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Just Atonement Inc.

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Just Atonement Inc. (JAI) is global community of lawyers who have joined forces to address imminent threats to democracy, human rights and a livable planet.

JAI was established in 2017 in the United States of America.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of the Kyrgyz Republic (Kyrgyzstan).

Analysis

This UPR addresses current human rights concerns in Kyrgyzstan. These primarily include the continued use of torture and arbitrary detention by the security forces; human rights issues arising from ongoing ethnic clashes; the fragility of women's rights; and the struggle to establish a strong framework for freedom of expression and media.

Despite having gained full independence in 1991 following the dissolution of the Soviet Union, Kyrgyzstan has a rich history spanning over 2000 years. The country endured a problematic human rights agenda until recently. Since President Jeenbekov's inauguration in 2017, previously blatant human rights concerns such as attacks on the media have been addressed. Yet, systemic issues affecting the political environment such as corruption and economic instability continue to exist across the country.



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Kyrgyzstan is among the fifty countries in the world with the highest perceived level of corruption. It scored 28 points for the 2016 Corruption Perception Index on a scale of 0 (most corrupt) to 100 (least corrupt). It is also the second poorest country in Central Asia with 31.7% of its population living below the poverty line.

Overall, human rights organisations have noted that there appears to be more constructive engagement with the civil society sector regarding issues of human rights since 2017.

The use of torture is still common practice by the security forces. Amongst a backdrop of a heightened national security strategy, the police and security services have been implicated in breaching a suspect's rights for due process and a fair trial once processed into the criminal justice system. Subsequent human rights violations have been cited by those who are arrested with alleged abuse stating that authorities had planted evidence or used torture to extract confessions.

Although the country's criminal code and constitution both criminalise torture, the culture of immunity for torture remains the norm with such allegations rarely being looked into. During the ethnic clashes in the South of the country, human rights organisations documented many allegations of torture and ill-treatment throughout the region. In 2019, the UN Subcommittee on Prevention of Torture declared that Kyrgyzstan's safeguards against torture "are not protecting [apprehended people] appropriately."

The continued detention of human rights defender, Azimjan Askarov, is unjust. It has been nine years since his arbitrary arrest. Police raided his home and arrested him on grounds of having a connection to the then ongoing violent ethnic conflict in the southern part of the country in 2010. To this day, Askarov continues to serve a life sentence.

Despite being a party to the International Covenant on Civil and Political Rights (ICCPR), Kyrgyzstan ignored the UN Human Right Committee's ruling in 2016 which declared Askarov's detention as arbitrary as well as condemning the fact that he had been tortured and denied access to a fair trial. The ruling found that Askarov should be immediately released. In January 2017, Chui Regional Court held a retrial. Journalists, diplomats and international human rights lawyers were invited to observe. Still, the court upheld all previous verdicts and Askarov remained in prison. This continues to be a pertinent issue which is hindering real progress in the domain of human rights in Kyrgyzstan.

Inter-ethnic relations remain tense. Following the 2010 ethnic conflict in South Kyrgyzstan between the Uzbeks and Kyrgyz, tension between the communities remains with fears that a new conflict could arise at any time. During the 2010 clashes the ethnic Uzbeks were disproportionately affected by the conflict. Over 400 people were killed, thousands of homes were destroyed and many people were detained without reason. Numerous prominent Uzbek



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religious and community leaders were arrested by the security forces and according to reports of their detention, tortured for long periods of time. Kyrgyzstan's authorities did not review any of the convictions which were attained as a result of information obtained by torture.

To date, little seems to have been done on the ground to foster reconciliation efforts in the region. In 2018, Kyrgyzstan's government endorsed the recommendations issued by the UN Committee on the Elimination of Racial Discrimination and began to draw up an action plan on implementation efforts. The UN committee noted “the persistence of ... tensions, notably between the Kyrgyz majority and the Uzbek minority” and cautioned that the government ensure that their official inter-ethnic relations policy is “focused on creating a national identity that is not explicitly inclusive of all ethnicities and may tend to reignite past conflicts.” In March 2019, the government also ratified the Convention on the Rights of Persons with Disabilities which creates provisions for those who are considered to be the most vulnerable in society.

Freedom of expression continues to be an issue. 2017 saw a media crackdown initiated by the government. Prosecutors pursued charges against journalists who published investigative reports into alleged corruption within the government citing offences such as ‘illegal receipt of commercial secrets’ and ‘disclosing secret commercial information’ in some of the criminal cases. During this time, former President Atambeyev launched campaigns to attack government critics using pro government media. Independent media outlets and journalists were ordered to pay onerous compensations for creating material which offended the president. After President Jeenbekov took office in late 2017, his reforms saw the majority of charges against journalists being dropped. Travel bans which were imposed on journalists were also lifted.

Today, Reporters without Borders ranks Kyrgyzstan 83rd out of 173 countries on its Press Freedom Index. It notes: “the authoritarian excesses that preceded the 2017 presidential election have ended, and have been replaced by a much calmer environment.” In spite of tangible improvements in the protection of freedom of expression and media, there are still concerns that journalists investigating government corruption are facing state pressure of sort.

Women’s rights remain fragile. In 2017, a domestic violence law was passed requiring police and judicial response to claims of domestic violence, ultimately guaranteeing greater legal protections for victims. Despite this, impunity for the crime persists. Human rights activists have called for more consequences for failing to properly investigate allegations of domestic violence as a potential remedy to the problem of persisting impunity.

Another significant issue in the rural parts of Kyrgyzstan is that of bride-kidnapping. This is a practice whereby a man abducts the woman he wants to marry. Despite laws prohibiting this, it is an accepted and common way for a man to obtain a wife and perpetrators are rarely prosecuted. Research by human rights organisations provide wide estimates of between 40 - 70% of all marriages in the country involving bride kidnapping. The UN Committee on the Elimination of



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Discrimination against Women found that a “culture of abduction, rape and forced marriage violates women’s rights in Kyrgyzstan,” and called on the government “to strengthen its legislation and law enforcement, in particular by preventing, investigating, punishing and providing reparation for all crimes of abduction and related sexual violence”.

Respectfully submitted,

/s/ Inder Comar and Aqsa Hussain

of Just Atonement Inc.

