



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

Distr.: General  
20 January 2017  
English  
Original: Russian  
English, French, Russian and  
Spanish only

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**Committee on the Elimination of Racial Discrimination**

**Consideration of reports submitted by States  
parties under article 9 of the Convention**

**Combined eighth to tenth periodic reports of States parties  
due in 2016**

**Kyrgyzstan\***

[Date received: 16 December 2016]

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\* The present document is being issued without formal editing.

GE.17-00913 (E) 200317 230317



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**Combined eighth to tenth periodic reports of the Kyrgyz  
Republic on the implementation of the International  
Convention on the Elimination of All Forms of Racial  
Discrimination in the period 2011-2015**

Contents

	<i>Page</i>
Introduction .....	3
Part I .....	3
Part II .....	17
Chapter 1 .....	17
Chapter 2 .....	17
Chapter 3 .....	19
Chapter 4 .....	19
Chapter 5 .....	21
Chapter 6 .....	24
Chapter 7 .....	25

## Introduction

1. The combined eighth to tenth periodic reports of Kyrgyzstan on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (covering the period from 1 January 2011 to 31 December 2015) are submitted to the Committee on the Elimination of Racial Discrimination in line with the country's international obligations. The previous report, containing the combined fifth to seventh periodic reports (CERD/C/KGZ/5-7), was approved pursuant to Government Decision No. 141 of 20 February 2012 on national reports on the implementation of United Nations international human rights instruments and submitted to the Committee.
2. The present periodic reports were prepared in accordance with the requirements of the guidelines for the CERD-specific document to be submitted by States parties under article 9 (1) of the Convention (CERD/C/2007/1), adopted by the Committee at its seventy-first session, and taking into consideration the guidelines on a common core document and treaty-specific documents, as contained in the harmonized guidelines on reporting under the international human rights treaties (HRI/MC/2006/3 and Corr.1). The reports comply with the form and content recommended by the Committee so as to ensure that reports are comprehensive and presented in a uniform manner.
3. The document consists of two parts. The first part contains general information about the framework for the protection and promotion of human rights and addresses the concerns and recommendations set out in the concluding observations on the combined fifth to seventh periodic reports of Kyrgyzstan (CERD/C/KGZ/CO/5-7), to which Kyrgyzstan was required to respond. The second part describes the measures taken by Kyrgyzstan during the reporting period to enhance the practical implementation of the Convention.

## Part I

4. According to data from the National Statistics Committee, as at the beginning of 2011, there were 5,477,620 persons living in Kyrgyzstan of whom 71.7 per cent were of Kyrgyz ethnicity, 14.3 per cent Uzbek, 7.2 per cent Russian, 1.1 per cent Dungan, 0.9 per cent Uighur and 0.9 per cent Tajik, while 3.9 per cent belonged to other ethnic groups. As at 1 January 2015, there was a total of 5,895,062 persons of whom 72.8 per cent were of Kyrgyz ethnicity, 14.5 per cent Uzbek, 6.2 per cent Russian, 1.1 per cent Dungan, 0.9 per cent Uighur and 0.9 per cent Tajik, while 3.6 per cent belonged to other ethnic groups.
5. Following the events of June 2010 and the resulting loss of life, the country's top political leaders, confirming their commitment to the policy of inter-ethnic peace and harmony and to the unremitting fight against ethnic, racial and other discrimination, embarked on a reform of the social and political spheres, the law enforcement and security agencies, the judicial system, education and other areas of life in society, as called for in the concluding observations.
6. The National Sustainable Development Strategy 2013-2017 was approved pursuant to Presidential Decree No. 11 of 21 January 2013. The Strategy's main priorities include safeguarding inter-ethnic harmony, strengthening national unity and protecting the rights of citizens irrespective of their ethnicity.
7. In order to implement the priorities set out in the section of the Strategy entitled "Safeguarding inter-ethnic harmony and strengthening national unity", the Policy Framework on Strengthening National Unity and Inter-Ethnic Relations in Kyrgyzstan was approved pursuant to Presidential Decree No. 74 of 10 April 2013. This document was developed in application of Presidential Decree No. 24 of 1 February 2012 on urgent measures to strengthen public safety in Kyrgyzstan. A wide range of interested parties and entities took part in the discussions on the draft policy framework: representatives of civil society, educational and scientific organizations, and experts.

8. The draft policy framework was developed on the basis of the following principles: commitment to democratic values; strengthening of statehood and preservation of territorial integrity; consistency of State action; recognition of unity in diversity; respect for the historical and cultural heritage of the people of Kyrgyzstan; the unifying role of the Kyrgyz language; integration into the international community; and active study of Russian, English and other international languages.

9. The Policy Framework is aimed at helping to safeguard national unity by enhancing inter-ethnic relations and preserving the country's cultural heritage and ethnic diversity. In order to achieve this, it is necessary to:

- Refine the legislative framework, and develop standards and norms for realizing inalienable ethnocultural rights and meeting ethnocultural needs
- Create a system of government departments, including a national public authority, responsible for carrying out policy on strengthening civic unity and the integrity of the State and regulating inter-ethnic relations and language policy, and establish the necessary infrastructure in the centre and at the regional and local levels
- Entrench cooperation between government agencies, ministries and departments, local authorities and local government bodies and civil society in conducting monitoring, providing early warning of conflicts and peacebuilding
- Ensure that the State language, Kyrgyz, is able to play a genuine unifying role by creating conditions for the study and mastery of the language by all Kyrgyz citizens, and implement a balanced language policy to support the development of linguistic diversity in the country by improving citizens' knowledge of the official language, Russian, and their proficiency in other United Nations languages and preserving the languages of the country's ethnic communities
- Forge a common civic identity while providing for ethnocultural development, ensure that every individual sees himself or herself as a "Kyrgyz *zharyny*" (a citizen of Kyrgyzstan), foster civic patriotism, tolerance and respect for difference through education and cultural and information policy, and broaden political, social and economic participation by all citizens in the life of Kyrgyz society

10. The Policy Framework is being implemented nationwide and across all sectors. To achieve the document's aim of strengthening national unity and inter-ethnic relations in Kyrgyzstan, each of the measures proposed must be further developed in appropriate plans and programmes of the Government of Kyrgyzstan, local agencies of the State and local government bodies, with provision of the necessary funds. The realization of the objectives set is a long-term process, requiring systemic efforts by State, civil society, private and commercial entities bringing together the country's citizens.

11. The principles of a just, democratic order, State and society in which involvement of and respect for the different ethnic communities and the full realization of their rights are enshrined in law — as recommended in the concluding observations — are reflected in article 16 of the Constitution of Kyrgyzstan: "Human rights and freedoms are inalienable and attach to every person from birth [...] The Kyrgyz Republic shall respect and guarantee the human rights and freedoms of all persons within its territory and under its jurisdiction. No one may be subjected to discrimination on the basis of sex, race, language, disability, ethnicity, religion, age, political or other beliefs, education, origin, wealth or other status, or other circumstances."

12. As part of efforts to implement the Policy Framework, the State Agency for Local Government Affairs and Inter-Ethnic Relations, a public authority reporting to the Government of Kyrgyzstan, was set up pursuant to Government Decision No. 109 of 5 March 2013 on functional and structural changes to the central authorities. As well as the conduct of State policy within local government, the Agency's remit includes strengthening inter-ethnic harmony, and early warning and prevention of ethnic conflicts, which is fully in line with the recommendations made in the concluding observations regarding the establishment of an institution with a special mandate to address discrimination issues.

13. At the Agency's initiative, in April 2015 amendments were made to the Local Agencies of the State Act and the Local Government Act, pursuant to which local agencies of the State and local government bodies are taking steps with regard to early warning and prevention of ethnic conflicts in their respective areas.

14. In accordance with the aforementioned laws, the heads of local agencies of the State and of districts (*akim*) and local executive bodies (mayors and heads of rural administrations (*aiyl okmotu*)) are held personally liable for failing to take, in a timely fashion, such action as is within their remit to address inter-ethnic relations and situations that have given rise to conflicts in their respective areas.

15. Further to the concluding observations and recommendations on tackling socioeconomic disparities between ethnic groups and areas, and in order to improve the socioeconomic situation in the regions, pursuant to Government Decision No. 516 of 18 September 2013 on measures to carry out the State Programme for the Security and Socioeconomic Development of Certain Border Areas of Kyrgyzstan with Special Status, a plan of action for the implementation of the Programme in the period 2013-2016 was approved. Under the auspices of the United Nations Peacebuilding Fund, projects are being carried out to develop mountainous regions and communities on the plains with funding totalling US\$ 15 million in 2013-2016.

16. The National Sustainable Development Strategy 2013-2017 envisages measures for the development of the regions, agriculture, energy and other strategic sectors of the country's economy. The Strategy's implementation will contribute to the elimination of socioeconomic disparities between ethnic groups and rural and urban areas.

17. Kyrgyzstan is the only country in the region to have established in law quotas for the representation of the different ethnic groups in its highest elected democratic governance body, the Zhogorku Kenesh (parliament). This was one of the urgent measures taken to increase participation by the different ethnic groups in political and public affairs, as recommended in the concluding observations.

18. The State Agency for Local Government Affairs and Inter-Ethnic Relations has established the Inter-Ethnic Public Advisory Council, which comprises 33 members. Inter-ethnic public advisory councils are active in 20 multi-ethnic districts where the Agency has set up community liaison offices. The 265 members of the councils include 140 Kyrgyz, 49 Uzbeks and 76 representatives of other ethnic groups. The main tasks of the councils and community liaison offices are to contribute to the preservation and strengthening of inter-ethnic harmony, to encourage the rejection in society of intolerance, humiliation and discrimination on the basis of ethnicity, and to develop proposals for the eradication of manifestations of nationalism and extremism in everyday life.

19. The People's Assembly of Kyrgyzstan plays an important role in efforts to strengthen inter-ethnic harmony, unity, peace and social stability. The Assembly is a civil society organization bringing together 30 ethnic civil society associations; its highest calling is to serve the cause of peace, harmony and unity.

20. The seventh extraordinary session (*kurultai*) of the People's Assembly of Kyrgyzstan took place in June 2011, marking a new chapter in the Assembly's development and the beginning of a process of renewal and reflection on the role and place of the Assembly in the country's multi-ethnic society. Over the reporting period, the Assembly has firmly established itself as a valuable forum for inter-ethnic dialogue.

21. Pursuant to Presidential Decree No. 232 of 18 December 2013 on the status of the People's Assembly of Kyrgyzstan, the Council of the Assembly was given a qualitatively new status as a consultative and advisory body coordinating with government agencies and ethnic cultural centres on issues relating to the strengthening of national unity. Thanks to the Presidential Decree, the Assembly has consolidated its position as a leading actor on ethnic issues and a tool for carrying out State policy on ethnicity in society at large, with new opportunities to boost its activities by building relations based on constructive cooperation and partnership with bodies from all branches of government.

