



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-fifth session
20–31 January 2020

Summary of Stakeholders' submissions on Kyrgyzstan*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 26 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations² and cooperation with international human rights mechanisms and bodies³

2. AI and HRW recommended ratifying the Rome Statute of the International Criminal Court.⁴
3. JS2 recommended issuing a standing invitation to all UN special procedures.⁵
4. ICAN recommended signing and ratifying the UN Treaty on the Prohibition of Nuclear Weapons.⁶
5. JS6 recommended acceding to the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.⁷

B. National human rights framework⁸

6. OSCE reported that its Office for Democratic Institutions and Human Rights (ODIHR) and Venice Commission Joint Opinion, on the Draft Law on Introduction of Changes and Amendments to the Constitution of the Kyrgyzstan Republic, had been issued on 19 October 2016. While proposed changes were adopted in late 2016, key remaining concerns included: the provision guaranteeing access to effective remedies in cases of

* The present document was not edited before being sent to United Nations translation services.



violations of human rights had been removed; the new provision on deprivation of citizenship had not been clearly circumscribed and did not include relevant safeguards; and the importance of human rights, and the supremacy of international human rights treaties within the domestic legal system, had been watered down.⁹

7. AI, JS2, JS7 and JS8 noted that a new Criminal Code had come into force in January 2019.¹⁰

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

*Equality and non-discrimination*¹¹

8. JS8 noted that in 2019 the Government had adopted an Action Plan for 2019–2022 on the implementation of CERD recommendations, and recommended to monitor its implementation.¹²

9. JS1 and JS8 asserted that the lack of demand for ethnic minorities in social life had led to religious radicalization, with associated ethnic profiling by the police and judiciary.¹³ JS1 and OPZO recommended to adopt comprehensive anti-discrimination legislation that defines all forms of discrimination.¹⁴ JS1 recommended to stop ethnic profiling; and to protect minorities from discrimination in education, employment, social services, and from hate speech.¹⁵

10. JS1 stated that in 2016, an amendment had been made in the Constitution permitting marriage only between a man and a woman.¹⁶ JS1 recommended to introduce legal guarantees of LGBTI rights in the Criminal and Labor Codes.¹⁷ AI recommended to ensure that the draft law on anti-discrimination is amended to include sexual orientation and gender identity (SOGI).¹⁸

11. FLD noted that a discriminatory draft law on “anti-gay propaganda”, proposing prosecutions for dissemination of any information that contributed to a positive attitude towards non-traditional sexual relationships, had stalled in Parliament since 2014 and had caused prolonged discussion. The bill had fuelled hatred against the LGBTI+ community and stigmatised human rights defenders working on their protection.¹⁹ OSCE informed that in 2017 two hate crimes concerning racist and xenophobic bias and three on SOGI had been reported; in 2016, there had been seven SOGI-based hate incidents; and in 2015, fourteen SOGI-based incidents.²⁰ JS1 noted that there were no laws banning hate speech; that there had been an increase in the level of hate speech against LGBTI people following discussion of the draft “anti-gay propaganda” law; and that the most intensive homophobic rhetoric was produced by pro-government media.²¹

12. JS1, AI and HRW reported violations of the rights of LGBTI persons by both State and non-state actors.²² JS1 had documented 24 hate crimes in 2018 on the basis of SOGI.²³ JS1 and JS8 informed that many LGBTI people faced persecution from law enforcement officers, with 35 cases of police violence documented from 2016 to 2018, mostly connected with blackmail, threats, and extortion. In many cases, the police reportedly had taken no action when a crime against LGBTI people was being committed or publicly planned.²⁴ SOGI had also become grounds for firing or refusal to hire.²⁵

13. AI, JS1 and JS8 recommended to guarantee fair investigation of crimes against LGBTI people and activists.²⁶ JS1 recommended to implement trainings for law enforcement officers and judges; and to introduce a system for monitoring and prosecuting officials for hate speech.²⁷ HRW recommended to cease harassment, discrimination, and ill-treatment of LGBT people; ensure their rights are fully protected in law; and withdraw the draft anti-LGBT “propaganda” bill.²⁸

14. FLD informed that police had restarted the practice of forcibly testing sex workers for HIV and STIs. Defenders of their rights had been arrested, detained, physically and sexually assaulted, and violently subjected to forced medical tests. FLD recommended to

ensure the protection of human rights defenders working on LGBTI+ and sex worker rights.²⁹

*Human rights and counter-terrorism*³⁰

15. HRW reported that in recent years, Kyrgyzstan officials had prosecuted hundreds of people for “storage” of “extremist” material under Article 299-2 of the former Criminal Code. Those found guilty were sentenced to three to ten years in prison even if they did not use or intend to use the material to incite violence. As of late 2018, several hundred suspects were awaiting trial on the charge.³¹

16. JS2, HRW, KS and SFCG noted the use of vaguely defined terms in anti-extremist laws, notably “On Countering Extremist Activities” and “On Freedom of Religion and Religious Organizations” (Religion Law). Such terms included “extremism”, “extremist activity”, and “ideas of religious extremism, separatism and fundamentalism”. The laws also did not give specific criteria for declaring an anti-terrorist operation or authorizing forced harm during anti-terrorist operations.³²

17. HRW and SFCG noted that although Criminal Code amendments which took effect in January 2019 narrowed the scope of Article 299-2 (now Article 315), by requiring that storing extremist material must be “for the purpose of dissemination” to be considered a criminal offence, amendments did not address the overbroad definition of “extremism”.³³ JS8 recommended to stop harassment and discrimination of ethnic minorities and peaceful religious supporters by the police under the pretext of combating violent extremism.³⁴

