

Acceptance of international norms and cooperation with special procedures

1. On 16 May 2019, Kyrgyzstan ratified the Convention on the Rights of Persons with Disabilities (CRPD) (119.1;119.2;119.3;119.4;119.5;19.6). Four remaining international human rights treaties are still pending ratification. (118.10;118.11;118.12;118.13;118.14;118.15;119.6). No progress has been achieved towards accession to the ILO Convention No. 189 (118.16) as well the Rome Status of the International Criminal Court (118.2;118.3;118.1;118.4;118.5;118.6;118.7;118.8;118.9;118.10) and the Agreement on Privileges and Immunities of the Court (118.4).
2. The standing invitation to UN Special Procedure has not been issued (119.7;119.8;119.9;119.10; 119.11). At the time of the UNCT submission, the State has not accepted some of the pending requests for visits but this possibility was discussed at the national level. The requests for visits from the Special Rapporteur on the rights to freedom of peaceful assembly and of association (117.27) and the Special Rapporteur on the situation of human rights defenders (117.26) were accepted in 2019 and in 2015 respectively but have not took place yet.

Constitutional and legislative framework

3. The State has made detrimental legislative steps in regard to fundamental freedoms, e.g., such as the 2016 constitutional amendments which lowered the status of international human rights law in the countryⁱ. Fortunately, the adoption of adverse legislation on association and LGBTIQ-rights was avoided amid severe external criticism but no steps were made towards enacting comprehensive non-discrimination legislation (117.1;117.2;117.4;118.21;119.13;119.14). UNCT is not aware of any legislative changes introduced or capacity building activities held in order to empower legal advisers in the Parliament. Moreover, in many cases public consultations were carried out without effective public engagement in legislative processes (117.6).

Institutions and policies

4. Since 2012, only some efforts were made to bring the Ombuds Institution fully in line with the Paris Principles. (117.11;117.12;117.13). The budget of the Institution increased by 90% compared with previous years, which allowed a substantial pay rise for staff salaries. Although amendments to the Law on the Ombudsperson were submitted to the Parliament, there are concerns that they will affect independence and efficiency of the Institution. Public discussion on the draft did not enable constructive dialogue with the civil society (117.8)
5. The Coordination Council for Human Rightsⁱⁱ is responsible for cooperation with UN human rights mechanisms and follow up to their recommendations. It coordinated the adoption of two National Action Plans on implementation of recommendations of UN human rights mechanisms – the National Human Rights Action Plan 2019-2022 adopted in March 2019 and the National Action Plan on CERD 2019-2022 adopted in January 2019. Bylaws regulating the work of the Council were amended several times in 2016-2019 to strengthen the capacities of the NMRF. However, the full-scale monitoring system for the implementation of recommendations of UN human rights mechanisms has not been put in place. (117.10;117.28) The issue of late reporting is remaining. The capacity of the mechanism should be further brought in line with good practices identified by OHCHR.

Political framework and good governance

6. In 2015-2019, the Kyrgyz Republic has continued to record some progress in the area of democratic governance. Parliamentary and Presidential elections held in 2017 have been recognized by domestic and international observers as competitive and orderly yet burdened by widespread violations and imperfect legislation. The introduced biometric technology greatly contributed to the elimination of some electoral frauds and increased transparency and competitiveness of the process. It also revealed certain shortcomings of the electoral process. As an outcome, in August 2018 a two-year Strategy on Improving Electoral Legislation was adopted aiming at consolidating achievements from recent electoral cycles and further addressing recommendations from domestic and international election observer reports through legislative amendments. The country has developed/ recently adopted a number of laws that are expected to improve citizens' access to information, increase government's transparency and improve electoral system for the upcoming electoral cycle. **(117.7)**

7. Kyrgyzstan has continued its efforts to address the threats posed by illicit drug trafficking and corruption through enhanced capacity of the Counter Narcotics Service, the Financial Intelligence Unit and the Department on Medicament Supply under the Ministry of Internal Affairs. It included provision of training and endowments of equipment, upgrading of legal frameworks, strengthening international cooperation as well as developing of the National Electronic Licensing System, etc. **(117.19)**

Non-discrimination

8. Exceedingly limited progress was achieved in the fight against all forms of discrimination in Kyrgyzstan. **(117.39)** The State undertook no steps towards enacting comprehensive legislation effectively fighting and preventing discrimination on all grounds. **(118.21;118.22;118.18;118.21;118.22;118.18; 118.19;118.20;117.40;119.12; 117.106)** There were no other policies tackling the issue of discrimination adopted in the country for the last four years.

