



General Assembly

Distr.: General
24 October, 2014

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty first session
19-30 January, 2015

Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Kyrgyzstan*

The present report is a summary of 20 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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



Information provided by stakeholders

A. Background and framework

1. Scope of international obligations²

1. The Joint Submission (JS) 3 reported that Kyrgyzstan implemented the recommendations nos. 76.1, 76.2 and 76.3³ put forward during the universal periodic review in 2010 (UPR recommendation) by ratifying ICCPR-OP2.⁴ Kyrgyzstan did not implement the UPR recommendations calling for the ratification of ICPPED.⁵

2. It was recommended that Kyrgyzstan ratify the Rome Statute of the International Criminal Court⁶ and OP-CRC-IC,⁷ and make a declaration under article 22 of CAT.⁸

2. Constitutional and legislative framework

3. JS3 stated that the UPR recommendation no. 4 on constitutional reform⁹ was implemented by the adoption of a new Constitution in 2010, guaranteeing the separation of powers and the rule of law.¹⁰ The Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE/ODIHR) stated that the Constitution introduced a semi-parliamentary system of government.¹¹ The Tian Shan Policy Centre (TSPC) noted with satisfaction the inclusion of measures for the protection and promotion of human rights in the Constitution, as required by the UPR recommendations no. 76.5, 76.6 and 76.7.¹² The Centre for Support of International Protection (CSIP) made similar observations.¹³

4. JS3 reported that the national legislation was not fully harmonised with the Constitution and international standards.¹⁴

3. Institutional and human rights infrastructure and policy measures

5. JS3 stated that the Law on Ombudsman was not brought into compliance with the Paris Principles. The Institute of the Ombudsman was awarded with B status by the International Coordination Committee of the National Human Rights Institutions. JS3 concluded that the UPR recommendations 77.17 and 77. 19¹⁵ on the Ombudsman institution were not implemented.¹⁶ TSPC recommended that Kyrgyzstan provide adequate resources and political support to the Ombudsman.¹⁷

6. TSPC and CSIP noted the establishment of the National Centre for the Prevention of Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment (NCPT) as a national preventive mechanism.¹⁸ However, NCPT expressed concern about the initiatives of some Parliament members to abolish NCPT and to transfer its functions to the Ombudsman. It highlighted the lack of adequate funding allocated.¹⁹ TSPC stated that financial and political support of the Government was needed to ensure effective and independent functioning of NCPT.²⁰ NCPT recommended that Kyrgyzstan ensure the implementation of its recommendations.²¹

B. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

7. CSIP stated that, as of April 2014, Kyrgyzstan had not implemented the views of the Human Rights Committee.²²

8. CSIP noted the absence of the Government's efforts to disseminate widely the texts of human rights treaties ratified by Kyrgyzstan and of recommendations made by those treaty bodies and other United Nations bodies.²³

2. Cooperation with special procedures

9. TSPC recommended that Kyrgyzstan continue extending an invitation to the Special Rapporteur on Torture and implement the recommendations of the Special Rapporteur.²⁴

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

1. Equality and non-discrimination

10. JS1 stated that religious and ethnic minorities, and lesbian, gay, bisexual, transgender (LGBT) persons, continued to face discrimination in the exercise of their right to freedom of expression and that their issues rarely received media coverage. Criminal provisions were abused to suppress critical discourse on the position of minorities in society.²⁵

11. JS6 noted the absence of anti-discrimination legislation, prohibiting discrimination on grounds of sexual orientation and gender identity.²⁶ The Human Rights Watch (HRW) stated that LGBT persons experienced abuse and discrimination from state and non-state actors.²⁷ JS6 referred to the documented cases of violence against and forced marriages of LGBT persons.²⁸ It stated that LGBT persons were subject to torture, blackmailing, humiliation, illegal detention and rape by the police.²⁹ HRW made a similar observation.³⁰ JS5 documented cases of police violence and abuse towards transgender persons.³¹ HRW explained that fear of disclosure of personal information or of retaliation by the police prevented LGBT victims of police abuse from reporting.³²

12. JS5 stated that LGBT persons in general faced obstacles in accessing health services due to stigma and discrimination. In case of transgender persons, if the gender expression of a patient did not correspond to passport data, doctors might refuse to treat those patients.³³ JS5 stated that legislation was not adjusted to address issues faced by transgender people.³⁴

13. HRW stated that in May 2014 members of Parliament registered a homophobic and discriminatory draft law, imposing criminal and administrative sanctions on mass media and others that are found "creating a positive attitude toward non-traditional sexual relations".³⁵ JS1 stated that the draft law, if passed, would target any public discourse around diverse sexual orientations and gender identities and would lead to the media avoiding any positive coverage of issues, affecting LGBT persons.³⁶ JS6 observed that the legislative initiative was inconsistent with a number of UPR recommendations on freedom of expression as well as to the Constitution and international human rights law.³⁷

14. HRW concluded that the Government did not implement the UPR recommendation no. 76.62³⁸ to "intensify in practice sanctions in cases of [...] discrimination against women due to sexual orientation [...]" and the UPR recommendation no. 77.13³⁹ to "review the compliance of its national legislation with provisions of the ICCPR on non-discrimination, in particular with regard to [...] sexual orientation or gender identity".⁴⁰ JS5⁴¹ and JS6⁴² made similar conclusions.⁴³