22. Previously, the Assembly was the only institution in the country that addressed ethnic issues. After 2010, there appeared State entities authorized to do so: a department in

the Office of the President and the State Agency for Local Government Affairs and Inter-Ethnic Relations. The State is thus refining the institutional mechanisms for managing ethnic issues.

23. In the concluding observations, it was recommended that efforts to locate and collect weapons lost or seized during the events of 2010 should be stepped up, in particular in the south of the country. The Ministry of Internal Affairs is continuing to carry out searches and preventive measures as part of Operation Arsenal. In 12 months in 2015, 333 weapons and 6,308 cartridges were confiscated, including 138 weapons and 137 cartridges in Osh province and 54 weapons and 7 cartridges in Jalal-Abad province.

24. The State Committee on National Security, together with the Ministry of Internal Affairs, has developed Regulations on the surrender by citizens of illegally held arms, ammunition, explosives and explosive devices against compensation. The law enforcement agencies are continuing to conduct outreach and preventive work to encourage the voluntary surrender of arms and ammunition. As a result, many cases have been reported in which civilians have voluntarily handed over arms and ammunition.

25. As noted in the concluding observations, it is important to respect the principle of legal fairness while ensuring that persons who broke the law during the conflict in June 2010 do not go unpunished. The State Committee on National Security is continuing to investigate persons who violated the country's laws on the protection of human rights during the June 2010 events, irrespective of their ethnicity or status. To date, 40 persons involved in mass disorder, outrages and killings have been identified, of whom 5 have been detained and 35 are being sought internationally.

26. The courts have considered 286 cases involving 488 persons. The events in the south of the country left 442 people dead, including 275 from gunshot wounds. Eighteen bodies remain unidentified; 424 persons have been identified. Criminal proceedings have been terminated in 36 of the cases brought — including 13 in the city of Osh, 9 in Osh province and 14 in Jalal-Abad province — while proceedings have been suspended under article 221 of the Code of Criminal Procedure in 3,900 cases, including 47 in which the accused could not be located and 3,853 in which the perpetrators could not be identified.

27. In paragraph 6 of the concluding observations, the Committee expressed concern about reports of biased attitudes based on ethnicity in investigations, prosecutions, condemnations and sanctions imposed on those charged and convicted in relation to the June 2010 events. All participants in criminal proceedings in Kyrgyzstan enjoy equal rights and have equal opportunities to exercise their procedural rights at all stages of the criminal process. There have been no reported instances of violations by judicial bodies of the right to a fair trial in criminal cases connected with the June 2010 events.

28. Reference is made, in the concluding observations, to the need to provide compensation to all persons who have been victims of miscarriages of justice. In this regard, a determination is made concerning payment of compensation to victims of miscarriages of justice in the circumstances set out in the Code of Criminal Procedure; where harm caused by officials conducting criminal prosecutions or by a court results in the violation of rights and freedoms, these rights and freedoms may be restored through judicial proceedings where an application to that effect is filed by the victim. The Ministry of Finance has yet to receive any claims for payment of compensation to victims of miscarriages of justice, irrespective of their ethnicity.

29. Kyrgyzstan is undertaking reform of the judicial system and law enforcement agencies, as recommended in the concluding observations. This reform is one of the most important conditions for strengthening trust in the judicial system. Pursuant to Presidential Decree No. 61 of 17 January 2012, a commission was set up to draft coordinated proposals for further judicial reform and is working actively to that end.

30. To ensure the continuity of the reforms that have been initiated, the Ministry of Internal Affairs has since October 2014 made reform a priority for the internal affairs agencies. The ground has been laid for complete, systemic reform of the agencies, and work has started on optimizing the structure of the Ministry's administration and management.

31. Together with the Defence Council of Kyrgyzstan and the Anti-Corruption Service of the State Committee on National Security, a phased plan of action has been drawn up to tackle systemic corruption in public authorities, including the highway patrol service of the Ministry of Internal Affairs. The Ministry worked with representatives of civil society to develop draft regulations on mechanisms for cooperation between the internal affairs agencies and institutions of civil society, which were approved by the Government in its Decision No. 547 of 30 July 2015.

32. One of the most high-profile trials, garnering worldwide coverage, was that of A. Askarov, which was also referred to in the concluding observations. The criminal (administrative) division of the Supreme Court of Kyrgyzstan, in a ruling of 20 December 2011, upheld the judgment handed down by Bazar-Korgon district court in Jalal-Abad province on 15 September 2010 and the 10 November 2010 judgment of the criminal (administrative) division of Jalal-Abad provincial court, in which Mr. Askarov was found guilty and sentenced to life imprisonment.

33. The Supreme Court, acting on the basis of an application by Mr. Askarov and his lawyer, N. Toktakunov, reviewed the case against Mr. Askarov in the light of new evidence, as had been called for by the United Nations Human Rights Committee in its Views of 31 March 2016. In a ruling of 12 July 2016, the Court overturned the 10 November 2010 judgment of the criminal (administrative) division of Jalal-Abad provincial court and the 20 December 2011 ruling of the criminal (administrative) division of the Supreme Court and referred the case to Chüy provincial court for a new appeal hearing. At present, the case is pending before Chüy provincial court.

34. Particular concern was expressed in the concluding observations about the registration and documentation of all cases of ethnically motivated torture, including rape. Prosecutors are carefully looking into complaints lodged by members of the public or their representatives alleging violations of human rights by law enforcement agencies. A total of 15 complaints have been registered concerning the use of torture by law enforcement officers in criminal cases connected with the June 2010 events. Criminal proceedings have been instituted in 5 cases (1 in Osh province, 3 in Jalal-Abad province and 1 in the city of Osh), while in the remaining 10 cases (8 in Osh province, 1 in Jalal-Abad province and 1 in the city of Osh) it has been decided not to bring charges.

35. In 2008, Kyrgyzstan acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Act No. 104 of 12 July 2012 on the National Centre for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted in line with the country's international obligations. The purposes of the Act are to establish a system for the prevention of torture and other cruel, inhuman or degrading treatment or punishment of persons held in places of deprivation or restriction of liberty and to define the institutional arrangements and working methods of the National Centre for the Prevention of Torture.

36. As part of efforts to implement the Plan of Action to Prevent Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, approved pursuant to Government Order No. 469-p of 23 October 2014, the Ministry of Health, in cooperation with public authorities, civil society and international partners, has developed and ratified 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. The Guidelines contain the international standards with regard to documentation and investigation, along with other medical accounting and reporting documents, namely, forms, logbooks, checklists, certificates and instructions (Ministry of Health Orders Nos. 649 of 9 December 2014 and 680 of 7 December 2015).

37. These Guidelines are an official issuance regulating the documentation and recording of cases of violence, torture and ill-treatment. The Guidelines also cover the referral of victims to the appropriate agencies within the prescribed period (24 hours) for the provision of comprehensive support (including investigative measures); the information provided to victims; State recording and registration of cases; and steps to enhance the quality of expert forensic medical and forensic psychiatric assessments and to ensure a more sensitive approach when dealing with vulnerable groups. Cases are medically

documented irrespective of the age, sex, religion, ethnicity or political affiliations of the victims or other factors and without any kind of discrimination.

38. The Ministry of Health has approved a comprehensive action plan for preventing violence, torture and other cruel, inhuman or degrading treatment or punishment, notifying heads of health-care organizations of the roll-out of new medical accounting and reporting documents, and promoting interdepartmental cooperation (Ministry of Health Order No. 84 of 19 February 2015 on the implementation of the comprehensive plan for 2015, No. 204 of 25 March 2016, among others); the plan is reviewed and updated every year.

39. According to data from the Office of the Procurator General, all complaints made by women from the country's different ethnic groups alleging rape or the use of other forms of violence against them by law enforcement officers are considered promptly and impartially. Thus, from 2010 to 2015, a total of 1,921 reports of rape were registered by the law enforcement agencies, including 21 (1 per cent) from ethnic community women (Russians, Uzbeks, Tajiks, Koreans and others).

40. Criminal proceedings were instituted in relation to 13 of the 21 complaints, as a result of which 14 people were prosecuted in 7 criminal cases and subsequently convicted by a court. In four cases, the investigation was suspended because the perpetrators could not be identified, while one case was suspended because the accused could not be located. In one case, proceedings against one individual were terminated at the investigation stage owing to reconciliation of the parties. In five cases, it was decided not to bring charges owing to reconciliation of the parties, and in two cases because of lack of evidence that an offence had been committed or failure to substantiate claims.

41. No cases of ethnically motivated rape have been recorded. All the aforementioned cases were of a general criminal nature.

42. In 2013, one woman from another ethnic group, an Uzbek, reported that she had been subjected to torture; no criminal charges were brought because the allegations were not substantiated. This case was also not ethnically motivated.

43. The Zhogorku Kenesh, in Decision No. 566-VI of 19 May 2016 on the 2015 report of the National Centre for the Prevention of Torture, ordered the Ministry of Internal Affairs and the State Penal Correction Service under the Government of Kyrgyzstan to study section 4 of the report, which contains information on cases of the use of torture against minors held in places of deprivation or restriction of liberty, to prepare detailed information on each case and to report within one month to the Committee on Constitutional Legislation, the State Structure, Judicial and Legal Issues and the Rules of the Zhogorku Kenesh.

44. The Zhogorku Kenesh instructed the Government:

- To review annually at meetings of the Government issues relating to respect for the right to freedom from torture, with such meetings to be attended by all appropriate government agencies
- To bring together government agencies, local government bodies and citizens to discuss and promote the implementation of a set of legislative, administrative, legal and other measures to combat torture and other cruel, inhuman or degrading treatment or punishment
- To coordinate the efforts of government agencies to carry out, in close cooperation with civil society and international organizations, measures that are overdue and measures the time frame for which has yet to expire, along with other measures

45. Staff of the National Centre for the Prevention of Torture, together with primary health care specialists, have scheduled 200 additional monitoring visits to prisons between May 2016 and the end of 2017 as part of a joint project with the Soros Foundation-Kyrgyzstan entitled "Support for the consolidation of national efforts to prevent torture and other cruel, inhuman or degrading treatment or punishment and combat impunity in Kyrgyzstan", implemented with financial assistance from the European Union.



46. In the concluding observations, it was recommended that prompt, thorough and impartial investigations should be conducted. At the initiative of the Ministry of Internal Affairs, the Zhogorku Kenesh, on 15 January 2014, adopted Act No. 11, whereby the Code of Criminal Procedure was amended to allow officials of the following agencies to conduct expedited pretrial proceedings in the case of minor and less serious offences: the internal affairs agencies, the national security and drug control agencies, the financial police, the customs agencies and the agencies of the penal correction system.