9. Regrettably, UNCT has not observed any noteworthy actions taken to safeguard rights and freedoms of members of the LGBTIQ community in Kyrgyzstan and protect them from discrimination, hate speech and violence on the ground of sexual orientation and gender identity. The hate-fueled rhetoric and attitudes towards the LGBTIQ community is still rampant in society. LGBTIQ issues continue to be politicized, for example, when initiating constitutional changes in 2016, and hate speech towards the group remains widespread both off- and online. A bout of severe incidents, which took place during the first half of 2019, is exemplary of the State's inaction to prevent hate speech and violence against the LGBTIQ community.ⁱⁱⁱ **(188.22; 119.15; 119.16; 118.23; 118.24; 117.43; 119.27)**

10. The national procedures for the social protection of vulnerable groups have been strengthened by means of amending major laws and bylaws. Developing the Social Service Procurement Contracts (SSPC) system is one of the State's top priority directions to improve social services in the country for vulnerable groups. In 2017, the Law on SSPC was adopted streamlining legal, organizational and financial requirements for preparing, placing and implementing social service procurement contracts. It created a legal framework for the provision of social services by non-commercial organizations (NCOs) through grants financed from the State budget. For instance, through the SSPC scheme the Government can now fund crisis centers serving vulnerable groups. **(117.21)**

11. Despite efforts of state bodies, civil society and international organizations to improve public trust in the law enforcement and the judiciary, discriminatory practices towards minority groups remain a concern. Available data hints at disproportionate law enforcement and judicial actions against ethnic minorities, in

particular, employing legislation geared towards combatting ‘extremism’ and ‘terrorism.’ More than 60% of all individuals convicted on crimes classified as ‘terrorist’ or ‘extremist’ are members of ethnic minorities.^{iv} (119.28)

12. Only superficial statistical data on the number of ethnic minorities within state and municipal bodies is available which precludes rigorous assessment of the current situation. There is a risk that underrepresentation of ethnic minorities in public and political life, especially in the regions where they constitute the majority, may lead to the continued inter-ethnic tensions.

13. The proportion of women police officers in senior positions rose from 4.5% to 5.2% in 2018. It is probable that the rise of women representation was influenced by amendments introduced into the performance evaluation and mentoring regulations, capacity-building activities and leadership courses held for female police officers, leadership courses and an awareness raising campaign carried out presenting stories of women police officers reaching more than 13,000 readers. (118.17) Further actions should be taken to increase the number of women staff and members of minority groups among law enforcements and other state and local authorities.

Prohibition of torture and cruel, inhuman or degrading treatment

14. The National Preventive Mechanism (NPM) continues playing an important role in the field of torture prevention. It continues to be financed through a dedicated line item of the state budget, which ensures its financial independence. However, its annual budget did not change for several years and the request for a 20% budget increase in 2019 to cover additional staff units was not satisfied. (117.16) The lack of sufficient funding could critically affect the institution and its torture-prevention capacity. (117.47;117.52;117.30) The State should ensure sufficient financing of the institution to guarantee its independence and efficiency.

15. The adoption of the National Action Plan for the Prevention of Torture (Anti-Torture NAP) from 2015-2017 and the Guidelines for Effective Documentation based on the Istanbul Protocol in 2014 is another important step that the State took to combat torture and other forms of ill-treatments.

16. At the same time, these measures are not sufficient to eradicate the phenomenon. After the end of the Anti-Torture Plan’s implementation period, a New Plan has not been developed yet. (117.55;117.45;117.46;117.47; 117.52;117.30;117.44)

17. Data provided by state authorities, NPM and CSOs states that around 90% of acts of torture are committed in order to extract confession. (117.55) Criminal cases are opened only in 10% of the 400 torture allegations, which are reported on average per annum. Less than 1% of these cases are further brought to court. As to date, there were only four final convictions in torture cases.

(117.51;117.48;117.49;117.50;117.52; 117.53; 117.54) Moreover, the definition of “torture” in the Criminal Code limits criminal responsibility to public officials, excluding other ‘persons acting in an official capacity’, which leads to impunity of perpetrators. (117.50;117.30;117.44) It is necessary to further enhance the legislative framework, improve the effectiveness and promptness of the investigation, examination of victims as well as take additional actions to eradicate torture. (117.51)

Conditions of detention

18. Conditions of detention remain to be of paramount concern. Although, according to the NPM and other state and civil society sources, complaints on degrading treatment due to poor conditions of detention are received from all types of closed institutions, conditions in police pre-trial detention facilities and regular prisons are a long-standing challenge for the State. (117.55;117.56)

Prohibition of slavery, trafficking

19. In 2018-2019, the Government has taken steps to improve coordination, implementation and monitoring efforts on counter-trafficking by designating the State Migration Service as an authorized government body on human trafficking in March 2019, introducing amendments to the Law on Combating Human Trafficking and adopting the Government Programme on Combating Human Trafficking for 2017-2020, drafting regulations on National Referral Mechanism and adopting National Standards on Establishment and Management of shelters for victims of trafficking. A number of interventions were made to increase knowledge and general awareness to prevent trafficking in persons among state officials. Substantial improvement is still needed in investigation and prosecution. **(117.83)**

20. In 2018, the national ‘100 days against trafficking’ campaign was held across the country. **(117.85)** The counter-trafficking commercials were broadcast on national TV and a mobile application “Migrants Handbook” is now available on Google’s Play Store. The Association of Women Judges carried out a study on court jurisprudence on trafficking in persons to identify shortcomings in both law and practice. Based on its findings, a training course was developed to strengthen the capacity of judges on human trafficking followed by a Training-of-Trainers held in 2019. **(117.84)**