15. HRW recommended that Kyrgyzstan publicly reaffirm that all people have the right to live free from discrimination and violence based on their sexual identity.⁴⁴ JS6 recommended that Kyrgyzstan implement programs to prevent discrimination, violence, hate crimes against and forced marriages of LGBT persons and adopt and implement a

comprehensive anti-discrimination law, which bans direct and indirect discrimination based on sexual orientation and gender identity.⁴⁵ HRW recommended withdrawing the draft law on “dissemination of information about non-traditional sexual relations” and refraining from introducing bills that would discriminate against LGBT persons.⁴⁶

16. HelpAge noted age discrimination in the provision of health care. Age discrimination in health care alongside inadequate income through pensions was a major barrier to older persons’ enjoyment of their right to health.⁴⁷

17. JS8 stated that sex workers faced stigma and discrimination. It noted the rise of public intolerance caused by media coverage of public officials’ claims that sex workers spread HIV and by hate speech against sex workers.⁴⁸

2. Right to life, liberty and security of the person

18. TSPC referred to research findings, indicating that the use of torture and ill-treatment was systematic, aiming at obtaining confessions or extorting money from victims.⁴⁹ JS3 stated that since the universal periodic review of 2010 (UPR) complaints of torture increased.⁵⁰ HRW stated that allegations of ill-treatment and torture were especially prevalent in the context of the criminal investigations and trials relating to the inter-ethnic conflict occurred in June 2010 in the south of Kyrgyzstan (the June 2010 violence) and that perpetrators enjoyed impunity.⁵¹ TSPC⁵² and JS3⁵³ made similar observations.

19. NCPT noted the 2012 amendments to the Criminal Code, considering acts of torture as a serious and grave crime, increasing the penalties and excluding a possibility of dropping criminal investigations based on amicable agreements between the perpetrator and the victim.⁵⁴ However, CSIP stated that the definition of torture in the Criminal Code was not fully in conformity with the provisions of CAT.⁵⁵ While welcoming the new drafts of the Criminal and Criminal Procedure Codes, NCPT stated that the draft Codes lacked sufficient safeguards for freedom from torture.⁵⁶ NCPT and CSIP recommended that Kyrgyzstan ensure that the definition of torture in the Criminal Code includes all the elements contained in article 1 of CAT.⁵⁷

20. HRW stated that Kyrgyzstan implemented several UPR recommendations on combatting torture, including issuing an invitation to the Special Rapporteur on torture and adopting legislation on the national preventative mechanism. However, it fell short of implementing the UPR recommendation⁵⁸ to ensure investigation of all complaints of torture.⁵⁹

21. NCPT stated that temporary detention facilities were under the oversight of the Ministry of Interior, which provided investigators with an unlimited access to suspects. NCPT highlighted the recommendation made by the Special Rapporteur on torture in 2012 to transfer authority over temporary detention facilities from the Ministry of the Interior to the State Service for the Execution of Punishments.⁶⁰

22. JS4 observed that detention conditions of prisoners serving life sentences did not meet the international standards. Budget allocated for prisons accommodating inmates sentenced to life imprisonment remained inadequate.⁶¹

23. JS3 expressed concern about conditions in prisons and detention facilities and noted poor quality of food, and the absence of sanitary conditions and of heating in detention places.⁶² CSIP recommended that Kyrgyzstan improve conditions of persons deprived of their liberty.⁶³

24. HRW stated that Kyrgyzstan, in 2013, adopted legislative amendments to increase the maximum jail sentence for bride kidnapping, thereby taking a much-needed step to implement the UPR recommendation no. 76.58⁶⁴ on ending violence against women, particularly the problem of bride kidnapping. Yet, the authorities did not effectively address

gender-based violence, which continued. Violence and abduction for forced marriage (bride-kidnapping) remained a pervasive form of violence against women and impunity remained the norm.⁶⁵ JS4 added that there were no government-supported shelters for victims of gender-based violence.⁶⁶ HRW recommended that Kyrgyzstan enforce existing criminal laws against assault and abduction, and prosecute perpetrators of gender-based violence and bride-kidnapping.⁶⁷

25. JS8 stated that illegal prosecution of sex workers by law enforcement agencies was systematic. It reported on illegal detention of sex workers during raids. Sex workers were often subject to sexual, physical and psychological violence by law enforcement officials. JS8 noted with concern attempts to criminalise sex work.⁶⁸

26. As the Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted, it appeared that corporal punishment was not fully prohibited in the home, alternative care settings and day care. It was recommended that Kyrgyzstan ensure that corporal punishment in all settings is unlawful.⁶⁹

27. JS7 stated that domestic violence and violence in child care institutions were reportedly two main forms of violence against children. It stated that physical violence was considered by parents as a traditional form of discipline. Various forms of abuse and neglect were widespread in institutions for children. Cases of sexual abuse committed against children were growing. JS7 highlighted the lack of adequate protection mechanisms for child victims of violence.⁷⁰ It concluded that Kyrgyzstan did not implement the UPR recommendation no. 76.56⁷¹ to ensure legal protection to children from violence and abuse.⁷²

28. HelpAge International (HelpAge) stated that older women and men were particularly vulnerable to violence. However, there was a stereotype that older persons were treated with respect and therefore, they did not experience violence and abuse. Subsequently, it remained a taboo subject and very few cases were reported to the authorities, and so it occurred with impunity.⁷³ Public awareness on violence against older women and men, including awareness among health and social workers was low. Police would prefer not to interfere, believing that abuse of older persons was a private family affair.⁷⁴

29. JS7 reported on exploitation of children in some boarding schools, where children were compulsory recruited for agricultural work.⁷⁵

