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Kyrgyzstan

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I. Methodology and consultation process

1. This report has been prepared in accordance with the general guidelines set out in Human Rights Council resolution 17/119. The report focuses on the progress made in protecting human rights and on the implementation of the recommendations received during the universal periodic review in 2015.
2. The report was prepared by an interdepartmental working group headed by the secretariat of the Coordinating Council on Human Rights attached to the Government. The working group was established by the deputy prime minister of Kyrgyzstan (for a list of abbreviations, see the endnotes)¹. This process of interdepartmental consultation ensured that the activities of State bodies, including the work of the legislative, executive and judicial branches, were taken into account in all their aspects.
3. Contributions from national human rights institutions were also taken into account in the preparation of the report.

II. National human rights institutions

A. Strengthening democratic and national human rights institutions

Information on recommendations 117.7 and 117.8²

4. In 2012, the National Centre for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment and Punishment was established.³
5. The organizational and functional independence of the National Centre sets it apart from other State bodies. The National Centre's supreme governing body is its coordinating council. The coordinating council consists of two members of the parliament, the Ombudsman and eight representatives of non-governmental organizations. Their statutory activities are aimed at protecting the right to freedom from torture and ill-treatment.
6. The Act prohibits interference in the National Centre's activities and establishes the immunity of its employees.
7. The National Centre's current composition is in full compliance with international standards for national preventive mechanisms and with the Act on the National Centre for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The National Centre has offices in every region of Kyrgyzstan.
8. The National Centre has the right to carry out preventive visits to places of deprivation or restriction of liberty on any day and at any time, without having notified the administration of the institution in advance. Between 2014 and 2018, the National Centre carried out 4,854 preventive visits to places of deprivation or restriction of liberty.
9. In 2002, the Office of the Ombudsman was established to exercise continuous parliamentary oversight of the observance of constitutional human and civil rights in Kyrgyzstan and within the country's jurisdiction.⁴
10. The Office of the Ombudsman is a constitutional body, has an independent budget and has authorized representatives in each region of Kyrgyzstan.
11. The Office of the Ombudsman is the main national human rights institution for monitoring the observance of human and civil rights and freedoms and for submitting annual and special reports to the parliament on the human rights situation in Kyrgyzstan.
12. The Ombudsman submits an annual report to the parliament by 1 April each year. In addition to the annual reports submitted over the period 2014–2018, the Ombudsman has submitted more than 20 special reports on specific human rights issues.

B. Bringing the statutes of the Office of the Ombudsman into conformity with the Paris Principles

Information on recommendations 117.11, 117.12, 117.13, 117.14 and 117.15

13. A new version of the Akyikatchy (Ombudsman) Act has been drafted. It provides for the incorporation into national law of the Paris Principles adopted by the General Assembly of the United Nations. The corresponding bill is currently before the parliament.

C. Financing the National Centre for the Prevention of Torture

Information on recommendations 117.16 and 117.17

14. In accordance with the Act on the National Centre for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Centre's activities are funded from the national budget and with other resources that are not contrary to the law.

15. The resources needed to ensure the National Centre's effective functioning are provided for annually in the country's budget. The National Centre prepares a draft budget and submits it to the Government for approval. In the event that approval is denied, the Government includes the National Centre's proposals, without amendment, in the draft national budget for submission to the parliament and attaches its opinion. The National Centre manages its own resources within its cost estimates.

D. Creating a monitoring system for the implementation of international obligations in order to facilitate the systematization and follow-up of the recommendations made by the treaty bodies and the Human Rights Council

Information on recommendation 117.28

16. In 2013, the Coordinating Council on Human Rights attached to the Government was established to improve the mechanisms in place to protect human and civil rights and freedoms and implement international human rights obligations.

17. The Coordinating Council is headed by the deputy prime minister, who serves ex officio as its chair. The Coordinating Council has 23 members, who represent ministries, departments, the Office of the Ombudsman, the Office of the Procurator General, the Supreme Court, the State Commission on Religious Affairs and the National Centre for the Prevention of Torture.⁵

18. On 15 March 2019, the Human Rights Action Plan for the period 2019–2021 was adopted with a view to implementing recommendations received following the submission of national reports on the implementation of international human rights instruments.⁶

III. Legislative developments

Harmonization of legislation with the Constitution of Kyrgyzstan and international human rights norms

Information on recommendations 117.1, 117.2, 117.3, 117.4 and 117.5

19. The following laws and regulations have been adopted and approved to bring legislation into line with the Constitution and international human rights treaties:

- The presidential decree on the implementation of the decision of the Defence Council on State policy in the sphere of religion⁷ and the presidential decree on the State policy framework for the sphere of religion for the period 2014–2020⁸
- The Human Rights Action Plan for the period 2019–2021, to ensure the timely fulfilment of international obligations regarding the protection of human rights and

freedoms in follow-up to the recommendations of the United Nations human rights treaty bodies

- A plan of action for 2019, to bring legislation into line with the codes adopted as part of the judicial and legal reform currently under way⁹

20. In order to bring environmental protection legislation into line with the amendments introduced to the Constitution under Act No. 218 of 28 December 2016, the Government approved a bill amending the Environmental Protection Act pursuant to Decision No. 229 of 23 May 2019. The bill is intended to guarantee the rights of citizens to a healthy and safe environment and sets out amendments concerning the role of the universally recognized principles and rules of international law in the legal system.

IV. Judicial reform

Ensuring the independence of the judiciary

Information on recommendations 117.86, 117.87, 117.88, 117.89, 117.90, 117.91, 117.92, 117.93, 117.94, 117.95 and 117.139

21. On 1 January 2019, the Criminal Code, the Code of Infractions, the Code of Criminal Procedure, the Penalties Enforcement Code and a new version of the Act on the Grounds and Procedure for Granting Amnesty entered into force.¹⁰ These codes conform to international standards and the National Sustainable Development Strategy 2013–2017.

22. The main aim of the codes brought into force is to make the administration of justice more humane, decriminalize certain offences and reform the types of punishment. New concepts and institutions have been introduced, including judicial oversight, the investigating judge, probation and procedural agreements. The investigating judge is a new procedural role established under the new Code of Criminal Procedure in order to exercise judicial oversight.

23. On 25 February 2019, by order of the Prime Minister, a standing interdepartmental working group was established to carry out an analysis of laws and regulations adopted as part of the judicial and legal reform with a view to identifying any gaps or conflicts.

24. The legal status of the Council of Judges, a judicial self-governance body, has been defined. According to the Constitution, the Council is mandated to consider such fundamental judicial matters as the drafting of the budget for the judicial system, advanced training for judges and disciplinary proceedings against judges.

25. Under national law, serving judges are reappointed through an open competition held by a specially established constitutional body, the Judicial Selection Council, which consists of members of the judiciary, legal practitioners and civil society representatives.

26. The procedure by which judges are appointed to the Supreme Court and local courts has been amended. Judges of courts of first and second instance are appointed by the President initially for a five-year term and then until they reach the upper age limit. Supreme Court judges are elected by the parliament for a term that expires when they reach the upper age limit.

27. In accordance with the newly adopted Constitution, the Constitutional Chamber of the Supreme Court, a constitutional oversight body, has been established to replace the abolished Constitutional Court.

28. The gradual introduction of an online portal, www.act.sot.kg/, has been a positive addition to the court system.

29. Certain categories of court judgments in criminal, civil, administrative and other cases must be published, unless a ban on publication has been imposed by law in a particular case. An initial electronic database of court judgments has been set up.

30. In addition to the information available on www.act.sot.kg/, video and audio recording equipment has been installed in 80 out of 159 courtrooms.

31. A software package known as the automated information system has been introduced with the support of the European Union under the second phase of the Rule of Law Programme in the Kyrgyz Republic. This system automates the various stages of a court case from its submission to the court to the issuance of a decision and any subsequent appeal.

32. Direct contact between the participants in a trial, judges and court employees is minimized through greater public access to information on judicial proceedings. This includes the publication of court decisions and the use of electronic justice and modern information systems in all courts in order to provide reliable information to the participants in the proceedings.

33. With the specificities of information and communications technologies in mind, the Strategic Plan for the Development of Information Technologies in the Judiciary for the period up to 2018 was developed and approved by a decision of the Judicial Council of 12 March 2015. The decision ensures the transparency of the judicial system and addresses in detail such issues as information security, the replacement of computers and the installation of video surveillance and audio recording systems in courtrooms.

