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Second periodic reports of States parties

Kyrgyzstan*

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Second periodic report of the Kyrgyz Republic on the implementation of the International Covenant on Civil and Political Rights

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I. Introduction

1. The Kyrgyz Republic acceded to the International Covenant on Civil and Political Rights on 7 October 1994.

2. This report was prepared taking into account the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a core document and treaty-specific documents. It draws on data and documents submitted by the State authorities responsible for implementing the Covenant and incorporates information and materials received from civil society. The report consists of two parts: the first part elucidates the political, legal, social, economic and cultural situation in the country, while the second is devoted to an article-by-article commentary on the measures taken to fulfil the civil and political rights obligations entered into by Kyrgyzstan. The report contains information on the successes achieved and the next steps for further progress in implementing the Covenant, bearing in mind the prevailing sociopolitical context.

3. The Constitution of the Kyrgyz Republic of 27 June 2010, adopted by referendum (nationwide vote), and the laws passed in application of the Covenant's provisions constitute the basis for the report. Separate information concerning various aspects of the themes addressed is presented in the annex.

4. The report was prepared with assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR) Kyrgyzstan office and with the participation of the Ministry of Foreign Affairs and other Government structures, as well as non-profit organizations, which kindly provided materials and comments for individual sections of the report. The draft report was submitted for coordination and discussion to a round table, in which Government structures and a number of NGOs took part. The observations and proposals made were taken into account in finalizing the report.

II. Common core document

A. General information on Kyrgyzstan

Brief overview

5. The recent political events in Kyrgyzstan pointed to a lack of effective governance; this was due to systematic actions on the part of presidents who constantly sought to modify State institutions in order to retain power. The continual reform of the Constitution and changes in the functions of the president resulted in an asymmetric situation, with the authority of the president greatly exceeding that of the other branches of government. The ineffectiveness of State institutions at all levels and their inability to respond to urgent problems and resolve periodic crises became hugely problematic. Many initiatives and programmes adopted remained a dead letter. For example, in 2002, notably in the wake of the Aksy tragedy, Kyrgyzstan was declared a "country of human rights", yet the comprehensive poverty eradication programme proposed was not carried through to completion. Another factor that held back the country's socioeconomic development was corruption. There were well-oiled schemes for removing State resources: tax avoidance, unlawful privatization and laundering of funds through offshore companies. The political situation became heated, compelling the Office of the President to put forward a programme of democratic reforms. On 2 February 2003, the President called a referendum on a bill that would revise the Constitution; this somewhat reduced social tensions by making the limits on presidential authority visible, the goal being to pacify the masses and weaken the political influence of the opposition. An additional question was put in the

referendum: whether the President should remain in office until the end of his term. The opposition denounced the results of the referendum on account of the large number of irregularities. In 2005, parliamentary elections were held triggering popular unrest in the south of the country, where alternative people's governments were set up.

6. On 24 March 2005, many thousands of people attended a peaceful rally in the capital, seeking to bring about a constitutional change of power. President Askar Akaev, who had lost the people's trust, was forced to resign and leave the country.

7. On 10 July 2005, presidential elections were held. Kurmanbek Bakiev received the majority of the votes cast (88.5 per cent). In January 2006, the People's Coalition of Democratic Forces (NKDS) was formed. It comprised representatives of NGOs (including the Coalition for Democracy and Civil Society, the Kel Kel youth movement and Interbilim) and political parties. NKDS expressed dissatisfaction with the policies of the President, who advocated retaining the presidential-parliamentary form of government in Kyrgyzstan.

8. A revised Constitution was adopted on 30 December 2006, the November version having been marred by contradictions between some articles. Presidential authority was significantly expanded. The For Reform movement declared that it did not recognize the Constitution of 30 December 2006, citing substantial irregularities in the process for its adoption. Subsequently, on 14 September 2007, the Constitutional Court ruled that the November and December versions of the basic law were illegitimate and reinstated the 2003 Constitution.

9. On 21 November 2007, a referendum was held to adopt a new Constitution. On 16 December 2007, early elections took place to the Zhogorku Kenesh, the parliament of Kyrgyzstan, under an exclusively proportional system. The following parties were elected to the parliament: the pro-presidential Ak-zhol party, the Social Democratic Party of Kyrgyzstan (SDPK) and the Communist Party of Kyrgyzstan.

10. In December 2008, the Kyrgyz opposition established the United Popular Movement, which consisted of 12 opposition movements and 7 political parties. The main aim of the Movement was to bring about the resignation of the President and root-and-branch reform of the country's political system.

11. A revolution took place in Kyrgyzstan on 7 April 2010, followed by a change of government. In April 2010, Kurmanbek Bakiev signed a statement of resignation and left the country. An interim administration took power. The Interim Government issued a decree calling a referendum on 21 April 2010.

12. The referendum took place on 27 July 2010, and a new Constitution, along with a law on the enactment of the Constitution, was adopted. This law ratified Interim Government Decree No. 39 of 19 May 2010 on a president for the transitional period. The Chairperson of the Interim Government, Roza Otunbaeva, assumed the presidency. Her term of office as Head of State was set to expire on 31 December 2011.

13. On 10 October 2010, elections took place to the Zhogorku Kenesh. A parliamentary majority and an opposition were formed within the specified period.

14. The political crisis of 2010 led to the formation in Kyrgyzstan, in keeping with the new Constitution, of a parliamentary republic in which the president has representative functions.

15. Kyrgyzstan is traversing a difficult period of democracy-building. The political events of recent years have shown that the Kyrgyz people are significantly more aware of their rights and duties and are unwilling to tolerate a totalitarian regime. The process of political transformation in sovereign Kyrgyzstan is unique.

General political structure (brief historical survey)

16. The history of Kyrgyz statehood can be divided into several periods:

(a) First period (Kyrgyz) – the ancient Kyrgyz State (late third to mid-first century B.C.). According to ancient Chinese sources, the Kyrgyz had their own domain, the “Kingdom of the Gegun”;

(b) Second period (Turkic) – comprises several stages: (1) Runic texts state that, in the sixth to seventh centuries, the Enisei Kyrgyz had a State with an *azho* at its head. This period was marked by the presence of a ruling elite carrying out judicial, financial and other activities as official functions; (2) in the late seventh century, the Kyrgyz State was led by a *kagan*, Barsbeg, who reigned as Ynanchu Alp Bilge; (3) the structure of the Kyrgyz State grew more complex in the ninth to tenth centuries. The *azho* headed the administration and armed forces, with the entire bureaucracy under his direct authority. This period was characterized by the development of a sociopolitical system of a military-aristocratic type; (4) in the Middle Ages, a State emerged known by historians of the nomadic empires as the “Kyrgyz great power”. The period of the nomadic empires is marked by the consolidation of the Kyrgyz people;

(c) Third period (fourteenth to twentieth centuries) – characterized by political consolidation and centralization. In the late fifteenth to early sixteenth centuries, in the interests of consolidation, the Kyrgyz replicated the ancient Turkic military and administrative structure. There was a two-tier society, consisting of the elite (*bai*, *manapy* and *datkhi*) and the people. Supreme power was not vested in a *kagan*, however;

(d) Fourth period (Soviet). In 1925, the eleventh session of the All-Russian Central Executive Committee of the Union of Soviet Socialist Republics ratified the resolution of the Central Executive Committee of the Turkestan Autonomous Soviet Socialist Republic on national delimitation and the formation of the Kara-Kirghiz Autonomous Oblast within the Russian Soviet Federative Socialist Republic. In 1926, Kyrgyzstan received the status of autonomous republic and, in 1936, that of union republic within the Soviet Union;

(e) Fifth period – democratic transformation and acquisition of full political sovereignty (1991). Kyrgyzstan became a fully-fledged member of the world community.

