter-ethnic relations, establishing an early warning system for inter-ethnic conflict and proposing recommendations for their improvement. There are counselling offices throughout the country that work in conjunction with inter-ethnic public advisory councils under the local government authorities. The staff of the councils includes representatives of ethnic minorities. A bill currently before Parliament proposes increasing the responsibility of local government leaders and heads of local State administrations for the state of inter-ethnic relations in their administrative territorial units.⁴²

85. The Policy Framework for Education to 2020⁴³ that was adopted in 2012 puts priority on the development of multicultural and multilingual education. The importance of multicultural education is highlighted in the Education Development Strategy 2012–2020. Universities and institutes have departments for the study of the cultures, languages and history of the ethnic groups of Kyrgyzstan. More than 73 per cent of the documents in the country's libraries are in the languages of ethnic minorities.

86. Schools in areas densely populated by ethnic minorities are legally bound to offer classes in the relevant ethnic language. Of the 2,207 educational organizations that currently cater for 1,027,123 children, 77.7 per cent offer teaching in one language and 22.3 per cent have two or more languages of instruction. The languages concerned are Kyrgyz, Russian, Uzbek and Tajik.

C. Freedom of peaceful assembly

Information on recommendations 76.52, 76.57, 76.74, 76.81, 76.83, 76.89, 76.90, 76.104

87. Pursuant to the Peaceful Assembly Act, Kyrgyz nationals, including activists from the non-governmental sector and representatives of political parties, may exercise their right to peaceful assembly without hindrance. During the reporting period, 4,386 events were held, of which 2,444 were political and 1,942 were socioeconomic in nature; overall more than 190,000 persons were involved in public events. Between 2010 and 2014, criminal charges were brought against a total of 530 persons and administrative charges were brought against 6 persons for acts that violated public order during those events.

88. In implementing measures to ensure that assemblies are peaceful, the law enforcement agencies are guided by the Constitution, the Peaceful Assemblies Act and

international human rights instruments. It should be noted that the use of armed force is not allowed in the control of public order and security during peaceful assemblies.

D. Freedom of speech and expression

Information on recommendations 76.18, 76.57, 76.73, 76.74, 76.78, 76.79, 76.80, 76.81, 76.82, 76.83, 76.84, 76.74, 76.104

89. Under the Constitution, everyone has the right to freedom of expression and freedom of speech and the press. The media are governed by the Media Act, which lays out the general legal, economic and social bases for the organization of information disseminated through the media; its purpose is to allow them to operate freely and to regulate their relations with State agencies, voluntary associations and citizens. In 2014, there are 2,138 traditional media outlets operating in Kyrgyzstan. A total of 554 media outlets were registered during the reporting period. The press in Kyrgyzstan is multilingual, operating primarily in Kyrgyz and Russian, followed by Uzbek. Five media outlets that operate in the languages of ethnic minorities receive Government support. Programmes are broadcast on the national radio in five ethnic minority languages (Polish, Ukrainian, Tatar, Uighur and Dungan).

90. Kyrgyzstan has private print media, but also State and public media outlets, which receive funding from the national budget. The country's largest television companies — OTRK and EITR — are public corporations and the public councils play an important role in their management. With the development of Internet services in the country, there are increasing numbers of sites that provide information and analysis.

91. Under current legislation, Internet publications are not considered to be media and there is no registration requirement for them.

92. The Government is currently working on an Information Technology Development Strategy 2015–2017, for which it is making use of international experience and the OSCE recommendations in the sphere of freedom of speech.

93. Between 2010 and August 2014, 24 criminal cases were brought for offences committed against members of the media. Nine cases were brought before the courts. However, they were not all related to the professional activities of journalists.

E. Freedom of movement

Information on recommendation 77.36

94. Given the vulnerable situation of internal migrants who, under the existing registration system, do not have access to the full range of health and education services, measures have been taken to make it easier for them to obtain identity documents. New passport, visa and registration offices were opened during the reporting period, their tasks including issuance of the documents required to obtain a passport, as well as of passports to persons registered in other regions of the country.

95. Internal migrants, persons without a permanent place of residence, foreign nationals, stateless persons and refugees can apply for primary health-care provision if resident in one place for more than three months. Different provisions apply to pregnant women and children under the age of 5, who receive medical care regardless of their length of residence in the area concerned.⁴⁴ As regards access to education for the children of internal migrants, a three-month period of grace is allowed for documents to be recovered for any child entering an educational establishment who does not have a birth certificate.