34. In accordance with the Constitution, the right to review by a higher court may not be restricted in any way. Under article 323 of the Code of Civil Procedure, judgments of courts of first instance that have not become enforceable may be appealed to a court of appeal by the parties and other participants in the case.

V. Gender equality. Women's rights

A. Strengthening the national mechanism on gender policies. Adopting effective legislative measures to ensure women's security and rights

Information on recommendations 117.9, 117.31, 117.32, 117.33, 117.34, 117.35, 117.36, 117.37, 117.38, 117.58, 117.59, 117.60, 117.61, 117.63, 117.64, 117.65, 117.66, 117.67, 117.68, 117.69, 117.70, 117.71, 117.72, 117.73, 117.74, 117.75, 117.76, 117.80, 117.115, 117.118 and 117.124

35. In 2012, Kyrgyzstan adopted the National Strategy to Achieve Gender Equality by 2020, which set out such development priorities as women in the economy, education for girls and women, access to justice and political equality.¹¹

36. In 2015, the Government approved the National Plan of Action for Achieving Gender Equality for the period 2015–2017,¹² which provides for measures to implement 70 per cent of the recommendations of the Committee on the Elimination of Discrimination against Women, including measures to eliminate child marriage.

37. In 2018, the Government approved the National Plan of Action for Achieving Gender Equality for the period 2018–2020.¹³

38. On 19 April 2017, the Government approved a plan of action to implement the recommendations set out in the concluding observations of the Committee on the Elimination of Discrimination against Women on the fourth periodic report of Kyrgyzstan.¹⁴

39. Updated information has been prepared on the measures taken to implement the 36 recommendations set out in the report of the Committee on the Elimination of Discrimination against Women on its inquiry concerning Kyrgyzstan, which was prepared following its visit in December 2016.

40. In 2017, the Protection against Domestic Violence Act was adopted.¹⁵ The Act contains innovative provisions:

- The internal affairs agencies have a strict obligation to respond to all incidents of domestic violence and not only those reported by victims
- Restraining orders have been introduced to replace both temporary restraining orders and court orders

- For the first time, provision has been made for remedial programmes to transform violent behaviour among perpetrators of violence

41. In addition, the Government adopted Decision No. 390 of 1 August 2019 on the procedure for ensuring protection against domestic violence.

42. Since 23 March 2018, workshops have been held across the country to provide training on the legislation on protection against domestic violence and serve as a forum for the discussion of draft laws and regulations with experts from the territorial subdivisions responsible for implementing legislation on protection against domestic violence. In addition, district and municipal joint plans for the implementation of the Protection against Domestic Violence Act have been drawn up.

43. In total, 470 employees of local subdivisions of State bodies or local self-government bodies have received training.

44. Following international standards, the Protection against Domestic Violence Act sets out fundamental principles to guide the actors responsible for its implementation, the number of which has been increased and includes 11 authorized bodies.

B. Women's participation in society and decision-making

45. The adoption of the Act on State Guarantees of Equal Rights and Opportunities for Men and Women in 2003 marked an important step towards the increased political participation of women at the decision-making level. The implementation of the Act has resulted in Kyrgyzstan having its first women leaders in the armed forces, the Office of the Procurator General and the Central Election and Referendum Commission.

46. In 2017, 44.4 per cent of Supreme Court judges were women. It should also be noted that former President Roza Otunbayeva was the first female president not only of Kyrgyzstan, but of any Central Asian country.

47. However, although men and women have equal rights in law, they do not enjoy the same opportunities to realize those rights. For example:

- Number of women members of the parliament as at 1 January 2018: 19 out of 120 (15.8 per cent).
- Number of women members of rural councils (*aiylnye keneshes*) as at 11 December 2016: 706 out of 6,955 (10.1 per cent). Moreover, the number of women members of rural councils is decreasing with each successive election.
- Number of women members of municipal councils as at 11 December 2016: 595 out of 127 (21 per cent).

48. There are no women mayors of cities, heads of local authorities (*akims*) or authorized government representatives in the provinces.

49. In accordance with Act No. 117 of 8 August 2019 amending the Local Council Elections Act, in rural council elections, at least 30 per cent of seats are reserved for women.

50. If the term of office of a member elected under the proportional system ends prematurely, his or her seat passes to the next registered candidate:

(a) From among the female candidates, if the member whose term of office has ended is female;

(b) From among the male candidates, if the member whose term of office has ended is male.

51. If there are no persons of the relevant sex on the list of candidates, the seat passes to the next candidate on the same list.

52. If the term of office of a female member who won her seat under the reserved seat system ends prematurely, her seat passes to the female candidate who received the next highest number of votes in the relevant constituency.

53. When the results of rural council elections are called, seats are first distributed among the female candidates. Those elected are the female candidates who obtain the highest number of votes compared to other female candidates.

54. Women's entrepreneurship is a topical issue in Kyrgyzstan. It is women who are launching small businesses in the education, health-care and social services sectors and thereby forging a new path, namely social entrepreneurship.

55. On 5 July 2019, a national conference entitled "Kick-starting women's entrepreneurship in Kyrgyzstan" was held. It was attended by 400 women entrepreneurs from across the country. The conference addressed the problems that women entrepreneurs face in the course of their entrepreneurial activities and led to the adoption of a resolution.

56. In order to implement this resolution, relevant State bodies are working to develop and approve a programme to support women's entrepreneurship.

57. According to official statistics on the number of registered business entities (legal persons) in 2016, there were 165,380 female directors (26.5 per cent) compared to 458,903 male directors (73.5 per cent), which shows that women are less competitive in the labour market. Only one tenth of private property is owned by women.

58. Wages in "female" industries are approximately 2.5 times lower than in "male" industries and amount to 86 per cent of the minimum consumer budget. The industries in which women predominate are financed mainly from the State budget.

59. For example, men account for the majority of those employed in the production and distribution of electricity, gas and water (88.4 per cent), the mining sector (80.6 per cent), construction (95.6 per cent) and transport (94.9 per cent), whereas women predominate in such sectors as health care and social services (84.1 per cent), education (78.7 per cent) and hospitality (59.4 per cent).

60. In 2016, the average monthly pension for a woman was 93.7 per cent of the average monthly pension for a man.

C. Combating violence against women

61. Between 2015 and 2018, 165 criminal cases opened concerned the abduction of women for marriage (articles 154 and 155 of the Criminal Code, 1997 version); 132 of them were referred to the courts (under article 154, on coercion of a person aged under 17 years into de facto marital relations, and article 155, on compelling a woman to enter into marriage, abducting a woman for marriage or preventing a woman from entering into marriage).

62. In the first half of 2019, 212 incidents of abduction of a woman for the purpose of marriage were entered into the consolidated register of crimes and infractions, the automated information system (95 under article 175 of the Criminal Code, 10 under article 176, 12 under article 177 and 95 under article 178). Of these, 28 were referred to the courts, proceedings were terminated in respect of 123, and proceedings are ongoing in respect of 61.

63. On 17 November 2016, the Act amending Certain Legislative Acts (the Family Code and the Criminal Code) was adopted. Pursuant to the Act, the Criminal Code was supplemented with article 155-1, which states that, "the parents (or persons in loco parentis) of a person who has been married in a religious ceremony in contravention of legislation on the legal age for marriage, the person who conducted the ceremony and the adult married to the minor in such a ceremony all face a penalty of deprivation of liberty for 3 to 5 years". Article 14 of the Family Code states that persons found guilty of violating the Code are held accountable in accordance with the law.

64. The Ministry of Internal Affairs has worked with State bodies and local self-government bodies to set up local gender and domestic violence committees on a pilot basis. Relevant plans have also been drawn up.

65. In connection with the entry into force of the Protection against Domestic Violence Act, the Ministry of Internal Affairs, in conjunction with the United Nations Population Fund and the Centre for the Study of Democratic Processes, held a series of training

workshops in all the country's provinces. More than 600 employees of the internal affairs agencies were trained.

66. In the context of the new Criminal Code, the new Code of Criminal Procedure and other new laws and regulations, the Ministry of Internal Affairs prepared Order No. 149 of 25 February 2019 approving departmental reporting forms on restraining orders issued in order to ensure that information on registered domestic violence incidents is prepared and used in a timely manner.

67. The Ministry of Internal Affairs and the Centre for the Study of Democratic Processes have developed a mobile application called My Internal Affairs District and have produced two video clips – one on the prevention of domestic violence against children and the other on pickpocketing – both of which have been posted to the Ministry's official website.