47. With support from the Organization for Security and Cooperation in Europe (OSCE) Police Reform Programme in Kyrgyzstan, copies of the Act were printed and distributed to the public, along with the Instructions on the organization and conduct by the internal affairs agencies of expedited pretrial proceedings, which were approved by Ministry of Internal Affairs Order No. 82 of 28 January 2014, and a training manual setting out a model expedited case.

48. In 2014, 138 cases were sent for trial under the expedited procedure, 393 in 2015 and, in the first four months of 2016, 167.

49. It was noted in the concluding observations that unlawful acts by law enforcement officers had gone unpunished. According to data from the Office of the Procurator General, between 2011 and 2015, 798 personnel of law enforcement agencies were prosecuted: 41 procuratorial staff; 705 staff from the Ministry of Internal Affairs; 9 from the State Committee on National Security; 21 from the State Service to Combat Economic Crime (financial police) under the Government of Kyrgyzstan; and 22 from the State Drug Control Service under the Government of Kyrgyzstan.

50. Disciplinary action was taken against 3,138 law enforcement personnel: 89 procuratorial staff; 2,853 staff from the Ministry of Internal Affairs; 30 from the State Committee on National Security; 105 from the State Service to Combat Economic Crime; 24 from the State Drug Control Service; 31 from the State Penal Correction Service; and 6 from the State Customs Service under the Government of Kyrgyzstan. None of the cases in which law enforcement officers were disciplined or prosecuted involved rape or the use of violence or torture against members of other ethnic communities.

51. As noted in the concluding observations, an important factor in increasing trust in the State is the payment of compensation to victims of ethnic conflicts. In accordance with the Act on Social Protection for Family Members of Persons Killed and for Persons Injured in the Events of April-June 2010, 412 families of individuals killed in the June 2010 events — some 420 persons according to the list prepared by the Ministry of Internal Affairs — received one-off supplementary payments of 20,000 soms, making a total of 8,240,000 soms. Children of the missing were paid interim social grants of 6,000 soms. Grants were received by 29 children, resulting in total payments of 174,000 soms.

52. Currently, 617 persons are receiving supplementary monthly social allowances: 415 under-18-year-olds and 202 persons with disabilities.

53. Some 73 under-18-year-olds and 82 persons with disabilities are receiving the allowances in connection with the April events; 11 persons with disabilities in connection with the May events; and 342 under-18-year-olds and 109 persons with disabilities in connection with the June events.

54. To mark the fifth anniversary of the April people's revolution, the Government adopted Order No. 133-r of 30 March 2015, which provided for one-off financial payments to families of Kyrgyz citizens killed and to persons injured in the events of April-June 2010, in the following amounts:

- 10,000 soms to families of persons who were killed
- 5,000 soms to persons who sustained serious injuries
- 3,000 soms to persons who sustained less serious or minor injuries

55. From 2010, the Centre for the Medical and Social Assessment of Persons with Disabilities, part of the Ministry of Labour and Social Development, examined victims of the May and June events and established the extent of their disabilities. Those injured or

maimed receive medical care and medication free of charge, vouchers for stays at sanatoriums for two years and a number of other services.

56. In the concluding observations, it was recommended that the necessary measures should be taken to prevent the recurrence of ethnic conflict. In May 2014, a monitoring centre was set up within the State Agency for Local Government Affairs and Inter-Ethnic Relations to monitor and analyse the ethnic situation in Kyrgyzstan; the centre receives financial support from the United Nations Development Programme (UNDP) Peace and Development Programme. The UNDP experts helped to devise indicators for monitoring inter-ethnic relations in communities. These indicators were piloted by 64 local government bodies. At present, the monitoring centre is working on a digital map of sites of potential ethnic conflicts. Since the centre's establishment, its analysts have prepared more than 40 analytical memorandums and reports on the ethnic situation in the country.

57. The National Gender Equality Strategy for the period up to 2020 and the National Plan of Action for Gender Equality 2015-2017 were approved pursuant to Government Decision No. 443 of 27 June 2012, in line with the concluding observations.

58. The National Gender Equality Strategy for the period up to 2020 was the first instrument in Kyrgyzstan to address the attainment of gender equality over the long term. The analysis of national budgets from a gender perspective is now becoming an established requirement. The National Plan of Action for Gender Equality 2015-2017 contains a matrix of specific indicators and indices, which are fed by monitoring mechanisms on a regular basis. The statistics used for monitoring are disaggregated by gender.

59. Since 2012, the Office of the Procurator General has included in State statistical reporting a section on its supervision of compliance with laws in the sphere of gender policy. For example, in 2014 the country's procurator's offices carried out 143 inspections to supervise the observance and application of the requirements of the Act on State Guarantees of Equal Rights and Opportunities for Men and Women. They made 71 recommendations and issued 104 directives and 34 warnings. As a result of action by procurators, disciplinary proceedings were brought against 36 officials.

60. Concern was expressed in the concluding observations about reports of cases in which members of other ethnic communities had been dismissed from their positions in the administration or local government. Since 2010, the procuratorial authorities have brought criminal charges in connection with one such instance.

61. Concern was also expressed about the investigation of cases in which members of other ethnic communities had been forcibly evicted from their enterprises. According to data from the Office of the Procurator General, since 2010 no criminal cases have been opened by the law enforcement agencies in connection with such forced evictions and no investigations have been conducted.

62. According to information from the Supreme Court, in 2011-2015 no criminal cases involving the forced eviction of members of other ethnic communities from their enterprises were heard.

63. In the concluding observations, the Committee recommended that assistance should be provided to business people affected by the conflict, irrespective of their ethnicity. According to information from the Ministry of Finance, in order to support economic actors — both enterprises and individuals — affected by the disorder in June 2010, the Interim Government introduced by decree measures to stimulate economic activity and investment and create conditions conducive to the development of entrepreneurship.

64. In accordance with Government Decision No. 228 of 16 May 2011 on measures to support entrepreneurs affected by robberies, looting and fires in June 2010 in the city of Osh and in Jalal-Abad and Osh provinces, cheap long-term loans in amounts of 150,000 soms each over 10 years, with repayment deferred for 1 year, were to be made available to 1,803 entrepreneurs affected by looting; the State Directorate for the Rehabilitation and Development of the Cities of Osh and Jalal-Abad disbursed loans to 1,490 entrepreneurs thus affected.

65. Government Order No. 262-r of 14 June 2016 provides for support to be made available to the remaining 313 entrepreneurs through the State Agency for Architecture, Construction, Housing and Public Services under the Government of Kyrgyzstan.

66. In the concluding observations, the Committee encouraged Kyrgyzstan to take concrete measures to ensure that the different ethnic groups were adequately represented in elected and executive bodies, in the police and in the judiciary. The provisional regulations on the holding of competitions to fill vacancies in administrative posts in the State civil service, approved by Government Decision No. 741 of 29 November 2011, provide that, where candidates receive an equal number of votes, the decision rests with the chair of the competition and certification commission. In the event that candidates of different sexes or ethnic groups receive an equal number of votes, the commission must recommend the candidate whose sex or ethnic group is less represented in the relevant category of civil servants in the State body concerned.

67. As stated in the previous reports:

- As at 1 January 2008, of 15,785 State civil servants, 175 were members of the country's different ethnic communities
- As at 1 January 2009, the figure was 181 out of 17,978

68. According to figures from the State personnel department, ethnic representation in the State and municipal civil service is now as follows:

- As at 1 January 2011, of 16,980 State civil servants, 1,528 were members of the country's different ethnic groups
- As at 1 January 2015, the figure was 1,816 out of 23,044 civil servants

69. Special attention is paid to ensuring that the different ethnic communities are represented in the law enforcement agencies. The Ministry of Internal Affairs carries out an analysis each year of the ethnic composition and gender balance of the staff of the internal affairs agencies, among other criteria.

70. As a result of focused efforts by the Ministry's leadership, women now represent 11.9 per cent of all staff working in the internal affairs agencies. Most — 78.9 per cent — are internal affairs officers. Fifty-nine women are senior officers. The regular female staff of the internal affairs agencies is diverse, with 19 ethnicities represented, while the agencies' female employees include women from 16 different ethnicities. The senior female staff come from five different ethnicities.

71. The ethnic composition of the staff of the Supreme Court is as follows: the judges include members of two ethnic communities; the senior administrative staff four; and the technical staff three.

72. Armed forces personnel are mostly of Kyrgyz or Russian ethnicity.

73. As noted in the concluding observations, addressing socioeconomic disparities between different ethnic communities and regions is key. Measures are envisaged, as part of efforts to implement the National Sustainable Development Strategy 2013-2017, to develop the regions and thereby reduce the socioeconomic disparities between different ethnic communities and between the urban and rural populations. In addition, the Programme for the Development of Local Government 2013-2017 provides for measures to narrow the gap between urban and rural dwellers.

74. The provision of assistance to internally displaced persons, especially with regard to access to the labour market and to housing, is an important factor in stabilizing the situation in the country, as noted in the concluding observations. In 2015, the Ministry of Labour and Social Development placed 5,735 persons in Jalal-Abad province in jobs. In Osh province, in the same period, 6,839 persons were helped into work. Under the Programme for the Rehabilitation and Development of the Cities of Osh and Jalal-Abad, 251 flats have been built and allocated to families of those who were killed and to persons who were disabled or seriously injured in Osh province.

75. In the concluding observations, it was recommended that Kyrgyzstan should strengthen its efforts to provide education to children in their mother tongues and to ensure that they are tested in their mother tongues. The work done to promote education in the languages of the country's different ethnic groups and testing in the languages in which candidates have mostly been taught is an important indicator of the improved ethnic situation. According to data from the Ministry of Education and Science, pupils in the final year of secondary school sit a State school-leavers' examination comprising four subjects: (1) mathematics; (2) history; (3) Kyrgyz language and literature; and (4) Russian language and literature, or Uzbek or Tajik language and literature. It should be noted that, in schools in which children are taught in a language other than Kyrgyz, the school-leavers' examinations in mathematics and history are sat in the language of instruction, while the Kyrgyz language examination is sat in Kyrgyz and the Russian language examination in Russian.

76. In grades 5, 6, 7, 8 and 10, pupils also sit end-of-year examinations comprising no more than four subjects, two of which are compulsory and are tested in the language of instruction. These arrangements demonstrate respect for pupils' right to receive their school education in their mother tongues.