F. Protection against torture and issues related to humane treatment in places of deprivation of liberty

Information on recommendations 76.50, 76.51, 76.53, 76.54

96. Much was achieved during the reporting period in terms of legislative and institutional changes aimed at rooting out and preventing the practice of torture. The fact that torture does occur in Kyrgyzstan is recognized at the highest political levels.

97. Changes made in 2012 brought the definition of torture into line with that given in the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, liability was stiffened, and torture was moved from the category of less serious offences to that of serious and especially serious offences. An addition was made to the Code of Criminal Procedure disallowing the termination of criminal proceedings involving torture on grounds of the victim's refusal to press charges.

98. The National Centre for the Prevention of Torture was established in 2012 as an independent body with unfettered access to places of deprivation and restriction of liberty without the need for prior authorization. It issues recommendations on measures to be taken and improvements to be made. State agencies are required to take account of its recommendations. The Centre maintains direct contact and exchanges information on issues related to methods and strategies for preventing torture with the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture.

99. The Memorandum on Cooperation in Protecting Human Rights and Freedoms, signed in 2012 by the Ombudsman, the Procurator-General, the Ministry of Internal Affairs, the Ministry of Health, the Ministry of Justice, the State Penal Correction Service, OSCE and 12 human rights organizations is an important document. The participants have the right to make joint visits to places of deprivation and restriction of liberty throughout the country without the need for prior authorization.

100. The role of the procuratorial system in oversight in cases of cruel treatment and torture has been strengthened. The procuratorial agencies carry out systematic checks of police station front offices, cells for administrative detainees, temporary holding facilities of the internal affairs agencies, remand centres and offices of the agencies within their remit. Whenever they receive a complaint of torture, they must immediately carry out a thorough investigation into the evidence submitted. Between 2010 and mid-2014, a total of 1,176 communications concerning torture were recorded, 48 criminal cases were opened, 43 cases were sent to court and 39 convictions involving 59 persons were handed down. Between 2010 and 2014, 16 communications concerning the use of torture against minors were reported, and three criminal cases were brought. Two internal affairs officials have been convicted of torturing minors.

101. The procedure established in legislation for submitting complaints concerning torture is the same for adults and minors. Where a minor submits a complaint, he or she may be represented during the investigation and court proceedings by a legal representative or an authorized officer of the child protection agency.

102. The National Plan to Combat Torture has been adopted in implementation of the recommendations made by the United Nations Special Rapporteur on torture after his visit to the country in 2011. It provides for amendments to be made to the Act on the Procedures and Conditions for the Custody of Persons Suspected or Accused of Having Committed Torture and fully prohibits any censorship of correspondence with lawyers, parliamentary deputies, the Ombudsman and international human rights bodies.

103. On the basis of the Special Rapporteur's recommendations, the Ministry of Health is working with the National Centre for the Prevention of Torture and civil society organizations to introduce the standards of the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) into the practices of the health-care system. In particular, draft Practical Guidelines on Proper Medical Documentation of Violence, Torture and Ill-treatment have been produced to encourage the systematic recording of such cases and provide a basis for effective investigation of cases.

104. The State Penal Correction Service is conducting various activities aimed at improving detention conditions in line with the National Strategy for the Development of the Penal Enforcement System 2012–2016. A Prison System Reform Support Programme is being implemented with support from international organizations, and the heating and water supply systems of prisons and a number of temporary holding facilities are being refurbished with the help of the International Committee of the Red Cross. A special complex is being built for prisoners serving life sentences, as they are currently held in facilities not intended for that purpose. The complex, which is nearing completion, is being constructed in accordance with international standards for the treatment of prisoners.

G. Refugees, non-refoulement

Information on recommendations 77.31, 77.41

105. Kyrgyzstan acceded to both the 1951 United Nations Convention relating to the Status of Refugees and its Protocol in 1996. During the reporting period, Kyrgyzstan provided protection to more than 20,000 refugees. A legislative framework has been developed to safeguard the rights of refugees, and the necessary procedures and mechanisms have been introduced to determine refugee status; effective measures are also being taken in cooperation with the Office of the United Nations High Commissioner for Refugees to address the problems of refugees. As of August 2014, there were 152 refugees in Kyrgyzstan, as well as 250 asylum seekers. Under article 11 of the Refugees Act, a person who is refused recognition as a refugee or who loses refugee status may not, under any circumstances, be deported to a country where his or her life or freedom would be in danger, or to a country where he or she may be subjected to torture or to cruel or inhuman treatment.