21. Nevertheless, Kyrgyzstan should further improve the legal framework on forced labour and enhance assistance to victims of trafficking, including separation from and not contingent upon participation in the criminal justice investigatory or prosecutorial framework as well as access to sufficient economic and social support. Gaps remain regarding the compliance of the national legislation to the ILO Convention No. 29 on Forced and Compulsory labour and Convention No. 105 concerning abolition of forced labour. **(117.84)**

Liberty and security

22. Continued employment of vaguely and broadly defined notions of ‘extremism’ and ‘terrorism’ under the pretext of enhancing security in the country has had a severely detrimental effect on the human rights situation. Harsh criminal prosecution of crimes that are classified as ‘extremist’ without violent intent appears to be grave contradiction of international human rights law, and in particular the freedom of religion or belief, expression and association. Targeted law enforcement and judicial activity lead to marginalization and discrimination of specific communities, especially, ethnic and religious minorities. While the State is undertaking efforts to provide specific services designed for ‘extremist’ prisoners^v, the blanket application of such services independent of the severity of their crime may continue to violate rights of this group of prisoners, e.g. the absolute right to belief. **(117.18)**

Freedom of thought, conscience and religion

23. The State is in the process of amending the Law on Freedom of Religion. Current drafts do not appear to comply with international standards, which could result in further restriction of the freedom of religion and tighter control over religious organizations. The State Religious Agency started public discussion on the need to conduct intermediary evaluation of the Concept of State Policy in the Religious Sphere and is planning to bring it further in line with international standards; however, no outcome has been spotted yet. **(119.18)**

24. The conflation of religiosity with violent extremism (§ 12&21) - risks leading to a (re-)stigmatization, discrimination and isolation of religious communities, which may in itself become a driver of grievances, conflict or radicalization. Preventing these risks through is crucial.

Freedom of opinion and expression

25. A positive step was taken with the entry into force of the New Criminal Code in 2019, which decriminalized ‘storage’ of extremist materials – a major previous concern. However, the definition of “extremist activity” remains overly broad and vague (see §20) and continues to constrain legitimate expression of opinion. Broad application of provisions geared towards combatting hate speech are of particular concern. This includes criminal charges against journalists covering ethnic minority issues.^{vi} (119.23;117.23)

26. Access to broadcasting license for rural non-commercial community radios was deteriorated. (117.12)

Right to peaceful assembly

27. While the Law on Assembly is almost aligned with international standards, the State frequently restricts the freedom of peaceful assembly. Civil society laments the haphazard implementation of the Law and certain attempts of local authorities to prohibit or restrict assemblies by defining a rigid framework for their execution. The State did not take specific steps to address this situation. (117.108)

28. Judicial review mechanisms remain ineffective in protecting the freedom of assembly, particularly in politically sensitive cases. The UNCT is not aware of any major steps taken by authorities in order to facilitate citizens’ access to judicial appeal in such cases. (117.95)

Freedom of association

29. In 2016, the Parliament voted against the Draft Law, which would have penalized receipt of foreign funding by CSOs and, so far, there were no other legislative initiatives on this particular issue. However, individual members of the Parliament and other state actors occasionally stress the need to regulate activities and financing of CSOs, which could further impose disproportionate or discriminatory restrictions on freedom of association. Moreover, the Draft Law on Trade Unions, which passed the first reading in the Parliament in June 2019, is not in line with international standards, in particularly the ILO Convention No. 87 ratified by Kyrgyzstan, and could further hinder the freedom of association in the country. (118.26;117.105;117.103;119.19;119.22;119.26;117.104;119.20;119.21)

Administration of justice and fair trial

30. Legislative amendments introduced as an outcome of the 2016 Judicial Reform entered into force on January 1, 2019 and provided more adherence to the fair trials guarantees, especially in criminal proceedings, as well as enhanced the independence of the judiciary. The Electronic Unified State Registry of Crimes and Misdemeanors (ERPP)^{vii} increased transparency of criminal proceedings, improved data gathering, simplified information sharing among law enforcements and could help reduce corruption and better protect rights of detainees.

31. The access to justice for vulnerable groups has been improved by establishing a Coordination Centre on State-guaranteed Legal Aid with 23 Free Legal Aid Centres and adopting a number of regulation on free legal aid provision and reimbursement of costs^{viii}. However, the legal aid system requires robust support for its further enhancement.

32. The judicial reform shall continue to ensure full compliance of the legislation and practice with fair trial standards. The main challenges of the justice system in Kyrgyzstan are:

- executive's interference in judicial matters affecting the rule of law and due process;
- insufficient financial resources to sustain reform efforts;
- ineffective investigation and adjudication;
- poor correctional system;
- insufficient access to legal information on legal amendments causing misunderstanding of the objectives and content of reforms;
- lack of public trust and high level of perceived corruption.

