



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Information received from Kyrgyzstan on follow-up to the
concluding observations on its combined eighth to tenth
periodic reports***

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* The present document is being issued without formal editing.



Consolidated information from government agencies of Kyrgyzstan on the implementation of the recommendations contained in paragraphs 9 (c), 22 (a) and 28 of the Committee's concluding observations of 30 May 2018 on the combined eight to tenth periodic reports of Kyrgyzstan under the Convention

Follow-up information relating to paragraph 9 (c) of the concluding observations (CERD/C/KGZ/CO/8-10)

In the criminal case against Mr. A. Askarov, the courts of Kyrgyzstan took all the necessary procedural steps in compliance with the requirements of criminal procedure legislation and, following appropriate legal assessment of the case file, court rulings in keeping with national legislation were issued.

In this connection, it should be noted that Kyrgyzstan has considered the Views of the Human Rights Committee and, within the framework of national legislation and in view of its international obligations, makes every effort to uphold the rule of law and protect human rights.

Kyrgyzstan respects the Human Rights Committee and cooperates with it in relation to its Views. In pursuance of the country's commitment to cooperate with the Committee in that regard, new judicial proceedings were held in Mr. Askarov's case between 2016 and 2020 in accordance with the principles of a fair trial.

It should be noted that the Committee's recommendation to "immediately release the author" of the communication cannot be implemented because he has been found guilty by the courts of Kyrgyzstan.

According to the latest reports, Mr. Askarov's state of health is satisfactory. He is being monitored by the medical staff of the correctional colony and regularly receives the treatment he requires.

For information, duly reinforced measures are being taken in places of detention to prevent the outbreak and spread of coronavirus disease (COVID-19).

Follow-up information relating to paragraph 22 (a) of the concluding observations

The provincial law enforcement authorities have initiated 1,303 criminal investigations in connection with the events of June 2010 in Osh Province. Of these criminal cases, 719 have been combined into a single case.

Following investigation, 102 cases involving 212 persons (33 of Kyrgyz ethnicity, 174 of Uzbek ethnicity and 5 of other ethnicities) were referred to the courts, which have heard 99 of the cases involving 208 persons (28 of Kyrgyz ethnicity, 175 of Uzbek ethnicity and 5 of other ethnicities).

Proceedings were terminated in 13 criminal cases. These include 4 cases in which missing persons were found (terminated under article 28 (1), subparagraph (2), of the 1999 version of the Code of Criminal Procedure), 7 cases involving the unauthorized taking of a vehicle (terminated under article 28 (1), subparagraph (10), of the 1999 version of the Code of Criminal Procedure) and 2 cases of weapons theft (terminated under article 28 (1), subparagraphs (8) and (9), of the Code of Criminal Procedure).

With the combination of criminal cases, the provincial law enforcement authorities have a total of 559 cases ongoing, of which 26 have been suspended under article 221 (1), subparagraph (1), of the Code of Criminal Procedure and 533 have been suspended under article 221 (1), subparagraph (3). All possible measures are being taken to shed light on these crimes.

The law enforcement authorities are currently searching for 47 persons, based on a failure to identify suspects in 26 of the criminal cases initiated following the events of June 2010. Search operations have been launched in connection with the suspended criminal cases.

It has also been established that there were no incidents of unlawful detention in the criminal cases related to the events of June 2010.

In addition, the law enforcement agencies' use of unauthorized investigation methods against participants in criminal proceedings related to the June 2010 events has been analysed.

In total, five complaints of torture by law enforcement officials were made in relation to the June events.

The law enforcement authorities of Jalalabad Province have initiated 954 criminal cases related to the rioting, killings and other offences committed in the region in June 2010, including 33 cases under article 97 of the Criminal Code (1997 version).

In the course of the investigations into these cases:

- Prosecutions were carried out in respect of 128 persons, including 47 of Kyrgyz ethnicity, 77 of Uzbek ethnicity, 2 of Kazakh ethnicity and 2 of Tatar ethnicity.
- Remand in custody as a preventive measure was applied in respect of 93 accused persons, including 35 of Kyrgyz ethnicity, 56 of Uzbek ethnicity and 2 of other ethnicities. Non-custodial preventive measures were applied in respect of 20 persons, including 11 of Kyrgyz ethnicity, 7 of Uzbek ethnicity and 2 of Kazakh ethnicity.

Following investigation, 56 criminal cases (not counting combined cases) with 128 defendants and 320 recognized victims were referred to court.

Following investigation into 33 criminal cases concerning homicides, 9 investigations were completed and referred to court, 1 case was terminated and 22 were suspended (4 owing to failure to locate the accused and 18 owing to failure to identify suspects).