H. Preventing and combating trafficking in persons

Information on recommendations 76.60, 76.63, 76.64, 76.65

106. Preventing and combating trafficking in persons is a priority in the country's migration policy. A number of factors in Kyrgyzstan create the preconditions for trafficking in persons; these include the difficult socioeconomic situation and associated unemployment which lead to an increase in the number of migrants both within the country and abroad. A significant proportion of victims of human trafficking are persons of working age, who often have little education or knowledge of the law. There is a telephone hotline that provides information on migration, and on issues related to the illegal removal of and trafficking in persons.

107. The Government has approved the Programme on Combating Trafficking in Persons 2013–2016,⁴⁵ which is intended to ensure cooperation between the State agencies involved and greater collaboration between them and civil society in effectively preventing, detecting and suppressing human trafficking and providing protection and assistance to victims.

108. The law enforcement agencies have accumulated some experience in combating trafficking in persons over recent years. Police investigations have identified criminal gangs involved in human trafficking and brought them to justice. During the reporting period, 98 cases involving human trafficking were opened, with 33 taken to court; 9 of them concerned trafficking in children, and 5 of those were brought to court (see chap. 2, sect. A, para. 17).

I. Gender equality in the enjoyment of civil and political rights

Information on recommendations 76.45, 76.46, 76.48, 76.49, 76.58, 76.59, 76.60, 76.61, 76.62, 76.64, 76.75, 76.76, 76.77, 76.91, 76.112, 77.32, 77.33, 77.34

109. The National Strategy for Gender Equality to 2020 and the Action Plan 2012–2014 have been adopted pursuant to the Act on State Guarantees of Equal Rights and Opportunities for Men and Women.⁴⁶ They prioritize eradicating gender discrimination, increasing women's access to justice, expanding their economic empowerment and promoting gender parity in decision-making, as well as the political participation of women.

110. This process led in 2007 to the introduction into electoral legislation of a mandatory quota for the party lists that form the country's Parliament (no more than 70 per cent of all representatives may be of the same sex). The Local Council Elections Act⁴⁷ introduced special measures to support women's participation in local politics. In drawing up their lists of candidates for district and municipal councils, political parties and voters' groups must ensure that no more than 70 per cent of candidates nominated are of the same sex, and that there are no more than two positions between men and women on the lists.

111. According to consolidated data from the civil service, women made up 42.4 per cent of the effective total number of employees in 2014. In 2013 they accounted for 35.1 per cent of municipal employees. Sixty per cent of Supreme Court judges in 2014 were women, as were 50 per cent of employees in the Office of the Ombudsman and 33.3 per cent of staff of the Central Commission for Elections and Referendums and of the Audit Chamber.

112. To improve the electoral system and ensure transparency in the 2015 parliamentary elections, an intersectoral working group comprising representatives of the State and voluntary organizations has been set up in the framework of the National Sustainable Development Strategy. It is scheduled to discuss the quota mechanism for the political advancement of women.

113. To improve women's representation, regulated mechanisms to promote gender equality need to be introduced, as do mandatory rules for political parties on women's representation in the higher party bodies, and the existing quota mechanism needs to be improved.

114. The Social and Legal Protection against Domestic Violence Act⁴⁸ exists to address the problem of domestic violence; its purpose is to create a social and legal system to protect the life and health of family members and provide protection for victims from violence within the family.

115. There were over 30 per cent more cases of physical violence reported in 2013 than in 2009. During the reporting period, a total of 11,532 cases of domestic violence were reported, 10,299 temporary protection orders were granted, 792 criminal cases were opened and 5,697 individuals were charged with administrative offences. Domestic violence affects different groups of people: women, men, the elderly and children, but most of the victims are women.

116. Official data on violence against women and girls do not reflect the real extent of the problem because victims of violence often prefer not to go to the law enforcement authorities, fearing social exclusion. They turn first and foremost to the health-care system. The Ministry of Health collects data on the number of victims of violence,⁴⁹ and information on each case is communicated immediately to the law enforcement agencies.

117. Experts believe that the prevalence of early and unregistered marriages increases the vulnerability of young women, but it is not possible to provide figures in support of that argument. There has been a steady rise in the number of births to women aged 15 to 19 years, against the background of a general decline in birth rates in the country. As a result of early motherhood, these women have limited access to basic education and are exposed to a high risk of domestic violence. However, legislative changes have been made during the period under review to raise the legal minimum age for marriage from 17 to 18 years.⁵⁰

118. Between 2010 and August 2014, 5 criminal cases related to bigamy and polygamy were opened and 4 have gone to trial; 53 criminal cases involving forcible marital relations with a person under the age of 17 were opened, with 22 taken to trial; a further 148 criminal cases involved forcing a woman to enter into marriage, abduction of women for marriage or obstruction of marriage; 80 of those have been taken to trial.