18. SFCG, KS and HRW recommended to bring anti-extremist legislation in line with international human rights standards to eliminate broad, ambiguous language.³⁵ JS2 recommended entirely repealing the Law on Countering Extremist Activities, and Article 315 of the Criminal Code.³⁶ HRW recommended to review all convictions of prisoners found guilty solely on the charge of possession of “extremist” material.³⁷ KS recommended to provide independent verification of the legality, necessity and proportionality of the use of firearms in anti-terrorist operations.³⁸

19. JS8 reported that, in cases regarding storing extremist materials in electronic accounts and on the Internet, materials had been seized by State agents without a judicial act. JS8 recommended strict observance of the right to privacy of correspondence.³⁹

2. Civil and political rights

*Right to life, liberty and security of person*⁴⁰

20. AI, JS7 and JS8 reported that the new Criminal and Criminal Procedural Codes had outlawed torture and other ill-treatment; excluded evidence gained through torture and other ill-treatment; and increased the punishment for torture. The government had also adopted an Action Plan.⁴¹

21. AI, JAI and JS7 informed that cases of torture and other ill-treatment persisted despite a programme of independent monitoring of places of detention and the establishment of the National Centre for the Prevention of Torture (NCPT). In the first nine months of 2018, there had been 435 reports of torture and other ill-treatment. A joint study had found that one in three of 679 respondents stated that they had been subjected to unjustified physical force or violence during arrest and detention.⁴²

22. JS7, JS8, JAI and HRW asserted that impunity for torture remained the norm, with criminal cases into allegations rare, and investigations and trials delayed or ineffective. Impunity was exacerbated by the lack of effective complaint mechanisms, independent investigations, and monitoring. Official statistics from the General Prosecutor's Office had shown that in nine out of ten cases a decision was taken not to initiate a criminal case into an allegation of torture.⁴³

23. JS7, JS8, AI and PD recommended to ensure that investigations into allegations of torture are carried out promptly by an independent body.⁴⁴ HRW and JS8 recommended holding to account those responsible for torture.⁴⁵ JS7 and PD recommended recognizing the competence of the Committee against Torture in accordance with Article 22 of the

Convention.⁴⁶ JS8 recommended assigning the jurisdiction of torture cases to the General Prosecutor's Office.⁴⁷

24. JS7 informed that, despite the 2014 Practical Guide for the medical documentation of violence, torture and other cruel, inhuman and degrading treatment and punishment, the majority of medical personnel still did not have specific training. JS7 recommended to ensure effective implementation of the Action Plan on implementation of the Istanbul Protocol for 2019–2020; and to intensify measures for the full implementation of the Practical Guide.⁴⁸ PD recommended to provide all individuals deprived of their liberty with legal guarantees for medical examination by an independent physician, and all relevant personnel with training and equipment.⁴⁹

25. Regarding the NCPT, JS7 recommended informing the general public and State authorities about its mandate; for Parliament to avoid making amendments to the Law that undermine its institutional independence, and ensuring a quorum of the Coordination Council.⁵⁰ JS7 and JS8 recommended to provide sufficient funding.⁵¹

26. JS7 and JS8 noted the use of temporary detention facilities, due to the lack of pre-trial detention centers, including deaths in custody, and recommended to ensure compliance with international standards for the treatment of detainees.⁵² JS7 recommended to train staff in places of detention about human rights obligations; and to eliminate the practice of illegal detention in temporary detention facilities.⁵³

*Administration of justice, including impunity, and the rule of law*⁵⁴

27. HRW, JS1, JS8, FLD and OPZO reported that, nine years after the June 2010 interethnic violence, which had left more than 400 dead and destroyed thousands of homes, and had been followed by numerous cases of arbitrary detention, ill-treatment, and torture, victims continued to be denied justice. Authorities had not taken meaningful action to address the abuses endured by the ethnic Uzbek community during the violence or to review torture-tainted convictions after the clashes.⁵⁵ Kyrgyzstan had not complied with the decisions of international bodies, or with international standards in providing access to justice and a fair trial in the aftermath of the conflict.⁵⁶

28. OPZO informed that Kyrgyzstan had issued dozens of extradition requests for ethnic Uzbeks, whom the authorities accused of having participated in the June 2010 conflict, most of whom had fled to Russia. Law enforcement officers had also targeted Uzbeks to extort money, threatening to charge them with serious criminal offences in relation to the June 2010 events.⁵⁷

29. OPZO, FLD and JS8 recommended guaranteeing access to justice and effective remedies for human rights violations related to the June 2010 events.⁵⁸ HRW recommended conducting an independent review of June 2010-related legal proceedings.⁵⁹

30. JAI informed that Kyrgyzstan was among the fifty countries in the world with the highest perceived level of corruption.⁶⁰ OSCE reported that its Election Observation Mission deployed for the October 2017 presidential election had noted cases of misuse of public resources and vote buying. OSCE recommended to amend the law to include clear prohibitions and effective sanctions against the misuse of public resources; to consider making vote buying a criminal offence; and for the Central Election Commission to utilize all available legal remedies to discontinue, sanction, and prevent such practices.⁶¹

31. PD recommended to continue positive measures to humanize punishment for crime related to possession and use of drugs.⁶²

*Fundamental freedoms and the right to participate in public and political life*⁶³

32. JS3 informed that positive efforts included the 2016 establishment of a Multireligious Council.⁶⁴ JS3 and Forum 18 noted that Kyrgyzstan had given many religious communities State registration since the end of 2018, including various Christian churches, Baha'i communities, the Falun Gong Chinese spiritual movement, and some Jehovah's Witness communities. However, Ahmadi Muslims remain banned.⁶⁵