77. The State Standards for Secondary General Education were approved further to the Committee's previous recommendations (CERD/C/KGZ/CO/4, para. 14) and in line with the Education Development Strategy 2012-2020. Pursuant to the State Standards, work is under way to update the content of curricula and textbooks for primary and secondary schools about the history and culture of the different ethnic communities living in the territory of Kyrgyzstan.

78. Standards have been prepared for various modules, including one entitled "World history", allowing pupils to learn about the history of the world's peoples, beginning with the ancient world and concluding with modern history, including events in today's multi-ethnic Kyrgyzstan.

79. The Dungan Association of Kyrgyzstan has been awarded a grant, under a national programme of the State Agency for Local Government Affairs and Inter-Ethnic Relations, to fund the reprinting of textbooks in the Dungan language: 3,500 copies of the book *Dungansky yazyk — Grammatika* (The Dungan Language — A Grammar), which is aimed at younger children, have been produced, along with 1,400 copies of the textbook *Nasha literatura (chetenie)* (Our Literature (A Reader)), for children in secondary schools, and 1,800 handbooks on the Dungan language, for pupils in the senior classes. The books have been distributed to 14 schools in Chüy and Ysyk-Köl provinces.

80. Midia, the civil society association of Kurds in Kyrgyzstan, and the People's Assembly of Kyrgyzstan have prepared an illustrated book display entitled "Books about the Kurds" (two bookcases), a photography exhibition "Kurds of Kyrgyzstan: Past and Present" (10 stands) and an ethnological exhibition entitled "Cultural Heritage of the Kurds". In order to familiarize Kyrgyz citizens with aspects of the traditional Dungan culture, the Chzhen Khe International Foundation for Cultural Integration has published a book entitled *Obychai, obryady i poverya Dungan* (Customs, Rituals and Beliefs of the Dungan) covering their whole life cycle. Taalim-Forum, a voluntary foundation, has published a colourful illustrated book for younger children containing verses in the Kyrgyz and Russian languages on friendship between the peoples of Kyrgyzstan. All of these initiatives have received funding from the national grant programme of the State Agency for Local Government Affairs and Inter-Ethnic Relations.

81. In accordance with the Committee's recommendations in the concluding observations to the effect that ethnic groups should be able to disseminate and have access to information in their own languages, during the reporting period Birinchi Radio (Radio One Kyrgyzstan) broadcast the following programmes: *Khueimin shyniin*, *Tengri-Tag sadalary*, *Bereginya*, *Tugan tel*, *Polonia*, *Madaniyat beshegi* and *Bar bol dostuk*, in the Dungan, Uighur, Ukrainian, Tatar, Polish, Turkish and Uzbek languages, respectively. Each programme airs for 15 minutes per week on FM radio and on the website of the Kyrgyz Public Television and Radio Broadcasting Corporation. In line with the Policy Framework on Strengthening National Unity and Inter-Ethnic Relations in Kyrgyzstan, since 2013 the

Corporation has established a new online radio station, Radio Dostuk, which broadcasts the seven aforementioned ethnic radio programmes. Radio Dostuk's output airs on Saturdays on Birinchi Radio.

82. Most television broadcasts are in Kyrgyz or Russian. In addition to the main programmes, the following programmes are aired: *Danaker*, *Most Druzhby* (*Dostuk kópýrósy*), *My-Kyrgyzstantsy!*, *Nash chelovek*, *Tengir too saadalary*, *Golos dunganskogo naroda*, *Bereginya*, *Tugan-tel*, *Polonia* and *Bar bol dostuk*. They go out in seven languages (Ukrainian, Polish, Uighur, Dungan, Tatar, Turkish and Uzbek). The public regional television and radio broadcasting company Yntymak broadcasts *Kyrgyzstandyktar*, a cycle of television programmes in Uzbek and Kyrgyz. The EITR channel shows the television programmes *Biz-MY-We* and *Tolko vmeste*.

83. As at 2016, in the south of the country, 22 local publications were registered with regional offices of the Ministry of Justice, including 3 local printed publications in the Uzbek language (*Ush sadosi* in Osh province, *Jalal-Abad tongi* in Jalal-Abad province and *Dustlik* in Aravan district). There are several "mixed" media publications, in which a portion of the content appears in Uzbek: the trilingual newspaper of the Osh mayor's office, *Osh shamy*, which includes a column in Uzbek, and the private Kyrgyz-language newspaper *SyLei-Info*, which, since July 2014, has produced columns in Uzbek. Osh TV and Yntymak broadcast for several hours in Kyrgyz, Russian and Uzbek in Osh province, and the local television and radio company, Aravan, broadcasts for several hours in Kyrgyz and Uzbek in Aravan district.

84. Out of 46 local media publications registered since 2011, 3 printed publications appear in Russian and 7 in Kyrgyz and Russian, while out of eight television and radio companies, one, the Chüy provincial television and radio company, broadcasts in Kyrgyz and Russian and two, in the south of the country, broadcast in Kyrgyz, Russian and Uzbek. The Media Act contains no restrictions on the development of media in the languages of the ethnic communities. In Kyrgyzstan, favourable conditions have been created for the preservation of the country's ethnic and cultural diversity.

85. Under the small grants programme of the State Agency for Local Government Affairs and Inter-Ethnic Relations, which is aimed at supporting local initiatives, in 2014-2015 State grants were awarded to the following representatives of the Uzbek diaspora:

- The national community newspaper *Aalam-Olam*, which appears in Uzbek
- The Eraiyim women's voluntary association, to enable pupils in schools in Osh and Jalal-Abad provinces to broadcast news in the Uzbek and Kyrgyz languages on the schools radio station, Radio Dostuk
- The Pavroz voluntary association in Ala-Buka district, to train ethnic Uzbek children to use new information technologies
- A member of the Union of Journalists, Akhmedov Begizhan, for the publication in the Uzbek language of books entitled *Potomki Khuvaido* and *Vzglyad na istoriu: ot Manasa do Aitmatova*

86. In the concluding observations, it was recommended that efforts to combat human rights violations, including through educational, cultural and other campaigns, should be strengthened. The Ministry of Education and Science has introduced new standards for various subjects and is making changes to the curricula of general education schools; in particular, an integrative, comprehensive course entitled "Humans and society" is being introduced in grades 1 to 11. This course will cover human and civil rights and duties, the related legal framework and the practical exercise of these rights and duties. The way in which human rights issues are examined will depend on pupils' age and the theoretical foundations of the topic at hand. To date, the course has been taught in grades 9 to 11.

87. In 2013, under the leadership of the Ministry of Education and Science, 10 ministries and departments drew up and signed a special protocol on interdepartmental cooperation to protect pupils in general education establishments from violence (including ethnically motivated violence).

88. As part of the “Schools without Violence” programme, which was initiated by the Ombudsman (Akyikatchy) of Kyrgyzstan and is being rolled out by the Children’s Rights Protection League, a voluntary foundation, working with the Ministry of Education and Science and other ministries, and with direct support from the United Nations Children’s Fund (UNICEF), model instructions have been approved on the procedure for cooperation among the participants in the educational process — staff, pupils and parents (or persons in loco parentis) — to prevent violence in general education establishments.

89. To prevent ill-treatment of and violence against children and adolescents, the Ministry has ratified a plan of action to ensure compliance in educational establishments with the Convention on the Rights of the Child, create a safe learning environment and raise the level of education and instruction. A module on reducing violence against children in schools in Kyrgyzstan has been developed with support from the United Nations Educational, Scientific and Cultural Organization (UNESCO) Cluster Office in Almaty, Kazakhstan.

90. Since the beginning of 2015, the Ministry of Internal Affairs has held seven meetings with multi-ethnic populations in various regions of the country in order to establish dialogue between the internal affairs agencies and various community groups (ethnic, religious or youth groups) through regular contacts with the leaders of those groups (elders, clergy, youth leaders and NGOs).

91. Drawing on the outcome of studies and analyses of situations of ethnic conflict, the Ministry of Internal Affairs has established the following causes of outbreaks of such conflict: intensification of the activities of radical extremist groups and heightened activity by criminal elements. On the basis of these indicators, 160 potential hotbeds of ethnic conflict have been identified: 26 (16 per cent) in Osh province; 10 (6 per cent) in the city of Osh; 39 (24 per cent) in Chüy province; 8 (5 per cent) in Ysyk-Köl province; 29 (18 per cent) in Jalal-Abad province; 29 (18 per cent) in Batken province; 8 (5 per cent) in Talas province; and 11 (6.8 per cent) in Bishkek.

92. Since the beginning of 2015, five ethnic conflicts driven by interpersonal factors have been identified (two in Chüy province, one in Talas province, one in Osh province and one in the city of Osh). At present, there are no situations of ethnic conflict, as the personnel of the public authorities concerned are carrying out appropriate preventive measures.

93. According to information from the Office of the Procurator General, no instances of discrimination by politicians or media outlets were recorded during the reporting period; there were some negative comments in the media, which the procuratorial authorities dealt with by issuing warnings of possible criminal proceedings.

94. Kyrgyzstan has assumed obligations under 40 international human rights instruments, 42 conventions of the International Labour Organization (ILO) and the Helsinki Final Act on protecting human rights and eliminating racial discrimination. The most significant outcome of the work undertaken in this area is the establishment of the Coordinating Council on Human Rights reporting to the Government of Kyrgyzstan, the statute of which was approved pursuant to Government Decision No. 155 of 17 March 2014. The main tasks of the Council are to coordinate the activities of government agencies in view of the preparation of national periodic reports to the United Nations treaty bodies and to assist government agencies in implementing United Nations recommendations on human rights.

95. The process of aligning the country’s legislation with international standards was pursued during the 2010 constitutional reform. The Constitution prohibits discrimination on the basis of sex, race, language and ethnicity. The same article states that special measures aimed at ensuring equal opportunities, as provided for in international law, do not constitute discrimination.

96. The Policy Framework on Strengthening National Unity and Inter-Ethnic Relations in Kyrgyzstan envisages a number of measures to refine the legal framework and in particular “to bring the legislation regulating inter-ethnic relations into line with the 2010 Constitution and with the country’s international obligations”.

97. An interdepartmental working group comprising representatives of interested ministries and departments and of the Office of the United Nations High Commissioner for Refugees (UNHCR) and NGOs has prepared draft laws and regulations to amend several statutes and other enactments governing migration, the granting of citizenship and the issuance of documentation to the population.

98. To preserve inter-ethnic harmony, the State Agency for Local Government Affairs and Inter-Ethnic Relations is conducting activities to promote tolerance, mutual respect and mutual appreciation for the cultures of the different ethnicities, in cooperation with local authorities and law enforcement agencies, the provincial branches of the People's Assembly of Kyrgyzstan, the State Committee on National Security and the State Commission on Religious Affairs, and with the participation of representatives of the ethnic diasporas; these activities are publicized in the media and online. In 2015, 953 educational and preventive events were held in the Republic.