3. Administration of justice, including impunity, and the rule of law

30. JS3 stated that the judiciary was not fully independent. The parliament was entitled to dismiss judges. The draft legal amendments, aiming to make changes in the procedure of selecting judges, increased the role of the President in this process.⁷⁶ OSCE/ODIHR noted that the 2012 report published by OSCE and ODIHR offered a number of recommendations, addressing the system of the selection of judges, including transparency in the procedures for the selection of members of the Council of the Selection of Judges and in the procedures for the selection of judges by the Council, the composition of the Council, and the role of the President and Parliament in the appointment of judges.⁷⁷

31. HRW concluded that Kyrgyzstan fell short of implementing the UPR recommendation no. 76.70⁷⁸ to ensure the full independence of the judiciary and that guarantees of fair trial for everyone are implemented.⁷⁹ TSPC recommended that Kyrgyzstan guarantee the respect of the right to a fair trial.⁸⁰

32. CSIP noted the lack of procedures for examining legality of the detention by courts and the absence of a legal requirement to register suspects at the very moment of apprehension.⁸¹ NCPT explained that it could take hours or even days until suspects that

were held in unofficial detention settings (for example, police vehicles or offices or basements of the police buildings) were transferred to the temporary detention places.⁸²

33. TSPC stated that the unclear definition of the concept of detention negatively affected the obligation by the law enforcement agencies to respect the legal safeguards, including the presence of a defence lawyer. The law recognized those safeguards only when the person apprehended was registered at the detention places and not immediately at the moment of arrest, allowing the law enforcement authorities to obtain a confession without the presence of a lawyer.⁸³

34. CSIP stated that access of detainees to an independent medical examination was not guaranteed.⁸⁴ NCPT made a similar observation.⁸⁵ CSIP stated that health professionals did not have adequate training to effectively identify and document torture.⁸⁶

35. NCPT stated that judges often did not take into account allegations of torture and did not exclude confessions obtained under torture as evidence. Verdicts were often based on confessions made during the investigation.⁸⁷ CSIP recommended that Kyrgyzstan prohibit by law the use of evidence obtained by torture and ensure the implementation of the law.⁸⁸

36. TSPC listed a number of flaws in the Criminal Procedure Code that hampered effective investigations of allegations of torture and abuse by law enforcement bodies.⁸⁹ HRW stated that Prosecutors rarely opened criminal cases against law enforcement officers on allegations of torture.⁹⁰ NCPT added that no increase in the prosecution of perpetrators of torture was observed after some improvements made in the Criminal Code in 2012.⁹¹

37. HRW stated that in the aftermath of the June 2010 violence, the Government failed to address adequately abuses, in particular against ethnic Uzbeks, who endured the majority of casualties and destroyed homes, and who – in the years since then – were disproportionately subjected to arbitrary detention, ill-treatment and torture, and extortion without redress. Investigations and trials into those violations were profoundly flawed.⁹² Furthermore, the Norwegian Helsinki Committee (NHC) referred to other concerns expressed, including the denial of adequate legal aid to detainees, threats and violence against suspects, their lawyers and relatives before, during and after trials.⁹³

38. HRW reported on the problem of courtroom violence by audiences, occurring during trials related to the June 2010 violence and stated that the authorities failed to tackle this problem or hold perpetrators accountable.⁹⁴ NHC stated that many lawyers refrained from taking on cases where ethnic Uzbeks were on trial for crimes committed against ethnic Kyrgyz due to threats against them.⁹⁵

39. OSCE/ODIHR noted that serious concerns were raised about the conduct of and motivation behind the prosecution and conviction, resulting in the continuing imprisonment, of Azimjan Askarov, a journalist and human rights defender who documented and publicized police abuse and misconduct in southern Kyrgyzstan. In 2010, he was sentenced to life imprisonment on charges of organizing mass disorder, inciting inter-ethnic hatred, hostage taking and incitement to murder. International observers, including those from OSCE/ODIHR, at his first and second instance trials quoted over-reliance on police evidence and the authorities' failure to address the intimidation of defence witnesses and lawyers, to consider exculpatory evidence, and to effectively follow-up on allegations of torture.⁹⁶ HRW,⁹⁷ JS1,⁹⁸ JS3⁹⁹ and JS4¹⁰⁰ made similar observations.

40. HRW recommended reopening proceedings related to the June 2010 violence to investigate torture allegations, hold perpetrators accountable, and remove from evidence any testimony found to have been coerced under torture.¹⁰¹ NHC made a similar recommendation.¹⁰²

41. JS3 stated that the UPR recommendation no. 76.55¹⁰³ to reopen criminal proceedings related to the events in Nookat in 2008 and to ensure that allegations of torture are investigated was not implemented.¹⁰⁴ JS7 made a similar observation.¹⁰⁵

42. NCPT highlighted the absence of an independent body to investigate complaints of torture.¹⁰⁶ TSPC made a similar observation.¹⁰⁷

43. JS7 stated that crimes committed by children increased and that there were no effective preventive measures. It referred to monitoring results indicating that juveniles were placed with adults in two temporary detention centres. In the pre-trial detention centres, where children might be placed for up to two years, there were no possibilities for children to continue their secondary education.¹⁰⁸ JS4 stated that the legislation did not comply with CRC and Beijing Rules, requiring that detention be used as a measure of a last resort and for the shortest possible period of time.¹⁰⁹

44. In respect to the UPR recommendations on combatting corruption,¹¹⁰ JS3 noted the establishment of an anti-corruption agency and the adoption of the Law on combating corruption. It stated, however, that corruption remained a serious problem. Bribes and extortion were widespread in the law enforcement bodies and judiciary.¹¹¹ TSPC recommended that Kyrgyzstan fight corruption within all State institutions with particular emphasis on those institutions and officials that deal with persons deprived of liberty.¹¹²