Basic facts about the land and people

17. Kyrgyzstan covers 199,949.3 square kilometres. It comprises 7 provinces and 2 city states. The urban population resides in 25 cities, 28 areas incorporated as towns and 3 townships, that is in 56 urban settlements. More than 90 per cent of the urban population resides in cities, and the remainder in areas incorporated as towns. The rural population resides in 440 rural areas (local communities) encompassing 1,834 villages in rural locations. The capital city is Bishkek. The actual population of Bishkek as at 24 March 2009 (including Chon-Aryk, incorporated as a town, and the village of Orto-Sai) amounted to 865,500, while the resident population numbered 835,700.

18. Bishkek and Osh are city states (Constitution, art. 8).

19. In the north, Kyrgyzstan shares a border with Kazakhstan, in the east and south, with China, and, in the west, with Uzbekistan and Tajikistan.

20. The reforms carried out between 1999 and 2009 resulted in significant changes in the administrative territorial structure. The relevant data are presented in table 1.

Table 1
Territory and administrative territorial structure of Kyrgyzstan as at 1 January 2010

	Territory, thousands of km ²	Number of inhabitants per km ²	Districts (not including districts within cities)	Number			
				Cities	Areas incorporated as towns	Townships	Rural areas
Kyrgyzstan	199.92	27.1	40	25	28	3	440
Batken province	17.0	25.5	3	4	5	-	29
Jalal-Abad province	33.7	30.4	8	7	7	3	66
Ysyk-Köl province	43.1	10.2	5	3	5	-	58
Naryn province	45.2	5.7	5	1	2	-	61
Osh province	29.0	38.5	7	3	2	-	86
Talas province	11.4	20.1	4	1	1	-	36
Chüy province	20.2	40.0	8	4	5	-	104
City of Bishkek	-	1	1	-	-
City of Osh	-	1	-	-	-

Demographic, economic, social and cultural characteristics

Population size

21. The resident population stands at 5,418,300, consisting of 1,846,800 urban and 3,571,500 rural dwellers. The relevant data are presented in table 2.

Table 2
Population size

	2005	2006	2007	2008	2009
Total resident population (at year end), thousands of persons	5 189.2	5 247.6	5 289.2	5 348.3	5 418.3
Urban	1 796.5	1 804.5	1 810.5	1 823.3	1 846.8
Rural	3 392.7	3 443.1	3 478.7	3 525.0	3 571.5

22. According to the census, more than 90 per cent of all urban settlements are townships, areas incorporated as towns or small cities with up to 50,000 inhabitants; 531,300 people, 29.5 per cent of the total urban population, reside in such settlements.

23. The vast majority of the urban population (59.5 per cent) is concentrated in the country's major cities with populations of 100,000 or more inhabitants: Bishkek (846,500) and Osh (259,100). Some 199,300 people, 11 per cent of the total urban population, live in medium-sized cities with populations of from 50,000 to 100,000 inhabitants (Jalal-Abad, Karakol and Tokmok).

24. In the 10 years from 1999 to 2009, the resident population of Kyrgyzstan increased by 539,900 or 11.2 per cent; the urban population grew by 149,700 or 8.9 per cent, and the rural population by 390,200 or 12.4 per cent.

25. The average annual population growth indicators for 2006–2009 are shown in table 3 (see annex 2).

26. The evolution of demographic processes and migration flows (both internal and international) has affected the sex and age structure of the population. It has been established that the resident population in 2009 exceeded the actual population; this is attributable to the fact that significant numbers of people, some 250,600, were temporarily absent. The relevant data are presented in table 4 (see annex 3).

Population density

27. Population size and density are shown in table 5.

Table 5
Size and density of the resident population

Year	Total population, thousands of persons	Including		Percentage of total population		Number of inhabitants per km ²
		Urban	Rural	Urban	Rural	
2006	5 189.2	1 796.5	3 392.7	34.6	65.4	26.0
2007	5 247.6	1 804.5	3 443.1	34.4	65.6	26.3
2008	5 289.2	1 810.5	3 478.7	34.2	65.8	26.5
2009	5 362.8	1 828.2	3 534.6	34.1	65.9	26.8
2010	5 418.3	1 846.8	3 571.5	34.1	65.9	27.1

28. The total natural population movement rate is shown in table 5-1.

Table 5-1
Total natural population movement rate

Year	Per 1,000 population			Number of deaths of children aged up to 1 year per 1,000 births
	Births	Deaths	Natural increase	
2005	21.3	7.2	14.1	29.7
2006	23.1	7.4	15.7	29.2
2007	23.4	7.2	16.2	30.6
2008	23.9	7.1	16.8	27.1
2009	25.2	6.7	18.5	25.0

Population distribution by sex, in rural and urban areas

29. In Kyrgyzstan, women continue to outnumber men, currently by 68,700. There are 974 men per 1,000 women. The relevant data are presented in table 6.

Table 6
Resident urban and rural populations by sex
(thousands of persons)

Year	Resident population, thousands of persons	Including		Percentage of total population	
		Men	Women	Men	Women
2006	5 189.2	2 561.1	2 628.1	49.4	50.6
2007	5 247.6	2 589.0	2 658.6	49.3	50.7
2008	5 289.2	2 608.6	2 680.6	49.3	50.7

Year	Resident population, thousands of persons	Including		Percentage of total population	
		Men	Women	Men	Women
2009	5 362.8	2 645.9	2 716.9	49.3	50.7
2010	5 418.3	2 674.8	2 743.5	49.4	50.6

Age composition

30. The average age of the population is continuing to rise and stands at 27.2 years; it is 28.0 years for women and 26.3 years for men.

31. The working-age population has grown by 25.4 per cent, producing a commensurate increase in the labour market burden. The population age structure pyramid remains positive. The Second World War has had a significant impact on the sex and age structure of the population. The share in the population of persons aged 60–64 and 65–69, that is the generations born during the War and in the post-war years, has declined considerably. The relevant data are given in graph 2 (see annex 4).