(117.86;117.87;117.88;117.89;117.90;117.91;117.92;117.93;117.139)

33. Changes adopted in August 2017 to the Law on Constitutional Chamber of the Supreme Court established a mechanism for the implementation of decisions of the Constitutional Chamber. Currently, if a regulatory legal act was declared unconstitutional (in whole or in part), in four months the Government is obliged to submit a draft law to the Parliament to amend it. **(117.94)**

34. The State has failed to address transitional justice issues emanating from the June 2010 events and implements no policies, laws or programmes in this regard. The criminal justice system produced highly unequal outcomes exemplified by adjudication of cases related to the June 2010 events. In the 442-registered murder cases, more than 70% of victims were identified as ethnic Uzbek and more than 70% of charges were also brought against this particular group, highlighting potentially endemic bias. There are serious doubts over fair trial standards in many cases involved, on some of which the Human Rights Committee adopted views finding violations. **(117.97;117.98;118.25;117.99)** This risks fueling resentment between minority group and the Government and should be prevented by any means.

Right to participate in public affairs and right to vote

35. Representation of ethnic minorities in political leadership positions remains exceedingly low. This could be exemplified by a negative trend in the representation of ethnic minorities in the Parliament of Kyrgyzstan. Little progress has also been made in terms of increasing participation of ethnic minorities in other state structures. While the country's share of people that do not identify as ethnic Kyrgyz is nearly 30%, only 6.9 % of them are represented in national government institutions.^{ix} Despite measures introduced to promote women's political leadership, their number decreased. Young women, especially from ethnic and religious minorities, face significant barriers in their participation in political affairs, such as limited access to public service. **(117.115)**

Rights related to marriage and family

36. The Family Strengthening Programmes on prevention of crimes and drug use has been promoted in Kyrgyzstan.

37. Although, the State Guaranteed Programme ensures free health service package for women and children under 5 years, Kyrgyzstan has the highest maternal mortality rate in Eastern Europe and Central Asia region. Evidence indicates that abortion continues to be a frequently used method of family planning and is underreported. Unmet need for family planning remains high - 19%, resulting in approximately 140,000 unintended pregnancies every year. Since 2015 amendments, adolescents of 16 years and above have access to sexual and reproductive health services without consent of a legal guardian. However, they

continue to face multiple barriers when accessing these services. Service providers often tend to deny access of adolescents and unmarried youth to contraception due to their own personal prejudices and biases about adolescent sexuality (117.20).

Right to health

38. Kyrgyzstan has committed to increase the budget allocations for public contraceptive commodities from 3.2 million Kyrgyz soms in 2018 to 4.2 million Kyrgyz soms in 2019. Contraceptives are free of charge for HIV-positive women of reproductive age if they are registered with a family doctor. Vertical HIV transmission from mother to child decreased to the minimum rate (under 3%). The relevant information, testing and treatment, if needed, is accessible in the country for all pregnant women. However, there is still no sufficient support to sexual and reproductive health (SRH) needs of people living with HIV and integrated enhanced family planning. Considering growing sexual transmission of HIV, which constitutes 46, 3% of all registered HIV cases^x, it is of utmost importance to continue strengthening linkages between SRH and HIV, including their integration at the primary healthcare level and ensuring free from stigma and discrimination access to services of the key populations. The revised Law on Reproductive Health in 2015 provide access to adolescents of 16 years and above to sexual and reproductive health services without consent of a legal guardian. However, they continue to face multiple barriers when accessing these services. (117.125)

Right to education

39. The State put efforts into developing the preschool infrastructure and introducing innovative programmes for early childhood development. Unfortunately, the number of children enrolled in preschool education still remains below 25% and varies from urban to rural residencies. Socioeconomic conditions of families often restrict children from completing the full cycle of basic and higher education. Almost 1/3 of the 15-24-year-old youth are not in education, employment or training. Participation and enrolment rates of girls are better than of boys, except technical and vocational education and training, where 2/3 of students are male (117.129).

40. The Government has recently adopted the Action Plan on Inclusive Education 2019-2023. However, progress in its implementation will depend on sufficient funding and prompt legislative reforms. Other challenges for inclusive education are lack of enabling physical and psychological learning environment and adapted teaching and learning materials as well as insufficient number, capacity and low motivation of professionals. (117.128;117.127)

41. There was a significant decline in access to schooling in minority languages^{xi}. Moreover, the abolition, in 2015, of university admission tests in the Uzbek language resulted in limiting opportunities of Uzbeks to enter higher education.

Discrimination against women

42. Kyrgyzstan follows a strategic course of action that relies on special temporary measures to accelerate de facto equality between women and men.

43. The country has the ongoing National Strategy on Gender Equality until 2020 adopted in 2012^{xii} implemented through three National Action Plans on Gender Equality (NAPGEs). However, due to the

almost 70% financial gap in the implementation of the Strategy certain activities were cut from NAPGEs. **(117.32)**

44. In pursuance of the NAPGE 2018-2020, an Interagency Working Group was established. Among its objectives are drafting a Roadmap for ratification of the ILO Convention No.183 on maternity protection and revision of the List of Professions and Types of Work with Hazardous Working Conditions Prohibited to Women limiting women's access to labour market.

45. The existing practice of 'ousting' women from political parties after the elections affects women's representation within different factions and varies from 29% to 8%, which is still below the 30% target established by the Law on Gender Equality. In 2016, the electoral legislation was amended ensuring that in the event of early termination of a term of office of a member of the Parliament, his/her mandate should be transferred to the next registered candidate of the same gender. These amendments shall enter into force in 2020.