68. Between November 2018 and January 2019, with the assistance of the Centre for the Study of Democratic Processes, training workshops were held on the collection of data on gender-based discrimination and violence in all the country's provinces. More than 300 internal affairs officers were trained.

69. Between January and June 2019, 3,070 domestic violence incidents were recorded in the country; 2,815 restraining orders were issued; 312 criminal cases were opened; and 2,742 infractions were registered.

D. Strategy to promote access to education for girls at all levels. Increasing investment in and maintaining school investment

Information on recommendations 117.126, 117.128 and 117.129

70. Gender-related issues have been included in the curricula of schools and higher education institutions. Several higher education institutions have gender centres.

71. The results of the 2017 nationwide independent examination show that more girls took the examination than boys: 58.9 per cent of all the candidates were female. The results of end-of-year progress tests show that girls and boys have almost equal academic performance. In high schools, girls even outperform boys.

72. The Constitution, the Education Act, laws and regulations on the activities of educational institutions, and national programmes on education establish the equal rights of citizens to education, regardless of their sex.

73. Gender-related issues are allotted teaching time in schools in the context of various subjects on the curriculum, including law, social studies, moral education (*adep sabagy*) and ethics.

74. All educational institutions conduct out-of-school activities with a focus on morals, patriotism and civic, legal, multicultural and labour matters; these activities include discussion of gender-related issues.

75. There are plans to build 20 new general education schools through a public-private partnership mechanism.

76. The Ministry of Education and Science and the International Finance Corporation have signed an agreement on the provision of financial advisory services. The planned investment amounts to about US\$ 30 million.

VI. Public security, combating terrorism and extremism, trafficking in persons, corruption and drug trafficking/trade

A. Combating drug trafficking/trade

Information on recommendations 117.8 and 117.19

77. With regard to combating illicit trafficking in narcotic drugs, psychotropic substances and precursors, there has been a decrease in the number of drug-related crimes uncovered over the past five years, from 1,955 in 2014 to 1,424 in 2018.

78. In the first nine months of 2019, the internal affairs agencies added 1,028 crimes and infractions related to illicit drug trafficking to the consolidated register of crimes and infractions. In the first eight months of 2019, 17,515.969 kg of narcotic drugs, psychotropic substances and their analogues and precursors was seized.

79. The number of persons registered with drug-treatment institutions has decreased in recent years, from 10,705 in 2011 to 8,562 in 2018.

80. Since the beginning of 2019, at the initiative of the Service to Combat Illicit Drug Trafficking, the Ministry of Internal Affairs has issued several orders and referred them to the local internal affairs agencies in order to step up efforts to combat illicit drug trafficking.

B. Combating terrorism and extremism

81. Counter-terrorism activities are regulated by the Counter-Terrorism Act, the Act on Combating the Financing of Terrorism and the Legalization (Laundering) of Income Obtained by Criminal Means, the National Security Act and the Government Programme to Combat Extremism and Terrorism for the period 2017–2022.¹⁶

82. One of the priorities of the Programme is to develop effective measures to reduce recruitment by extremist and terrorist groups, organizations and movements.

83. In order to ensure the effective implementation of the Programme, the Government adopted Order No. 414-r of 20 September 2017 approving a plan of measures for its implementation, which governs the activities of all relevant State bodies.

84. Statistical data on extremism and terrorism and on corruption over the reporting period are set out in annex 1 to the present report.

C. Combating corruption

85. In 2011, in order to step up efforts to combat corruption, the Anti-Corruption Service was established under the State Committee on National Security, and the State Anti-Corruption Policy Strategy was approved.¹⁷

86. Corruption is becoming less prevalent, as shown by the fact that the country was ranked 132 out of 180 on the 2018 Transparency International Corruption Perceptions Index (compared to 135 in 2017).

87. The fundamental laws and regulations adopted in this regard include:

- The State Anti-Corruption Policy Strategy
- The National Sustainable Development Strategy, which has a section on combating corruption
- The Anti-Corruption Act
- The Plan of Measures to Combat Corruption for the period 2019–2022

88. In order to organize and coordinate efforts to prevent corruption through the elimination of conditions conducive to corrupt practices, a working group has been established under the Security Council to facilitate the work of groups of independent experts, specialist workers and law enforcement officials.

89. Expert groups study and analyse all industries and the activities of all State bodies. The results of this work are used to draw up recommendations and detailed action plans. Almost all State bodies have now approved such plans.

90. The Government has an anti-corruption council whose main aim is to organize public involvement in anti-corruption activities.

91. Nevertheless, despite the measures taken and the results achieved, corruption remains a major obstacle to the development of an effective system of public administration and poses a threat to national security.

92. In this regard, in order to forge an open and transparent State, increase quality of life for citizens and improve business conditions, the Government has launched a nationwide digital transformation programme, which will lead to the formation of a developed information society based on knowledge, efficient and transparent State administration, universal access to information for citizens, a developed digital economy and minimal corruption.

93. The “Trust, Unity, Creation” government programme for the period 2018–2022¹⁸ provides for the creation of a single platform for the provision of electronic services to citizens.

94. The Government has implemented the following socially significant projects to enhance the confidence of citizens in State bodies:

- Information kiosks and mobile service centres for citizens in remote areas of the country.
- The State electronic services portal for the remote provision of State services to citizens, which ensures that around 200 types of State services are provided effectively.
- Electronic gates (e-gates) at the country’s airports to enable citizens to clear border checks automatically.
- Measures are being taken to introduce an electronic tax calculation system, which will significantly increase State revenues and reduce the size of the shadow economy.
- The Tunduk interdepartmental cooperation system has been launched. It will remove the need for large quantities of hard copies of official documents. For businesses and citizens, it will result in higher quality services provided within shorter time frames.

95. In September 2017, Kyrgyzstan became the first country in Central Asia to become an official member of the Open Government Partnership. On 31 December 2018, in order to ensure transparency in the work of State bodies, reduce corruption and create a legal and institutional framework for the protection of the rights, freedoms and legitimate interests of business entities, the Government adopted a decision establishing the post of Commissioner for the Protection of the Rights, Freedoms and Legitimate Interests of Business Entities (Business Ombudsman) and approved its statute.

96. Pursuant to a Government decision of 17 December 2018, a temporary ban (moratorium) was imposed on business inspections carried out by the authorized bodies that have the right to carry out business inspections.

D. Combating trafficking in persons

Information on recommendations 117.83, 117.84 and 117.85

97. The Government Programme to Combat Trafficking in Persons for the period 2013–2016 and a plan of action for its implementation were approved by Government Decision No. 14 of 14 January 2013.

98. In accordance with Government Decision No. 743 of 15 November 2017, the Government Programme to Combat Trafficking in Persons for the period 2017–2020 and the plan of action for its implementation are currently being put into practice.

99. In order to implement the Act on Preventing and Combating Trafficking in Persons, the Government adopted Decision No. 101 of 5 March 2019 on preventing and combating trafficking in persons, which approved rules for the organization of shelters and the procedure for their operation, management, financing and the monitoring of their activities.

100. In order to implement the aforementioned Act, the Government adopted Decree No. 493 of 19 September 2019 on a national referral mechanism for victims of trafficking in persons, which approved criteria for identifying victims of trafficking in persons; model instructions on uncovering, identifying and referring victims of trafficking in persons; model instructions on the confidentiality of the personal data of victims of trafficking in persons; instructions on the provision of social rehabilitation assistance to victims of trafficking in persons; and instructions on the adoption of a victim-centred approach to trafficking in persons for law enforcement agencies.

101. Between 2017 and 2018, five training sessions on the topic of trafficking in persons were held for procuratorial officials with the assistance of the International Organization for Migration (IOM). The training sessions were attended by around 150 officials.

102. In 2018, the Ministry of Internal Affairs developed guidelines for the country's internal affairs investigators on crimes related to trafficking in persons.

103. On the basis of an in-depth analysis of the issue of trafficking in persons, the Ministry of Internal Affairs, the State Migration Service and international organizations (the United Nations Office on Drugs and Crime, the Organization for Security and Cooperation in Europe (OSCE) and IOM) are actively focusing on the creation of effective mechanisms to combat trafficking in persons.

104. For example, in cooperation with these international partners, training modules have been developed to improve the skills of internal affairs officers and other law enforcement officials. The training modules cover international and national legislation on trafficking in persons, best practices and methods for carrying out investigations and searches, and the procedure for working with other State bodies and international organizations to help to address the social and domestic problems faced by victims of trafficking.