33. JS3 and ADF reported that elements of the Religion Law conflicted with both the Kyrgyzstan constitution and international human rights treaties to which Kyrgyzstan was party. These included restrictive registration requirements; a ban on all religious activities by bodies not recognized by the State Committee on Religious Affairs (SCRA); restrictions on participation in religious community for those under 18; bans on religious teaching and expression in schools; bans on “persistent” or “aggressive” proselytism; and limitations on the distribution of religious literature.⁶⁶

34. JS3, ADF, Forum 18, Jubilee, and SCG informed on increased religious tensions, including police raids on the meetings of non-registered religious communities; hate crimes against religious minorities; and the denial of burial rights of Christian and other non-Muslim minorities. Increased violence and hate crime, instigated primarily by persons identifying with the Muslim majority against Protestant Christians and Ahmadiyya Muslims, had been met with minimal response from authorities. There were also instances of local authorities suspending the activities of religious organizations, and otherwise acting on unclear language in the law.⁶⁷

35. ADF International and Jubilee recommended to prosecute and punish all perpetrators of religiously-motivated violence, vandalism and destruction of places of worship.⁶⁸ ADF recommended to remove burdensome registration requirements; rescind intrusive governmental practices into religious activities and censorship over religious material; and to ensure that residents have the right to bury their dead in state-owned cemeteries.⁶⁹ Jubilee recommended to train police officers on religious freedom.⁷⁰ SCG recommended to bring national legislation on freedom of religion into line with international human rights standards; to eliminate arbitrary decision-making on restrictions and prohibition of religious activities; and to strengthen dialogue on tolerance and non-discrimination.⁷¹

36. EAJW noted that, in general, Jehovah’s Witnesses were able to meet freely for worship and to practice their faith without serious interference. However, under the Religion Law, Jehovah’s Witnesses had been unable to obtain further registrations, as 200 founders were required to register a religious organization. In 2015, the Constitutional Court considered reducing the number of founding members and rejected this request. In 2016, the Supreme Court rejected Jehovah’s Witnesses’ application to invalidate the decision of the SCRA, which had refused to register their Local Religious Organizations in the cities of Osh, Naryn, Jalal-Abad and Batken. Complaints were filed with the HR Committee, and in May 2019, the Committee issued its first decision, ruling that the failure to grant registration to Jehovah’s Witnesses in Batken violated the right to freedom of religion and freedom of association and was discriminatory. EAJW noted that, following meetings in June 2019, it remained undetermined whether the SCRA would grant further registrations.⁷²

37. IFOR was concerned that recognition as conscientious objectors to military service was available only to members of specific religious denominations. It recommended for Kyrgyzstan to review its military service legislation to bring it into conformity with international standards.⁷³

38. IA reported that the causes of Islamophobia were varied. Although in the capital, Bishkek, Islam was viewed in a positive light, outwardly religious appearance by women was viewed negatively, while outwardly religious men were more likely to experience Islamophobia at work, on social media, and from law-enforcement agencies. IA recommended providing teacher training on human rights principles, and strengthening intercultural understanding as part of the school curriculum.⁷⁴

39. AI informed that the internet was the dominant source of information on religion, and that there was a lack of qualified journalists covering religious affairs. Not all media platforms were able to present their views on religion independently from the State. AI recommended promoting pluralism of the media; and supporting media platforms to foster constructive dialogue on religion.⁷⁵

40. AI, HRW, JS1, JAI and FLD reported that Azimjan Askarov, an ethnic Uzbek human rights defender, continued to be detained in spite of decisions by international bodies and repeated calls for his release. He had documented violence, killings and arson

attacks against mostly ethnic Uzbek communities by Kyrgyzstan State and non-state actors during violent unrest in the south of Kyrgyzstan in June 2010, and had been sentenced to life imprisonment in September 2010. In response to the March 2016 HR Committee recommendation that he be released immediately, recognizing that he had been tortured, denied the right to a fair trial and detained arbitrarily and under inhumane conditions, the authorities had agreed to a retrial. In January 2017, the Chui Regional Court upheld his conviction and life sentence for “participating in ethnic violence and the murder of a police officer”. An appeal was pending with the Supreme Court. In February 2019, following amendments to the Criminal and Criminal Procedural Codes, Azimjan Askarov lodged a request with the courts to review his life sentence, scheduled for 30 July 2019.⁷⁶ AI, HRW and FLD recommended to release Azimjan Askarov immediately and unconditionally in accordance with the decision of the HR Committee.⁷⁷ HRW and JS8 recommended to fulfil the HR Committee decision.⁷⁸ OSCE’s ODIHR had urged the authorities to implement the remedial recommendations of the HR Committee on the case of Mr. Askarov.⁷⁹

41. FLD, OPZO and JS8 reported that human rights defenders had faced harassment, intimidation, threats, smear campaigns, arbitrary arrest and detention, imprisonment, and physical attacks in reprisal for their human rights work, from both State and non-state actors. Although the “foreign agents” bill had been rejected by Parliament in May 2016, the prolonged discussion around the proposed amendments contributed to the stigmatisation of human rights organisations. In the absence of new restrictive NGO-specific legislation, the authorities had employed existing law, including legislation on extremist activities, terrorism and defamation, to obstruct and ban the activities of human rights NGOs.⁸⁰ International human rights monitors and a journalist had been prohibited from entering the country.⁸¹ Human rights organizations had also become victims of information attacks and denigrating media campaigns, and their representatives had been portrayed as ‘puppets’ in the hands of foreign States and actors.⁸²

42. JS7, JS8, PD and OPZO recommended to investigate and provide redress in cases involving intimidation, harassment, and persecution of journalists, activists and human rights defenders; and to ensure a safe and enabling environment.⁸³ FLD recommended for the existing legislation and judicial system not to be misused to limit the legitimate work of human rights defenders.⁸⁴ HRW recommended to allow banned foreign human rights workers and journalists to enter Kyrgyzstan.⁸⁵ JS8 recommended to not pursue human rights defenders for cooperation with UN structures, and not conduct secret courts in relation to human rights organizations interacting with the UN.⁸⁶ HRW recommended to cease targeting journalists and human rights defenders with unfounded defamation lawsuits.⁸⁷