46. The percentage of women in local parliaments (ayil keneshes) in 2004-2016 decreased from 19% to 10%. In some provinces, there were no more than 6-8% of women in local parliaments; while in 1/6 of them women were not represented at all. To tackle these issues, the amendments to the Law on Elections to Local Keneshes^{xiii} reserving 30% of mandates for women were submitted to the Parliament, passed the second and third readings and are awaiting the President's signature.

47. The State annually monitors the number of civil servants and municipal employees filling vacant administrative positions through the collection of disaggregated data. To enhance access of women, ethnic and religious minorities to the civil service, in June 2016, certain amendments were introduced into the legislation followed by a range of regulations governing different aspect of career path in public and municipal services.^{xiv} However, women continue to enjoy limited access to public service, especially young women with ethnic and religious minority background^{xv}. **(117.34;117.35;117.36;117.31;117.33)**

Gender-based violence

48. The country took a number of actions to combat gender-based violence in both law and practice ensuring effective response to such incidents by law enforcement agencies and other relevant stakeholders. Although there was no separate Action Plan on combating violence against women, certain activities were embedded into NAPGEs for 2015-2017 and 2018-2020 to prevent and respond to violence against women and girls and their access to justice. **(117.33;117.61;117.60)**

49. A number of laws and bylaws and internal guidelines on prevention of marriages with the underage and early marriages, in particular, amendments to the Criminal (Articles 154,155. 155-1) and Family Codes (Article 14 (3)) were adopted, followed by the elaboration of learning and teaching materials for different groups of stakeholders engaged in the prevention work. The population was informed about the introduced changes within a relatively short period.

(117.38;117.75;117.65;117.62;117.63;117.76;117.59;117.74;117.64;117.68;117.71;117.72;117.73;117.70)

50. The analysis of legislation and practices on protection from domestic violence were carried out and recommendations provided. It resulted into the enhanced legislative framework, namely: adoption of the Law on Prevention and Protection against Domestic Violence in April 2017 and a number of regulations and agency-level documents, which set a clear algorithm of actions for relevant authorities, as well as amendments to statistical reporting and accounting instruments.^{xvi} **(119.17)** The budget support to the implement the Law on Prevention and Protection against Domestic Violence permits funding of four crisis centers within the country. **(117.63;119.17)** The legislative reform was combined with a wide-scale training of law enforcements held in all regions of the country in 2017-2018. **(117.65;117.62;117.68)**

51. In 2017-2019, state and municipal bodies, civil society organisations, media and international organisations conducted a series of awareness raising campaigns to prohibit and combat gender-based violence across the country. It resulted in increased number of reports to police and hotline traffic. (117.59; 117.74) Moreover, in comparison with 2015, in 2017 the number of registered facts of family violence, protection orders and individuals called to administrative account on “family violence” doubled. (117.72)

52. However, despite the introduced measures, gender-based violence remains widespread in Kyrgyzstan and impunity for these crimes persists. UNCT is aware of cases when perpetrators have not been brought to justice for several years and the judicial machinery failed to provide victims of such crimes with a proper redress, for instance, in the case of Burulai Turdaaly Kyzy^{xvii}. Effective investigation of cases of violence against women remains a significant challenge. There is a range of barriers to women’s access to justice. Rights of women and girls who are victims of sexual and gender-based violence are grossly violated during the judicial process. The national legislation insufficiently enforces the restoration of rights of victims of such crimes as sexual assault, forced marriage, and domestic violence, including incorrect approaches to victims of such crimes and influence of stereotypes at all stages of interaction with the law enforcement and judiciary. (117.63;119.17;117.64;117.67;117.69;117.58;117.66)

Children rights

53. The State took further steps to improve its legislative and institutional frameworks to address violence against children. Draft amendments to the Child Code, Criminal and Criminal Procedure Codes regulating prohibition of corporal punishment against children were elaborated and submitted to the Parliament in April 2019. Additionally, the Coordination Council on Juvenile Justice was established under the Government in order to monitor the situation of children and a single database to identify children at risk of violence or those who suffered is currently being designed and tested. The Government approved the Programme on family support and children protection 2018-2028^{xviii}. However, a lack of funding to implement the Programme, insufficient capacity and sensitivity of law enforcements and judicial officials and a number of other obstacles preclude significant improvements in practice. (117.77; 117.78; 117.79;117.80;117.25; 117.24;117.23;117.22)

54. In recent years, Kyrgyzstan has made progress towards improvement of its civil registry system, including birth registration and issuance of birth certificates to children born on its territory. However, about 8,000 children under the age of five coming from undocumented parents still lack birth registration due to the shortcomings of the national legislation^{xix}. (117.101;117.100)

Protection against exploitation

55. The line ministries and the Federation of Trade Unions have signed the Interagency Actions Plan on Elimination and Prevention of the Worst Forms of Child Labour for 2016-2018 with drafts of Government Action Plan for 2020-2024 currently being formalized. The Government has substantially revised the List of Hazardous Types of Works to Be Prohibited for Children Under 18 and the draft is still under discussion at the time of reporting. In 2018-2019, the Ministry of Labour and Social Development undertook jointly with social partners a nationwide campaign “Future without child labour and forced labour”. Specialists of the several ministries and agencies jointly developed the Interagency Directive on interaction between government institutions and local authorities to identify and provide social support for children involved in the worst forms of child labour. The child labour related activities were also integrated into the Strategic Actions Plan of the Federation of Trade Unions for 2019-2020 adopted on April 3, 2019. A formal

prohibition of child labour is introduced into the draft amendments to the Child Code pending before the Parliament.