105. Between 2016 and 2018, 570 internal affairs officers and 140 customs officers received training on this issue. At the Academy of the Ministry of Internal Affairs, 491 employees were trained to identify victims of trafficking. In 2018, at the initiative of the Ministry of Internal Affairs and IOM, nine workshops/training courses were held to improve the effectiveness of efforts to combat trafficking in persons and related crimes.

106. The Ministry of Internal Affairs has developed guidelines on tackling trafficking in persons entitled "Combating and defining trafficking in persons".

107. The Ministry of Education and Science has also produced a textbook entitled *Human Trafficking: A Topical Problem in Modern Society* for students at general, secondary and higher education institutions.

108. According to the Ministry of Internal Affairs, in the first half of 2019, eight incidents of trafficking in persons were entered into the consolidated register of crimes and infractions (nine criminal cases were opened in 2018 and four in 2017).

109. The Ministry of Internal Affairs is carrying out ongoing work to deepen cooperation with the law enforcement agencies of foreign States so that working relationships can be established with a view to identifying and suppressing trafficking channels and exchanging information under the Inter-State Programme on Joint Measures to Combat Crime for the period 2014–2018, which was adopted by the Council of the Heads of State of the member States of the Commonwealth of Independent States (CIS) on 25 October 2013, and the Programme of Cooperation among CIS member States in Combating Trafficking in Persons for the period 2014–2018.

110. In order to implement the Programme, between 22 and 26 November 2018, preventive operations were carried out across the Central Asian region under the slogan "Stop trafficking". During these operations, internal affairs officers uncovered 92 offences in total, tracked down 6 offenders and placed 91 persons engaged in prostitution on the preventive register.

111. In recent years, law enforcement agencies have gained experience in combating trafficking in persons, which has led to the identification and prosecution of criminal groups involved in such activities.

112. In 2014, the law enforcement agencies opened 11 criminal cases under article 124 of the Criminal Code, which concerns trafficking in persons. Proceedings were terminated in respect of two of these cases, and nine were transferred to court for consideration on the merits.

113. In 2015, the law enforcement agencies opened 11 criminal cases. Proceedings were suspended at the investigation stage in 2 of the cases, criminal proceedings were terminated in 3 cases and, following investigations, 15 persons were charged in the remaining 6 criminal cases, which were transferred to court and led to guilty verdicts.

114. In 2016, six criminal cases were opened. Following investigations, proceedings were suspended in respect of one case. Charges were brought against 18 persons in the remaining five cases, which were transferred to court and led to guilty verdicts. The courts found these 18 persons guilty.

115. In 2017, four criminal cases were opened. Of these, one was suspended, two were terminated and one was transferred to court.

116. In 2018, 11 criminal cases were opened. Of these, 1 was terminated, 1 was suspended, 6 were combined with other cases and are now under investigation, 2 cases were transferred to court, and 1 is under investigation. Moreover, one criminal case opened in recent years under article 116 of the Criminal Code (1960 version) was recategorized under article 124 of the Criminal Code (1997 version) and transferred to court for consideration.

117. In the first half of 2019, the law enforcement agencies entered 11 reports concerning article 171 of the Criminal Code into the consolidated register of crimes and infractions. Proceedings were terminated in respect of 1 of these reports, and pretrial proceedings are under way in the 10 criminal cases opened in respect of the remaining reports.

VII. The institution of the family. Socially vulnerable groups of the population

A. Rights of socially vulnerable groups of the population, including women, children, persons with disabilities and older persons

Information on recommendations 117.20, 117.21, 117.22, 117.23, 117.24, 117.25, 117.77, 117.78, 117.79, 117.81 and 117.82

118. In March 2019, Kyrgyzstan ratified the Convention on the Rights of Persons with Disabilities.¹⁹ The country thereby undertook to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.

119. In July 2019, the Government approved the Framework and Programme for the Development of Inclusive Education in Kyrgyzstan for the period 2019–2023.

120. As at 1 January 2019, 186,700 persons with special needs were living in the country, of whom 116,700 were in receipt of disability allowances from the Social Fund. According to the Ministry of Labour and Social Development, 68,600 persons receive disability benefits, including 29,900 children with special needs (16.5 per cent). The growth in the number of persons with special needs is captured in annex 2 to the present report.

121. On 1 January 2019, pursuant to a government decision adopted the previous year, Kyrgyzstan introduced a new type of social service, namely a personal assistant service, in order to provide services for children who have special needs or require continuous care and to realize the rights of such children to a family environment and reduce unemployment among parents and legal representatives caring for children with special needs.

122. As at 1 November 2019, there were 6,373 personal assistant service providers in Kyrgyzstan.

123. Men have traditionally predominated among persons with special needs, accounting for around 57.2 per cent of the total. Women who live in rural areas predominate among women with special needs.

124. Among persons newly identified as having special needs, 70 per cent live in rural areas. The predominance of persons who live in rural areas may be due to the fact that the majority of the population lives in villages, the remoteness of such persons from infrastructure, a tendency not to seek treatment until the advanced stages of a disease, a lack of availability of medical check-ups and foster care, and the poor resource base of local hospitals and family medical centres in the districts.

125. In recent years, the combined efforts of State bodies, international organizations and civil society have led to a gradual improvement in the human rights situation of persons with special needs. However, despite various laws, regulations and strategies, persons with disabilities continue to face barriers to their participation in society on an equal basis with others.

126. In 2008, the Act on the Rights of and Safeguards for Persons with Special Needs was adopted. The Act is intended to ensure that persons with special needs have the same opportunities as others to realize their rights and freedoms, to eliminate obstacles to their day-to-day activities and to create conditions in which they can lead a full life and participate actively in the economic, political and cultural life of society. The Act regulates the fundamental rights and freedoms of persons with special needs, as guaranteed under the Constitution, and provides for special measures.

127. These efforts are aimed at bringing about a gradual shift away from a medical model towards a social one. The social model was developed by persons with disabilities who felt that the individual (medical) model did not adequately account for the fact that they, as persons with special needs, were excluded from mainstream society. Persons with special needs know from personal experience that, in reality, most of their problems are due not to their impairments, but to the nature of society; in other words, most of their problems are a consequence of how society is organized.

B. Older persons

128. The rights of older citizens are established in the Constitution, in pension legislation, in the legislation on war veterans, the armed forces and home front workers and on social services and in other laws and regulations. One of the priorities of State policy for older persons is to improve the quality of health-care and social support services.

129. The Act on Older Persons in Kyrgyzstan defines older persons as men aged 63 years or over and women aged 58 years or over.

130. The law dictates that social protection for older persons takes the following forms:

- Pensions and monthly social benefits for persons who have never been employed
- Monetary allowances for certain categories of citizens (in lieu of benefits)
- Social services at social inpatient facilities
- At-home social services for older persons who live alone
- Medical assistance and various kinds of rehabilitation services
- The provision of personal mobility aids, where medically necessary, and prosthetic and orthopaedic services

131. In 2019, a plan of measures to improve quality of life for older persons in Kyrgyzstan for the period 2015–2019 was approved by government decision.

132. The implementation of the plan ensures a safe and dignified life for older persons in the country and their equal participation in the political, social, economic and cultural spheres.

133. According to official State statistics, as collected through form 94-SOT, 651,155 pensioners were registered with the Social Fund bodies at the beginning of 2019, and the

average old age pension was 5,604 soms, or 130.8 per cent of the subsistence minimum for a pensioner (the subsistence minimum for a pensioner was 4,282.99 soms in 2018).

134. At present, there are 301,443 older citizens (aged 65 years or over) living in the country. They account for 4.7 per cent of the total population. The number of older citizens has been growing in recent years. The relevant data for the reporting period are set out in annex 3 to the present report.

135. In order to ensure high-quality and safe social services, two minimum social standards for social services have been introduced:

- For persons in social residential facilities operated by the Ministry of Labour and Social Development (17 facilities)
- For persons in semi-residential (day-care) social service facilities

136. The introduction of these minimum social standards established requirements for the procedure, conditions, quality and accessibility of social service provision.

137. The Ministry of Labour and Social Development operates 17 social residential facilities, including 6 for older citizens and persons with disabilities:

- The social residential facility for older persons and persons with special needs in Bishkek city (184 persons)
- The Nizhne-Serafimovsky social residential facility for older persons and persons with special needs (313 persons)
- The social residential facility for the rehabilitation of persons with special needs and older persons in Bakay-Ata (76 persons)
- The general social residential facility for older persons and persons with special needs in Sülüktü (16 persons)
- The social residential facility for older persons and persons with special needs in Suzak (101 persons)
- The Karakash social residential facility for older persons and persons with special needs in Toktogul (31 persons)

138. Currently, 2,386 persons live in these social residential facilities. This figure comprises 1,952 persons who live in residential facilities for older persons and persons with special needs and 434 children with special needs.