In four separate criminal cases, wanted notices were issued for 22 accused persons (all of Uzbek ethnicity).

Of the above-mentioned criminal cases, the courts have heard 46 cases involving 105 persons (of whom 99 were convicted, 4 had their prosecutions terminated following agreement with the victim and 2 were referred for compulsory treatment).

Furthermore, while the majority of internal affairs officials made every effort to elucidate these crimes, there were incidents in which individual officials, acting for personal gain, themselves opted to commit offences.

In this regard, following claims of torture, beatings, unauthorized investigation methods, etc. made by convicted persons, human rights organizations and websites, seven decisions to discontinue proceedings were issued, based on the claims of 22 persons (of Uzbek ethnicity) regarding 72 law enforcement officials (1 of Uzbek ethnicity and 71 of Kyrgyz ethnicity). In two of these cases, the decision was based on article 28 (1), subparagraph (1), of the Code of Criminal Procedure; in the other five, it was based on article 28 (1), subparagraph (2).

In 2018, the criminal cases listed below were initiated in relation to incidents of incitement of ethnic, racial, religious or interregional hatred.

Under article 97 (2), subparagraph (9), of the Criminal Code, no cases were initiated.

Under article 299 of the Criminal Code, 14 cases were initiated, of which 10 were referred to court, 3 were suspended (under article 221 (1), subparagraph (3), of the Code of Criminal Procedure) and 1 is at the investigation stage.

Under article 299-1 (1) of the Criminal Code, 2 cases were initiated and both were referred to court following investigation.

Under article 373 of the Criminal Code, no cases were initiated.

In 2019:

Under article 130 (2), subparagraph (10) (Murder) of the Criminal Code, 4 pretrial proceedings were recorded in the automated information system constituting the single register of offences, of which 1 is at the investigation stage and 3 were combined into a single proceeding, which was suspended following investigation under article 237 (1), subparagraph (1), of the Code of Criminal Procedure.

Under article 138 (2), subparagraph (9) (Grievous bodily harm) of the Criminal Code, no cases were recorded in the single register of offences.

Under article 313 (Incitement to racial, ethnic, religious or interregional hatred (enmity)) of the Criminal Code, 231 cases were recorded in the single register of offences, of which 101 are at the investigation stage, 122 were terminated, 5 were referred to court and 3 were combined into a single proceeding.

Under article 314 (1) (Formation of an extremist organization) of the Criminal Code, 15 cases were recorded in the single register of offences, of which 9 are at the investigation stage, 5 were terminated and 1 was referred to court.

Under articles 383 (Genocide) and 386 (Apartheid) of the Criminal Code, no cases were recorded in the single register of offences.

In view of the above, it should be noted that all the necessary procedural steps in connection with the events of June 2010 were taken, in compliance with the requirements of criminal procedure legislation and, following a comprehensive and impartial examination of the criminal cases, court rulings in keeping with national legislation were issued.

In accordance with articles 93, 94, 96, 99 and 100 of the Constitution, justice in Kyrgyzstan is administered only by the courts. Judges are independent and subject only to the Constitution and the law. Any interference in the administration of justice is prohibited. Any person who attempts to influence a judge is prosecuted in accordance with the law.

Final rulings of the national courts are binding on all central and local government agencies, legal entities, voluntary associations, officials and private individuals, and are enforceable throughout the country.

Court rulings may be quashed, amended or suspended by the courts in accordance with procedures established by law.

The Supreme Court is the highest judicial authority in civil, criminal, commercial, administrative and other matters; it reviews the rulings of courts upon application by the parties to the proceedings, in accordance with procedures established by law. Supreme Court rulings are final and not subject to appeal.

Follow-up information relating to paragraph 28 of the concluding observations

In accordance with article 10 of the Constitution, Kyrgyz is the national language of Kyrgyzstan and Russian is used as an official language. Kyrgyzstan guarantees to all the ethnic groups that make up its people the right to preserve their mother tongue and facilitates the study of these languages. The country has 602 general educational establishments that teach in two or more languages (Kyrgyz, Russian, Uzbek and Tajik).

Moreover, under the core curriculum for general educational establishments teaching in Uzbek, which is approved on an annual basis by the Ministry of Education and Science, between two (final years) and seven hours per week are set aside for study of the Uzbek language, and one to two hours per week for Uzbek literature.

Guidance has been produced in three languages (Kyrgyz, Russian and Uzbek) on the development and introduction of multilingual programmes in schools and preschools.

To support multilingual teaching in schools, dictionaries on natural sciences, country studies, biology, history and physical education have been produced, including terms and typical linguistic constructions in Kyrgyz, Russian, Uzbek and Tajik. The dictionaries are designed for native or first language-based multilingual programmes.