4. Right to privacy, marriage and family life

45. JS4 reported on an increase of early marriages, which often occurred with the agreement of parents or as a result of bride kidnapping. Existing mechanisms were not effective to hold perpetrators of forced marriages accountable.¹¹³

46. JS7 stated that no financial support from state or local budgets was provided to foster families despite the decision of the Government to promote foster care.¹¹⁴

47. JS7 stated that there was no comprehensive list of care institutions and integrated statistics on the number of children residing in those institutions. It noted the lack of the state oversight over the large number of private institutions and of monitoring of legality of the placement of children in those institutions.¹¹⁵ JS7 also noted the lack of child-friendly complaint mechanisms in those institutions.¹¹⁶

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

48. Forum 18 stated that Kyrgyzstan continued to limit the right to freedom of religion.¹¹⁷ JS2 stated that the 2008 Religion Law required religious communities to re-register.¹¹⁸ In this respect, the list of 200 founding members (citizens who are permanently residing in the country) must be approved by a local city Council where the religious organization would carry out its activity, noted the European Association of Jehovah's Christian Witnesses (EAJCW). The process of the approval of this list was arbitrary and discriminatory.¹¹⁹ JS3 noted that the right to establish religious organisations was entitled only to citizens.¹²⁰ JS1 stated that the Law established complicated procedures to register missionaries.¹²¹

49. JS2 indicated that gatherings for worship by unregistered groups were prohibited, as well as the distribution of religious literature and other materials anywhere other than in a property of the religious organisation concerned.¹²² Forum 18 stated that the Law imposed unclear reasons why activities of the religious organisation could be banned and their registration might be refused.¹²³ Forum 18 indicated that the 2012 amendments to the Religion Law toughened censorship of religious literature and other materials.¹²⁴ It stated

that state censorship was applied against all religious communities, apart from the Muslim Board and the Russian Orthodox Church.¹²⁵

50. JS2 stated that implementation of the Law had been even more repressive.¹²⁶ Forum 18 stated that the registration was difficult to obtain.¹²⁷ EAJCW noted with concern the repeated denial of the application of Jehovah's Witnesses to form local organisations in the southern regions.¹²⁸

51. EAJCW noted with regret that Kyrgyzstan did not fully implement the UPR recommendation no. 77.37¹²⁹ to review the Religion Law so as to ensure that the right to freedom of religion is upheld.¹³⁰ JS1 recommended reforming the Law and removing Article 5 on 'proselytism', Article 22 (6) on the dissemination of religious materials and those provisions that restrict the registration of religious missionaries.¹³¹

52. JS2 expressed concern that conscientious objection to military services was limited only to members of specific religious denominations and indicated that the duration of alternative service was twice as long as the duration of military service.¹³² Forum 18 made similar observations.¹³³

53. OSCE/ODIHR stated that the Constitution guaranteed the freedom of expression and the right of access to information, and prohibited criminalization of defamation.¹³⁴ Furthermore, JS1 noted the 2011 amendment to the Criminal Code, decriminalising defamation.¹³⁵ HRW stated, however, that "insult" and "insult of public officials" remained criminal offenses.¹³⁶

54. JS1 stated that the 2014 Law amending the Criminal Code criminalised the dissemination of knowingly false statements about the commission of crimes and thus, it could be used to limit criticism and public discussions on the conduct of public officials and have a chilling effect on freedom of expression, including on the investigative journalism. JS1 concluded that the amendment to the Criminal Code violated article 20 (6) of the Constitution.¹³⁷ HRW noted that the amendment would have the effect of re-criminalizing libel, according to an analysis commissioned by office of the OSCE Representative on Freedom of the Media.¹³⁸

55. HRW stated that since the UPR, several journalists suffered physical or verbal attacks.¹³⁹ In this respect, JS1 noted that impunity remained a problem.¹⁴⁰ HRW recommended ensuring that attacks on journalists are promptly investigated and the perpetrators are held accountable.¹⁴¹

56. JS1 stated that the inter-ethnic tension, which culminated in ethnic clashes in the south of Kyrgyzstan in June 2010, was frequently used as an excuse to censor discussion relating to ethnicity.¹⁴² It stated that the 2011 decree of the Parliament, requiring investigation of "nationalist and extremist" content in media in the aftermath of the June 2010 violence, included a recommendation to block the website Fergana.ru with no reason provided. The effect of the decree was an increase in restrictions on freedom of expression online.¹⁴³ HRW reported that in 2012, state-controlled KyrgyzTelecom enforced the Parliament decree against Ferghana.ru, an independent news website which provided critical reporting on the June 2010 violence. The ban was not fully lifted until April 2013.¹⁴⁴

57. JS3 reported on limitations imposed on access to government information.¹⁴⁵ JS4 stated that the Government representatives impeded citizens' access to information based on outdated legal regulations. It stated that information on budget funds of the Parliament and on the expenditures was not accessible to the public. In ruling the appeal of lower courts' decisions, the Supreme Court decided not to disclose information on wages of Parliament members.¹⁴⁶

58. JS4 reported on cases of intimidation and pressure against NGOs working on human rights issues. Human rights defenders faced attacks, threat and harassment. The law

enforcement bodies did not take adequate measures to investigate those violations and punish the perpetrators.¹⁴⁷ HRW stated that Kyrgyzstan accepted all UPR recommendations on protecting civil society. However, over the last two years, the Government and some members of the Parliament made attempts to introduce legislation that would impose burdensome reporting obligations and restrictions on civil society groups.¹⁴⁸ NHC,¹⁴⁹ JS1,¹⁵⁰ and JS4¹⁵¹ made similar observations.