43. OSCE referred to reported instances of law enforcement authorities failing to adequately investigate, prosecute and punish threats and attacks against human rights defenders; concerns regarding the application of criminal legislation on “extremism” to their activities; judicial irregularities; and the denial of fair trial rights.⁸⁸

44. JAI reported that 2017 had seen a media crackdown by the government, and prosecutors had pursued charges against journalists who had published reports into alleged corruption within the government. Despite reforms since late 2017 entailing charges being dropped and travel bans lifted, there were still concerns that journalists investigating Government corruption faced State pressure.⁸⁹

45. JS2 reported that the “Law on Guarantees for Activity of the President of the Kyrgyzstan Republic” had allowed the Prosecutor General to initiate legal action to protect the “honour and dignity” of the President, as well as to protect former Presidents from being “discredited”. JAI informed that independent media outlets and journalists had been ordered to pay onerous compensations for creating material that offended the president.⁹⁰ OSCE, HRW and JS2 recommended to establish a cap on civil defamation awards.⁹¹ OSCE and JS2 recommended to abolish the Law.⁹² HRW recommended to cease targeting journalists and human rights defenders with unfounded defamation lawsuits.⁹³

46. JS2 asserted that Article 313 of the Criminal Code had been applied to protect the government from criticism, and to censor open debate and discussion.⁹⁴ Website blocking had become more widespread. JS2 recommended amending Article 313 to bring it into

compliance with the ICCPR, in particular to ensure it only prohibits expression that specifically intends and is likely to incite hostility, discrimination or violence against persons on the basis of a protected characteristic;⁹⁵ to ensure that any State mandated blocking of websites is provided by law;⁹⁶ and to adopt a comprehensive freedom of information law in line with international human rights.⁹⁷

47. HRW reported that the authorities had acted to limit freedom of peaceful assembly on several occasions in 2017, with courts in Bishkek granting orders for weeks-long bans on public assemblies, on the grounds of ensuring public order, while protest participants had been detained during a peaceful march.⁹⁸ JS8 reported its member organization had been denied permission to hold a peaceful march in January 2018 by the Bishkek municipal administration, a case it had appealed and won.⁹⁹ HRW recommended ending the arbitrary detention of people attempting to exercise their right to freedom of peaceful assembly.¹⁰⁰ JS8 recommended to strengthen the supervision by prosecution authorities of state and local self-government bodies.¹⁰¹

48. OSCE reported cases of pressure on voters. OSCE recommended that the State guarantee the right to a secret ballot; and prevent any form of pressure to disclose how voters intend to vote or how they voted.¹⁰²

3. Economic, social and cultural rights

*Right to an adequate standard of living*¹⁰³

49. JS5 reported that in 2015, the Affordable Housing Program for 2015–2020 had been adopted and approved, and noted that the Special Report of the Ombudsman had assessed the programme as not meeting the needs of the most vulnerable groups of the population. JS5 informed that many house owners had lost their property due to corruption in the construction sector.¹⁰⁴ JS5 recommended to develop adequate housing policy in accordance with international standards to ensure the regulation of rental housing, shared construction, common/shared property, and strengthening of various forms of ownership; and to adopt a separate law regulating this issue.¹⁰⁵

50. JS5 noted no action taken to improve the norms to realize the right to housing in cases of eviction, and authorities were allowed to implement procedures in different cases at their discretion. In 2015, the Ministry of Justice had drafted the Government Regulation on Land Revocation Procedures for State Needs, but since this draft did not comply with the provisions of the Constitution and international standards, it had been withdrawn. There had also been an increase in the number of forced household evictions, especially the property of ethnic minorities, and there were no mechanisms for fair calculation of compensations.¹⁰⁶

51. JS5 recommended holding public hearings to discuss the draft Land Code; including proposals from civil society; providing special measures in the Code to ensure that evictions are carried out in strict compliance with international human rights law; and including national legislation for fair compensations and alternative housing provision in the plan for CERD recommendations implementation.¹⁰⁷

*Right to health*¹⁰⁸

52. AI reported that in March 2018, a new Programme on the protection of mental health of the population for 2018–2030 came into force. Among its guiding principles was the protection of human rights and the exploration of alternatives methods of supporting people with mental health conditions.¹⁰⁹

*Right to education*¹¹⁰

53. BI asserted that children`s rights to civic education had been affected by parents joining religious movements that opposed civic education, and reported? an increasing number of street and working children due to difficult economic and social situations in the country.¹¹¹

4. Rights of specific persons or groups

*Women*¹¹²

54. BI reported that in November 2016 Kyrgyzstan had amended its Family Code and Criminal Code to ban religious marriages of minors, allowing for the prosecution of violators and prison sentences of three to five years. HRW, JAI, JS8 and Jubilee reported that in 2017, Kyrgyzstan had adopted a strengthened domestic violence law that mandated police and judicial response and guaranteed greater legal protections for victims. Amendments to criminal legislation that went into effect in January 2019 strengthened sanctions for forced marriage, with abduction for marriage, or “bride kidnapping”, without the girl’s consent, punished by imprisonment for 10 years and a fine of \$3 thousand. Nonetheless, impunity for domestic violence continued and “bride kidnapping” remained a widespread problem, especially in rural areas, persisting due to lack of reporting to the police and social perceptions of this practice as a “tradition”. In many cases the abduction was followed by rape. There had also been reports of neglect by police officers.¹¹³