In the 2018/19 academic year, comprehensive tests on the national and official languages were prepared for the State final examinations for ninth- and eleventh-year students. Through these tests, functional vocabulary and grammar, reading and understanding, writing and listening are assessed in line with applicable standards. Under the testing strategy, teachers are directed to adopt a functional and communicative approach and all categories of students are encouraged to develop their language skills.

Textbook provision in schools teaching in Uzbek stands at 77 per cent. Since 2017/18, newly developed textbooks or teaching packs have been published simultaneously in the country's four languages of instruction, Kyrgyz, Russian, Uzbek and Tajik, for the entire student population. This approach has now been implemented for first- to fourth-year students and fifth- and sixth-year students, and will be used in the future development and publication of a new generation of textbooks.

Subject specialist teachers for schools and classes in which Uzbek is the language of instruction are provided with refresher training in the national and official languages under the standard procedure, once every five years. There are difficulties in ensuring regular refresher training for Uzbek and Tajik language and literature teachers within the State refresher training system. Support for the work of native-language teachers (Uzbek, Tajik, Dungan) is provided on a project basis with support from donors and development organizations.

For example, in 2017, the Office of the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe supported refresher training to develop skills in the use of the communicative approach to teaching native languages for 79 teachers working in Uzbek and Tajik in the Provinces of Osh, Batken and Jalalabad, where most such schools are located. The course included three days of training, practical advice for teachers in the workplace, master classes for teachers who have already been trained and the development of lesson plans based on the communicative approach.

The course materials were transferred to the Innovative Technology Centre for Language Teacher Refresher Training at the National Institute of Refresher Training and Retraining for Education Workers, whose missions include work to promote multilingual education. Based on the materials received, a refresher training course has been developed, which could be reworked into a distance learning format in future.

From 2016 to 2018, a course and study guide were elaborated and approved for the development of language skills in the national and official languages for tenth- and eleventh-year students at schools teaching in Uzbek and Tajik. These materials were focused on helping students in the final years of school to prepare for nationwide examinations. In 2018/19, 82 schools with Uzbek- and Tajik-speaking students (more than 1,500 tenth- and eleventh-year students) were involved in the teaching process. A two-module refresher training course and practical advice in the workplace were delivered to 155 teachers and teacher trainers from district and municipal departments of education. The tenth- and eleventh-year students sat diagnostic and final tests. In total, 1,589 students were tested: 1,296 in Kyrgyz and 293 in Russian.

For school leavers who were taught in Uzbek or Tajik, a significant barrier to the attainment of high marks in the nationwide examinations is the mathematics component, in which the exercises have an unusual format and are difficult to comprehend in a non-native language. To address this issue, in 2020, work began on methodological recommendations for mathematics teachers on how to prepare students during their daily lessons to complete exercises typical of the nationwide examinations. Once the teaching guide has been approved, it will be provided to all mathematics teachers.

In addition, it has been proposed that schools teaching in Uzbek or Tajik should conduct the mathematics course for students in the final years on a bilingual basis (Uzbek and Kyrgyz or Uzbek and Russian). A Kyrgyz language-learning course to assist

mathematics teachers has been developed and will be trialled in 10 schools during this academic year and the next.

In 2018, a trial programme to train teachers for multilingual schools and preschools was launched in five higher education institutions, with the participation of 1,295 students in 38 bachelor's degree programmes.

Minimum proficiency levels have been set for graduates of teacher training institutions: C1 for language teachers and B2 for teachers of other subjects. The linguistic competencies of students in the pilot faculties are tested before and after the training.

Standard programmes have been developed for teaching the national and official languages according to proficiency level.

In 2020, work will be carried out with the primary education and preschool education faculties of Osh State University, Batken State University, Kyrgyz-Uzbek University and Jalalabad State University to train the students on working with native language-based multilingual programmes.

In higher education institutions, the language of instruction is Kyrgyz or Russian. Uzbek is studied only as part of a philology curriculum. The admission capacity for the specialization "Philology (Uzbek)" is no more than 50 places.

Statistics on the nationwide examinations show that each year there are between 32,000 and 55,000 candidates, of whom approximately 62 per cent take the test in Kyrgyz, 35 per cent in Russian and just 3 per cent in Uzbek.

Given the limited opportunities for using Uzbek in tertiary-level studies, sitting the nationwide examinations in Russian or Kyrgyz provides the graduates of schools teaching in Uzbek with a wider range of options, not only among higher education institutions in Kyrgyzstan but also among foreign institutions, thus expanding their access to professional education.