99. As part of efforts to implement the National Sustainable Development Strategy 2013-2017 and Presidential Decree No. 24 of 7 February 2014 on the implementation of the decision of the Defence Council of Kyrgyzstan on State policy in the sphere of religion, the State Commission on Religious Affairs, the State Agency for Local Government Affairs and Inter-Ethnic Relations, the Ministry of Internal Affairs and the State Committee on National Security have approved a joint action plan to prevent and suppress extremist and terrorist activity.

100. To build trust between law enforcement officers and members of ethnic minorities, a neighbourhood safety project has been in operation in the city of Osh since January 2015. The project, which is being carried out jointly with the city's internal affairs department, provides for the active involvement of local authority employees and civil society.

101. Training workshops have been held for staff of local agencies of the State and local government bodies as part of the conflict monitoring and early warning system devised by the department for ethnic and religious policy and cooperation with civil society in the Office of the President. The Presidential Academy of Public Administration is refining its training programme on managing inter-ethnic relations, which is currently being piloted.

102. The National Sustainable Development Strategy 2013-2017, in paragraph 3.3, provides that State authorities and local government bodies must be open; that citizens must be guaranteed access to information held by those bodies and their officials, as provided by law; and that the law must be upheld so as to prevent the promotion of ethnic, racial or religious hatred or propaganda for the superiority of one sex or social group over another and to suppress the dissemination of information inciting discrimination, enmity or violence.

103. A project entitled "Peace and trust: equal access to law enforcement agencies 2014-2016" is being implemented under the auspices of the United Nations Peacebuilding Fund. The main aim of the project is to increase public trust in the internal affairs agencies by developing and carrying out measures to strengthen participation by and representation of women and members of the country's different ethnic communities in those agencies.

104. The Ministry of Education and Science has organized meetings with representatives of health-care agencies, internal affairs agencies and parents on questions relating to the criminal and administrative liability of minors. Seminars have been held on the prevention of violence against children under the 2015-2017 agreement concluded between the Government of Kyrgyzstan and UNICEF. Within the framework of the cooperation between the French lawyers' union and Kyrgyzstan, in October 2015 training sessions on the rights of the child were organized for teachers at two Bishkek schools, with the participation of lawyers from both countries. Model lessons were developed for pupils in grades 5 to 11 on the basis of the outcome of these sessions. Pursuant to an order of the Ministry of Education and Science of 18 February 2016, two pilot schools were selected in Bishkek. Since the 22 February 2016, as part of the pilot project, children have been receiving lessons on the rights and responsibilities of children and parents under Kyrgyz law. The programme will be rolled out to all general education establishments in the Republic building on the results of the pilot.

105. The State Agency for Local Government Affairs and Inter-Ethnic Relations is taking into account the recommendations made by the Committee in its concluding observations concerning the implementation at the national level of the Durban Declaration and Programme of Action and gives consideration to these international documents in carrying out its activities.

106. As recommended in the concluding observations, the Ministry of Internal Affairs is strengthening its efforts to expand human rights training for internal affairs officers. Questions testing knowledge of international standards, including the Convention, are included in all accreditation tasks. The Ministry of Internal Affairs Academy teaches a special course on inter-ethnic relations, conflict management and negotiation entitled “Special features of law enforcement work in a multi-ethnic society”. A course called “Human rights”, covering human rights and practical respect for those rights in the work of the internal affairs agencies, is included in the core curriculum for higher legal education and in the curriculum for secondary specialized education.

107. The Ministry of Internal Affairs Academy runs a course for students on the topic “Gender policy in the work of the Ministry of Internal Affairs”. From September to December 2015, 197 internal affairs officers undertook advanced training courses. In addition, courses on “Gender and mediation” and “The role of the internal affairs agencies in the protection of human rights” are offered for master’s degree students.

108. At the initiative of the Ministry of Internal Affairs, the Government adopted Decision No. 220 of 30 April 2013 on measures to reform the internal affairs agencies. Pursuant to this Decision, working groups were set up with the participation of members of the public and independent experts to develop a plan of action for the implementation of measures to reform the internal affairs agencies. The plan has three components: (1) “Strengthening cooperation between the militia and the public in protecting law and order and preventing crime”; (2) “Improving legislative, organizational and administrative support and resources for the anti-corruption component of the reform of the internal affairs agencies”; and (3) “Updating the staff training system”. The main aim of the reform is to establish an effective system for maintaining law and order and public safety that enjoys the trust of the community.

109. The Council for the Reform and Development of the System of Law and Order was set up under the Government to monitor and coordinate the implementation of measures to reform the internal affairs agencies. From the beginning of 2015, provincial forums were held in all local internal affairs agencies with a view to strengthening cooperation between the militia and the public in maintaining law and order and preventing crime. On the basis of the outcome of the forums, on 22 April 2015 a first nationwide forum was held on the theme “Public safety — our common cause”, with the participation of representatives of State entities and local government bodies, international and non-governmental organizations, and the media; a resolution was adopted.

110. The Regulations on mechanisms for cooperation between the internal affairs agencies and civil society institutions were developed jointly with representatives of civil society so as to ensure that the prerequisites for the legal regulation of the procedures and conditions for such cooperation were in place.

111. A memorandum of understanding between the Government of Kyrgyzstan and OSCE on reforming law enforcement and other government agencies in Kyrgyzstan was approved, signed by the parties and ratified with a view to establishing the legal framework for a new stage in the cooperation between the Government and OSCE.



## Part II

### Chapter 1

#### Implementation of article 1 of the Convention

112. The legislative framework for the regulation of inter-ethnic relations has been set down in the Constitution and is fleshed out in a number of laws. The Constitution recognizes and guarantees fundamental human rights and freedoms, in accordance with the universally accepted principles and norms of international law and international treaties and agreements (art. 16).

113. The following provisions of the Constitution are of vital importance for the protection of human rights in the sphere of inter-ethnic relations:

- The provision regarding the direct applicability of the norms of international human rights instruments and their precedence over the norms of other international treaties (art. 6 (3)), a provision that has acquired particular significance given the ratification by Kyrgyzstan of a number of international human rights treaties and conventions
- The prohibition on the activities of political parties, civil society or religious associations whose actions are aimed at the violent overthrow of the constitutional order, the undermining of national security or incitement to social, racial, national, ethnic or religious enmity (art. 4)
- The prohibition on the promotion of national, ethnic, racial or religious hatred and propaganda for the superiority of one sex or social group over another inciting discrimination, enmity or violence (art. 31 (4))
- The provision requiring the State to create conditions for the different social groups defined by law to be represented in State and local government bodies, including in decision-making positions (art. 2)

114. In general, the Constitution and laws of Kyrgyzstan meet the requirements set forth in the Convention.

### Chapter 2

#### Implementation of article 2 of the Convention

115. The Criminal Code provides for liability for offences with an ethnic, national, racial or other such component. Actions intended to incite racial discrimination are regarded as criminally punishable acts posing a danger to society, as defined in articles 97, 299 and 299-1 of the Code. Under Kyrgyz criminal law, this type of offence is considered to be especially serious.

116. Article 134 of the Code establishes liability for direct or indirect violations or restrictions of human and civil rights and freedoms (breaches of the equality of citizens) on the basis of sex, race, ethnicity, language, origin, wealth or professional status and for other discriminatory acts.

117. In accordance with international law, article 373 of the Code defines genocide as “acts motivated by animosity and intended to destroy in whole or in part a national, ethnic, racial or religious group by means of killing members of that group, causing them serious harm or other wrongdoing”.

118. The Code of Administrative Offences provides for liability for offences against ethnocultural rights, such as violation of the right of citizens freely to choose the language in which they are educated and obstruction of the exercise of the right to freedom of conscience and freedom of religion.

119. The State Agency for Local Government Affairs and Inter-Ethnic Relations is the public authority responsible for carrying out policy on the regulation of inter-ethnic relations. At the Agency's initiative, an interdepartmental commission was established, pursuant to Government Decision No. 342-r of 30 August 2013, to ensure concerted action and coordinate the efforts of ministries, the relevant State committee and administrative departments to carry out the plan of priority measures for implementing the Policy Framework on Strengthening National Unity and Inter-Ethnic Relations in Kyrgyzstan. In 2014-2015, the interdepartmental commission held five meetings, at which it reviewed the efforts of ministries and departments to implement the Policy Framework and carry out the plan of priority measures. On the basis of the outcome of the meetings, the ministries and departments involved in implementation were given instructions on how to improve their efforts in that regard.

120. The Policy Framework is the main strategic document setting out State policy on ethnic issues. It defines the main axes of this policy, which are: the formation of a civic nation based on the unifying role of the State language, Kyrgyz, as the key element in the consolidation of society and the preservation of ethnic diversity and ethnocultural specificities.

121. In line with paragraph 6 of the 2013-2017 plan of priority measures for implementing the Policy Framework on Strengthening National Unity and Inter-Ethnic Relations in Kyrgyzstan, community liaison offices have been in operation in 20 multi-ethnic districts and towns in Osh, Jalal-Abad, Batken and Chüy provinces and in the town of Karakol in Ysyk-Köl province since 2014. The offices address issues relating to inter-ethnic relations and monitor and evaluate the situation in order to be able to respond rapidly and prevent conflicts in areas where multi-ethnic communities reside and also to be able to cooperate effectively with the civil sector.

122. In 2015, the State Agency for Local Government Affairs and Inter-Ethnic Relations carried out 2,307 preventive measures as part of its efforts to ensure early warning and prevention of ethnic conflicts. These measures took the form of meetings and gatherings of village residents, training sessions and workshops.

123. To promote national unity and a common civic identity, the State Agency, together with the People's Assembly of Kyrgyzstan and interested ministries and departments, is conducting mass cultural events, round tables, conferences and forums with the participation of State and local government bodies, civil society and representatives of ethnic communities.

124. The People's Assembly of Kyrgyzstan is involved in carrying out the aforementioned plan, for which an amount of 204.8 million soms is provided in the budget. In implementation of the plan, the State Agency allocated the Assembly 2 million soms in 2014 and 1,901,200 soms in 2015. These resources were used to publish books entitled *Kyrgyzstan — nashe Otechestvo* (Kyrgyzstan — Our Homeland) and *20 let Assamblee naroda Kyrgyzstana. Lyudi, sobytia, fakty* (Twenty Years of the People's Assembly of Kyrgyzstan: People, Events and Facts), a calendar on the theme "Friendship among peoples" and several editions of the magazine *Vestnik Assamblei naroda Kyrgyzstana* (The People's Assembly Herald), and to hold the Day of Older Persons and the Diasporas Day, which took place in Friendship House, and several sporting events.