32. Demographically speaking, Kyrgyzstan has a young population: in 2009, children and adolescents constituted 32.3 per cent of the population; persons of working age, 59.5 per cent; and persons above working age, 8.2 per cent. As a result, the average demographic burden borne by the working-age population now stands at 682 persons.

33. Table 7 shows the distribution of the resident population by age.

Table 7
Distribution of the resident population by age

	Thousands of persons		Percentage of total population		Number of men per 1,000 women in age group	
	2006	2010	2006	2010	2006	2010
Total population	5 189.2	5 418.3	100	100	975	975
Including, in age groups:						
0–9	1 019.9	1 100.5	19.6	20.3	1 038	1 041
10–19	1 195.6	1 127.9	23.0	20.8	1 020	1 032
20–29	963.1	1 057.9	18.6	19.5	1 017	1 010
30–39	714.9	730.0	13.8	13.5	994	991
40–49	612.8	630.8	11.8	11.7	943	943
50–59	338.1	419.5	6.5	7.8	875	873
60–69	171.0	170.2	3.3	3.1	778	780
70–79	133.9	131.3	2.6	2.4	682	665
80 or over	39.9	50.2	0.8	0.9	413	516
Population:						
Below working age	1 729.0	1 750.1	33.3	32.3	1 034	1 040
Of working age	3 039.9	3 223.8	58.6	59.5	1 029	1 034
Above working age	420.3	444.4	8.1	8.2	504	480

34. The average age of the population by sex and in urban and rural areas as at the beginning of 2010 is given in table 7-1 (see annex 5).

Population distribution by ethnicity, in rural and urban areas

35. The ethnic structure of the population is undergoing certain changes. The country's 3,804,800 Kyrgyz constitute the most numerous ethnic group. Their share in the total population grew from 64.9 per cent in 1999 to 71 per cent in 2009; this rise is due not only to natural increase, but also to the arrival of ethnic Kyrgyz from Tajikistan.

36. According to data from the 2009 census, there has been a significant increase in the number of persons of other ethnicities settling in Kyrgyzstan: Dungans, Uzbeks, Tajiks and others. At the same time, outmigration has led to a decline in the number of ethnic Russians, Ukrainians, Germans, Jews and others. The relevant data are presented in table 8 (see annex 6).

37. Table 8-1 (see annex 7) shows the geographical distribution across the territory of the larger ethnic groups.

Population distribution by mother tongue

38. The mother tongue cited by 97.6 per cent of the population is the language of their ethnic group. Only 130,600 people (2.4 per cent of the population) fail to conform to this pattern, including 4,000 Kyrgyz (0.1 per cent) who named Russian as their mother tongue. Some 71.4 per cent of the population speaks the State language fluently. Of the other languages, Uzbek is the most widely spoken as a mother tongue (772,600 people). Russian is the language of inter-ethnic communication in Kyrgyzstan and is used by a portion of the population. The overwhelming majority named Russian as their second language. Kyrgyz is most widely spread as a second language among Uzbeks and Tajiks. The third most common second language is Uzbek, which is used by 3.7 per cent of the population aged 15 or over. Multilingualism is common in Kyrgyzstan and is a feature of the country's cultural development. Relevant data are presented in table 9 (see annex 8). Table 9-1 contains information on the second languages spoken by the population.

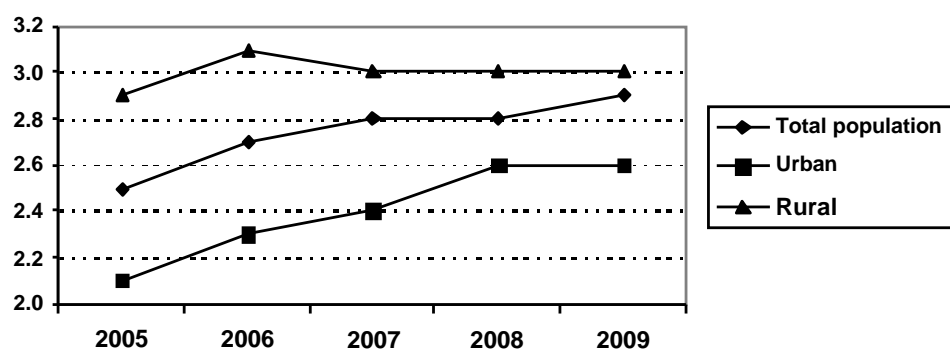
39. No information on population distribution by religion is available.

Fertility rate

40. The fertility rate among women by age and ethnicity is shown in table 10 (see annex 9). The number of children per woman differs significantly between urban and rural areas, as well as by region and ethnicity.

41. The total birth rate or fertility rate increased from an average of 2.5 births per woman in 2005 to 2.9 in 2009. The relevant data are presented in graph 3.

Graph 3
Total birth rate
 (average number of births per woman)



Statistics on births

42. Between 1990 and 2001, the birth rate revealed a downward trend. Since 2001, there has been a slight but steady increase in the rate in both urban and rural areas. In 2009, there were some 135,500 births, 8,200 more than in 2008. The total birth rate was 25.2 per mil. Table 11 (see annex 10) indicates the overall number of births in Kyrgyzstan.

43. The annual ratio of male to female births is 105–106:100. The relevant data are presented in table 11-1.

Table 11-1
Number of births by sex

Year	Total number of births	Including:	
		Females	Males
2000	96 770	42 204	49 566
2005	109 839	53 305	56 534
2006	120 737	58 750	61 987
2007	123 251	59 892	63 359
2008	127 332	61 602	65 730
2009	135 494	65 671	69 823

44. Before 2004, the national criteria applied with regard to live births differed from those recommended by the World Health Organization (WHO), and the birth rate was somewhat understated. Table 12 (see annex 11) contains information on the number of live births per woman aged 15 or over.

Statistics on deaths

45. In 2009, there were some 35,900 deaths in Kyrgyzstan. In the last three years, the mortality rate has fallen by 6 per cent (from 7.2 per thousand population in 2007 to 6.7 in 2009). The highest mortality rates regionally were recorded in Chüy (8.7 per thousand population), Ysyk-Köl (8.2) and Naryn (7.8) provinces, where a significant portion of the population is above working age. Statistics on deaths are presented in table 13.