56. The findings of the 2018 Multi-Cluster Indicator Survey (MICS) showed slow progress towards reducing the total number of child labourers nationwide, although there has been notable progresses in the reduction of children involved into hazardous work (15.2% in 2014 versus 11.7% in 2018; girls - from 11.8% to 6.8%, respectively). **(117.81;117.82)**

Juvenile justice

57. The State Programme on Development of Justice System for Children 14-18 years old for 2014-2018 implemented by the Government was highly positively assessed by the independent evaluation. **(117.96)**

58. Separation between children and adults both in prison and in detention is already in place. However, solitary confinement of children remains legally possible. In 2017, the State Penitentiary Service finally resolved the issue with access to education of minors in the Remand Prison No.14. **(117.57)**

Persons with disabilities

59. Kyrgyzstan ratified CRPD on May 16, 2019. Hence, the Inter-Agency Working Group on CRPD implementation was established on May 21, 2019 and entrusted with the development of a Priority Plan of Actions for 2019-2022 and a Programme “Accessible Country.” However, further steps shall be taken to fully implement the recommendation. **(117.130)**

Members of minorities

60. Kyrgyzstan continues to have limited success in ensuring equality of religious, cultural and ethnic minorities. This is evidenced by continuous failure to ensure proportional representation of ethnic minorities in state structures, non-delivery of justice for victims of June 2010 events, non-implementation of Human Rights Committee views lamenting ethnic discrimination, inadequate responses to incidents of hate speech and crime. **(117.135)**^{xx}

61. While the State implemented some actions under the State Concept on Inter-ethnic Relations 2013-2017, since its end the elaboration of the new Concept has not been finalised and elicits concerns on its purported trajectory. **(117.132; 117.133)** A concept on inter-ethnic relations that is not inclusive for all minorities may have detrimental effects on existing grievances and fuel conflict potential. A number of national institutions engage on inter-ethnic issues, most notably the Government Agency for Inter-ethnic Issues and Local Governance (GAMSUMO) and Public Advisory Council on Inter-ethnic and Inter-faith Development under the President, although their rather limited input is difficult to assess unequivocally. **(117.131;117.134;117.136;117.137)**

Refugees and asylum seekers

62. In 2019, the Inter-Agency Working Group was established and is aimed at developing the instruction on identification and referral of refugees and asylum-seekers at the borders of Kyrgyzstan. However, the State Migration Service continue delaying the registration or, in some cases, non-admitting of asylum claims without proper inquiries, which may put such individuals at risk of refoulement. In the absence of access to the official data, it is impossible to monitor the number of asylum applications submitted at border entry points vis-a-vis the total number of asylum applications registered by the migration authorities and prevent refoulements. **(117.38)**

Human rights defenders

63. Kyrgyzstan failures to restore rights of human rights defenders and provide them with access to fair trial, notwithstanding the views adopted by the Human Rights Committee in some individual case. The emblematic case of Azimjan Askarov^{xxi}, a member of the Uzbek minority and human rights defender sentenced to life imprisonment after the June 2010 events, remains a serious concern. Despite a Human Rights Committee views and the subsequent retrial of the politically charged case, the original verdict (life imprisonment) was upheld in a trail that failed to address the issues raised in the Human Rights Committee’s views issued on the case and was mired in irregularities.^{xxii}

64. The June 2010 inter-ethnic violence is still a highly sensitive topic for the authorities. In the last 10 years, there have been a number of cases when researches on the issue led to reprisals, including deportation, of human rights lawyers, journalists and researchers^{xxiii}. **(117.114)**

65. The Law on Guarantees of the President allows the General Prosecutor’s Office to initiate civil proceedings to protect honor and dignity of the President and seek for monetary compensation and refutation.^{xxiv} These provisions are reported to be used to silence human rights defenders and journalists who criticize the President’s policy or personality.

66. Legislation regulating the State’s fight against a broadly defined notion of ‘extremism’ continuous to be a major concern for human rights defenders and their activities and stifles civic space in Kyrgyzstan.^{xxv} **(117.113)**

Right to development – general measures of implementation

67. Kyrgyzstan adopted two strategic documents on sustainable development: the National Development Strategy for 2018-2040 endorsed in November 2018 and the Government’s Programme “Unity. Trust. Creation” 2018-2022 endorsed in April 2018. **(119.29)** Despite some positive trends on poverty reduction in Kyrgyzstan, in 2017, the poverty remained high with 1.6 million people or 25.6% of the population; it is concentrated mainly in the rural area (74%) and vary a lot across the regions. **(117.21)**

Attachments:

1. Matrix of recommendations following the Second Cycle of UPR of Kyrgyzstan.

ⁱ As an outcome of the amendments introduced into the Constitution of the Kyrgyz Republic by the Law No. 218 adopted on December 28, 2016, Article 6(2) of the Constitution was modified replacing the provision on primacy of the international human rights treaties over the national legislation and their direct application by another provision stating that the order and conditions of application of international treaties and common standards and norms of the international law are established by laws.