59. HRW stated that a restrictive “foreign agents” law was registered for the Parliament’s consideration in May 2014, which would require NGOs that receive foreign funding and engage in “political activities” to register as “foreign agents.” The draft law would create criminal liability for the leaders of NGOs “whose work incites citizens to refuse to fulfil their civic duties or commit other unlawful acts.”¹⁵² OSCE/ODIHR referred to the joint legal opinion by the OSCE/ODIHR and the Venice Commission of the Council of Europe, stating that the draft law would, if adopted, provide state authorities with unfettered powers to intervene in the work of NGOs and that the special burdensome reporting requirements would likely impede receiving foreign funding.¹⁵³

60. JS4 recommended that Kyrgyzstan put an end to the practice of intimidation and persecution of individuals and groups working on human rights issues and to the control and undue interference in the activities of NGOs, and ensure that they are able to carry out their work in an enabling environment.¹⁵⁴

61. HRW recommended that any new law or regulation on NGOs conform to Kyrgyzstan’s international human rights obligations.¹⁵⁵ NHC¹⁵⁶ and JS4¹⁵⁷ made a similar recommendation.¹⁵⁸

62. JS1 referred to positive steps to advance protection for the right to freedom of assembly, addressing several UPR recommendations. The 2010 Constitution lifted the ban on “unsanctioned gatherings” and removed restrictions on spontaneous gatherings and requirements for seeking approval for holding assemblies, including excessive administrative requirements relating to the form, content and deadline for seeking permission. It replaced it with a requirement of notification with no liability for failing to comply with the requirement.¹⁵⁹ JS1¹⁶⁰ and JS3¹⁶¹ noted the adoption of the Law on Peaceful Assembly in 2012, in accordance with the UPR recommendation 76.14 and 76.17.¹⁶² However, JS3 reported on the violations of the Law and on restrictions imposed on peaceful assembly.¹⁶³ JS1 highlighted the importance of the effective implementation of the Law.¹⁶⁴

63. OSCE/ODIHR referred to the conclusions of its 2010 report indicating that the legal framework for elections was not consistent with the Constitution and continued to prohibit independent candidates from standing in parliamentary elections. It also denied elected deputies the right to leave or join a parliamentary faction and imposed restrictions on suffrage rights of prisoners.¹⁶⁵

64. OSCE/ODIHR stated that women did not feature prominently in politics and had been under-represented in decision-making positions.¹⁶⁶ JS4 made a similar observation.¹⁶⁷ OSCE/ODIHR stated that the gender quota applied to candidate lists rather than to the actual distribution of seats. In the 2010 Parliamentary elections, despite 33 per cent of registered candidates being women, only 23.67 per cent of members of the new parliament were women. The order of the placement of women candidates on the lists influenced their success.¹⁶⁸

6. Right to work and to just and favourable conditions of work

65. The International Baby Food Action Network (IBFAN) recommended ensuring that women working in informal and formal sectors are entitled to maternity leave benefits and that women are protected against dismissals during pregnancy and are entitled to paid nursing breaks.¹⁶⁹

7. Right to social security and to an adequate standard of living

66. JS7 stated that allowances of children from low-income families did not provide adequate means to cover basic needs of children and that the development of local social services for children and families living in difficult circumstances did not receive a proper support of the Ministry of the Social Development.¹⁷⁰ JS7 concluded that Kyrgyzstan did not implement the UPR recommendation no. 76.31¹⁷¹ to strengthen its policy on the rights of children.¹⁷²

67. HelpAge stated that for many older women and men who received a pension, the amount was so low that it prevented them from enjoying the right to an adequate standard of living and access to healthcare.¹⁷³

8. Right to health

68. JS7 reported on cases of abortions among adolescents. Early marriages led to teenage pregnancies.¹⁷⁴ JS4 stated that the growing number of early motherhood adversely affected the reproductive health of minors.¹⁷⁵

69. JS4 noted the low awareness of reproductive health and family planning among adolescents.¹⁷⁶ JS6 recommended introducing mandatory sex education in schools.¹⁷⁷

70. IBFAN indicated the high rates of infant and neonatal mortality coexisting with inadequate infant feeding practices and the lack of adequate training of health care workers and health professionals on optimal breastfeeding practices.¹⁷⁸

71. JS8 noted the low prevalence of HIV. It stated, however, that there had been rapid growth in the number of new HIV infections. It noted Kyrgyzstan's progressive approach to the prevention of the spread of HIV/AIDS by introducing such preventive measures among drug users as opioid substitution therapy and needle and syringe exchange programs, including in prisons. JS8 noted, however, that the record keeping system for drug users, including in substitution therapy programs, was a constraint to people seeking medical care or opioid substitution therapy. Opioid substitution therapy patients were frequently exposed to illegal detention and other human rights violations.¹⁷⁹

72. IFBAN recommended improving knowledge on HIV/AIDS and ensuring that all HIV-positive mothers have access to antiretroviral therapy in order to prevent mother-to-child transmission.¹⁸⁰

9. Persons with disabilities

73. JS3 stated that access of persons with disabilities to public transport and buildings, including schools and universities, were not provided. The Law on the rights of persons with disabilities, which provided quotas for employment of persons with disabilities, was not implemented.¹⁸¹

