

**HRDS, FREEDOM OF ASSOCIATION,
PEACEFUL ASSEMBLY; HUMAN RIGHTS
VIOLATIONS IN THE FIGHT AGAINST
EXTREMISM.**

**WORKING GROUP
ON UPR-KYRGYZSTAN**

Recommendations from UN treaty bodies

- 664 recommendations were given by the UN human rights treaty bodies,
- 584 were implemented in various programs, strategies, or partially implemented
- UPR 2nd cycle- Kyrgyzstan had accepted 139 recommendations out of 196 recommendations.
- 80 recommendations were included in the Human Rights Action Plan for 2019 - 2021.

UPR 2nd cycle

□ HRD's

Following the results of the 2nd UPR cycle, Kyrgyzstan received **15 recommendations** related to human rights defenders from Lithuania, Austria, Uruguay, Belgium, Denmark, Ireland, Argentina, France, Norway, Switzerland and the United Kingdom. 14 recommendations were accepted by Kyrgyzstan and 1 recommendation received from the UK was noted.

□ Right to freedom of associations

17 recommendations were provided to Kyrgyzstan concerning the right to freedom of associations by the following countries: Lithuania, Germany, Austria, Canada, Finland, Norway, France, Switzerland, Belgium, Denmark and the Netherlands.

Current situation

- Usage by the government of anti-terrorism legislation and state power levers of influence to limit the “political” activity of CSO’s.
<https://www.civicsolidarity.org/article/1561/kyrgyzstan-supreme-court-overturns-decision-lower-court-designating-reports-bir-duino>
- Women human rights defenders in Kyrgyzstan have faced an increasing number of threats and violations.
<http://www.birduino.kg/en/press/997-women-hrd>
- Populism and nationalism are on the rise — used by political leaders to narrow the space for civil society.
- Lack of access to justice life sentence of human rights defender Azimjan Askarov
- Legislative initiatives to restrict the activities of CSO’s and independent trade unions (the Law on Foreign Agents and the draft law on the activities of independent trade unions)
- Agreement on supply of cameras with facial recognition function poses risk to human rights in Kyrgyzstan

Recommendations: HRD's

- Protect the rights of HRDs in accordance with the 1998 UN Declaration on Human Rights Defenders, posing particular attention to the right to freedom of association, peaceful assembly and freedom of expression.
- Ensure that human rights reports, including those submitted to the UN are not placed in the list of extremist materials;
- Kyrgyzstan needs to strengthen gender sensitivity and peace impact assessment and protect Human rights defenders.
- Fully implement the decisions and recommendations reflected in the UN conventions, in particular: immediately release A. Askarov, overturn his conviction
- The Kyrgyz government should pause the rollout of facial recognition technology, disclose the details of this deal, and provide privacy protections that meet international standards

Recommendations:

Right to freedom of associations

- Prove Kyrgyzstan's compliance with international standards for freedom of association in accordance with the International Covenant on Civil and Political Rights;
- Kyrgyzstan needs to exercise your “responsibility to protect”, encourage civilian participation and avoid shrinking space - including equal and meaningful participation of women;
- Revise the draft law on the activities of independent trade unions in the Kyrgyz Republic;

UPR 2nd cycle

□ **Right to freedom of peaceful assembly**

14 recommendations related to the right to freedom of peaceful assembly by the following countries: Lithuania, Germany, Finland, Denmark, Austria, Czech Republic, France, Hungary, Uruguay, Mexico.

□ **Human Rights violations in the fight against extremism**

two recommendations were made to the Kyrgyz Republic on the topic of extremism, Tajikistan and the United States of America

Current situation

- **Authorities continue to illegally require** advance notifications of meetings from the meeting organizers
- **Authorities ignore** the list of grounds provided for by law and the procedure for prohibiting and limiting peaceful assemblies. They artificially create conditions that prevent the organizers from subsequently appealing against the ban or restriction of a peaceful assembly in accordance with the procedure.

Recommendations:

Right to freedom of peaceful assembly

- According to the Constitution of the country, the prosecution authorities should strengthen supervision over the correct and uniform implementation of legislation on the right to freedom of peaceful assembly by the government agencies and local self-government bodies and their officials.
- Provide a legal assessment of each individual case of the prohibition and restriction of a peaceful assembly.
- The prosecution authorities should take measures (to issue acts of response) for each identified case of violation of the law on the right to freedom of peaceful assembly, and consider the need to bring the perpetrators of such violations to justice.
- To pay special attention to ensuring the right for peaceful assembly for marginalized groups;
- conduct trainings for police on LGBT rights, gender equality, diversity, etc

Current situation:

Human Rights in the fight against extremism

- To date, a number of changes have been made in national legislation that more or less improve the situation related to the protection of human rights in the framework of countering violent extremism.
- On 1 January 2019 the new Criminal Code and Code of Criminal Procedure of the Kyrgyz Republic entered into force. The concepts of "storage of extremist materials" and "storage for the purpose of distribution" are separated.
- Anti-extremist legislation and law implementation practices do not fully comply with international standards in the field of human rights protection
- Lack of qualification of the expert community in accordance with international standards

Current situation:

Human Rights in the fight against extremism

- Unfortunately, in the context of the fight against violent extremism and terrorism, there is a list of the rights most vulnerable to violations, such as the right to life in the context of anti-terrorist operations, the rights of freedom from torture, presumption of innocence, the right of access to a fair trial, the right to personal integrity, the right to privacy, the right to freedom of expression and religion.

Recommendations:

Human Rights in the fight against extremism

- The Government of Kyrgyzstan should work closely with vulnerable communities in the fight against terrorism and extremism
- Strictly comply with the regulations of domestic law (Constitution and Law “On Countering Extremist Activities”);
- Develop and implement measures to improve the activities of the expert community with a view to ensure their independent and objective expertise of materials of an extremist nature in accordance with international standards;
- Ensure an objective and comprehensive review of cases by the national courts in the framework of countering extremist activities;
- Abolish (cancel) the punishment under article 315 of the Criminal Code of the Kyrgyz Republic, which provides for criminal punishment for the storage and distribution of religious extremist materials in the form of imprisonment, within the framework of humanization and decriminalization of the criminal law.

Thank you!

From all the members of our Working group on UPR-Kyrgyzstan:

- Alga NGO
- Insan-Diamond NGO
- Human Rights Movement: Bir Duino-Kyrgyzstan
- Solidarity Center
- Kyrgyz Indigo