119. There are 13 community crisis centres for victims of violence, providing psychological rehabilitation as well as medical assistance and legal aid. The State co-finances Sezim crisis centre in Bishkek, Ak-Zhurok crisis centre in the city of Osh and a men's crisis centre in Chüy province. There are telephone hotlines and some centres have shelters for victims of domestic violence.

120. A new bill on protection from domestic violence has been drafted, expanding the definition of domestic violence to include the concepts of economic violence and threat of domestic violence.

J. Security guarantees

Information on recommendations 76.117, 76.124, 76.126

121. As a country in Central Asia, Kyrgyzstan is confronted with the major external challenge represented by the "Afghan factor", and the resultant threats of terrorism, extremism and drug trafficking. Kyrgyzstan has acceded to 10 United Nations treaties concerning terrorism-related offences and counter-terrorism measures. It fully supports the United Nations Global Counter-terrorism Strategy and collaborates with the antiterrorist structures of OSCE, the Commonwealth of Independent States and the Shanghai Cooperation Organization. No significant amendments have been made during the reporting period to the existing Act on Combating the Financing of Terrorism and the Legalization (Laundering) of Income Obtained by Criminal Means.⁵¹ To ensure that the State authorities involved in counter-terrorism activities coordinate their work, an interdepartmental coordinating commission has been set up within the National Security Committee Anti-terrorism Centre to exchange information obtained from monitoring the financial transactions of individuals whose names are on the national list of persons involved in terrorist and extremist activities or the proliferation of weapons of mass destruction. Information from the Ministry of Internal Affairs shows that 37 criminal cases involving money laundering were initiated during the reporting period and 9 were sent to trial.

122. To build up international cooperation in combating the financing of terrorism and money laundering, in 2011 the Government signed the agreement on the Eurasian Group on Combating Money Laundering and the Financing of Terrorism.⁵²

123. The law enforcement agencies have carried out a series of anti-drugs trafficking measures aimed at reducing the illegal distribution of drugs. According to figures from the Ministry of Internal Affairs, 8,542 criminal cases were opened during the reporting period and of those 7,439 went to trial. A total of 113,811.8 kg of narcotic drugs, psychotropic substances and precursors were seized.

K. Poverty reduction and sustainable development

Information on recommendations 76.106, 76.107, 76.108, 76.109, 76.110, 76.111, 76.112, 76.113, 76.114, 76.126

124. The transition to a market economy has led to significant socioeconomic changes in the country. Sweeping political and economic reforms have affected not only the economy, but, above all, the standard of living of the population. One of the main priorities of the Government's social policy is to improve the population's standard of living and eradicate poverty. This was demonstrated by the creation in 2012 of the National Council for Sustainable Development under the authority of the President, a body that brings together the efforts of all branches of Government, the private sector and civil society. A programme on the transition to sustainable development for the period 2013–2017 was adopted in implementation of the strategy. It is based on: the interconnection between economic, social and environmental processes; the need to take account of legislation and institutional and human capacities; the need for reliable information to inform policy decisions; the human development factor, with detailed plans to improve the quality of life for all categories of the population by 2017; and sustainable development in the regions, with the aim of interregional specialization, trade and cooperation.

125. Data from the National Statistics Committee show that gross domestic product (GDP) in 2013 amounted to 350.0 billion soms, or 10.5 per cent more than in 2012. Per capita GDP was 8.3 per cent higher than the previous year.

126. According to the Ministry of Labour, Migration and Youth, 94,200 persons were registered with the State Employment Service as looking for work on 1 January 2014, 1.1 per cent fewer than in 2013; while the number of registered unemployed had fallen by 3.3 per cent to 58,400. The registered unemployment rate represented 2.3 per cent of the economically active population.

127. The results of the integrated household budget survey indicated that the poverty level calculated according to consumer spending rose from 31.7 per cent in 2008 to 38 per cent in 2012. Three quarters of poor people live in rural areas.

L. Development of the education system

Information on recommendation 76.115

128. Under the Constitution, everyone has the right to free basic and secondary education in State educational institutions. To develop the education system, the Government approved the Framework Plan and Strategy for the Development of Education in Kyrgyzstan up to 2020, together with the 2012–2014 Plan of Action for its Implementation. By 2014 the following results had been achieved:

- Preschool education had been developed and introduced to give all children the same opportunities when they enter grade 1;
- The proportion of preschool educational establishments had risen from 34.8 to 37.2 per cent;

- Coverage of preschool-age children had risen from 13 to 15 per cent;
- Enrolment in secondary education had increased from 96 to 98 per cent;
- Annual coverage of in-service training courses for teachers had risen from 8 to 18 per cent.