125. In 2014-2015, following a bidding process, seven grants totalling 2,136,166 soms were awarded under the State Agency's small grants programme to ethnic civil society associations belonging to the People's Assembly of Kyrgyzstan: 473,866 soms to Dusti, a voluntary association of citizens of Tajik descent, which is affiliated with the Assembly's Osh branch; 452,000 soms to the Dungan Association of Kyrgyzstan, which is part of the Bishkek People's Assembly; 150,300 soms to Dom Druzhby, a voluntary association in the town of Tokmok; 150,000 soms to Midia, the association of Kurds in Kyrgyzstan, which is affiliated with the Bishkek People's Assembly; 312,000 soms to the People's Assembly of Kyrgyzstan in Bishkek; 198,000 soms to the Association of Ethnic Kyrgyz, part of the Bishkek People's Assembly; and 400,000 soms to the Uzbek Ethnic Cultural Centre in the city of Osh, which belongs to the Assembly's Osh branch. Since 2014, the 17 most active

civil society associations in the People's Assembly of Kyrgyzstan have been incentivized through the award of cash prizes worth a total of 328,000 soms.

126. The Ombudsman continuously exercises parliamentary oversight of the observance of the human and civil rights and freedoms enshrined in the Constitution for persons within the territory of Kyrgyzstan or subject to its jurisdiction. The Ombudsman is guided in his work by the Constitution, the Ombudsman (Akyikatchy) Act and other laws of Kyrgyzstan, as well as by the international treaties to which Kyrgyzstan is a party and which have entered into force for the country under the legally established procedure.

127. In 2011-2015, the Ombudsman received communications from citizens and organizations concerning violations of rights and freedoms in various spheres, including: complaints about acts or omissions of law enforcement agencies (14 per cent), procuratorial authorities (6 per cent) and judicial bodies (5 per cent); complaints about the use of torture (3 per cent); and communications about many other difficult issues.

128. Over this entire period, the Ombudsman did not receive a single communication concerning acts of racial or ethnic discrimination committed in Kyrgyzstan.

## Chapter 3

### Implementation of article 3 of the Convention

129. It is noted in the National Sustainable Development Strategy 2013-2017, the main priorities of which include safeguarding inter-ethnic harmony, strengthening national unity and protecting the rights of citizens irrespective of their ethnicity, that State policy for achieving those objectives will be implemented on the basis of the principle of recognition of unity in diversity, among others; specifically, this will involve encouraging the efforts of authorities and local government bodies, political parties and other institutions of civil society to consistently apply the principle of unity in diversity (including cultural, demographic and other differences) in all spheres, from human resources policy to long-term urban development and architectural planning.

## Chapter 4

### Implementation of article 4 of the Convention

130. Article 16 of the Constitution, article 16 of the Code of Criminal Procedure and article 550 of the Administrative Liability Code constitute the framework for legislative, judicial, administrative and other measures to implement article 4 of the Convention.

131. The law enforcement agencies take action against manifestations of ethnic, racial, religious or interregional enmity. According to data from the Ministry of Internal Affairs, over a five-year period, units of the law enforcement agencies brought 345 criminal cases for incitement to ethnic, racial, religious or interregional enmity (Criminal Code, art. 299): 70 in 2011; 67 in 2012; 75 in 2013; 75 in 2014; and 58 in 2015.

132. Data from the Office of the Procurator General on cases brought under article 299 of the Criminal Code show that:

- In 2011, of 13 cases, 4 were brought by the State Committee on National Security, 4 by the procuratorial authorities and 5 by the Ministry of Internal Affairs
- In 2012, of 9 cases, 5 were brought by the State Committee on National Security, 2 by the procuratorial authorities and 2 by the Ministry of Internal Affairs
- In 2013, of 6 cases, 4 were brought by the State Committee on National Security and 1 each by the procuratorial authorities and the Ministry of Internal Affairs
- In 2014, of 12 cases, 6 were brought by the State Committee on National Security; 1 by the procuratorial authorities and 5 by the Ministry of Internal Affairs

- In 2015, of 3 cases, all were brought by the State Committee on National Security

133. Islamic State is becoming a serious terrorist threat, not only at the regional but also at the global level. In this connection, a pressing task for the internal affairs agencies is to identify citizens who have taken part, or are taking part, in the activities of illegal armed groups abroad, with a view to detecting in a timely manner, and preventing, unlawful (terrorist or extremist) acts that might be committed by those groups. During the reporting period, the internal affairs agencies identified 167 cases in which Kyrgyz citizens had been recruited, hired and sent to foreign countries where armed conflicts are taking place, notably the Syrian Arab Republic, Iraq, Afghanistan and Pakistan.

134. During the reporting period, the internal affairs agencies and the national security agencies together identified 803 Kyrgyz citizens who had departed the country for conflict zones. The Ministry of Internal Affairs, jointly with other State bodies, civil society organizations and representatives of religious organizations, is conducting meetings, seminars, training sessions and round tables to discuss the status of efforts to counter extremism and terrorism and prevent the dissemination among the population of extremist ideology. More than 1,966 preventive and educational events have been held.

135. Courts at various levels have prohibited the activities of 19 destructive extremist or terrorist organizations.

136. The Supreme Court has considered the following criminal cases:

- In 2011:
  - Under article 299 of the Criminal Code (incitement to ethnic, racial, religious or interregional enmity), 92 cases against 96 persons (including 7 women), resulting in 81 convictions, no acquittals, termination of the proceedings against 4 persons and referral of the cases against 11 persons for further investigation
  - Under article 299-1 of the Criminal Code (organization of activities aimed at inciting ethnic, racial, religious or interregional enmity), no cases
- In 2012:
  - Under article 299 of the Criminal Code, 91 cases against 93 persons (including 8 women), resulting in 77 convictions, no acquittals, termination of the proceedings against 2 persons and referral of the cases against 14 persons for further investigation
  - Under article 299-1 of the Criminal Code, 6 cases against 6 persons (of whom none were women), resulting in 5 convictions, no acquittals and referral of the case against 1 person for further investigation
- In 2013:
  - Under article 299 of the Criminal Code, 73 cases against 73 persons (including 6 women), resulting in 60 convictions, 1 acquittal, termination of the proceedings against 1 person and application of coercive measures of a medical nature in respect of 2 persons
  - Under article 299-1 of the Criminal Code, 8 cases against 8 persons (of whom none were women), resulting in 6 convictions, no acquittals and referral of the cases against 2 persons for further investigation
- In 2014:
  - Under article 299 of the Criminal Code, 91 cases against 91 persons (including 5 women), resulting in 70 convictions, 1 acquittal, termination of the proceedings against 2 persons and referral of the cases against 18 persons for further investigation
  - Under article 299-1 of the Criminal Code, 9 cases against 14 persons (including 3 women), resulting in 14 convictions and no acquittals

- In 2015:
  - Under article 299 of the Criminal Code, 130 cases against 130 persons (including 17 women), resulting in 98 convictions, 1 acquittal and referral of the cases against 31 persons for further investigation
  - Under article 299-1 of the Criminal Code, 4 cases against 5 persons (none of whom were women), resulting in 5 convictions and no acquittals

137. Monitoring of the implementation of Zhogorku Kenesh Decision No. 567-V of 9 June 2011 on notification to the temporary parliamentary commission for the investigation and political assessment of the circumstances and conditions that led to the tragic events in the country in April-June 2010 has shown that virtually all the officials named in the Decision, who occupied senior positions in the law enforcement agencies or in the administrations of the towns and districts in which ethnic conflict took place (more than 11 administrative units), have been removed from their posts.

## Chapter 5

### Implementation of article 5 of the Convention

138. The National Council for State Legal Aid, which reports to the President, was established pursuant to Presidential Decree No. 67 of 28 March 2011.

139. The right to equality before the courts and all other bodies administering justice is guaranteed in article 40 of the Constitution, which states that all persons are guaranteed judicial protection of their rights and freedoms as provided for in the Constitution and laws of Kyrgyzstan and the international treaties to which Kyrgyzstan is a party, as well as the universally accepted principles and norms of international law. The State ensures the development of non-judicial and pre-judicial methods, forms and means to protect human and civil rights and freedoms. The State Legal Aid Act was adopted in 2009 to safeguard citizens' rights in criminal proceedings.

140. Article 16 of the Code of Criminal Procedure states that, in Kyrgyzstan, justice is administered on the basis of the equality of citizens before the law and the courts, irrespective of their social origin, wealth or professional status, race, ethnicity, sex, education, language, attitude to religion, beliefs, membership of civil society associations, place of residence or other circumstances.

141. Under article 24 (1) of the Constitution, everyone has the right to liberty and security of person. Under article 22, no one may be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Everyone deprived of liberty has the right to be treated with humanity and with respect for human dignity. Medical, biological or psychological experimentation without the free, express and properly documented consent of the person concerned is prohibited.

142. Political rights — in particular, the right to participate in elections, that is, to vote and stand for election on the basis of universal and equal suffrage, the right to take part in government, as well as in the conduct of public affairs at any level, and the right to have equal access to public service — are guaranteed in article 2 of the Constitution, which states that: "The State shall create conditions for the different social groups defined by law to be represented in State and local government bodies, including in decision-making positions."

143. Article 60 of the Presidential and Parliamentary Elections Act states that, when drawing up a list of candidates for election to the Zhogorku Kenesh, political parties must ensure representation as follows:

- No more than 70 per cent of the list may be persons of one sex, with no more than three positions between women and men on the lists of candidates proposed by political parties
- No less than 15 per cent of the list must be persons aged 35 or under

- No less than 15 per cent of the list must be citizens of different ethnicities
- No fewer than two candidates must be persons with disabilities, and one of those must be included in the first 50 candidates on the list

144. During the current session of the Zhogorku Kenesh, the sixth, of the 120 deputies, 104 are of Kyrgyz ethnicity, 3 Russian, 2 Dungan, 3 Kazakh, 4 Uzbek, 2 Uighur, 1 Tajik and 1 Tatar, making a total of 16 representatives of other ethnic communities; 98 deputies are men and 22 are women. During the fifth session of the Zhogorku Kenesh, 105 of the 120 deputies were of Kyrgyz ethnicity, 6 Russian, 3 Uzbek, 1 Dungan, 1 Tajik, 1 Kazakh, 1 Ukrainian, 1 Korean and 1 Karachai, making a total of 15 representatives of other ethnic communities; there were 94 men and 26 women.

145. Of 8,331 members of local councils, 7,153 are of Kyrgyz ethnicity, 203 Russian, 587 Uzbek, 47 Kazakh and 4 Tajik, making a total of 317 representatives of other ethnic communities; 6,961 members are men and 1,350 are women. In 2010, persons of Kyrgyz ethnicity accounted for 86 per cent of local council members; that figure is now 85.8 per cent.