ⁱⁱ The Coordination Council for Human Rights acts as a National Mechanism for Reporting and Follow Up (NMRF).

ⁱⁱⁱ In the wake of peaceful demonstrations on 8 March and 1 May 2019, a multiple of members of Parliament publicly called for violence against the LGBTIQ community. Furthermore, nationalistic groups threatened and attacked members of the community, while neither law-enforcement nor any other state agency undertook preventive or protective measures.

^{iv} Statistic based on the latest publicly available data in the 2016 Report of the Supreme Court analyzing criminal convictions on crimes classified as ‘terrorist’ or ‘extremist’. Data covers the period from 2013 to 2015. (*Supreme Court of the Kyrgyz Republic (2016): Overview of judicial practice in reviewing criminal cases on terrorism and extremism; Bulletin of the Supreme Court*)

^v With the aim of preventing violent extremism, a number of capacity-building activities for police and penitentiary took place recently. The Ministry of Internal Affairs organized trainings for police officers on prevention of extremism followed up by the introduction of an e-learning course. The State Penitentiary Service installed security equipment in pilot prisons that accommodate extremist prisoners and held trainings for the staff on its maintenance to strengthen prison security. In addition, training activities on management of extremist prisoners covered prison psychologists, social workers, operative and regime staff (30% - women) and helped to establish a pool of national experts.

^{vi} In 2017, the court blocked the website of the ‘Ferghana.ru’ news agency. In June 2017, the State Committee for National Security opened a criminal case against a freelance journalist Ulugbek Babakulov accusing him of inciting ethnic hatred. Babakulov was granted asylum in France. The criminal case against him has not been terminated yet.

^{vii} The Electronic Unified State Registry of Crimes and Misdemeanors (ERPP) is in use since January 2019.

^{viii} Among others, the introduced legislative changes expanded the number of beneficiaries of free legal aid as well as increased the amount of fees received by free legal aid lawyers.

^{ix} State Personnel Agency: Official Statistics on the Structure of the Civil Service (2019), available at: <https://www.mkk.gov.kg/contents/view/id/87/pid/4>

^x Statistics of the National AIDS Center, May 2019.

^{xi} The number of schools with teaching in Uzbek language has reduced from 121 in 2010-2011 to 52 in 2016-17, while the number of schools with Russian language has increased from 160 in 2012-13 to 198 in 2016-17.

^{xii} Decree No. 443 of the Government of the Kyrgyz Republic of June 27, 2012.

^{xiii} Available at: <http://cbd.minjust.gov.kg/act/view/ru-ru/111287>.

^{xiv} Article 4 of the Law on Public Service and Municipal Service was amended ensuring equal access for all citizens of the Kyrgyz Republic to public service regardless of sex, race, language, disability, ethnicity, religion, political or other opinion, birth, property, or other status. The law led to amendments in a range of regulations governing stages of public and municipal service, from entrance to completion, competition-based recruitment and promotion to vacant jobs. Gender-sensitive norms were introduced into several regulations.

The Regulation on Competition-Based Recruitment and Promotion of Public and Municipal Employees in the Kyrgyz Republic currently states that upon completion of interviews, among the candidates who received the highest scores the selection commission should recommend a candidate whose ethnicity and gender are the least represented in the given government agency or local self-government body.

According to the Regulation on Establishment of the National Pool of Human Resources in the Public and Municipal Sectors of the Kyrgyz Republic, among candidates with the same scores the commission should recommend for selection a candidate whose ethnicity or gender is the least represented in the public or municipal sector.

The Regulation on Performance Evaluation in the Public and Municipal Sectors of the Kyrgyz Republic secures an impartial and unbiased attitude of all civil servants and their performance in government agencies and local self-government bodies that denies all forms of discrimination. The regulation also states that the evaluation commission should include administrative officials and allow for gender representation (clause 58).

^{xv} The restrictions that women and girls from religious families face have the following factors: 1) a ban on wearing hijabs for girls and young women in some educational institutions; 2) a ban on continuing education upon the onset of

puberty imposed on girls by their families; 3) a ban on attending school and other educational institutions for girls. Reduced mobility of women and girls from religious families is often due to restrictions the heads of families impose on them for religious reasons further leading to denial of medical care, vaccination for children, professional training or work outside home.