M. Protection of the rights of persons belonging to the most vulnerable groups of the population

Information on recommendations 76.62, 76.116, 77.13

129. Work is under way to develop the relevant social protection mechanisms in implementation of the Act on the Rights and Guarantees of Persons with Disabilities.⁵³ At the beginning of 2014, there were 155,900 persons with disabilities in the country, or about 2.7 per cent of the total population; 17.1 per cent of them were children, and 16.0 per cent of those were in need of constant care. In such cases, one of the parents is forced to not work and consequently is not entitled to a pension, instead of which he or she receives a monthly social allowance.

130. The State organizes procurement on a competitive basis from non-profit organizations offering social services for persons with disabilities, families and children living in difficult circumstances, homeless persons and elderly citizens; the Ministry of Social Development allocated 22.5 million soms to such services in 2014. Twenty-four social projects received support and seven rehabilitation centres were set up through the State social sector procurement system, making it possible for persons with disabilities to receive sanatorium and spa treatment as close as possible to their place of residence.

131. In the framework of the 2012–2014 Social Protection Strategy, minimum standards have been adopted for the social services provided in social service facilities to adults and children with disabilities. The medical and social assessment service is still undergoing reform towards the introduction of international standards for defining disability.

132. The social protection system for persons with disabilities needs to be improved: legal norms concerning respect for the rights of persons with disabilities are not followed; at times access to rehabilitation services and facilities is limited and services provided are of poor quality; there is no developed system for the integration of persons with disabilities into society, or their access to education, health care, employment, culture or general infrastructure; they experience social and spatial isolation because of the social barriers caused by disability; and the amount of social benefits received by persons with disabilities is not in line with the size of pensions.

133. A series of measures⁵⁴ has been adopted for the period 2014–2017 in preparation for ratification of the Convention on the Rights of Persons with Disabilities. These comprehensive measures are intended to guarantee the rights and improve the quality of life of persons with disabilities and range from a review of the rules and regulations governing issues concerning them to implementation and monitoring in all areas, with the aim of providing better social protection for the persons concerned and raising public awareness of questions related to disability.

134. The Constitution provides that no person shall be discriminated against on grounds of sex or other circumstances. Human rights organizations whose aim is to advance the rights and interests of lesbian, gay, bisexual and transgender (LGBT) persons operate freely in Kyrgyzstan. Despite the high level of stigma and frequent discrimination in society against LGBT persons, these organizations cooperate with the authorities and take part in decision-making processes along with other civil society organizations. Work is going on at

the moment with the participation of LGBT organizations on legislative amendments to develop procedures that will allow transgender persons officially to change their sex and have their identity documents altered.

N. Children's rights

Information on recommendations 76.30, 76.31, 76.35, 76.46, 76.56, 76.63, 76.69, 76.100, 76.101, 76.102, 76.103, 76.105

135. In 2012, Kyrgyzstan became the first country in the Central Asian region to adopt a Children's Code providing guarantees and procedures for the protection of children, including vulnerable groups such as children living in difficult circumstances, children with disabilities and children in conflict with the law. Pursuant to the Code, ensuring the child's best interests is fundamental in the process of determining how to protect the child. The basic measures related to protecting children living in difficult circumstances are included in the Social Protection Development Strategy 2012–2014.

136. The child protection system is constantly being improved: authorized child protection agencies have been set up in all regions; the concept of juvenile justice and special measures for the protection of juveniles in conflict with the law have been introduced into legislation; specialized programmes are being implemented to ensure the right to a family environment and the protection of children from the worst forms of child labour.

137. Measures are taken regularly to identify dysfunctional, asocial families, children living in difficult circumstances, children suffering from ill-treatment or criminal behaviour and children not attending school. Spot checks are also carried out to prevent offences and criminal behaviour by minors. Parental responsibility in the case of failure or refusal to take care of and educate children has been strengthened.⁵⁵ The penalties for offences against the sexual inviolability of minors have been increased.⁵⁶

138. To guarantee the child's right to grow and develop within a family, the Ministry of Social Development maintains a database on children left without parental care, and collaborates in placing children in foster families.

139. The Regulations on Foster Families⁵⁷ have been adopted, and training has been given to 17 foster families, of whom 11 are now certified. The views of the children concerned are taken into account when they are placed with foster families.