139. There are currently 929 social workers providing free at-home services to 7,124 older persons and persons with special needs who live alone, including 4,530 older persons.

140. As at 1 September 2019, the more than 1,533 older citizens who are not entitled to a pension receive a monthly social benefit of 1,000 soms.

141. Between 15 September and 15 October each year, the country holds a month-long awareness-raising event on caring for older persons in accordance with Government Decision No. 237 of 10 April 2012 on the annual observance of international awareness days for the protection of children, older persons and persons with disabilities.

142. In 2019, State bodies and executive local self-government bodies provided 36,400 soms in additional support for older citizens as part of this month-long event.

VIII. Freedom of expression, freedom of the press and freedom of association

A. Guarantees of the exercise of the rights to freedom of expression and association for all individuals, including human rights defenders and journalists

Information on recommendations 117.102, 117.103, 117.104, 117.107, 117.108, 117.109, 117.110, 117.111 and 117.112

143. In accordance with the Constitution, no restrictions may be placed on freedom of thought or opinion. Article 8 of the Protection of the Professional Activities of Journalists Act guarantees the protection of the professional activities of journalists.

144. However, the professional rights, honour and dignity of journalists are also protected by law. Journalists are guaranteed personal inviolability in the conduct of their professional activities. Journalists may not be prosecuted for publishing critical opinions. The State guarantees the freedom of journalists to receive and disseminate information and ensures their protection during the conduct of their professional activities. It is prohibited to interfere in the professional activities of a journalist or to demand that he or she provide any information acquired in the conduct of his or her professional activities.

145. In accordance with article 11 of the Act, a foreign journalist accredited in Kyrgyzstan has the same rights and duties as a Kyrgyz journalist.

146. In accordance with the Media Act, journalists are able to exercise their right to freedom of expression without obstruction.

147. In accordance with legislation, threats, intimidation and violence against human rights defenders and journalists are investigated by the relevant State bodies. The perpetrators are prosecuted and, if found guilty, punished, and the victims receive appropriate compensation.

148. In accordance with the Guarantees and Freedom of Access to Information Act, State, community and private media outlets ensure that information is fully accessible to all citizens and organizations, without dividing them into particular categories of information users.

149. Foreign media outlets have the right to accredit their reporters in Kyrgyzstan and to open local offices by agreement with the State bodies of Kyrgyzstan.

150. The Constitution states that everyone has the right to freedom of association. Kyrgyzstan recognizes political diversity and the multiparty system.

151. Citizens may form political parties, trade unions and other voluntary associations on the basis of free expression of will and community of interests in order to realize and protect their rights and freedoms and to defend their political, economic, social, labour, cultural and other interests.

152. In accordance with the Non-Profit Organizations Act, non-profit organizations may, by mutual agreement, establish federations in the form of non-profit associations or unions, in order to coordinate their activities and represent and defend their common interests.

153. The Trade Unions Act defines trade unions as voluntary associations uniting citizens on the basis of common labour interests, whether in the manufacturing or non-manufacturing sectors, and having as their purpose the protection of their members' labour and socioeconomic rights and interests.

154. Trade unions operate independently and are subject solely to the law. They are neither accountable to, nor controlled by, State authorities, employers, political parties or other voluntary associations. Unless otherwise provided by law, any interference that may restrict trade union rights or prevent the exercise of their statutory activities is prohibited.

155. All citizens aged 14 years or over who are in employment or studying at an educational institution, as well as pensioners, have the right to establish a trade union

voluntarily, if such is their choice, or to join one, on the condition that they comply with its statutes.

156. Trade unions may be set up at enterprises, institutions and organizations, regardless of their form of incorporation, provided that they have three or more employees. Their representative bodies are committees or trade union leaders elected at trade union meetings (conferences).

IX. Special procedures

A. Cooperation with special rapporteurs

Information on recommendations 117.26 and 117.27

157. In accordance with the Human Rights Action Plan for the period 2019–2021, State bodies are mandated to cooperate effectively with the special procedures of the United Nations.

158. The Permanent Mission of the Kyrgyz Republic to the United Nations Office and Other International Organizations in Geneva is in contact with the secretariats of the special rapporteurs in question. In July 2019, the secretariats of these two special rapporteurs were informed that the Plan had been approved and that assistance would be provided if they wished to visit Kyrgyzstan.

159. Between 2015 and 2019, Kyrgyzstan was visited by the following special procedures:

- The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Dainius Pūras, between 22 and 31 May 2018
- The Working Group on Enforced or Involuntary Disappearances between 25 and 28 June 2019
- The Special Rapporteur on minority issues, Fernand de Varennes, between 6 and 17 December 2019

160. Cooperation with the special procedures remains effective overall, as shown by the fact that there are currently no pending requests for country visits by the special procedures on the agenda of the United Nations for Kyrgyzstan.

X. Discrimination

A. Taking measures to fight effectively against all forms of discrimination

Information on recommendations 117.39, 117.40, 117.41, 117.42, 117.43 and 117.106

161. Anti-discrimination provisions can be found in the Constitution and several laws. The motivation of an offence by racial, ethnic, religious or interregional enmity or discord constitutes an aggravating circumstance under existing criminal law (Criminal Code, art. 75, and Code of Infractions, art. 53).

162. Relevant offences are also established in articles 185, 313, 314 and 381 of the Criminal Code.

163. Pursuant to Order No. 7-r of 28 January 2019, the Government approved an inter-agency plan of action to implement the recommendations of the Committee on the Elimination of Racial Discrimination. The plan provides for a review of legislation aimed at identifying whether there is a need for any legislative amendments or a new bill on combating racial discrimination

B. Undertaking measures to prevent discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons

164. Existing law is not discriminatory towards lesbian, gay, bisexual, transgender and intersex persons and realizes their rights in a positive manner.

165. Kyrgyzstan is continuing to take steps to bring national law into line with international standards on the rights of persons living with HIV and lesbian, gay, bisexual and transgender persons. The most significant positive developments include a new and improved procedure for sex reassignment and the amendment of passport data. Equally significant was the entry into force of the new Criminal Code, which distinguishes between unintentional and intentional HIV transmission and reduces the applicable penalties. Consensual same-sex sexual relations are not a criminal offence.

166. Everyone in Kyrgyzstan has the right to sex reassignment. This right is set out in the Health Care Act. The first sex reassignment operations were carried out on 15 transgender persons in Bishkek in late 2013.

167. Between 2014 and 2018, eight Kyrgyz citizens officially changed the sex marker in their passports in accordance with article 72 of the Civil Registration Act. The State Registration Service issued them with new passports on the basis of their medical files.

168. Members of the parliament have prepared a gender equality bill. The bill covers all aspects of public life and is aimed at preventing, combating and eliminating all forms of discrimination by State bodies, local self-government bodies, their officials, legal entities and individuals.

169. Since the National Centre for the Prevention of Torture became operational in 2012, two complaints have been received from lesbian, gay, bisexual, transgender and intersex persons. However, when the victims were visited by employees of the National Centre for the Prevention of Torture, they refused to provide statements.

170. The measures taken to reduce the prevalence of discrimination on the basis of sexual orientation or gender identity include the acceptance of the recommendations of the Committee on the Elimination of Racial Discrimination and the approval, pursuant to Government Decision No. 7-r of 28 January 2019, of an inter-agency plan of action for the implementation of the recommendations of the Committee on the Elimination of Racial Discrimination over the period 2019–2022.

XI. Torture and ill-treatment

A. Prevention of torture and measures to effectively fight against torture and ill-treatment, particularly in the police and penitentiary domains

Information on recommendations 117.45, 177.46, 117.47, 117.48, 177.53, 117.97, 117.98, 117.99, 117.51, 177.52, 117.54, 117.55 and 117.56

171. On 1 January 2019, the new Criminal Code and new Code of Criminal Procedure entered into force. They strengthen the fundamental safeguards against torture during the police custody and preliminary investigation phases.

172. The maximum penalty for the offence of torture, as established in article 143 of the Criminal Code, has been lowered by 5 years. Courts may now impose a penalty of deprivation of liberty for a maximum of 10 years.