55. Jubilee and HRW recommended to strengthen legislation and law enforcement, in particular preventing, investigating, punishing and providing reparation for all crimes of abduction and related sexual violence, including for marriage and child or forced marriage; and to ensure availability of adequate shelter and other services for survivors.¹¹⁴ Jubilee recommended training police officers on a victim-focused approach.¹¹⁵ BI recommended stricter enforcement measures to bring into practice the recent positive legal amendments.¹¹⁶

56. JS4 recommended ratifying the Council of Europe’s Convention on Preventing and Combating violence against women and domestic violence (Istanbul Convention); amending the Criminal Code to ensure that the definitions of sexual violence crimes are in compliance with CEDAW and the Istanbul Convention; amending the Criminal Procedure Code to ensure mandatory prosecution of sexual violence crimes; and ensuring awareness raising about the criminal nature of all forms of sexual violence.¹¹⁷

57. JS1 noted that Article 303 of Kyrgyzstan’s Labor Code and a Government Resolution list banned women from holding 446 jobs under the pretext of protecting their reproductive health. JS1 recommended to cancel the list entirely, and make corresponding amendments to the Labor Code.¹¹⁸

58. JS8 reported that, despite higher levels of education of women, the number of women members of local keneshes had reached a record low level of less than 10%. Complaints had been raised regarding intimidating women candidates. JS8 recommended monitoring and evaluating the National Strategy on Gender Equality (2012–2020), and the Action Plan for the Equal Participation of Women in Decision-Making Bodies; and ensuring the safety of women during and after elections.¹¹⁹

*Children*¹²⁰

59. JS1 welcomed the introduction of the position of children’s rights ombudsman in June 2019.¹²¹

60. JS1, JS8 and BI noted that more than 277 thousand children had been left unattended by their parents due to labor migration from Kyrgyzstan, and had been exposed to physical, sexual and psychological violence, including from relatives. They frequently stopped attending school.¹²² BI recommended putting in place measures to decrease the number of children left behind by labor migrants; building special institutions to care for and protect these children; and adopting stricter legal norms to prevent and punish perpetrators.¹²³ JS8 recommended developing a mechanism to identify children of migrant workers, with consideration for provision of temporary guardianship, and a support programs for migrants and their families; eliminating child labor practices; and ensuring that children have access to free education.¹²⁴

61. GIEACPC reported that corporal punishment remained lawful in the home, and that there was no clear prohibition in law of all forms of corporal punishment in childrearing, although children were protected from some corporal punishment under the Code on Children.¹²⁵

*Persons with disabilities*¹²⁶

62. AI reported that people with physical and mental disabilities faced many barriers to inclusion, including being unable to access public buildings and public transport. It noted that the Civil Code retained provisions making it possible to deprive people of legal capacity if “as a result of a mental disorder they cannot understand the meaning of their actions or control them”.¹²⁷ AI recommended amending the Civil Code and considering alternative methods of support for people with mental disabilities in line with the Convention on the Rights of Persons with Disabilities; and removing barriers to inclusion in public life.¹²⁸

*Minorities*¹²⁹

63. JAI reported that, following the 2010 ethnic conflict in South Kyrgyzstan between the ethnic Uzbeks and Kyrgyz, tension between the communities remained, and little seemed to have been done to foster reconciliation.¹³⁰

64. OPZO reported that while the Government had taken some measures to promote tolerance between the Kyrgyz majority and minority ethnic groups, the actual implementation of the State Concept of Strengthening People's Unity and Interethnic Relations (2013) had not brought measurable impact. OPZO had documented many examples of inter-ethnic tension without reconciliation.¹³¹

65. JS1 and OPZO informed that the reduction in instruction in the Uzbek language after 2010 and the shift to teaching in Kyrgyz or Russian had impacted minority rights, notably for the ethnic Uzbek population in South Kyrgyzstan. Converting Uzbek schools was preventing ethnic Uzbek youth admission to universities and access to the labour market on an equal footing with members of the majority. Additionally, in March 2019 the Spiritual Directorate of the Muslims of Kyrgyzstan had issued a fatwa (instruction), according to which Friday sermons in mosques would be preached in Kyrgyz and Russian only. Lack of knowledge of Kyrgyz, the country's State language, had become a stigma, causing hate speech and hate crimes.¹³²

66. OPZO, JS1 and JS8 recommended ensuring education in minority languages, in particular the Uzbek language.¹³³ OPZO recommended inclusive measures with respect to linguistic policy, education and participation in decision-making for minorities.¹³⁴ JS1 recommended supporting literature, internet resources, and broadcasting in minority languages.¹³⁵

67. JS1, JS8 and OPZO informed that ethnic minorities continued to be underrepresented in public and political life. Ethnic Uzbeks also encountered difficulties running businesses.¹³⁶ JS8 and OPZO recommended to take positive action measures, such as regulations to ensure greater numbers of representatives of different ethnic communities in law enforcement.¹³⁷

68. HRW reported that a 2016 Supreme Court study had found that the majority of people arrested for terrorism and extremism offenses were ethnic Uzbeks.¹³⁸

*Migrants*¹³⁹

69. JS1 noted that almost one out of every four Kyrgyzstani citizens of working age was in labor migration, with the largest numbers working in Russia and Kazakhstan (640,000 and 35,000, respectively, according to 2018 data). Migrants were subjected to discrimination and had been victims of hate speech and racist attacks, anti-migration raids, and forced labor. It was difficult for migrants to rent housing, receive medical care, and for their children to attend school.¹⁴⁰ JS1 recommended ensuring the effective protection of the rights of citizens working abroad.¹⁴¹