140. The Children's Code provides for the protection of children from physical, psychological and sexual violence, cruel, harsh or degrading treatment, and involvement in criminal activity or the commission of antisocial acts. In urgent cases, when there is a direct threat to the life and health of the child, the child protection authorities, in conjunction with the internal affairs authorities, take emergency measures, including the removal of a child from his or her family. For example, during the second quarter of 2014, there were 17 cases in which child protection agency staff effected emergency removals of children from their families because of a direct threat to the life and health of the child; the children were temporarily placed in rehabilitation centres. The Office of the Ombudsman and the Aid Centre for Children Affected by Violence are currently setting up direct telephone hotlines for children to lodge complaints of ill-treatment.

141. In order to create a safe educational space, the Ministry of Education and Science, the Office of the Ombudsman and other State bodies, in cooperation with UNICEF, are implementing a pilot Violence-free Schools programme. It involves 28 schools in different areas of the country, 13 of which are located in cities and 15 in rural areas, and 3 of which have Kyrgyz as their language of instruction, 6 Russian, 2 Uzbek and 17 mixed.

142. According to the Ministry of Health, 404 children under the age of 17 were victims of domestic violence between 2009 and 2013; 310 of them suffered physical violence, 61 psychological violence and 33 sexual violence. Health-care facilities keep a record of children admitted with “maltreatment syndrome”; they send the information to the internal affairs agencies and, after the child is discharged from hospital, to the family medical centre. The three Support Centres for Child Victims of Violence and Maltreatment in the country also have psychologists available to provide assistance.

143. According to official figures from the Ministry of Internal Affairs, during the reporting period, 5,237 cases were brought for offences committed against minors and 3,286 of those have gone to trial.

144. According to the Constitution, no restrictions may be placed on the guarantees prohibiting slavery, trafficking in persons and the exploitation of child labour. No child may be employed in or enticed to carry out any work that is likely to be hazardous or to interfere with his or her education. Exploitation of the worst forms of child labour is prohibited.

145. Kyrgyzstan has ratified the International Labour Organization Conventions relating to child labour.⁵⁸

146. Officers of the internal affairs agency juvenile affairs inspectorate, together with staff of the social development and education agencies and the local authorities, periodically carry out spot checks to identify children working in the worst forms of labour, in order to provide the necessary social assistance to the families and to bring the children themselves into school. During the reporting period, such spot checks identified 3,376 working children, of whom 130 were employed in the worst forms of child labour. The social protection agencies are continuing to work with the families and children involved.

147. The Education Act provides that school pupils may be taken away from their studies and the learning process only with the permission of the Ministry of Education and Science. School curricula include summer work experience for children in grades 5 to 8 and grade 10, with students participating in gardening and landscaping school grounds, conducting experimental research on school land and helping where they can with repairs to their school.

148. More than 50 children’s institutions and social protection centres, such as the Centre for the Rehabilitation of Street Children, the Centre for the Social Adaptation of Children and the Support Centre for Children affected by Violence provide social, legal and psychological assistance to children living in difficult circumstances. They offer around 10 different types of social and rehabilitation services for children.

149. The internal affairs agencies conduct regular spot checks to identify neglected and street children; during the reporting period they found 11,840 such children. The internal affairs agency sent reports on the children to the social protection, health-care and education agencies. A total of 6,493 neglected and street children were taken to juvenile crime prevention centres during the period under review; 6,151 of them were returned to their parents or close relatives, 255 were sent to a place of education and care and 87 were taken into children’s institutions.

150. The Children’s Code lays out a framework for the development of juvenile justice and the protection of child victims of violence or crime. Special protection measures for children in conflict with the law provide for such guarantees as particular supervision by a procurator to ensure that the rights of detained juveniles are respected, the mandatory participation of legal representatives and counsel throughout any investigation concerning a minor and the mandatory notification of family members within three hours of the time of actual detention. Juveniles may be remanded in custody only in exceptional circumstances.

In the case of a child in conflict with the law, the child protection authorities develop a plan of measures for his or her rehabilitation.

151. An Interdepartmental Coordinating Council on Juvenile Justice has been set up under the Government⁵⁹ and a State Programme on Justice for Children 2014–2018⁶⁰ has been adopted to help coordinate and unite the efforts of State and local government agencies and voluntary and international organizations in their work to protect and restore the rights and legitimate interests of young people in conflict with the law.

IV. Capacity-building and technical assistance requirements

152. Kyrgyzstan is intending to request technical assistance from international organizations for the implementation of the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the activities of State agencies, as well as all aspects of the National Plan to Combat Torture (see chap. III, sect. F, para. 103 above).