10. Minorities

74. HRW, NHC and the Public Foundation 'Kylym Shamy' (Kylym Shamy) reported on human rights violations that occurred during the June 2010 violence in the south of the country.¹⁸² NHC stated that those human rights violations might be divided into three phases: 1) the most intense period of violence, occurring from 10 to 13 June 2010; 2) violations, occurring during "clean-up operations" in the first weeks after the violence when excessive use of force by the Government forces was evident in Osh and Jalal-Abad provinces; and 3) violations, occurring in the aftermath of those events, including torture and ill-treatment of detainees, inadequate access to legal aid, threats and violence against detainees and their lawyers, as well as biased court decisions.¹⁸³

75. NHC stated that the Government took steps to invite an independent, international mission to the country following the June 2010 violence. It noted with appreciation the Government's initial openness and its recognition of the seriousness of the situation.¹⁸⁴ It stated, however, that the government has not done enough to deal with the aftermath of the June 2010 violence.¹⁸⁵

76. OSCE/ODIHR stated that following the June 2010 violence, the inter-ethnic situation, particularly in the south of the country "appeared to be – on the surface – more stable, but this stability was fragile" as described by the OSCE High Commissioner on National Minorities.¹⁸⁶

77. JS3 noted with concern the Government's decision to conduct testing in high schools only in Kyrgyz and Russia and stated that the exclusion of Uzbek language from the national testing put graduates of schools with Uzbek language instructions in a difficult situation and created obstacles for those graduates to pursue their higher education.¹⁸⁷

78. JS3 referred to reports on cases of arbitrary dismissal of Uzbeks from positions in the administration and local governments in the south of Kyrgyzstan. It indicated the insufficient representation of ethnic minorities in the police and the judiciary.¹⁸⁸

11. Migrants, refugees and asylum seekers

79. JS3 stated that Kyrgyzstan did not comply with the UPR recommendations no. 77.31 and 77.41¹⁸⁹ on respecting the principle of non-refoulement.¹⁹⁰ HRW made a similar observation and recommended that Kyrgyzstan ensure that no refugee or asylum seeker is forcibly returned to a place where they face a risk of torture.¹⁹¹

12. Human rights and counter-terrorism

80. Kylym Shamy stated that anti-terrorism legislation did not include guarantees for the protection of human rights during anti-terrorism operations, especially during the use of force. It reported on cases of human rights violations occurred during the application of the anti-terrorism legislation in 2010 and 2011.¹⁹²

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:*

CSIP	Centre for Support of International Protection, Osh (Kyrgyzstan);
EAJCW	European Association of Jehovah's Christian Witnesses, Kraainem (Belgium);
Forum 18	Forum 18 News Service, Oslo (Norway);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland);
IBFAB	International Baby Food Action Network (a network of 273 not-for-profit NGOs in 168 countries);
HRW	Human Rights Watch, New York (United States of America);
HelpAge	HelpAge International, London (United Kingdom of Great Britain and the Northern Ireland);
Kylym Shamy	Public Foundation 'Kylym Shamy', Bishkek (Kyrgyzstan);
NCPT	National Centre of the Kyrgyz Republic for the Prevention of Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment, Bishkek (Kyrgyzstan);
NHC	Norwegian Helsinki Committee, Oslo (Norway);
TSPC	Tian Shan Policy Centre of the American University of Central Asia, Bishkek (Kyrgyzstan).

Joint submissions:

JS1	Joint submission 1 submitted by: Article 19 and Pen International, London (United Kingdom of Great Britain and the Northern Ireland);
JS2	Joint submission 2 submitted by: International Fellowship of Reconciliation, Alkmaar (Netherlands) and Conscience and Peace Tax International, Leuven, (Belgium);
JS3	Joint submission 3 submitted by a coalition of 10 NGOs: Youth Human Rights Group; Institute for Regional Studies; Public Association 'Spravedlivost' (Justice); Media Policy Institute; Public Foundations 'Golos Svobody', Media Policy Institute, 'Kylym Shamy' and Open Position; Partner Group Precedent, Resource Centre for Elderly and Women Support Centre (Kyrgyzstan);
JS4	Joint submission 4 submitted by: Human Rights Movement: Bir Duino Kyrgyzstan and the Center of Public Opinion Study and Forecasting 'El-Pikir', (Kyrgyzstan);
JS5	Joint submission 5 submitted by: Labrys and Bishkek Feminist Collective SQ (Kyrgyzstan);
JS6	Joint submission 6 submitted by: Kyrgyz Indigo and Pathfinder, and endorsed by the Initiative Group 'Yug-Antilopa' (Kyrgyzstan);
JS7	Joint submission 7 submitted by: Youth Human Rights Group, Association of NGOs for the protection of the rights and promotion of the interest of children, League of Child's Rights Defenders, Center for the Protection of Children and Legal Clinic 'Adilet' (Kyrgyzstan);
JS8	Joint submission 8 submitted by: Independent Human Rights Group, Public Foundation 'Equal to Equal'; Association 'Partner Network', Public Foundations 'Golos Svobody' and 'Alternative to Drug Abuse' (Kyrgyzstan).

Regional intergovernmental organization:

OSCE/ODIHR	Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe, Warsaw (Poland); Attachments:
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OSCE/ODIHR Election Observation Mission Final Report: Kyrgyz Republic, Parliamentary Elections, 10 October 2010, Warsaw, December, 2010;

OSCE/ODIHR Election Observation Mission Final Report: Kyrgyz Republic, Presidential Elections, 30 October, 2011, Warsaw, January, 2012.