^{xvi} In particular, this includes the Government Decree on the Approval of the Restraining Order Form No. 642 of October 3, 2017, the Decree of the Ministry of Internal Affairs of the Kyrgyz Republic on the Approval of Guidelines on Prevention and Protection Against Domestic Violence by Law Enforcement Agencies of the Kyrgyz Republic No. 970 of November 14, 2017, the Government Decrees on the Intervention Programme for Abusive Behavior of People Who Committed Domestic Violence and the Decree on Prevention and Protection Against Domestic Violence. Improved reporting forms were introduced through the following agency-level documents: the Decree of the Ministry of Internal Affairs of the Kyrgyz Republic on the Approval of Forms of Agency-level Reports on Issued Restraining Orders and Individuals who Committed and Experienced Domestic Violence, and Guidelines on the Preparation of Agency-level Statistical Reports on Issued Restraining Orders and Individuals who Committed and Experienced Domestic Violence No. 963 of November 13, 2017 and the Resolution of the National Statistics Committee of the Kyrgyz Republic On the Approval of National Statistical Reports on Offence Statistics No. 17 of November 9, 2017.

^{xvii} In May 2018, 20-year-old Burulai Turdaaly Kyzy was stabbed to death in a police station by a man who had kidnapped her for marriage. In response, UN agencies in Kyrgyzstan called on authorities ‘to take all appropriate measures to stop [bride kidnapping, forced marriage, and child religious marriages] and fulfil its domestic legislation and international treaties.’ Twenty-three law enforcement officers were sanctioned in the case, including five who were fired. Prosecutors charged the perpetrator and an accomplice with ‘forcing a woman to marry’, and brought an additional murder charge against the perpetrator. Their trial was ongoing at the time of submission.

^{xviii} The Governmental Programme was approved by the Decree of the Government No. 479 dated August 14, 2017.

^{xix} The recent MICS report 2018 saying that High birth registration among children under 5 is observed in the Kyrgyz Republic – 98, 9%. So

^{xx} This Summary is based on ‘Conflict and Peace Analysis’, Kyrgyzstan, 2018:

Pre-Islamic traditions, such as the celebration of ‘nawrooz’, are coming under scrutiny. The ‘right’ way of practicing Islam or conducting rituals is increasingly contested between different interpretations of Islam, especially in the regions. A recent evaluation of the first PVE project in Kyrgyzstan showed that religious communities (especially women) may feel discriminated against by more secularly oriented state authorities and its service providers in the districts, which can lead to self-isolation and a reduced trust in the state.

During 2017-2018 there were several incidents indicating the mentioned tensions. The act of vandalism in orthodox cemetery where 89 gravestones were destroyed and several cases of conflicts regarding the burial of proselytes took place in different parts of the country. Kyrgyzstan and Tajikistan agreed upon 500 km of 900 km border, while often cross border conflicts occur around Tajik enclaves, Vorukh and Western Qalachaand and other borderline, for the access to infrastructure and natural resources, as well as due to increased militarization of the borders caused by the attempts to prevent perceived violent extremism.

The Spiritual Administration of Muslims recently issued a decree on conducting Friday Khutba only in Kyrgyz and, if needed, in Russian languages raised some tensions among people in the communities populated predominantly by Uzbeks. There was no proper reaction on that from the Government agencies as well as from civil society.

Violent extremism remains as a threat. Kyrgyzstan officials reported about 863 total persons who traveled to Syria and Iraq between 2010 and June 2016, with 188 of them (23.8%) being women. Travelers come from different backgrounds, including economic, age, geographical, gender and ethnic representation, while some were allegedly recruited when being in migration in third countries. Factors of being involved in violent extremist groups also vary including push and pull factors, as well as home-grown and global ones. There were some cases of terrorist actions in Kyrgyzstan in January 2011 and July 2015, and the 2016 attack on the Chinese Embassy.

^{xxi} Azimjan Askarov v. Kyrgyzstan, CCPR/C/116/D/2231/2012, 11 May 2016, available at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsukPtYsnxNH1DBeueuCbK4jydGVL0BUTM1fwSURKZc1vSa7AxDA06etHJbbV9%2fJloXTB1KEY6Xy7FxLG%2fUiwhyJHZIPk4RRVexBV7%2fMm5qOhv9K8Kr8MmOWMZtZSrm9soQ%3d%3d>

^{xxii} See above.

^{xxiii} Including but not limited to Dale (2008), Ponomarev (2009 and 2017), Knyazev (2013), Rittman (2015), Farooq (2015), Rickleton (2017), Mikhailov (2017). For some regional analysis and trends see: *Persona Non Grata: The CIS ban system for human rights defenders and journalists, Norwegian Helsinki Committee, 2010*, available at: <https://www.nhc.no/en/persona-non-grata/>.

^{xxiv} Article 4 ‘Protection of honor and dignity of the President of the Republic’ of the Law on the Guarantees of the President of the Kyrgyz Republic No. 152 adopted on July 18, 2003, lastly amended on 15 May 2019 by the Law No.61, available at[Russian]: <http://cbd.minjust.gov.kg/act/view/ru-ru/1278?cl=ru-ru>

^{xxv} In a particularly problematic incident, in a January 2017 court decision, an alternative report to the Committee on the Rights of Migrant Workers submitted by the well-known human rights organizations ADC Memorial and Bir-Duino Kyrgyzstan was designated as an extremist material. The report addressed the obligations of the Government to protect the rights of Kyrgyz migrant workers. Fortunately, the court’s decision was overruled in 2018; however, legal provisions enabling similar judicial ‘persecution’ remain in place.