173. Torture has been moved from the section entitled “Offences by persons in an official capacity” to the section entitled “Offences against the person”, as the protection of human and civil rights and freedoms, which are supreme values, is the State’s primary responsibility.

174. Whenever suspects are placed in a temporary holding facility and whenever they, or their defence lawyers, close relatives or spouses, file complaints regarding the use of violence, torture or ill-treatment against them by the officers of bodies carrying out

investigations and inquiries, they undergo a mandatory medical examination, and the appropriate document is issued.

175. The Code of Criminal Procedure stipulates that its provisions on parole and the statute of limitations for criminal offences may not be applied in respect of persons convicted of torture.

176. Pursuant to article 4 of the General Principles of Amnesties and Pardons Act of 14 June 2002, amnesty may not be granted to persons who have committed serious or especially serious offences, regardless of the length of any sentence imposed by a court. The offence established in article 143 of the Criminal Code is categorized as a serious offence.

177. In 2017, the new Act on the Grounds and Procedure for Granting Amnesty was adopted. It stipulates that the law on amnesty is not applicable to persons standing trial for, or convicted of, murder with aggravating or especially aggravating circumstances and torture.

178. With a view to combating torture, the Government approved a plan of action to combat torture and other cruel, inhuman or degrading treatment or punishment pursuant to Order No. 469-r of 23 October 2014.

179. Pursuant to Order No. 6-r of 28 January 2019, the Government approved the third report of Kyrgyzstan on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, for the period 2012–2016, thereby fulfilling one of the country's international obligations with respect to human and civil rights and freedoms.

180. In order to reduce the prevalence of violence, torture and cruel and inhuman treatment and punishment, the Ministry of Health has been actively implementing an adapted version of the Practical Guidelines for medical specialists in Kyrgyzstan on the effective documentation of violence, torture and ill-treatment, based on the principles set out in the Istanbul Protocol, since December 2014.

181. At the premises of the National Centre for Forensic Medicine and the National Mental Health Centre, special offices have been fully equipped to ensure the confidentiality of forensic medical assessments, which means that medical examinations are carried out in private (transparent partitions, medical equipment and furniture).

182. However, the experience of the Ministry of Health in implementing the Practical Guidelines has shown that it is not enough to introduce medical documentation within the Ministry system alone; the Practical Guidelines need to be implemented in the medical institutions of all public and private organizations.

183. In order to resolve this problem, the Government is currently drafting a decision to provide for a single procedure (set of rules) for the medical documentation of violence, torture and ill-treatment.

184. An independent State body, the National Centre for the Prevention of Torture, was established in 2012 to prevent torture and ill-treatment.

185. Between 2015 and 2018, the procuratorial authorities registered 1,230 communications, in respect of which 162 criminal cases were opened. The decision was taken not to institute criminal proceedings in respect of the remaining communications.

186. Over the same period, 17,150 unannounced inspections took place at places of deprivation of liberty and law enforcement facilities. Employees of the Office of the Ombudsman and the National Centre for the Prevention of Torture participated in 667 of these. The inspections led to the imposition of disciplinary penalties on 50 officials.

187. In the first half of 2019, 171 reports of torture were entered into the consolidated register of crimes and infractions. Proceedings were terminated in respect of 19 of the reports, 1 criminal case was referred to court, and pretrial proceedings are ongoing in respect of 151 of the reports. In addition, 2,112 unannounced inspections were carried out, leading to the imposition of disciplinary penalties on five officials.

188. In accordance with amendments introduced to the Constitution in December 2016, the power to investigate criminal cases was removed from the procuratorial authorities

(with the exception of the Military Prosecutor's Office). Responsibility for investigating criminal cases concerning torture (under article 305-1 of the 1997 version of the Criminal Code and article 143 of the 2017 version of the Criminal Code) was transferred to the national security agencies.

189. In 2017 and 2018, the State Committee on National Security investigated 134 criminal cases concerning the use of violence against civilians by law enforcement and correctional system officers. Of these:

- 25 criminal cases were referred to court
- Proceedings were dismissed in respect of 10 criminal cases
- Proceedings were suspended in respect of 66 criminal cases

190. Since 2019, when the new version of the Code of Criminal Procedure entered into force, there has been a new procedure for investigating criminal cases of this kind: the investigative units of the State Committee on National Security conduct pretrial proceedings concerning offences under article 143 of the existing Criminal Code.

191. In the first eight months of 2019, pretrial proceedings were launched in respect of 162 incidents of torture. Of these:

- Proceedings were terminated in respect of 27 criminal cases
- 4 criminal cases were referred to other bodies
- Proceedings were suspended in respect of 7 criminal cases
- Further pretrial proceedings are being conducted in respect of 124 of the incidents

192. Between 2012 and 2018, following their consideration of criminal cases concerning the offence of torture, the courts found 18 officials guilty. Of these officials, 14 were members of the internal affairs agencies and 4 were members of the State Penal Correction Service. Punishment was waived in respect of six internal affairs officers, as the statute of limitations for criminal offences had expired, the acts in question having been committed before July 2012 (when the penalty for torture was increased). The remaining 12 persons were sentenced by the courts to between 7 and 11 years' deprivation of liberty. That figure includes two internal affairs officers convicted of having used torture against minors.

193. In order to prevent torture and ill-treatment, a reception room equipped with a video surveillance and sound recording system has been opened at the premises of the Service for Combating Extremism and Irregular Migration attached to the Ministry of Internal Affairs.

194. In 2017, the Ministry of Internal Affairs issued an order approving a set of regulations on the video surveillance system in internal affairs temporary holding facilities.

195. As at 1 January 2019, the internal affairs agencies operated 46 temporary holding facilities in the country, which have 253 cells with 1,162 sleeping spaces. Of these:

- 295 were equipped with video surveillance cameras without a recording facility
- 255 were equipped with video surveillance cameras with a recording facility

B. Improving detention conditions and preventing the ill-treatment of detainees in State penitentiaries in compliance with international standards

196. The Act on Procedures and Conditions for the Custody of Suspects and Accused Persons²⁰ establishes that suspects and accused persons should enjoy living conditions that meet hygiene, sanitation and fire safety requirements and be provided with an individual sleeping area, bedding, crockery and cutlery. The law states that the minimum living space per person in a cell is 3.25 m².

197. In the State Penal Correction Service system, suspects and accused persons are assigned to cells on the basis of their personal and psychological compatibility with one another.

198. In remand centres, accused and convicted minors of different sexes are held separately from one another and from adults and, where possible, in small cells of no more than four to six persons in separate buildings or units, or on separate floors of secure buildings, taking into account their age, physical development and any educational problems.

199. In Bishkek and Chu provinces, minors are held only in the remand centre attached to educational colony No. 14. In the south of the country, all minors are held in remand centre No. 53.

200. As at 1 January 2019, the institutions of the State Penal Correction Service were operating at only 65.37 per cent of their capacity for convicted and remand prisoners.

201. In accordance with Government Decision No. 42 of 8 February 2008 approving daily food rations, substitution standards and rules on the application and substitution of the daily food rations for prisoners and persons held in correctional system remand centres, the daily food rations consist of 21 products, the cost of which is fully covered by the sum received from the national budget.

202. With the support of international organizations, the State Penal Correction Service continues to teach various handicrafts (sewing, pottery, etc.) to prisoners. Given the active development of manufacturing in the correctional system, the State Penal Correction Service provides manufacturing jobs for prisoners at correctional colonies and settlements.

203. In 2018, the number of prisoners who had a job in a correctional institution was 1,074, of which:

- 756 worked in prison maintenance
- 318 worked in manufacturing

In the first half of 2019, the number was 909, of which:

- 619 worked in prison maintenance
- 290 worked in manufacturing

204. In 2015, the State Penal Correction Service carried out a complete renovation of the tuberculosis hospital at Institution No. 31 with the cooperation of the International Committee of the Red Cross (ICRC).

205. On 26 June 2016, a new remand centre (Institution No. 53 in Jalalabad) for minors and women was opened in the south of the country, with a capacity of 60 places. The remand centre was built with the support of donors (OSCE and ICRC) and meets all international standards.

206. In 2016, a special complex for prisoners serving life sentences was opened at Institution No. 19.

207. At Institution No. 47, persons sentenced to life imprisonment are held in basements. With ICRC support, an on-site area has been created at the Institution to hold prisoners serving life sentences who have an illness of some kind. This area meets international standards and has all the necessary amenities, including an exercise yard.