146. The number of deputies by sex, age and ethnicity changes constantly: some deputies are appointed to government positions and their places taken by the next candidate on their respective party lists. These candidates will have different demographic characteristics, and the breakdown by sex, age and ethnicity will therefore change somewhat.

147. The right to freedom of movement and residence within the borders of the State is governed by the Internal Migration Act. Thus, article 3 of the Act guarantees the human rights enshrined in the Constitution, notably the right to free choice of place of residence or stay, freedom of movement, and liberty and security of person, and states that discrimination of any kind and the infringement of rights and freedoms on the basis of origin, sex, race, ethnicity, language, faith, political or religious beliefs or any other conditions or circumstances of a personal or public nature are inadmissible.

148. In accordance with the Constitution and laws of Kyrgyzstan and the international human rights instruments to which Kyrgyzstan is a party and which have entered into force for the country under the legally established procedure, every Kyrgyz citizen has the right to freedom of movement and free choice of place of residence or stay throughout the territory of Kyrgyzstan. Kyrgyz citizens' right to freedom of movement and free choice of place of residence or stay within the borders of Kyrgyzstan may be restricted only as provided by law.

149. Persons who are not citizens of Kyrgyzstan and who are present lawfully in its territory also have the right to freedom of movement and free choice of place of residence or stay within the borders of Kyrgyzstan in accordance with the Constitution and laws of Kyrgyzstan and the international treaties to which Kyrgyzstan is a party and which have entered into force for the country under the legally established procedure.

150. Under article 9 of the Labour Code, every person has equal opportunities to exercise his or her labour rights and freedoms. No person's labour rights and freedoms may be restricted, nor may any person enjoy any advantage in exercising those rights and freedoms, on the basis of sex, race, ethnicity, language, origin, wealth or professional status, age, place of residence, attitude to religion, political beliefs, membership of civil society associations or any other considerations unconnected with the person's professional qualities and performance.

151. Persons who consider that they have been subjected to discrimination at work are entitled to apply to the courts for the restoration of their rights and compensation for material or moral harm. Under the country's labour law, "discrimination" means the restriction of citizens' labour rights on grounds unconnected with their professional qualities (i.e. on grounds of sex, age, ethnicity, language and wealth, among others).

152. Citizens' labour rights are guaranteed in the Constitution and the Labour Code and are protected by the courts. Under article 9 of the Labour Code, no person's labour rights and freedoms may be restricted, nor may any person enjoy any advantage in exercising those rights and freedoms, on the basis of sex, race, ethnicity, language, origin, wealth or

professional status, age, place of residence, attitude to religion, political beliefs, membership of civil society associations or any other considerations unconnected with the person's professional qualities and performance.

153. Article 1 of the Family Code prohibits any form of restriction of the rights of citizens entering into marriage or in family relations on social, racial, ethnic, linguistic or religious grounds.

154. All citizens living in Kyrgyzstan have equal rights to health care, as guaranteed in the Health Care Act. Under article 61 of the Act, citizens have an inalienable right to health care that guarantees equal opportunities for all citizens, irrespective of sex, race, ethnicity, language, social origin, professional status, place of residence, attitude to religion, beliefs, membership of civil society associations or any other circumstances, in exercising their right to receive medical and social care.

155. Each year, the Government approves a programme of State guarantees relating to the provision of medical care in order to ensure that citizens' right to health care is upheld, improve access to medical services and make the social protection system for vulnerable groups more effective.

156. In 1996, Kyrgyzstan acceded to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto, thereby assuming international obligations to work with asylum seekers and refugees.

157. In 2002, the Refugees Act was adopted. The Act has been found by UNHCR to be in line with international standards. Refugees in Kyrgyzstan are assured the necessary living conditions. They are entitled, inter alia, to stay for three months in a place of temporary settlement; to choose as their place of permanent residence, from among those that are proposed, a community where relatives of theirs are residing, provided that the latter agree to cohabit with them; to seek employment or to engage in entrepreneurial activity in conformity with the country's legislation; and to acquire property under the terms established by law for foreign nationals and stateless persons. In order to give effect to the Refugees Act, the Government adopted Decision No. 188 of 4 April 2003, whereby it approved a model certificate of registration of asylum application, a model refugee status certificate, other model documents and instructions for the Act's application.

158. The number of refugees in Kyrgyzstan was 193 as at 1 June 2011 and 164 (including 62 minors) as at 1 July 2016:

- 98 from Afghanistan (including 41 minors)
- 50 from the Syrian Arab Republic (including 20 minors)
- 13 from Ukraine (including 1 minor)
- 2 from the Islamic Republic of Iran
- 1 from Morocco

159. Since 2011, the number of refugees in Kyrgyzstan has stabilized and has not exceeded 200. Thus, there were 175 in 2012; 137 in 2013; 137 in 2014; and 171 in 2015. The increase in 2015 compared with 2013 was due to the granting of refugee status to citizens of the Syrian Arab Republic and Ukraine. The number of asylum applications has also been stable since 2011, hovering at around 200 per year. Thus, 126 applications from persons seeking asylum in Kyrgyzstan were registered in 2012; 126 in 2013; 229 in 2014; 176 in 2015; and 97 as at 1 July 2016.

160. The State Registration Service under the Government of Kyrgyzstan, together with local government bodies, UNHCR and NGOs, has been implementing a pilot project to reduce the number of stateless persons in Kyrgyzstan. As part of the project, 28 multidisciplinary teams have been set up to carry out a programme of measures to reduce statelessness in Kyrgyzstan. From 2014 up to the time of writing, 8,502 stateless persons had been identified, of whom 4,628 have been recognized as citizens of Kyrgyzstan and issued with national passports.

161. Under article 4 of the Refugees Act, persons seeking refugee status must be given an opportunity to submit an asylum application. In order to be recognized as refugees in Kyrgyzstan, on arrival such persons must submit their application, either in person or through their authorized representative:

- At border crossing points, to the immigration control agencies
- Within the territory of Kyrgyzstan, to the competent agency

162. Asylum applications received by immigration control agencies at border crossing points are transmitted, within 10 working days of the date of receipt, to the competent authority, which registers the application and conducts the refugee status determination procedure. Along with their asylum application, applicants must submit documents confirming their identity and that of their family members. Where an applicant is unable to do so, he or she must present documentation accounting for the lack of such identification or provide an explanation therefor.

163. Persons who apply for refugee status are issued with a certificate of registration of asylum application drawn up in the manner specified by the Government; the certificate is valid for a period of three months and is extended until such time as a final decision is reached on the application, including on any appeal filed. The certificate contains information on the family members accompanying the applicant.

164. Protection from expulsion. Under article 11 of the Refugees Act, a person whose asylum application is rejected or who loses his or her refugee status may not, under any circumstances, be deported to a country in which his or life or liberty would be in danger or where he or she might be subjected to torture or to cruel or inhuman treatment.

165. Kyrgyzstan grants all refugees equal legal status without any distinction on grounds of sex, race, language, ethnicity, faith, age, political or other beliefs, education, country of origin, wealth or other status, or other circumstances.

## **Chapter 6**

### **Implementation of article 6 of the Convention**

166. In accordance with article 6 of the Convention, States parties must assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination that violate their human rights and fundamental freedoms contrary to the Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

167. A legal framework has been established in Kyrgyzstan for the prevention of discrimination through the courts. Article 16 of the Constitution states: "In Kyrgyzstan, all persons are equal before the law and the courts." This principle is reflected in the relevant provisions of the Constitution, the Code of Criminal Procedure, the Constitutional Act on the Status of Judges, the Supreme Court and Local Courts Act and the Judicial Code of Conduct.

168. The Code of Civil Procedure states, in article 7, that justice is administered in civil cases according to the principle of equality of all citizens before the law and the courts, irrespective of sex, race, ethnicity, language, faith, political or religious beliefs, origin, wealth or professional status, place of residence or any other conditions or circumstances of a personal or public nature, and of all legal entities, irrespective of form of ownership, location, corporate affiliation or other circumstances.

169. As part of the judicial reform under way and in order to make the work of the courts more effective, the Zhogorku Kenesh on 25 June 2014 adopted Decision No. 4267-V, whereby it approved a targeted State programme for the development of the judicial system in the period 2014-2017.



170. The programme is intended to address new issues that have arisen as Kyrgyzstan seeks to align itself with international standards in the field of administration of justice and in connection with the development of information technologies. The programme envisages integrated solutions to the problems of ensuring that justice is accessible, open and transparent, building public trust in the justice system and streamlining the consideration of cases, ensuring the independence of judges and enhancing compliance with judicial acts, and facilitating the administration of justice.

171. The reform of the judicial system is closely linked to the issue of professional training for judges, including the introduction of juries. The Supreme Court has been working to promote the institution of a jury system since 2008, through seminars and training sessions. However, the introduction of juries has been suspended for technical reasons, first and foremost, on account of the additional outlays that would be required for funding and infrastructure for properly equipped courtrooms. The country has a sufficiently strong legal framework for preventing discrimination through the courts.

172. Reparation for material and moral harm is an important issue in the light of the obligations arising in that regard on account of harm suffered in conflict areas.

173. Pursuant to the Regulations approved by the Government in its Decision No. 295 of 22 November 2010 on the procedure for granting housing on a priority basis to citizens affected by the June 2010 events in the city of Osh and in Osh and Jalal-Abad provinces, the State Commission for the Distribution of Housing to Victims of the June 2010 Events allocated flats to 58 family members of persons killed in the events and to 2 persons who were seriously injured, in a newly constructed 60-flat building in the Kok-Art microdistrict of the city of Jalal-Abad. The ethnic breakdown of the recipients was as follows: 20 Kyrgyz families and 29 Uzbek families.

174. Acting under the Regulations approved by the Government in its Decision No. 275 of 4 May 2012 on the procedure for assigning housing built under the Programme for the Rehabilitation and Development of the Cities of Osh and Jalal-Abad, the State Commission allocated flats in a building on Kurmanbek Street in the city of Jalal-Abad to 18 families of persons killed in the events and to 2 persons with category 1 disabilities, 17 with category 2 disabilities and 21 with category 3 disabilities. The ethnic breakdown of the recipients was as follows: 23 Kyrgyz and 31 Uzbeks.

175. The State Commission assigned five flats in a new 16-flat building in Bazar-Korgon district to families of persons killed in the 2010 events. The remaining flats were assigned by the Commission to seven persons who sustained category 2 disabilities and 2 persons who sustained category 3 disabilities. Of the 16 apartments, 7 were allocated to Uzbeks. In addition, 12 citizens (including 4 Uzbeks) in the city of Osh and 10 citizens in Bishkek received flats.