² The following abbreviations have been used in the present document:

ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CRC	Convention on the Rights of the Child
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance
Beijing Rule	United Nations Standard Minimum Rules for the Administration of Juvenile Justice, often referred to as the Beijing Rules.

³ For the full text of the recommendations see A/HRC/15/2, paras. 76.1, 76.2 and 76.3.

⁴ JS3, para. 45.

⁵ JS3, para. 46. For the full text of the recommendations see A/HRC/15/2, paras. 77.1, 77.2, 77.4 and 77.11.

⁶ HRW, p. 6. See also TSPC, para. 3.

⁷ JS7, p. 6.

⁸ NCPT, p. 6.

⁹ For the full text of the recommendations see A/HRC/15/2, paras. 76.4.

¹⁰ JS3, para. 1.

¹¹ OSCE/ODIHR, p. 5.

¹² TSPC, para. 2. For the full text of the recommendations see A/HRC/15/2, paras. 76.5, 76.6 and 76.7.

¹³ CSIP, p. 2.

¹⁴ JS3, para. 4.

¹⁵ For the full text of the recommendations see A/HRC/15/2, paras. 77.17 and 77.19.

¹⁶ JS3, para. 49.

¹⁷ TSPC, para. 18, p. 5.

¹⁸ TSPC, para. 4 and CSIP, p. 3.

¹⁹ NCPT, p. 5.

²⁰ TSPC, para. 5.

²¹ NCPT, p. 6.

²² CSIP, p. 5.

²³ CSIP, p. 7.

²⁴ TSPC, para. 18, p. 5.

²⁵ JS1, paras. 28 and 29.

²⁶ JS6, para. 14.

²⁷ HRW, p. 4.

²⁸ JS6, paras. 6, 10 and 13.

²⁹ JS6, para. 23.

³⁰ HRW, p. 4.

³¹ JS5, para. 20.

³² HRW, p. 4. See also JS6, para. 13.

³³ JS5, paras. 16-17.

³⁴ JS5, para. 11.

³⁵ HRW, p. 5. See also NHC, p. 5 and JS4, para. 13.

³⁶ JS1, para. 33. See also JS3, paras. 38 and 39, and JS6, paras. 28 and 29.

³⁷ JS6, paras. 30 and 31.

³⁸ For the full text of the recommendation see A/HRC/15/2, para. 76.62.

³⁹ For the full text of the recommendation see A/HRC/15/2, para. 77.13.

- 40 HRW, p. 4.
41 JS5, para. 8.
42 JS6, paras. 3 and 6.
43 JS6, paras. 3 and 6.
44 HRW, p. 6. See also JS5, para. 22.
45 JS6, paras. 11, 18 and 19.
46 HRW, p. 6. See also JS5, para. 10 and JS6, para. 33.
47 HelpAge, paras. 20 and 22.
48 JS8, p. 1.
49 TSPC, para. 13. See also JS3, paras. 8 and 9.
50 JS3, para. 10.
51 HRW, pp. 1-2. See also NHC, p. 5.
52 TSPC, paras. 10,11 and 12.
53 JS3, para. 10.
54 NCPT, p. 2.
55 CSIP, p. 3. See also NCPT, p.2.
56 NCPT, p. 2.
57 NCPT, p. 6 and CSIP, p. 4.
58 For the full text of the recommendation see A/HRC/15/2, para. 76.54.
59 HRW, p. 1. See also TSPC, para. 18 and JS3, paras.14 -15.
60 NCPT, pp. 4-5.
61 JS4, paras. 62 – 63, Section VIII.
62 JS3, para. 7.
63 CSIP, p. 6.
64 For the full text of the UPR recommendation see A/HRC/15/2, para. 76.58.
65 HRW, p. 4. See also JS3, paras. 29 and 31, and JS4, para. 31 and 33, and JS7, para. 3 of Section B.
66 JS4, para. 35.
67 HRW, p. 5.
68 JS8, pp. 1-2.
69 GIEACPC, pp. 1 and 2. See also JS7, para. 1 of section B and p. 6.
70 JS7, para. 1, Section B.
71 For the full text of the UPR recommendation see A/HRC/15/2, para. 76. 56.
72 JS7, p. 3, Section B.
73 HelpAge, para. 2.
74 HelpAge, paras. 7 and 8.
75 JS7, para. 1 of Section C.
76 JS3, para. 2.
77 OSCE/ODIHR, p. 9.
78 For the full text of the recommendations see A/HRC/15/2, para. 76.70.
79 HRW, p. 1.
80 TSPC, para. 18, p. 5.
81 CSIP, p. 4.
82 NCPT, p. 2.
83 TSPC, paras. 15. See also NCPT, P. 4.
84 CSIP, p. 3.
85 NCPT, p. 3.
86 CSIP, p. 3.
87 NCPT, p. 4.
88 CSIP, p. 4. See also NCPT, p. 6.
89 TSPC, paras. 15.
90 HRW, p. 2.
91 NCPT; p. 4. See also TSPC ; paras. 11-12.
92 HRW, p. 1.
93 NHC, p. 4. See also JS3, paras. 12 and 13.
94 HRW, p. 2.
95 NHC, p. 4. See also JS3, para. 13.