Table 13
Number of deaths in urban and rural areas
 (persons)

<i>Year</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Kyrgyzstan	36 992	38 566	38 180	37 710	35 898
Urban population	14 526	14 930	14 744	14 096	13 351
Rural population	22 466	23 636	23 436	23 614	22 547

46. The standardized mortality rate by province and city is presented in table 13-1.

Table 13-1
Standardized mortality rate by province, district and city
 (per 100,000 population)

<i>Year</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Kyrgyzstan	1 291.9	1 310.8	1 266.8	1 232.7	1 214.2
Batken province	1 115.7	1 183.2	1 122.7	1 143.7	1 139.7
Jalal-Abad province	1 293.4	1 294.3	1 213.0	1 246.1	1 224.0
Ysyk-Köl province	1 471.3	1 554.7	1 459.4	1 367.2	1 328.3
Naryn province	1 391.4	1 536.3	1 447.8	1 373.6	1 270.9
Osh province	1 124.0	1 189.5	1 161.0	1 162.4	1 215.7
Talas province	1 341.5	1 296.3	1 272.6	1 254.8	1 277.0
Chüy province	1 480.1	1 494.4	1 477.4	1 433.9	1 304.8
City of Bishkek	1 180.6	1 123.1	1 124.7	1 016.0	1 043.2
City of Osh	1 433.9	1 402.7	1 319.0	1 383.3	1 368.0

47. The most frequent cause of death, accounting for more than half of all deaths each year, is circulatory disease. The overwhelming majority of deaths from this disease are of persons above working age. Trauma, poisoning and certain other external factors represent the second leading cause of death, with 49 per cent of all such deaths occurring among persons above working age. This category includes death from unnatural or violent causes, notably murder and suicide. The third leading cause of death is neoplasms (cancerous growths), which accounted for 9.1 per cent of all deaths in 2009. Next are respiratory disease (8.4 per cent of all deaths in 2009), digestive disease, and communicable and parasitic diseases. Male mortality is highest among men of working age and is chiefly attributable to high rates of trauma (with transport-related trauma the most common) and significant mortality from circulatory disease, linked to the country's socioeconomic situation.

48. Deaths from the major causes of death are shown in table 13-2.

Table 13-2
Structure of causes of death
 (percentage)

<i>Disease</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Communicable and parasitic diseases	3.3	3.1	2.7	2.6	2.5

<i>Disease</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Neoplasms	8.1	7.9	8.2	9.1	9.0
Nervous system diseases	1.4	1.5	1.5	1.5	1.4
Circulatory disease	47.5	48.3	48.8	49.0	48.8
Respiratory disease	10.4	9.4	8.9	8.4	7.9
Digestive disease	6.7	7.0	6.9	6.6	6.8
Genito-urinary diseases	2.2	1.9	2.0	2.3	2.0
Perinatal conditions	5.6	5.9	5.8	6.1	5.8
Congenital abnormalities	1.3	1.3	1.3	1.3	1.4
External factors	9.9	9.8	10.0	9.7	10.9
Other	3.6	3.9	3.9	3.4	3.5

49. Each year, more than 17,000 people die of heart disease in the country, that is more than 50 people every day. This disease not only causes death, but also leads to premature loss of capacity to work and disability. Thus, cardiovascular disease is the cause of primary disability in 18.2 per cent of affected adults, a rate considerably higher than that for other diseases.

50. The incidence of tuberculosis fell from 100.9 cases per 100,000 population in 2009 to 99.9 in 2010, that is by 1.0 per cent. In Naryn and Talas provinces, the incidence rose by 9.0 per cent (from 98.6 per 100,000 in 2009 to 107.4 in 2010) and 7.2 per cent (from 98.8 per 100,000 in 2009 to 105.9 in 2010), respectively, while it remains high in Chüy province (143.2 per 100,000).

Life expectancy

51. Table 14 (see annex 12) contains life expectancy data.

52. The decline in reported life expectancy at birth between 2005 and 2007 was due to the switch, beginning in 2004, to WHO-recommended criteria with regard to live births and infant mortality. In 2009, life expectancy at birth was 65.2 years for boys, and 73.2 years for girls. The difference in life expectancy for boys and girls was thus 8 years at birth, but it diminishes over time. The gap is attributable to the differing mortality rates for the sexes: male mortality is from 1.5 to 1.6 times greater than female mortality.

Average household size

53. According to the data for 2009, there were some 1,145,800 private households in Kyrgyzstan. Some 5,328,300 persons, or 99.3 per cent of the resident population, were living in households. The average household consisted of 4.6 persons, 3.8 in urban and 5.2 in rural areas; 10 years earlier, in 1999, the figures were 3.5 in urban and 4.9 in rural areas. The largest households are to be found in Osh, Batken and Jalal-Abad provinces, where Kyrgyz and Uzbeks, who traditionally live in units of several families, constitute a high proportion of the population. The smallest households are typically in the capital city. Data on the number of households are presented in table 15 (see annex 13).

54. The most common household size is from four to five persons. In rural areas, 77 per cent of households consist of more than four persons. In urban areas, on the other hand, households of up to four persons represent the largest share, 67 per cent. This is attributable to the different ways of life in urban and rural areas.

55. The changes in actual end consumption by households are shown in table 15-1.

Table 15-1
Changes in actual end consumption by households
 (in comparable prices; as percentage of previous year)

<i>Year</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Actual end consumption by households	107.5	117.3	102.7	111.5	96.8
Including:					
Consumption funded by household expenditure	108.7	119.6	102.5	113.4	96.3
Social transfers in kind	98.8	99.0	103.9	97.5	101.5

56. The poverty rate among complete and incomplete families by sex of head of household, shown in table 15-2, is established on the basis of data from integrated selective household budget and labour force surveys.

Table 15-2
Poverty rate among complete and incomplete families by sex of head of household

	<i>Total</i>	<i>Including:</i>	
		<i>Incomplete families</i>	<i>Complete families</i>
Male head of household:			
Not living in poverty	72.5	84.5	65.9
Living in poverty	27.5	15.5	34.1
Living in extreme poverty	2.3	0.9	3.0
Female head of household:			
Not living in poverty	80.9	85.2	59.5
Living in poverty	19.1	14.8	40.5
Living in extreme poverty	2.1	1.6	4.8

Standard of living of different population groups

Social, economic and cultural indicators

57. The prevalence of underweight children under 5 years of age is shown in table 16.

Table 16
Undernourishment among children under 5 years of age*

<i>Year</i>	<i>Reported cases</i>				<i>Prevalence per 100,000 population</i>		<i>Incidence per 100,000 population</i>	
	<i>Total</i>		<i>Initial</i>		<i>Children under 1 year of age</i>	<i>Children aged 1–4 years</i>	<i>Children under 1 year of age</i>	<i>Children aged 1–4 years</i>
	<i>Children under 1 year of age</i>	<i>Children aged 1–4 years</i>	<i>Children under 1 year of age</i>	<i>Children aged 1–4 years</i>	<i>of age</i>	<i>years</i>	<i>of age</i>	<i>years</i>
2006	2 696	1 297	2 043	581	2 403.6	250.5	1 821.4	112.2
2007	2 094	1 021	1 776	453	1 765.1	189.6	1 497.0	84.1
2008	2 736	1 166	2 354	582	2 241.0	266.7	1 928.1	133.1

Year	Reported cases				Prevalence per 100,000 population		Incidence per 100,000 population	
	Total		Initial		Children under 1 year of age	Children aged 1–4 years	Children under 1 year of age	Children aged 1–4 years
	Children under 1 year of age	Children aged 1–4 years	Children under 1 year of age	Children aged 1–4 years				
2009	2 832	1 155	2 443	641	2 269.7	252.0	1 958.0	139.8
2010	2 523	1 115	2 236	666	1 829.9	236.0	1 621.8	140.9

* Before 2004, no statistics on morbidity among children under 5 years of age were collected.