208. As part of its cooperation with international organizations and non-governmental organizations, the State Penal Correction Service has carried out various repairs and renovations in 15 correctional facilities.

209. There is ongoing public oversight of the correctional system. For example, legislation has been enacted to establish a public council under the State Penal Correction Service. Its members are drawn from civil society. The National Centre for the Prevention of Torture and the Ombudsman's Office also carry out visits.

210. No incidents of torture or degrading or cruel treatment of prisoners were recorded during the monitoring visits, and no complaints have been filed by prisoners concerning the actions of staff members.

211. The institutions of the State Penal Correction Service have notice boards displaying the address of an anti-corruption website and telephone numbers for helplines operated by the Government and the central office of the State Penal Correction Service. Complaint

boxes have been installed so that citizens, prisoners and detainees may lodge complaints and applications regarding violations of their rights.

212. The State Penal Correction Service has a monitoring and analysis centre, which conducts round-the-clock monitoring of the situation in institutions in order to ensure the safety of their employees and of prisoners.

213. When remand prisoners are admitted, it is mandatory, according to Government Decision No. 696 of 9 October 2015 approving the rules for the provision of medical care to persons held in correctional institutions, to conduct an initial medical examination for bodily injuries and serious illnesses. When a person with bodily injuries is admitted to an institution, a report is drawn up, and the standard form for medical examinations on admission to correctional system remand centres is filled out in order to document that violence has occurred.

214. In 2015, all the video surveillance cameras in the corridors of the State Committee on National Security temporary holding facilities and remand centres were replaced. Between 2014 and 2016, repairs were carried out in all cells and other secure areas of the State Committee on National Security temporary holding facilities and remand centres in Bishkek and Osh. The exercise yard at the remand centre in Bishkek underwent extensive renovations, and all bedding and kitchenware were replaced.

215. The number of detainees in the State Committee on National Security temporary holding facilities and remand centres does not exceed their maximum capacity.

216. Since 2014, the remand centre of the State Committee on National Security has been visited by ICRC representatives 12 times, by representatives of the Office of the Ombudsman 20 times and by representatives of the National Centre for the Prevention of Torture 42 times.

217. With the assistance of international organizations, the exercise yard, lavatories and medical office of the internal affairs temporary holding facility in Suzak district, Jalalabad province, were completely renovated, and, in 2018, construction began on an internal affairs temporary holding facility in Batken district, which will meet international standards for detention conditions.

XII. Poverty

A. Poverty reduction strategy. Improving socioeconomic conditions to eradicate poverty

Information on recommendations 117.119, 117.120, 117.121, 117.122 and 117.123

218. In 2018, the consumer spending-based poverty rate for the country as a whole was 22.4 per cent, which represents a reduction of 3.2 percentage points compared to 2017.

219. The poverty rate decreased by 4.8 percentage points in rural areas and by 0.4 percentage points in urban areas.

220. In 2018, 1,429,000 persons were living below the poverty line, 68.0 per cent of them in rural areas.

221. Between 2017 and 2018, the poverty rate fell in Chu province (by 17.7 percentage points), Batken province (by 6.7 percentage points), Issyk Kul province (by 2.6 percentage points), Jalalabad province (by 0.4 percentage points) and Bishkek city (by 0.5 percentage points). Poverty increased in the remaining regions. The greatest increases in the poverty rate were recorded in Osh city (2.0 percentage points), Naryn province (1.4 percentage points), Talas province (1.4 percentage points) and Osh province (0.5 percentage points) (see Table 1).

Table 1
Poverty rate by territory
(Percentage of the population)

	2014	2015	2016	2017	2018
Kyrgyz Republic	30.6	32.1	25.4	25.6	22.4
Batken province	40.7	41.2	37.0	40.5	33.8
Jalalabad province	46.4	45.1	32.2	32.6	32.2
Issyk Kul province	26.0	28.9	24.7	24.2	21.5
Naryn province	30.6	38.0	37.8	29.2	30.6
Osh province	31.7	28.9	22.0	14.3	14.8
Talas province	19.0	21.5	18.1	20.7	22.1
Chu province	21.6	24.8	30.3	33.3	15.6
Bishkek city	17.6	23.5	9.8	15.9	15.4
Osh city	33.4	38.3	24.6	33.5	35.5

222. In 2018, the extreme poverty rate was 0.6 per cent, which represents a decrease of 0.2 percentage points compared to 2017. Over 35,000 persons were living in extreme poverty, 84.6 per cent of them in rural areas.

223. The extreme poverty rate fell by 0.1 percentage points in urban areas and by 0.3 percentage points in rural areas.

224. In 2018, the depth of poverty, which captures the gap between the budget of persons living in poverty and the poverty line, was 3.7 per cent, a decrease of 0.9 percentage points compared to 2017. The acuteness of poverty was 1.0 per cent, a decrease of 0.3 percentage points compared to 2017.

225. The population's main sources of cash income were labour income, which accounted for 68.9 per cent of disposable income, social transfers (15.8 per cent), and income from the sale of agricultural produce from private smallholdings (private plots) (11.2 per cent).

226. It should be noted that 11.7 per cent of income is generated through labour performed outside the country. Labour performed outside the country accounted for 31.5 per cent of overall income in Batken province, 22.2 per cent in Osh province, 18.1 per cent in Jalalabad province, 5.2 per cent in Chu province and 4.8 per cent in Osh city.

227. This external factor has a clear impact on the material well-being of the population in the south of the country. Calculations show that, if migrant workers' income were excluded from consumption, the country's average poverty rate would increase from 22.4 per cent to 32.2 per cent. The poverty rate would increase from 33.8 per cent to 54.6 per cent in Batken province, from 14.8 per cent to 36.1 per cent in Osh province, from 32.2 per cent to 44.9 per cent in Jalalabad province, from 15.6 per cent to 19.5 per cent in Chu province and from 35.5 per cent to 42.1 per cent in Osh city, while it would remain virtually unchanged in other regions.

228. The income of migrant workers has a significant impact on extreme poverty. The extreme poverty rate rises from 0.6 per cent to 10 per cent if such income is excluded.

229. A large proportion of the population remains close to the poverty line. A sensitivity analysis of the poverty line shows that, if the measure of well-being for 2018 remained unchanged, an increase in the poverty line by 5.0 per cent, or by 136 soms a month, would result in a 3.6-point increase in the percentage of persons living in poverty, and a decrease in the poverty line by 5.0 per cent would result in a 4.3-point decrease in the percentage of persons living in poverty. Thus, a high concentration of the population living close to the poverty line increases the likelihood that a substantial proportion of the population will move from one side of the line to the other, which is reflected in the indicators used to measure poverty by region and partly explains the tendency for fluctuations in poverty indicators.²¹

230. In the agricultural sector, the development of private market forms of agricultural economic activity is a means of reducing poverty.
231. Private (peasant) farms currently constitute the backbone of agricultural production. The number of such farms increased from 384,300 in 2014 to 439,600 in 2018. These entities were mostly established on the basis of low-productive State agricultural enterprises.
232. Gross agricultural output from private (peasant) farms also increased from 117.7 billion soms in 2014 to 123.6 billion soms in 2018.
233. This has increased income and wages. Thus, between January and June 2019, the average monthly salary per agricultural worker was 10,465 soms (versus 9,924 soms over the same period in 2018).
234. Income growth has channelled more investment into rural housing construction. Between January and June 2019, 317,000 m² of new housing was built in rural areas, representing 66.4 per cent of new housing in the country as a whole.
235. In order to support the development of private (peasant) farms, the Government has adopted and is implementing State preferential lending programmes on financing the agricultural sector and developing State leasing.
236. Pursuant to Decision No. 231 of 27 May 2019, the Government approved the Framework for the Development of the Forestry Sector for the period up to 2040. According to the Framework, there are 283 rural districts in which the population lives near forests, their social position being highly dependent on forest resources.
237. The social priority target set for the forestry sector for the period up to 2040 is to reduce the poverty level of rural communities living near forests or in the territory of the State Forest Fund by 10 per cent.
238. The National Development Strategy for the period 2018–2040 sets out the priorities of policy on labour and old age security.