- ⁹⁶ OSCE/ODIHR, p. 9.
- ⁹⁷ HRW, p. 2.
- ⁹⁸ JS1, para. 39.
- ⁹⁹ JS3, para. 41.
- ¹⁰⁰ JS4, para. 16.
- ¹⁰¹ HRW, p. 5. See also TSPC, para. 18.
- ¹⁰² NHC, p. 6.
- ¹⁰³ For the full text of the UPR recommendation see A/HRC/15/2, para. 76.55.
- ¹⁰⁴ JS3, para. 16.
- ¹⁰⁵ JS7, p. 11.
- ¹⁰⁶ NCPT, p. 3.
- ¹⁰⁷ TSPC, p. 14.
- ¹⁰⁸ JS7, paras. 2, 4 and 5 of Section E.
- ¹⁰⁹ JS4, para. 40.
- ¹¹⁰ For the full text of the UPR recommendations see A/HRC/15/2, paras. 76.27, 76.28, 76.29 and 76.32.
- ¹¹¹ JS3, para. 44.
- ¹¹² TSPC, para. 18, p. 5.
- ¹¹³ JS4, paras. 30 and 31, Section V. See also JS7, para. 3 of the Section B.
- ¹¹⁴ JS7, para. 3, Section A.
- ¹¹⁵ JS7, para. 1, Section A.
- ¹¹⁶ JS7, para. 5, Section B.
- ¹¹⁷ Forum 18, para. 1. See also JS1, para. 36.
- ¹¹⁸ JS2, para. 17.
- ¹¹⁹ EAJCW, paras. 5 - 15. See also JS3, para. 51.
- ¹²⁰ JS3, para. 52.
- ¹²¹ JS1, para. 36.
- ¹²² JS2, para. 17. See also JS1, para. 36, Forum 18, para. 29 and JS3, para. 52.
- ¹²³ Forum 18, para. 14.
- ¹²⁴ Forum 18, para. 27. See also JS1, para. 36.
- ¹²⁵ Forum 18, para. 29.
- ¹²⁶ JS2, para. 17.
- ¹²⁷ Forum 18, para. 12. See also paras. 13 and 16 and JS2, para. 17.
- ¹²⁸ EAJCW, paras. 4 and 21. See also paras. 7-14.
- ¹²⁹ For the full text of the UPR recommendation see A/HRC/15/2, para. 77.37 and A/HRC/15/60, para. 268.
- ¹³⁰ EAJCW, paras. 19 and 20.
- ¹³¹ JS1, para. 41.
- ¹³² JS2, p. 1 and para. 8.
- ¹³³ Forum 18, para. 19.
- ¹³⁴ OSCE/ODIHR Report 2010, p. 13. See also OSCE/ODIHR Report 2011, p. 11.
- ¹³⁵ JS1, paras. 2, 5 and 7.
- ¹³⁶ HRW, p. 3.
- ¹³⁷ JS1, paras. 16, 17 and 18. See also JS3, para. 37.
- ¹³⁸ HRW, p. 3.
- ¹³⁹ HRW, p. 3. See also OSCE/ODIHR Report 2011, p. 11.
- ¹⁴⁰ JS1, para. 25.
- ¹⁴¹ HRW, p. 5.
- ¹⁴² JS1, para. 37.
- ¹⁴³ JS1, paras. 20-21. See also JS3, para. 35.
- ¹⁴⁴ HRW, p. 3. See also JS3, para. 35.
- ¹⁴⁵ JS3, para. 34.
- ¹⁴⁶ JS4, paras. 1, 2 and 3.
- ¹⁴⁷ JS4, para. Section IV, paras. 14 and 15.
- ¹⁴⁸ HRW, p. 2.
- ¹⁴⁹ NHC, p. 5.
- ¹⁵⁰ JS1, paras. 11, 12 and 13.

- 151 JS4, para. 11, 12 and 13.
152 HRW, p. 3. See also JS3, para. 43 and JS4, para. 12.
153 OSCE/ODIHR, p. 7. See also JS1, para. 13.
154 JS4, paras. 3.1, 4.1 and 4.2. See also JS6, para. 41.
155 HRW, p. 5.
156 NHC, p. 6.
157 JS4, para. 3.1 and 3.2.
158 NHC, p. 6.
159 JS1, paras. 2, and 6.
160 JS1, para. 8.
161 JS3, para. 5.
162 For the full text of the UPR recommendations see A/HRC/15/2, paras. 76.14 and 76.17.
163 JS3, para. 6.
164 JS1, paras. 10.
165 OSCE/ODIHR Report 2010, p.1. See also pp. 5-6.
166 OSCE/ODIHR Report 2010, p. 16.
167 JS4, paras. 24, 25, 26, 27 and 28.
168 OSCE/ODIHR Report 2010, pp. 16-17. See also JS4, para. 23.
169 IBFAN, p. 2.
170 JS7, para. 4 of Section A.
171 For the full text of the UPR recommendation see A/HRC/15/2, para. 76.31.
172 JS7, p. 1.
173 HelpAge, para. 13.
174 JS7, para. 3 of Section B.
175 JS3, para. 29.
176 JS4, para. 30.
177 JS6, para. 34.
178 IBFAN, p. 2.
179 JS8, pp. 4-5.
180 IBFAN, p. 2.
181 JS3, para. 47.
182 HRW, p. 1, NHC, p. 2 and Kylym Shamy, pp. 1-2.
183 NHC, pp. 2-3. See also Kylym Shamy, pp. 2, 3 and 4.
184 NHC, pp. 2-3.
185 NHC, p. 1.
186 OSCE/ODIHR Report 2011, p. 13.
187 JS3, para. 23.
188 JS3, para. 24.
189 For the full text of the UPR recommendations see A/HRC/15/2, paras. 76.31 and 76.41.
190 JS3, para. 50.
191 HRW, pp. 4-6.
192 Kylyum Shamy, p. 5.
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