58. A decline in infant mortality is to be observed during the period 2006–2010. This can be explained by the implementation of a number of projects in the country. The relevant data are presented in table 17.

Table 17
Infant mortality
(per 1,000 live births)

Region	Number of deaths of children under 1 year of age				
	2006	2007	2008	2009	2010
Kyrgyzstan	29.2	30.6	27.1	25.0	22.8
Batken province	34.6	33.6	31.4	27.8	27.1
Jalal-Abad province	25.4	26.0	22.3	19.8	18.8
Ysyk-Köl province	26.1	25.8	25.2	21.4	20.2
Naryn province	31.8	27.4	24.5	23.2	19.2
Osh province	38.2	27.0	23.0	20.2	19.3
Talas province	32.8	39.9	33.1	34.2	25.8
Chüy province	26.0	28.8	25.2	22.9	21.3
City of Bishkek	31.9	35.0	33.4	30.4	27.3
City of Osh	42.7	59.6	50.5	58.4	48.3

59. Table 17-1 contains data on child mortality.

Table 17-1
Child mortality
(number of deaths of children under 5 years of age per 1,000 live births)

Region	2006	2007	2008	2009	2010
Kyrgyzstan	34.6	35.3	31.5	29.3	26.5

60. A number of measures are being taken to reduce child mortality, including timely immunization against the major diseases. The level of child immunization coverage against measles is 98.8 per cent. In recent years, no cases of poliomyelitis have been reported in the country, and the incidence of diphtheria and hepatitis B has declined significantly. About 70 per cent of children suffer from iodine deficiency and 32.9 per cent have insufficient vitamin A intake. To address the latter problem, vitamin A supplementation has been undertaken throughout the country since 2004. The target group comprises children aged 6 to 59 months and nursing mothers during the first eight weeks after birth.

61. Data on maternal mortality are presented in table 18.

Table 18

Maternal mortality by province, district and city

(number of women dying from complications of pregnancy, childbirth and the puerperium)

Region	Persons					Per 100,000 births				
	2005	2006	2007	2008	2009	2005	2006	2007	2008	2009
Kyrgyzstan	66	67	64	70	86	60.1	55.5	51.9	55.0	63.5
Batken province	4	4	8	7	5	42.4	38.5	74.8	66.6	41.7
Jalal-Abad province	17	20	8	17	11	73.5	82.5	32.8	66.6	40.3
Ysyk-Köl province	8	9	9	13	8	87.0	91.4	89.7	122.9	72.0
Naryn province	6	4	4	3	7	89.6	60.5	62.3	46.2	105.5
Osh province	16	17	7	15	27	66.0	64.6	26.0	54.4	93.2
Talas province	5	2	7	3	4	94.8	33.8	120.3	51.1	61.3
Chüy province	6	7	13	6	11	47.5	42.7	78.3	34.4	61.1
City of Bishkek	2	3	3	4	4	13.5	18.3	17.3	22.0	20.4
City of Osh	2	1	5	2	9	44.8	21.5	100.6	38.6	168.4

62. The maternal mortality rate is given in table 18-1.

Table 18-1

Maternal mortality rate

(number of women dying from complications of pregnancy, childbirth and the puerperium)

Year	Persons			Per 100,000 children		
	Total population	Urban population	Rural population	Total population	Urban population	Rural population
2000	44	17	27	45.5	60.3	39.4
2005	66	17	49	60.1	47.8	66.0
2006	67	17	50	55.5	43.1	61.5
2007	64	15	49	51.9	36.2	59.9
2008	70	19	51	55.0	43.2	61.2
2009	86	20	66	63.5	42.6	74.5

63. The high level of maternal mortality remains a vital health issue. Medical establishments are currently implementing a plan of action for the introduction at the national level of the WHO methodological initiative "Beyond the numbers". Ministry of Health Decree No. 292 of 11 June 2008 provided for a moratorium on the penalties imposed on health workers for identifying and recording maternal deaths. This initiative, along with others, contributed to the greater reliability of the statistics and to an increase in the maternal mortality rate in 2009. In the same year, the structure of causes of maternal mortality changed, with a significant increase in mortality from severe non-obstetric pathology, which accounted for 32 per cent of all deaths (31 cases). The situation is exacerbated by poverty, which is widespread, not only in rural areas, where the poverty rate stands at 51 per cent, and the extreme poverty rate at 14 per cent, but also in urban areas, where 30 per cent of the population lives in poverty, and 6.5 per cent in extreme poverty.

64. A maternal and child health programme to promote effective perinatal care is being introduced in Kyrgyzstan; the coverage rate is 62 per cent. In 2010, six pilot institutions — the National Centre for Maternal and Child Welfare, the maternity wards of the Osh Interprovincial Clinical Hospital, Kara-Suu Tuberculosis Hospital, Batken Provincial United Hospital and Kyzyl-Kyya Tuberculosis Hospital, and the Osh Perinatal Centre — implemented measures to raise the quality of medical services. A project was carried out at the Batken Provincial United Hospital involving the installation of telecommunication equipment, which allowed patients in the country's most remote region to receive highly qualified advice from specialists at the National Centre for Maternal and Child Welfare and the National Cardiology Centre.

65. Protocols on emergency obstetric and neonatal care have been developed and disseminated. Registration of newborns has been introduced in all regions, with the exception of Osh and Jalal-Abad provinces.

66. An agreement has been reached with the German development and reconstruction bank for the building of a modern perinatal centre at the National Centre for Maternal and Child Welfare at a cost of 9.5 million euros.

67. Measures are being taken to reduce anaemia in women and children. The World Bank has allocated 1 million dollars for the purpose. Vitamin A has been procured for new mothers and children up to 5 years of age. Tests have been conducted to verify the iodine content of salt, and premix has been purchased to fortify flour.

68. A programme entitled "Gulazyk" (Sprinkles), aimed at preventing micronutrient deficiency in children up to 2 years of age and pregnant women, is being introduced in Talas and Naryn provinces with assistance from donors.