153. The State is currently faced with the task of developing and bringing into action an effective mechanism for implementing the decisions of the United Nations Human Rights Committee on individual complaints; advisory and technical assistance from international organizations is thus required to facilitate the sharing of best practices in various countries (see chap. II, sect. C, paras. 44–45).

154. Kyrgyzstan needs to undertake a series of tasks to improve the effectiveness of its legislation in combating all forms of discrimination; it is therefore planning to request technical assistance with a view to sharing the experiences and best practices of other States in this field (see chap. II, sect. A, paras. 20–21).

155. Kyrgyzstan is preparing to ratify the United Nations Convention on the Rights of Persons with Disabilities, which will entail making significant changes to the system of social assistance for persons with disabilities, and ensuring their participation in all spheres of public life; this work will also require support from the international community and relevant technical and advisory services (see chap. II, sect. M, paras. 131–133).

156. To implement recommendation 77.40 of the Human Rights Council concerning the humanitarian aspect of military cooperation (humanitarian mine clearance, rescue operations, etc.), Kyrgyzstan is planning to request advice and technical assistance within the framework of OSCE and the United Nations in conducting operations to clear unexploded ordnance from its territory.

V. Consultation with civil society

157. With the assistance of international organizations, a series of consultative activities were held with civil society organizations from different regions of the country during the preparation of the national report, and an open and constructive dialogue took place. The final review of the national report of Kyrgyzstan under the universal periodic review process was held on 24 October 2014. The civil society organizations noted the high quality of the national report, and the fact that it reflects the main trends in the field of human rights protection. However, the report does not reflect a number of important problems relating to human rights issues such as the situation of human rights defenders in the country, the issue of violence by staff of the law enforcement agencies against LGBT persons, the under-representation of ethnic minorities in the civil service, the situation of religious minorities and respect for human rights while ensuring public order during peaceful assemblies. Civil society organizations have expressed particular concern about

bills currently under consideration that would prohibit positive attitudes towards LGBT persons, ban unregistered citizens' associations and impose strict registration procedures as "foreign agents" and reporting requirements on NGOs that receive funding from foreign sources. During the consultations, the need was noted for more detailed information on the above issues to be presented to the Human Rights Council. The Human Rights Coordinating Council, which reports to the Government, took account of the comments by civil society, and the recommendations made during the consultations are not only reflected in the text of the national report, but are also included in the delegation's information materials for the presentation of its national report.

VI. Conclusion: the way forward

158. Kyrgyzstan is firmly committed to protecting and promoting all human rights and fundamental freedoms. The international commitments it has made in the field of human rights will be met through the Agenda for National Renewal, taking account of the specific ethnic and regional aspects of the country's development and its historical, cultural and religious background.

159. Kyrgyzstan fully recognizes and supports the universal periodic review process as a constructive tool that can lead the country to a new level of dialogue between State agencies and civil society, and favour the introduction of strategies and mechanisms for improving and protecting human rights.

160. Kyrgyzstan supports the need for universal recognition of and respect for the human rights enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and other international treaties and supports the efforts of the United Nations, OSCE and other international organizations to that end.

Notes

- ¹ Нумерация рекомендаций дана согласно Докладу Рабочей группы по универсальному периодическому обзору. Кыргызстан. 16 июня 2010 года. A/HRC/15/2.
- ² Распоряжение Правительства КР от 01.09.2014 г. № 369.
- ³ Постановление Парламента КР от 12 января 1994 года N 1406-XII.
- ⁴ Постановление Парламента КР от 21 февраля 2008 года N 216-IV.
- ⁵ Распоряжение Правительства КР от 16.09.11 № 422.
- ⁶ Постановление Правительства КР от 13 декабря 2011 года № 755.
- ⁷ Закон КР "О ратификации Конвенции о защите детей и сотрудничестве в отношении международного усыновления, принятой в Гааге 29 мая 1993 года" от 10 августа 2012 года N 166.
- ⁸ Закон КР «О Национальном центре Кыргызской Республики по предупреждению пыток и других жестоких, бесчеловечных или унижающих достоинство видов обращения и наказания» от 07.06.12. N 104.
- ⁹ Кодекс КР «О детях» от 10 июля 2012 года N 100.
- ¹⁰ Закон КР "О мирных собраниях" от 23 мая 2012 года № 64.
- ¹¹ Указ Президента КР по реализации решения Совета обороны от 7 февраля 2014 года № 24.
- ¹² Статьи 154, 155 УК КР.
- ¹³ Распоряжение Руководителя Аппарата Президента КР от 1 февраля 2013 года № 24.
- ¹⁴ Распоряжение Правительства КР 23 октября 2014 года № 469-р.
- ¹⁵ Закон КР «Об Омбудсмене (Акыйкатчы) Кыргызской Республики» от 31 июля 2002 года № 136.
- ¹⁶ Постановление Правительства КР от 17.03.2014 № 155.