70. JS1 reported that children under 18 left for labor migration both on their own and with their relatives to work at markets, construction sites, in agriculture, or as nannies. Minors faced long stays in the Ministry of Internal Affairs systems of other countries, deprived of their liberty. JS1 asserted that the Chisinau Agreement of Cooperation of States-Members of the Commonwealth of Independent States on the Return of Minors to their State of Residence no longer operated effectively, and children left in another country

remained in transit institutions for extended periods.¹⁴² JS1 recommended replacing the outdated Chisinau Agreement with new bilateral agreements compliant with UN standards; and transferring all procedures on the return of minor migrants to the jurisdiction of civil institutions.¹⁴³

Stateless persons

71. JS6 reported that in 2014, the Kyrgyzstan Republic had started a campaign on registration and documentation of stateless persons. A total of 13,707 stateless persons had been identified and 13,447 persons had been granted citizenship and obtained proper documentation, and as of 1 May 2019, there were 258 pending cases.¹⁴⁴ JS6 recommended to expedite endorsement of the Stateless Status Determination Procedure.¹⁴⁵

72. JS6 noted that, following the amendment to the Constitution in December 2016 that permitted deprivation of nationality (Article 50), the Government had initiated drafting of a new Constitutional Law on Deprivation of Citizenship which prescribed citizenship deprivation on the grounds of participation in acts related to terrorism, funding terrorist activities, treason, espionage, separatism, extremism, and fighting as mercenaries. JS6 recommended reviewing the draft Law and ensuring that there is no legal regression which would result in deprivation of nationality leading to statelessness.¹⁴⁶

73. JS6 reported that in 2016–2017 a gap analysis of the national legislation governing statelessness and nationality issues had been conducted. The findings had been presented to the Parliament and Government, and related legal reforms were in progress. JS6 recommended ensuring universal birth registration.¹⁴⁷

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

ADF	ADF International, Geneva (Switzerland);
AI	Amnesty International, London (United Kingdom of Great Britain and Northern Ireland);
EAJW	European Association of Jehovah's Witnesses, Kraainem, (Belgium);
FLD	Front Line Defenders - The International Foundation for the Protection of Human Rights Defenders, Dublin (Ireland);
Forum 18	Forum 18, Oslo, Norway;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland);
HRW	Human Rights Watch, Geneva (Switzerland);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
IFOR	International Fellowship of Reconciliation, Grand Saconnex (Switzerland);
IA	International Alert, Bishkek (Kyrgyzstan);
JAI	Just Atonement Inc., California (United States of America);
Jubilee	Jubilee Campaign, Virginia (United States of America);
KS	Kylym Shamy Public Foundation, Bishkek, Kyrgyzstan;
OPZO	Spravedlivost Jalal-Abad Human Rights Organization, Jalal-Abad, Kyrgyzstan;
PD	Positive dialogue public foundation, Osh, Kyrgyzstan;
SFCG	Search for Common Ground, Bishkek, Kyrgyzstan;
BI	The Bulan Institute for Peace Innovations, Bishkek, Kyrgyzstan.

Joint submissions:

JS1	Joint submission 1 submitted by: Antidiscrimination Centre Memorial, Brussels, Belgium, and Kyrgyz Indigo;
JS2	Joint submission 2 submitted by: ARTICLE 19, London,

- United Kingdom of Great Britain and Northern Ireland, and Media Policy Institute;
- JS3 **Joint submission 3 submitted by:** European Baptist Federation, Amsterdam, Netherlands, and Baptist World Alliance;
- JS4 **Joint submission 4 submitted by:** Equality Now, Nairobi, Kenya, Human Rights Movement 'Bir Duino-Kyrgyzstan', Public Association 'Ensan Diamond', and PA "Alga" (Chui oblast);
- JS5 **Joint submission 5 submitted by:** Public Association "International Centre Interbilim", Osh, Kyrgyzstan, and Public Foundation "Nashe Pravo" (Our Right);
- JS6 **Joint submission 6 submitted by:** Institute on Statelessness and Inclusion, Eindhoven, Netherlands, and Central Asian Network on Statelessness;
- JS7 **Joint submission 7 submitted by:** the Coalition Against Torture, Jalal-Abad, Kyrgyzstan, including ANGO "Human Rights Advocacy Center", Public Foundation "Accent", Public Foundation "Voice of Freedom", Public Foundation "Golos Svobody" ("Voice of Freedom", Center for Human Rights Protection Kylym Shamy (CHRPKS), Public Foundation "Child Right's Defenders League", Public Foundation "Legal Prosperity", Public Foundation "Ray of Solomon", Public Foundation "Legal Initiative Bishkek", Public Foundation "Defender of Human Rights and Freedoms", Public Foundation "Positive Dialogue", Public Association "Union of Unity", The social and legal spectrum "Spectrum", Regional human rights organization "Spravedlivost" ("Justice"), Public Association "Central Asian Alliance Against Dependence", Public Foundation "Center for the Protection of Public Interest", and Public Foundation "The Centre for Support of International Protection (CIP)";
- JS8 **Joint submission 8 submitted by:** Working Group on UPR – Kyrgyzstan, Bishkek, Kyrgyzstan, comprising Alga NGO, Insan-Diamond NGO, Human Rights Movement: Bir Duino-Kyrgyzstan, Solidarity Center, and Kyrgyz Indigo.

Regional intergovernmental organization(s):

- OSCE The Organization for Security and Cooperation in Europe - Office for Democratic Institutions and Human Rights, Warsaw (Poland).