69. The legislative framework for addressing this issue is being continually updated. The Act on Human Reproductive Rights and Guarantees for Their Realization was adopted in 2007 and the Baking Flour Enrichment Act in 2009. The latter law was passed with a view to reducing the level of iron-deficiency anaemia in children and in women of childbearing age.

70. The proportion of women of childbearing age using contraception is shown in table 19.

Table 19

Proportion of women of childbearing age using contraception

<i>Region</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Kyrgyzstan	39.7	35.9	33.1	31.2	30.1
Batken province	28.3	31.2	31.4	29.5	30.1
Jalal-Abad province	75.5	55.9	58.7	63.6	55.3
Ysyk-Köl province	52.5	25.4	31.8	31.5	39.2
Naryn province	30.1	31.1	31.5	24.8	22.1
Osh province	57.6	56.6	45.8	31.0	34.1
Talas province	34.5	41.7	20.9	27.9	22.3
Chüy province	39.8	37.3	32.4	34.8	30.9
City of Bishkek	44.9	42.3	37.3	39.5	39.9
City of Osh	36.5	35.0	30.2	24.1	22.7

71. No information is available on contraceptive use by women's partners.

72. Data on medical terminations of pregnancy as a proportion (percentage) of live births are contained in table 20.

Table 20
Number of abortions by age group

	2007		2008		2009	
	All women	Per 1,000 women	All women	Per 1,000 women	All women	Per 1,000 women
Total	21 884	15.0	20 800	14.2	22 088	14.7
Including, in age groups:						
12–19	1 911	4.2	1 815	4.0	1 940	4.2
20–24	5 471	20.8	5 018	18.7	5 452	18.6
25–29	5 868	27.1	5 462	24.9	5 877	26.1
30–34	4 481	23.4	4 598	23.9	4 537	23.9
35 or over	4 153	8.4	3 907	7.9	4 282	8.6

Legislation and policy on health care are described in greater detail in the report of Kyrgyzstan on the implementation of the International Covenant on Economic, Social and Cultural Rights.

Rates of infection of HIV/AIDS and major communicable diseases

73. The first case of HIV infection in the Kyrgyz population was recorded in 1996. Since 2001, the HIV epidemic has developed rapidly.

74. In 2001, 149 cases in all were reported, including 134 in Kyrgyz nationals. In 2002, the figures were 160 and 146, respectively; in 2003, 132 and 125; in 2004, 161 and 153; and, in 2005, 171 and 165. In 2006, 244 cases of HIV infection were reported; in 2007, 409; in 2008, 552; and, in 2009, 687. In 2010, 570 new cases were identified, including 554 in Kyrgyz nationals.

75. There were 120 cases of AIDS and, in the first five months of 2011, 275. The National AIDS Centre operates a 24-hour telephone helpline.

76. Cases of HIV infection have been reported throughout the country: 455 and 694, respectively, in the cities of Bishkek and Osh; 612 in Osh province; 50 in Batken province; 343 in Jalal-Abad province; 42 in Ysyk-Köl province; 11 in Naryn province; and 20 in Talas province.

77. HIV infection is most prevalent among persons aged 20–39 years: in 2008, they represented 73 per cent of all reported cases and, in 2010, 72.4 per cent. Children aged 0–14 years accounted for 8.3 per cent of all cases in 2008 and 8 per cent in 2010, while there were 14 reported cases among children in the first five months of 2011.

78. According to estimates by experts, currently between 4,500 and 6,000 persons in Kyrgyzstan are living with HIV/AIDS. Since 2005, HIV-infected persons have been receiving antiretroviral (ARV) treatment. The clinical protocols governing treatment of persons living with HIV are being updated to take account of advances in evidence-based medicine. Efforts have been made to increase commitment to ARV treatment. As a result, the ARV coverage rate rose from 22.93 per cent in 2007 to 51.33 per cent in 2009 and 83.4 per cent in 2010.

79. ARV drugs and drugs for the treatment of opportunistic infections in persons living with HIV, which are purchased using funding from the Global Fund to Fight AIDS, Tuberculosis and Malaria, are available in sufficient quantities. As at 1 January 2011, 356 persons living with HIV were receiving ARV treatment (231 males and 125 females), of whom 137 were children.

80. In order to avoid vertical transmission of HIV, more than 900 health workers throughout the country have been trained in preventing mother-to-child transmission. Every year, pregnant women undergo testing for HIV: in 2004, 15.3 per cent of expectant mothers were tested; in 2007, 37.1 per cent; in 2008, 76 per cent; in 2009, 93.5 per cent; and in 2010, 84 per cent.

81. Kyrgyzstan has 48 needle exchange points serving 12,831 injecting drug users. The needle exchange points of the State Penal Correction Service have 830 regular clients.

82. There are 20 methadone replacement therapy clinics, in the National Drug Treatment Centre, in family medicine centres Nos. 1, 6 and 8 in Bishkek, and in the country's districts and provinces. Pilot methadone replacement therapy projects have been launched in correctional colony No. 47 and remand centres Nos. 1 and 5. As at 1 December 2010, a total of 3,143 injecting drug users had participated in the methadone replacement therapy programmes, and 1,072 continue to do so.

83. The incidence of communicable and parasitic diseases remains a major factor in public health. In 2010 and the first five months of 2011, there were no reported cases of diphtheria, poliomyelitis or tetanus. The incidence of typhoid, salmonella, meningitis, hepatitis A and B and vaccine preventable diseases was reduced.

84. Excluding influenza and acute respiratory viral infections, parasitic diseases account for 34 per cent of all communicable diseases, acute intestinal diseases for 33 per cent, viral hepatitis for 14 per cent, tuberculosis for 7 per cent, brucellosis for 5 per cent and other diseases for 7 per cent. Tuberculosis incidence is shown in table 21 (see annex 14).

85. Significant progress was made in reducing both morbidity and mortality from tuberculosis during the implementation of the "Manas taalimi" programme. The targets set for 2010 were achieved. Tuberculosis incidence fell from 113.6 to 100.9 per 100,000 population in the period 2004–2009. A similar trend was to be observed in the rate of mortality from the disease. Measures to combat tuberculosis by applying the directly observed treatment, short course, (DOTS) strategy were brought in gradually in all regions. Treatment of drug-resistant tuberculosis in accordance with the DOTS PLUS strategy began to be widely practised in the country from 2004. In 2011, a law amending and supplementing the Protection against Tuberculosis Act was adopted; the law provides for liability for persons suffering from infectious tuberculosis who systematically refuse treatment. A programme entitled "Tuberculosis IV" has been developed and is undergoing coordination.

86. Tuberculosis services have been incorporated in primary health-care facilities, allowing more tuberculosis patients to be identified at the first level of the health-care system and the trend towards stabilization of morbidity and mortality from the disease to be consolidated. A system for electronic tracking of tuberculosis and management of tuberculosis cases has been introduced at the level of the provinces. Primary health-care facilities and tuberculosis services now receive allowances for demonstrating leadership in combating tuberculosis.