- 17 Статья 40 Конституции КР.
- 18 Части 1, 2, 3, 4 ст. 94 Конституции КР.
- 19 Постановление Правительства КР от 19 марта 2014 года № 174.
- 20 Статья 270 УПК КР.
- 21 Закон КР от 14 июля 2014 года № 135.
- 22 Статья 41 Конституции КР.
- 23 Закон КР «О противодействии коррупции» от 08.08.2012 г. № 153.
- 24 Постановление Правительства КР от 30 августа 2012 года № 596.
- 25 Указ Президента КР «О мерах по устранению причин политической и системной коррупции в органах власти» от 12.11.2013 г. № 215.
- 26 Закон КР от 6 августа 2005 года № 128.
- 27 Распоряжение Правительства КР от 12 февраля 2014 года № 44-р.
- 28 Организация экономического сотрудничества и развития.
- 29 Закон КР «Об общественных советах государственных органов» от 24.05.2014 г. № 74.
- 30 Указ Президента КР от 29 сентября 2010 года № 212.
- 31 Согласно Закону КР «О нормативных правовых актах» государство принимает на себя обязательство обеспечить общественное обсуждение проектов нормативных правовых актов, путем обеспечения публичности процесса их рассмотрения. Обеспечение открытости нормотворческой деятельности предоставляет организациям гражданского общества возможность вносить предложения, которые должны быть тщательно рассмотрены государственными органами, и своевременно реагировать, если предлагаемые государством правовые нормы не соответствуют общественным нуждам или нарушают права и свободы человека.
- 32 Закон КР «О внесении дополнений в некоторые законодательные акты» от 18.02.2014г. № 35.
- 33 Приказ Министерства образования и науки КР от 15.05.2011 г. № 209/1.
- 34 Указ Президента КР от 21 января 2013 года № 11.
- 35 Постановление Правительства КР «О национальной стратегии Кыргызской Республики по достижению гендерного равенства до 2020 года и Национальном плане действий по достижению гендерного равенства в Кыргызской Республике на 2012–2014 гг.» от 27 июня 2012 года № 443.
- 36 Постановление Правительства КР от 14 января 2013 года № 14.
- 37 Постановление правительства КР от 7 декабря 2012 года № 813.
- 38 Постановление Правительства КР от 10 января 2014 года № 12.
- 39 Конституционный закон КР от 2 июля 2011 года № 68.
- 40 Постановление Правительства КР от 5 марта 2013 года № 109.
- 41 Указ Президента КР от 10 апреля 2013 года № 74.
- 42 Постановление Правительства КР от 27 августа 2014 года № 487.
- 43 Постановление Правительства КР от 23 марта 2012 года № 201.
- 44 Приказ Министерства здравоохранения КР от 26 июня 2013года и ФОМС при Правительстве КР «Об утверждении Правил приписки населения Кыргызской Республики к группам семейных врачей» от 26.06.13г. № 126.
- 45 Постановление Правительства КР от 14 января 2013 года № 14.
- 46 Закон КР от 4 августа 2008 года № 184.
- 47 Закон КР от 14 июля 2011 года № 98.
- 48 Закон КР от 25 марта 2003 года № 62.
- 49 Приказ Министерства здравоохранения КР от 23.11.2007г. № 417.
- 50 Семейный Кодекс КР, ст. 14, от 30 августа 2003 г. № 201.
- 51 Закон КР от 31 июля 2006 года № 135.
- 52 Закон КР от 15 июня 2012 года № 83.
- 53 Закон КР от 3 апреля 2008 года № 38.
- 54 Постановление Правительства Кыргызской Республики от 2 декабря 2013 года № 650.
- 55 Закон КР «О внесении изменений и дополнения в Кодекс КР об административной ответственности от 21 декабря 2012 года № 203.
- 56 Закон КР «О внесении изменений и дополнений в Уголовный кодекс Кыргызской Республики» от 9 июля 2013 года № 126.
- 57 Постановление Правительства КР от 1 октября 2012 года № 670.

⁵⁸ Конвенция № 182 о запрещении и немедленных мерах по искоренению наихудших форм детского труда, Закон КР от 30.12.03 № 244.

⁵⁹ Постановление Правительства КР от 3 мая 2013 года N 232.

⁶⁰ Постановление Парламента КР от 16.10.14 № 4390-V.