² The following abbreviations are used in UPR documents:

- ICERD International Convention on the Elimination of All Forms of Racial Discrimination;
- ICESCR International Covenant on Economic, Social and Cultural Rights;
- OP-ICESCR Optional Protocol to ICESCR;
- ICCPR International Covenant on Civil and Political Rights;
- ICCPR-OP 1 Optional Protocol to ICCPR;
- ICCPR-OP 2 Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
- CEDAW Convention on the Elimination of All Forms of Discrimination against Women;
- OP-CEDAW Optional Protocol to CEDAW;
- CAT Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- OP-CAT Optional Protocol to CAT;
- CRC Convention on the Rights of the Child;
- OP-CRC-AC Optional Protocol to CRC on the involvement of children in armed conflict;
- OP-CRC-SC Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
- OP-CRC-IC Optional Protocol to CRC on a communications procedure;
- ICRMW International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- CRPD Convention on the Rights of Persons with Disabilities;

OP-CRPD
ICPPEDOptional Protocol to CRPD;
International Convention for the Protection of All Persons
from Enforced Disappearance.

- ³ For relevant recommendations see A/HRC/29/4, paras. 117.26, 117.27, 118.1, 118.2, 118.3, 118.4, 118.5, 118.6, 118.7, 118.8, 118.9, 118.10, 118.11, 118.12, 118.13, 118.14, 118.15, 118.16.
- ⁴ AI, page 5 and HRW, page 6.
- ⁵ JS2, para. 4.
- ⁶ ICAN, page 1.
- ⁷ JS6, page 8.
- ⁸ For relevant recommendations see A/HRC/29/4, paras. 117.1, 117.2, 117.3, 117.4, 117.5, 117.6, 117.7, 117.8, 117.10, 117.11, 117.12, 117.13, 117.14, 117.15, 117.16, 117.17, 117.19, 117.28, 118.28.
- ⁹ OSCE, page 3.
- ¹⁰ I page 1, JS2, para. 14., JS7 page 8, JS8 page 5
- ¹¹ For relevant recommendations see A/HRC/29/4 paras. 117.21, 117.39, 117.40, 117.41, 117.42, 117.43, 118.17, 118.18, 118.19, 118.20, 118.21, 118.22, 118.23, 118.24, 119.12, 119.13, 119.14, 119.15, 119.16, 119.27, 119.28.
- ¹² JS8, pages 9-10.
- ¹³ JS1, para. 9 and JS8, pages 9-10.
- ¹⁴ JS1, page 9 and OPZO page 2.
- ¹⁵ JS1, page 9.
- ¹⁶ JS1, para. 30.
- ¹⁷ JS1, page 9.
- ¹⁸ AI, page 5.
- ¹⁹ FLD para. 15
- ²⁰ OSCE, pages 4-5.
- ²¹ JS1, paras. 31-34.
- ²² JS1 para. 23, AI page 4, HRW page 6
- ²³ JS1 para. 23
- ²⁴ JS1, paras. 23, 25, 27 – 28, JS8 page 10
- ²⁵ JS1, paras. 18-19.
- ²⁶ AI, page 5, JS1, page 9 and JS8, page 11.
- ²⁷ JS1, page 9,
- ²⁸ HRW, page 6.
- ²⁹ LD, paras. 20 and 22 d)
- ³⁰ For relevant recommendations see A/HRC/29/4, para. 117.18.
- ³¹ HRW page 4.
- ³² HRW, pages 4-5, KS, pages 1-5, SFCG, pages 4-5 and JS2, para. 22.
- ³³ HRW, pages 4-5, SFCG para. 4.5.
- ³⁴ JS8, page 10.
- ³⁵ SFCG, pages 4-5, HRW, pages 4-5 and KS, page 3.
- ³⁶ JS2, page 7.
- ³⁷ HRW, pages 4-5.
- ³⁸ KS, page 3.
- ³⁹ JS8, pages 8-9.
- ⁴⁰ For relevant recommendations see A/HRC/29/4, paras. 117.30, 117.44, 117.45, 117.46, 117.47, 117.48, 117.49, 117.50, 117.51, 117.52, 117.53, 117.54, 117.55.
- ⁴¹ AI, page 2, JS7, page 3 and JS8, page 5.
- ⁴² JAI, page 2, JS7, page 4 and AI, page 4.
- ⁴³ JAI, page 2, AI, page 4, JS7, page 4 and JS8, paras. 8-17. HRW page 5.
- ⁴⁴ JS7, pages 6-7, JS8, page 7, AI, page 5 and PD, page 4.
- ⁴⁵ HRW page 5, JS8 page 10.
- ⁴⁶ JS7 page 11, PD page 4.
- ⁴⁷ JS8, page 7.
- ⁴⁸ JS7, pages 7-8.
- ⁴⁹ PD, pages 3-4 and 6.
- ⁵⁰ JS7, pages 8-10.
- ⁵¹ JS7, page 10 and JS8 pages 5-8.
- ⁵² JS7, page 5 and JS8, page 7.
- ⁵³ JS7, page 5.
- ⁵⁴ For relevant recommendations see A/HRC/29/4, paras. 117.56, 117.86, 117.87, 117.88, 117.89, 117.90, 117.91, 117.92, 117.93, 117.94, 117.97, 117.98, 117.99, 118.25.