87. In 2010, 1,030 persons suffering from multidrug-resistant tuberculosis were registered and began treatment. Between 2007 and 2010, a total of 550 such persons began treatment, under a project of the Global Fund: 479 are continuing their treatment; 41 have stopped treatment; 22 have been transferred; and 8 have died. Another 160 persons have

begun treatment under the Global Fund project for the current period: 21 are continuing their treatment; 62 have been cured; 4 have completed their treatment; 8 have experienced unfavourable outcomes; 22 have stopped treatment; 38 have been transferred; and 5 have died.

88. A policy framework for the development of tuberculosis services in Kyrgyzstan for the period 2008–2016 was adopted with a view to optimizing tuberculosis care by rebuilding the network of tuberculosis services and improving its administration.

89. Measures are being taken to enhance and refine the provision of tuberculosis care to persons suffering from multidrug-resistant strains under a project to consolidate and expand the DOTS programme in Kyrgyzstan through increased access to diagnosis and treatment of drug-resistant forms of tuberculosis, which is being supported through a ninth round grant from the Global Fund.

90. The prevalence of major communicable and non-communicable diseases is shown in table 21.2 (see annex 15).

91. The major causes of death are indicated in table 22.

Table 22
Structure of causes of death

<i>Disease</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Communicable and parasitic diseases	3.3	3.1	2.7	2.6	2.5
Neoplasms	8.1	7.9	8.2	9.1	9.0
Nervous system diseases	1.4	1.5	1.5	1.5	1.4
Circulatory disease	47.5	48.3	48.8	49.0	48.8
Respiratory disease	10.4	9.4	8.9	8.4	7.9
Digestive disease	6.7	7.0	6.9	6.6	6.8
Genito-urinary diseases	2.2	1.9	2.0	2.3	2.0
Perinatal conditions	5.6	5.9	5.8	6.1	5.8
Congenital abnormalities	1.3	1.3	1.3	1.3	1.4
External factors	9.9	9.8	10.0	9.7	10.9
Other	3.6	3.9	3.9	3.4	3.5

92. The Ministry of Health is carrying out a comprehensive programme for the monitoring of cardiovascular disease in Kyrgyzstan for the period 2009–2013. The purpose of the programme is to reduce morbidity, disability and mortality from the disease, particularly among the working-age population, by means of effective prevention and monitoring of risk factors.

93. The “Manas taalimi” national health-care reform programme, developed to cover the period 2006–2010, was later extended to the end of 2011. A number of measures had not been implemented.

Education in Kyrgyzstan

94. The number of general education schools is shown in table 23.

Table 23
At start of school year

2005/06	2006/07	2007/08	2008/09	2009/10	Number of general education schools
2 147	2 163	2 183	2 204	2 212	Total
					Including:
2 137	2 149	2 168	2 188	2 191	Day schools
					Including:
2 087	2 093	2 113	2 133	2 137	State schools
50	56	55	55	54	Private schools
10	14	15	16	21	State evening (shift-type) schools

In the 2009/10 school year, 111 secondary schools specializing in the arts and humanities (with 94,400 students) and 74 specializing in the sciences (with 28,200 students) were in operation.

95. The number of students and teachers in general education schools is shown in table 24.

Table 24

2005/06	2006/07	2007/08	2008/09	2009/10	
1 119.3	1 098.2	1 083.5	1 057.2	1 040.7	Number of students in general education schools – Total
					Including:
1 116.7	1 095.2	1 080.1	1 053.7	1 036.8	In day schools
1 106.5	1 080.8	1 064.4	1 041.6	1 025.2	In State schools
10.2	14.4	15.7	12.1	11.6	In private schools
2.6	3.0	3.4	3.5	3.9	In State evening (shift-type) schools (includes distance learners)
74.2	73.6	72.1	70.8	71.1	Number of teachers in general education schools – Total
					Including:
73.0	72.2	70.7	69.5	69.8	In State schools
1.2	1.4	1.4	1.3	1.3	In private schools

96. The net enrolment ratio in primary, basic and secondary general education is given in table 25.

Table 25
As percentage of corresponding age group

Net enrolment ratio	2007/08	2008/09	2009/10	2010/11
Total in grades 1–11	80.1	79.8	78.0	77.6
Grades 1–4	89.7	89.4	87.1	86.5
Grades 5–9	86.6	87.4	86.4	86.0

<i>Net enrolment ratio</i>	<i>2007/08</i>	<i>2008/09</i>	<i>2009/10</i>	<i>2010/11</i>
Grades 10–11	48.0	45.9	43.1	43.4

97. The literacy rate is shown in table 26.

Table 26
Percentage

<i>Year</i>	<i>1999</i>	<i>2009</i>
Youth literacy rate (persons aged 15–24 years)	99.7	99.8
Adult literacy rate (persons aged 15 years or over)	98.7	99.2

98. The student-teacher ratio in day schools is shown in table 27.

Table 27

<i>Year</i>	<i>2007/08</i>	<i>2008/09</i>	<i>2009/10</i>	<i>2010/11</i>
State general education schools	15	15	15	15

99. No record is kept of attendance and drop-out rates in primary or secondary education, and these data are therefore not given.

100. The structure of external public debt is presented in table 28 (in thousands of United States dollars).

Table 28

<i>Creditor</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Bilateral concessional	356 207	414 567	756 621	894 861
Export-Import Bank of China	8 560	9 139	46 788	150 947
Natexis Bank (France)	6 460	6 185	6 402	5 926
Japan Bank for International Cooperation	238 495	303 084	303 469	341 408
Kreditanstalt für Wiederaufbau (Germany)	67 716	65 993	67 771	65 528
Korea Exim Bank	18 211	13 580	14 662	14 924
Kuwait Fund for Arab Economic Development	16 765	16 586	17 529	16 128
Russian Federation	0	0	300 000	300 000
Bilateral non-concessional	263 382	259 594	254 237	254 009
Danish International Development Agency (DANIDA)	3 274	3 435	3 348	3 348
Hermes Kreditversicherungs-Aktiengesellschaft (Germany)	9 668	8 663	7 521	7 565
India	1 024	1 024	0	0
Kazakhstan	0	0	0	0
Pakistan	0	0	0	0
Turkmenistan	0	0	0	0
Russian Federation	191 514	193 561	193 561	193 561
Türk Eximbank	49 321	50 051	49 807	49 535