XIII. Rights of minorities

A. Combating all indications of inter-ethnic strife, and national and religious intolerance

Information on recommendations 117.131, 117.132, 117.133, 117.134, 117.135, 117.136 and 117.137

239. Members of more than 100 ethnic groups live in Kyrgyzstan. According to the National Statistical Committee, 6,389,500 persons were living in Kyrgyzstan in 2019. Of these, 75.5 per cent were Kyrgyz, 14.7 per cent Uzbek, 5.5 per cent Russian, 1.1 per cent Dungan, 0.9 per cent Uyghur and 0.8 per cent Tajik; 3.9 per cent belonged to other ethnic groups.
240. The Constitution states that no one may be subjected to discrimination on the basis of sex, race, language, disability, ethnicity, religion, age, political or other beliefs, education, origin, property or other status, or other circumstances. This provision laid the foundation for the development of anti-discrimination legislation. Additions have also been made to the Local State Administrations Act and the Local Government Act.
241. The additions state that the heads of local State administrations and directors of local self-government bodies take measures to prevent inter-ethnic conflicts.
242. Any incitement to ethnic or racial hatred is punishable by law, regardless of ethnicity. State bodies, law enforcement agencies and civil society are steadfast in their efforts to combat national, racial, religious or interregional hatred. Offences related to ethnic, national, racial or other characteristics attract criminal penalties. Acts aimed at inciting racial discrimination are considered criminally punishable and socially dangerous under article 313 of the Criminal Code.
243. These offences are categorized as especially serious under criminal law.

244. There are 40 districts and 31 cities in Kyrgyzstan. In the 18 multi-ethnic districts and 5 multi-ethnic cities, there are community liaison offices for inter-ethnic relations, which work to strengthen the unity of the people and foster civic integration, thereby promoting socioeconomic development and greater national security.

245. In 2018, the principal secretaries of the community liaison offices for inter-ethnic relations carried out 1,204 preventive activities and considered 312 applications. Since the beginning of 2019, 656 preventive activities have been carried out and 129 applications considered.

246. The monitoring reports of the principal secretaries of public liaison offices show that 51 recommendations were drawn up and transmitted to State and municipal authorities so that conditions could be improved and essential measures taken.

B. Intensify the work related to inter-ethnic reconciliation, with special attention to the integration of ethnic minorities into public service and law enforcement bodies

247. Members of ethnic minorities face no obstacles in access to State or municipal civil service. In accordance with article 52 of the Constitution, members of ethnic minorities have equal rights and opportunities with respect to recruitment to and promotions in the State or municipal civil service in accordance with the procedure established by law.

248. The regulations on the procedure for holding competitive examinations and on promotions in the State and municipal civil service, approved by Government Decision No. 358 of 8 June 2017, contain a provision (para. 50) stipulating that, if two candidates receive an equal number of points, the Competition Commission recommends the candidate whose ethnicity or gender is less well represented in the State body or local self-government body.

249. According to statistics compiled by the State Personnel Service, there were 16,955 civil servants as at 1 January 2019.

250. The actual number of civil servants belonging to each ethnicity and the number of administrative officers in the State and municipal civil service are set out in annex 4 to the present report.

251. Between 2012 and May 2019, 165 inter-ethnic incidents were recorded.

252. An analysis was carried out to identify possible breeding grounds for inter-ethnic conflict in each region.

In total, 167 were identified in the country:

- 26 in Osh province
- 10 in Osh city
- 39 in Chu province
- 8 in Issyk Kul province
- 29 in Jalalabad province
- 29 in Batken province
- 8 in Talas province
- 18 in Bishkek city

253. In the first eight months of 2019, with a view to preventing inter-ethnic conflicts, the Ministry of Internal Affairs staff organized 2,580 lectures, classes and preventive activities for members of the public and students at universities, colleges, secondary schools and other educational establishments on how to strengthen national unity and inter-ethnic relations in Kyrgyzstan. Two round tables were also held.

254. According to the State Committee on National Security, in the first half of 2019, the investigative units of the State Committee conducted pretrial proceedings in respect of 15 incidents of incitement to racial, ethnic or religious enmity or interregional hatred as defined in article 313 of the Criminal Code.

Notes

¹ Список сокращений:

КР	Кыргызская Республика
ООН	Организация Объединенных Наций
УНП ООН	Управление ООН по наркотикам и преступности
УПО	Универсальный Периодический Обзор
ПРООН	Программы развития ООН
МККК	Международный Комитет Красного Креста
МОТ	Международная организация труда
МОМ	Международная организация по миграции
ОБСЕ	Организация по безопасности и сотрудничеству в Европе
ЮНФПА	Фонд ООН в области народонаселения
ЦИПД	Центр исследования демократических процессов
НПЗУ	национальные правозащитные учреждения
КЛРД	Конвенция по ликвидации расовой дискриминации
УК	Уголовный кодекс Кыргызской Республики
УПК	Уголовно-процессуальный кодекс Кыргызской Республики
УИК	Уголовно-исполнительный кодекс Кыргызской Республики
ГПК	Гражданский процессуальный кодекс Кыргызской Республики
НПА	нормативные правовые акты
ЛОВЗ	лица с ограниченными возможностями здоровья
НЦПП	Национальный центр Кыргызской Республики по предупреждению пыток и других жестоких бесчеловечных или унижающих достоинство видов обращения и наказания
КСПЧ	Координационный совет по правам человека при Правительстве Кыргызской Республики
МЮ	Министерство юстиции Кыргызской Республики
МВД	Министерство внутренних дел Кыргызской Республики
МТСР	Министерство труда и социального развития Кыргызской Республики
МОН	Министерство образования и науки Кыргызской Республики
МИД	Министерство иностранных дел Кыргызской Республики
МЗ	Министерство здравоохранения Кыргызской Республики
ГКНБ	Государственный комитет национальной безопасности Кыргызской Республики
ГКДО	Государственный комитет по делам обороны Кыргызской Республики
ГСБЭП	Государственная служба по борьбе с экономическими преступлениями при Правительстве Кыргызской Республики
ГКДР	Государственная комиссия по делам религий Кыргызской Республики
ВС	Верховный суд Кыргызской Республики
ГП	Генеральная прокуратура Кыргызской Республики
ГКС	Государственная кадровая служба Кыргызской Республики
ЦИК	Центральная комиссия по выборам и проведению референдумов
ГСИН	Государственная служба исполнения наказаний при Правительстве Кыргызской Республики
ИВС	изолятор временного содержания
ГАМСУМО	Государственное агентство по делам местного самоуправления и межэтнических отношений при Правительстве Кыргызской Республики
ОМСУ	органы местного самоуправления
СБНОН	Служба по борьбе с незаконным оборотом наркотиков Министерства внутренних дел Кыргызской Республики
ОВД	органы внутренних дел
ССУ	социально стационарные учреждения

ЕРПП	Единый реестр преступлений и проступков
ДУМК	духовное управление мусульман Кыргызстана
ГРС	Государственная регистрационная служба при Правительстве КР
ГКС	Государственная кадровая служба Кыргызской Республики
ЛГБТ	представители сексуальных и гендерных меньшинств: сообщество лесбиянок, геев, бисексуалов и трансгендеров.

- ² Нумерация рекомендаций дана согласно Докладу Рабочей группы по универсальному периодическому обзору. Кыргызстан. 9 апреля 2015 года. A/HRC/29/4.
- ³ Закон КР от 12 июля 2012 года №104.
- ⁴ Законом КР от 31.07.2002 №136.
- ⁵ Постановление Правительства КР от 17 марта 2014 года №155.
- ⁶ Распоряжение Правительства КР от 15 марта 2019 года №55-р.
- ⁷ Указ Президента КР от 7 февраля 2014 года №24.
- ⁸ Указ Президента КР от 14 ноября 2014 года №203.
- ⁹ Распоряжение Премьер-министра КР от 22 апреля 2019 года №210.
- ¹⁰ Закон КР от 24 января 2017 года №10.
- ¹¹ Постановление Правительства КР от 27 июня 2012 года №443.
- ¹² Постановление Правительства КР от 20 ноября 2015 года №786.
- ¹³ Постановление Правительства КР от 19 ноября 2018 года №537.
- ¹⁴ Распоряжение Правительства КР от 19 апреля 2017 года 123-р.
- ¹⁵ Закон КР от 27 апреля 2017 года №63.
- ¹⁶ Постановление Правительства КР от 21 июня 2017 года №394.
- ¹⁷ Указ Президента КР от 2 февраля 2012 года №26.
- ¹⁸ Постановление Жогорку Кенеша КР от 20 апреля 2018 года №2377-VI.
- ¹⁹ Закон КР от 13 марта 2019 года №34.
- ²⁰ Закон КР от 31 октября 2002 года №150.
- ²¹ www.stat.kg