176. In the city of Osh, 173 families of persons killed in the June 2010 events were assigned flats and given 1 million soms each. Furthermore, 343 persons who were seriously injured were assigned flats in Osh. Those with grave injuries were given 100,000 soms each, while the remainder received 50,000 soms each.

177. Some 251 flats in dwellings built under the Programme for the Rehabilitation and Development of the Cities of Osh and Jalal-Abad have been set aside in Osh province for the families of those who were killed, for persons with disabilities and for persons who sustained serious injuries. As provided for in international treaties, the State has assumed the obligation of providing reparation for material and moral harm suffered in conflict areas.

## **Chapter 7**

### **Implementation of article 7 of the Convention**

178. Under article 10 of the Constitution, all the ethnic groups that make up the people of Kyrgyzstan are guaranteed the right to preserve their mother tongue and are ensured conditions conducive to its study and development.

179. The State Language Act, in article 3, establishes Kyrgyz as the State language and a language of inter-ethnic communication. At the same time, article 6 provides that the State is to support children in learning both the State language and their mother tongue.

180. Article 4 of the Act states that having a State language is not an obstacle to the use of other languages in the country. Kyrgyzstan is committed to the principle of the free development of the languages of the other ethnic groups living in the country.

181. Under article 1 of the Act, all the ethnic groups that make up the people of Kyrgyzstan are guaranteed the right to preserve their mother tongue and are ensured conditions conducive to its study and development. Citizens' rights and freedoms may not be infringed on the grounds that they do not know the State or the official language.

182. The status of Russian as an official language is established in article 1 of the Official Language Act of 2000; it serves as a language of inter-ethnic communication and facilitates the country's integration into the world community. The status of the Russian language is enshrined in the Constitution, in article 10.

183. Article 64 of the Administrative Liability Code also establishes liability for offences related to ethnocultural rights: violations of citizens' rights freely to choose their language of education and instruction, the creation of obstacles to or restrictions on the use of a language, and disrespect for the State language or the languages of the other peoples and ethnic groups living in Kyrgyzstan.

184. There are 223 schools offering students the opportunity to be taught in Uzbek. They include 91 schools where Uzbek is the sole language of instruction and 132 schools where classes are taught in various languages (Kyrgyz, Russian and Uzbek).

185. Many Uzbek schools, having opened Kyrgyz or Russian streams, are becoming mixed schools; this has been described — groundlessly — as the closure of schools with instruction in Uzbek. In reality, the Uzbek language is being maintained in schools, which are simply adding instruction in other languages. Against a backdrop of increased migration to the Russian Federation and other countries members of the Eurasian Economic Community, many Uzbek families now prefer to send their children to schools where classes are taught in Kyrgyz and Russian.

186. Since 2014, testing has been carried out in the State language and the official language. Nevertheless, in 2014, 50 pupils sat examinations in Uzbek on request. Organizing testing in Uzbek is thus not economically viable or justified.

187. The State is striving to implement a balanced language policy, that is, to form a new generation of trilingual Kyrgyz nationals speaking the State language, the official language and a foreign language, while ensuring the preservation of the mother tongues of the country's ethnic communities.

188. Efforts in the area of multicultural education have become more focused and systematic since 2008, when, with support from OSCE, the Framework Policy on Multicultural and Multilingual Education and the targeted programme for the development of multilingual and multicultural education in the period 2008-2020 were drafted and adopted.

189. The Framework Policy defines principles and actions for implementing policy on multicultural and multilingual education, which are elaborated on in the targeted programme.

190. The ideas contained in the internal documents of the Ministry of Education and Science on multicultural and multilingual education — the Framework Policy and the targeted programme — are further developed in the following sectoral documents, which were drafted and adopted in 2012-2014:

- The Education Development Outline for the period up to 2020
- The Education Development Strategy 2012-2020
- Plans of action for implementing the Education Development Strategy

191. The Education Development Outline states that a multicultural educational environment instils in children the ability to live in today's diverse world. According to the Outline, among other characteristics, school-leavers in 2020 will be expected to demonstrate respect for cultural, ethnic and political diversity.

192. The Education Development Strategy 2012-2020, enumerating the qualities of school-leavers, states that they will "share the values of human rights and freedoms, gender equality and respect for cultural, ethnic and political diversity".

193. Kyrgyzstan has the most developed legal and regulatory framework in Central Asia for the introduction of multilingual and multicultural education programmes.

194. A pilot of multilingual education programmes is being conducted in 56 schools in the country (some subjects are taught in children's mother tongue or first language and others in a target or second language). The purpose of the pilot, which has been under way since 2011, is to ensure equal access to quality education in schools with different languages of instruction (Kyrgyz, Russian, Uzbek and Tajik). The programmes are enriching and facilitate the study of the State language for members of the country's other ethnic communities while simultaneously supporting mother tongues. Five preschools and 56 schools with various languages of instruction are taking part in the pilot on a voluntary basis.

195. The target languages under the programmes are Kyrgyz and/or Russian. As a rule, schools in which the language of instruction is Uzbek or Tajik opt for programmes that support the development of both languages. In 142 pilot classes, the target language is Kyrgyz; in 155 classes, it is Russian; and, in 9 classes, there are two target languages. There are 306 pilot classes with 8,598 pupils (around 20 per cent of all children in the pilot schools). Some 368 teachers are directly involved in the pilot (12 per cent of all teachers in the pilot schools). An additional 150 teachers are engaged in teacher training and language training in schools in connection with the roll-out of the programmes of the Ministry of Education and Science.

196. Public libraries, as social institutions, respond proactively to developments in today's world; accordingly, they take into account in their activities, and support and encourage, cultural and linguistic diversity at the international, national and local levels. They engage actively with all social groups living in the country's regions. Thus, for example, the Kitep-2010 nationwide charity marathon, organized at the National Library at the initiative of the President to support the country's libraries, was intended, in part, to promote tolerance and inculcate a respectful attitude towards people from other cultures and with different outlooks. During the marathon, 30,294 books were donated to the country's libraries: 9,492 in Kyrgyz; 12,995 in Russian; and 299 in Uzbek. Public library holdings include literature in the languages of many of the world's peoples.

197. There are more than 460,000 documents in other languages in public library holdings, and 15 million in Russian. During the reporting period, almost 7 million items were issued in Kyrgyz, 10 million in Russian and about 800,000 in other languages; in other words, an average of 6.3 items per user was issued in Kyrgyz, 9.37 in Russian and 0.7 in other languages.

198. The following organizations operate under the auspices of the Department of Cinematography: the national film production company, T. Okeev Kyrgyzfilm; the national State film fund, RGFK Kyrgyzfilmofond; the C. Aitmatov National Film Centre; 7 provincial and 24 district and municipal cinema directorates; 38 State-owned cinemas; and 13 mobile cinemas.

199. The national film production company, T. Okeev Kyrgyzfilm (established in 1941), produces feature and documentary films. The country's film distribution and exhibition system includes 38 State-owned and 9 private cinemas.

200. In 2011-2015, Kyrgyz film-makers produced the following films advocating friendship and seeking to combat racial prejudice in the wake of the events of 2010:

- *Tan* (Dawn), directed by Nurlan Asanbekov, a 30-minute chronicle, in Kyrgyz and Uzbek, shot as part of the “Mekenim Kyrgyzstan” project (2012), with the support of the national film production company, T. Okeev Kyrgyzfilm
- *Polet na Nibiru* (The Flight to Nibiru), directed by Nurlan Abdykadyrov, an 18-minute chronicle, in Russian, shot as part of the “Mekenim Kyrgyzstan” project (2012), with the support of the national film production company, T. Okeev Kyrgyzfilm
- *Kyrgyz-Kazak birtuugan* (Kyrgyz and Kazakhs are Brothers), directed by Nurlan Abdykadyrov, a 158-minute chronicle, in Kyrgyz, co-produced by the national film production company, T. Okeev Kyrgyzfilm, and Nomad-film

201. One of the main tasks of theatres and performance institutions is to strengthen peace and harmony by promoting tolerance and mutual understanding and consolidating inter-ethnic concord and cultural cooperation. Altogether, there are 704 cultural centres, 1,065 libraries, 65 museums, 19 theatres, 3 philharmonic orchestras, 1 circus and 1 art museum (the G. Aitiev Museum) in the Republic.

202. Since 2011, State-owned theatres have been staging shows aimed at strengthening and developing inter-ethnic relations. In Osh province, the Babur Academy Music and Drama Theatre stages shows in Kyrgyz and Uzbek. The show *Semetei syn Manasa* (Semetei, Son of Manas), in which Semetei is raised by his uncle, the Khan of Bukhara, was a hit. In Batken province, the A. Zhainakov Music and Drama Theatre has since 2014 been performing the show *Dostor* (Friendship), the main theme of which is friendship between the Kyrgyz and Tajik peoples.

203. To consolidate cultural cooperation, clubs conduct such events as Yr-Kese, El ichi õnõr kenchi, Aiyl talanttary and Nooryz, which are exhibitions and fairs where inhabitants from different ethnic groups demonstrate their customs and traditions and play their folk instruments. In addition, there are independent collectives and circles, such as the Pryalitsa Russian people’s choir, the Uighur folk instrument ensemble, the Caucasian dance group, the Ukrainian choir, the Dungan folk instrument ensemble and other musical groups from various ethnic communities living in the Republic.

204. International cultural events are held in Kyrgyzstan, such as the World Nomad Games, Epic Literature of the World’s Peoples and the Oimo crafts festival, which contribute to the strengthening of friendship and understanding among nations.

205. The World Nomad Games, an international sporting competition dedicated to sports practised by ethnic groups, was a huge success both in Kyrgyzstan and internationally. The event was inspired by the games that historically took place between the nomadic peoples of Central Asia.

206. The aims and purposes of the Games are:

- Preserving and reviving the cultures of the world’s nomadic peoples by strengthening cultural ties among the countries taking part
- Preserving and showcasing internationally the sports of the world’s nomadic peoples
- Supporting institutions whose activities are aimed at developing and promoting sports practised by ethnic groups

207. The World Nomad Games were initiated by Kyrgyzstan. The first and second editions of the Games took place from 9 to 14 September 2014 and from 3 to 8 September 2016, respectively, in the town of Cholpon-Ata in Ysyk-Kõl province in Kyrgyzstan. While athletes from 19 countries took part in the first Games, at the second Games 68 countries were represented.

208. The Games are accompanied by a varied ethnic cultural programme. A yurt village was set up to host the programme in the Kyrchyn area, not far from Cholpon-Ata, and demonstrations were organized of various other sports not included in the competition programme, as well as theatrical representations reflecting the distinctive traditions and cultures of the Kyrgyz nation and other entertainment.

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