- 55 JS1, para. 9, HRW, page 3, JS8, page 9, FLD, para. 5 and OPZO, page 2.
- 56 FLD, para. 5.
- 57 OPZO, pages 2-3.
- 58 OPZO, page 6, JS8, paras. 9-10 and FLD, page 5.
- 59 HRW, page 3.
- 60 JAI, page 2.
- 61 OSCE, page 2.
- 62 PD, page 6.
- 63 For relevant recommendations see A/HRC/29/4, paras. 117.95, 117.102, 117.103, 117.104, 117.105, 117.107, 117.108, 117.109, 117.110, 117.111, 117.112, 117.113, 117.114, 118.26, 119.18, 119.19, 119.20, 119.21, 119.22, 119.23, 119.24, 119.25, 119.26.
- 64 JS3, para. 2.
- 65 JS3 paras. 2-3, Forum 18 para. 17
- 66 JS3, paras. 1, 4-6 and 10-12, ADF paras. 3-5
- 67 JS3, paras. 2-3 and 7-9, Forum, 18 paras. 2-16, ADF, paras. 8-14, Search for Common Ground, paras. 3.1-3.7 and Jubilee, paras. 3-11.
- 68 ADF, para. 15 and Jubilee, page 1.
- 69 ADF, para. 15.
- 70 Jubilee, paras. 4-10.
- 71 Search for Common Ground, pages 3-4.
- 72 EAJW, paras. 3-21.
- 73 IFOR, pages 1, 3 and 4.
- 74 IA, pages 2-3.
- 75 IA, pages 3-4.
- 76 AI, page 3, HRW, page 1, JS1, para 9, JAI, page 2 and FLD, paras. 5 and 12.
- 77 AI, page 5, HRW, page 2 and FLD, para. 22 e).
- 78 HRW, page 2 and JS8, page 4.
- 79 OSCE, page 6.
- 80 FLD, paras. 6-7 and 9-14, OPZO, page 11 and JS8 paras. 1-4.
- 81 HRW, page 2 and KS, page 5.
- 82 OPZO, pages 6-7.
- 83 OPZO, pages 6-7, PD, pages 7-8, JS7, page 11 and JS8 page 3.
- 84 FLD, para. 22.
- 85 HRW, pages 1-2.
- 86 JS8, page 3.
- 87 HRW, pages 2-3.
- 88 OSCE, page 6.
- 89 JAI, page 3.
- 90 JS2, paras. 10-12 and JAI, page 3.
- 91 OSCE page 2 para. 5, HRW page 3, JS2 page 5
- 92 JS2, paras. 9-13, OSCE page 2 para. 5
- 93 HRW page 3
- 94 JS2, paras. 14-21.
- 95 JS2, pages 5-6 and pages 8-9.
- 96 JS2, paras. 30-36.
- 97 JS2, paras. 42-45.
- 98 HRW page 3
- 99 JS8 page 4
- 100 HRW, pages 2-3.
- 101 JS8, page 5.
- 102 OSCE, page 2.
- 103 For relevant recommendations see A/HRC/29/4, paras. 117.116, 117.117, 117.118, 117.119, 117.120, 117.121, 117.122, 117.123, 117.124, 118.27, 119.29.
- 104 JS5, pages 3-4.
- 105 JS5, pages 4-5.
- 106 JS5, pages 5-6.
- 107 JS5, pages 7-8.
- 108 For relevant recommendations see A/HRC/29/4, para. 117.125.
- 109 AI, page 2.
- 110 For relevant recommendations see A/HRC/29/4, paras. 117.126, 117.127, 117.128, 117.129.
- 111 BI, page 2.
- 112 For relevant recommendations see A/HRC/29/4, paras. 117.9, 117.31, 117.32, 117.33, 117.34,

- 117.35, 117.36, 117.37, 117.38, 117.58, 117.59, 117.60, 117.61, 117.62, 117.63, 117.64, 117.65, 117.66, 117.67, 117.68, 117.69, 117.70, 117.71, 117.72, 117.73, 117.74, 117.75, 117.76, 117.115, 119.17.
- ¹¹³ Jubilee, paras. 12-18, Bulan Institute, pages 3-4, HRW, pages 3-4, JAI, page 4, JS8, para. 29, Jubilee, para. 12 and AI, page 3.
- ¹¹⁴ Jubilee, paras. 15 and 17, and HRW, page 4.
- ¹¹⁵ Jubilee, para. 18.
- ¹¹⁶ Bulan Institute, pages 3-4.
- ¹¹⁷ JS4, pages 8-9.
- ¹¹⁸ JS1, paras. 12-13 and page 8.
- ¹¹⁹ JS8, pages 11-12.
- ¹²⁰ For relevant recommendations see A/HRC/29/4, paras.117.22, 117.23, 117.24, 117.25, 117.57, 117.77, 117.78, 117.79, 117.80, 117.81, 117.82, 117.96, 117.100, 117.101, 117.130.
- ¹²¹ JS1, paras. 18-19.
- ¹²² JS8 page 12, para. 30, JS1 para. 18, BI page 2
- ¹²³ BI, pages 2-3.
- ¹²⁴ JS8, pages 12-13.
- ¹²⁵ GIEACPC, pages 1-3.
- ¹²⁶ For relevant recommendations see A/HRC/29/4, para.117.130.
- ¹²⁷ AI, page 4.
- ¹²⁸ AI, page 5.
- ¹²⁹ For relevant recommendations see A/HRC/29/4, paras.117.131, 117.132, 117.133, 117.134, 117.135, 117.136, 117.137.
- ¹³⁰ JAI, pages 2-3.
- ¹³¹ OPZO, pages 3-4.
- ¹³² OPZO, pages 5-6, JS1, para. 9 and JS8, page 10.
- ¹³³ OPZO, page 6, JS1, page 9 and JS8, page 9.
- ¹³⁴ OPZO, page 6.
- ¹³⁵ JS1, page 9.
- ¹³⁶ JS1, para. 9 and JS8, pages 9-10, OPZO page 5
- ¹³⁷ OPZO, page 6, JS8 page 10
- ¹³⁸ HRW, pages 4-5.
- ¹³⁹ For relevant recommendations see A/HRC/29/4, para. 117.138.
- ¹⁴⁰ JS1, para. 15.
- ¹⁴¹ JS1, page 9.
- ¹⁴² JS1, paras. 17 and 20-22.
- ¹⁴³ JS1, paras. 14-22 and page 9.
- ¹⁴⁴ JS6, para. 26.
- ¹⁴⁵ JS6, para. 31 and page 8.
- ¹⁴⁶ JS6, paras. 36-38.
- ¹⁴⁷ JS6, para. 2. 40 and page 8.
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