<i>Creditor</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Uzbekistan	8 581	2 860	0	0
Multilateral concessional	1 444 937	1 446 191	1 461 758	1 461 021
International Monetary Fund	149 830	164 581	167 136	176 651
OPEC Fund for International Development	4 928	4 213	3 460	2 745
Asian Development Bank	583 475	569 351	583 001	564 243
International Development Association (World Bank)	656 528	651 203	655 979	649 352
Islamic Development Bank	32 545	38 379	35 097	52 169
International Fund for Agricultural Development	10 267	11 643	10 170	9 620
Northern Development Fund	7 364	6 821	6 915	6 241
Multilateral non-concessional	1 700	1 020	340	4 160
Central Asian Bank for Cooperation and Development	0	0	0	0
European Bank for Reconstruction and Development	1 700	1 020	340	4 160
Contingent liabilities	10 374	6 513	2 622	1 622
Standard Bank London Limited ¹	0	0	0	0
European Bank for Reconstruction and Development ²	10 374	6 513	2 622	1 622
United Bank of Switzerland ³	0	0	0	0
Bankgesellschaft Berlin (Germany) ⁴	0	0	0	0
Kazkommertsbank (Kazakhstan) ⁵	0	0	0	0
Hoechst Schering AgrEvo GmbH ⁶	0	0	0	0
Güzelış Porselen Sanayi ve Ticaret AS ⁷	0	0	0	0
Marubeni Deutschland GmbH ⁸	0	0	0	0
Total	2 076 600	2 127 885	2 475 578	2 615 673

101. Domestic public debt by year is shown in table 29.

Table 29

<i>Year</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Domestic public debt (in millions of soms)	7 141.20	7 538.40	8 551.60	8 361.40

¹ Loan to Kyrgyzaltyn Joint-Stock Company.

² Loans to Kyrgyzenergo Joint-Stock Company, Kyrgyztelecom Joint-Stock Company and the National Bank of the Kyrgyz Republic.

³ Loans to Zhibek Zholu Joint-Stock Company and Kara-Baltinsky Gornorudny Kombinat Joint-Stock Company.

⁴ Loan to Zhyldyz Joint-Stock Company and Kyrgyzstan Aba Zholdoru National Joint-Stock Company.

⁵ Loan to Kyrgyzstan Aba Zholdoru National Joint-Stock Company.

⁶ Loan to Ayltekhshervis State Joint-Stock Leasing Company.

⁷ Loan to Kyrgyzpotrebsoyuz.

⁸ Loan to Kyrgyzkilem Joint-Stock Company.

<i>Year</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Domestic public debt (in millions of United States dollars)*	201.17	191.24	193.95	177.53

* Converted using the exchange rate of the National Bank of the Kyrgyz Republic for the United States dollar to the som at the end of the period.

102. The structure of public debt as at 30 April 2011 is shown in table 30.

Table 30

	<i>Thousands of soms</i>	<i>Thousands of United States dollars*</i>
Domestic debt		
Long-term securities	4 688 578	100 233
Treasury bonds	1 484 515	31 736
State treasury bonds (maturity – 2 years)	1 999 792	42 752
State treasury bills (restructuring)	550 000	11 758
State treasury bonds (maturity – 3 years)	619 000	13 233
Bill of exchange (debts of Elbank to depositors)	35 271	754
Short-term securities	2 808 128	60 033
State treasury bills	2 808 128	60 033
Indexation of public savings	664 197	14 199
Total: domestic debt	8 160 903	174 466
External debt		
Bilateral concessional	42 154 464	901 187
Export-Import Bank of China	7 069 207	151 127
Natexis Bank (France)	310 176	6 631
Japan Bank for International Cooperation	15 854 695	338 945
Kreditanstalt für Wiederaufbau (Germany)	3 423 439	73 187
Korea Exim Bank	745 666	15 941
Kuwait Fund for Arab Economic Development	718 301	15 356
Russian Federation	14 032 980	300 000
Bilateral non-concessional	11 787 282	251 991
Danish International Development Agency (DANIDA)	156 608	3 348
Hermes Kreditversicherungs-Aktiengesellschaft (Germany)	388 947	8 315
Russian Federation	8 931 664	190 943
Türk Eximbank	2 310 062	49 385
Multilateral concessional	72 430 431	1 548 433
International Monetary Fund	8 210 509	175 526
OPEC Fund for International Development	111 656	2 387
Asian Development Bank	28 469 128	608 619
International Development Association (World Bank)	32 006 327	684 238
Islamic Development Bank	2 836 065	60 630

	<i>Thousands of soms</i>	<i>Thousands of United States dollars*</i>
International Fund for Agricultural Development	473 613	10 125
Northern Development Fund	323 133	6 908
Multilateral non-concessional	332 769	7 114
European Bank for Reconstruction and Development**	332 769	7 114
Contingent liabilities	52 483	1 122
European Bank for Reconstruction and Development***	52 483	1 122
Total: external debt	126 757 429	2 709 847
Total: public debt	134 918 332	2 884 313

* For accounting purposes, the official exchange rate of the National Bank of the Kyrgyz Republic is used (1 United States dollar = 46.7766 soms on 30 April 2011).

** Loans guaranteed by the Government of Kyrgyzstan.

*** Loans to the National Bank of the Kyrgyz Republic.

103. Table 31 contains macroeconomic indicators (gross domestic product (GDP), gross national income (GNI) and consumer price index (CPI)) by year.

Table 31

	<i>2007 (actual)</i>	<i>2008 (actual)</i>	<i>2009 (actual)</i>	<i>2010 (actual)</i>
Nominal GDP, millions of soms	141 897.7	187 991.9	201 222.9	212 177.4
Compared with previous year, percentage	108.5	108.4	102.9	98.6
GNI, millions of soms	139 912.2	184 281.6	193 035.4	
CPI				
Compared with December of previous year, percentage	120.1	120.0	100.0	119.2
Compared with previous year, percentage	110.2	124.5	106.8	108.0

104. The poverty rate is shown in table 32.

Table 32

<i>Indicator</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
General poverty rate, percentage	35.0	31.7	31.7	33.0
Extreme poverty rate, percentage	6.6	6.1	3.1	-

105. The Gini coefficient is shown in table 33.

Table 33

<i>Indicator</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Gini coefficient (relating to consumption)	0.269	0.252	0.245	-

106. The unemployment rate is presented in table 34 (the total number of unemployed persons is shown as a proportion of the economically active population).

Table 34

<i>Indicator</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>May, 2011</i>
Unemployment rate, percentage	11.5	11.1	8.2	8.4	8.4

107. The number of unemployed persons aged 15 or over is as follows:

<i>Category</i>	<i>Unit of measurement</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Unemployed persons	Thousands of persons	191.1	195.6	203.7	212.3

108. The number of persons officially registered as unemployed with breakdown by sex is given in table 35.

Table 35

	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Total	71 267	67 178	61 379	63 403
Men	35 461	33 527	30 052	29 972
Women	35 806	33 651	31 327	33 431

109. Table 36 shows the employment rate and employment by major sectors of economic activity.

Table 36

<i>Indicator</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>31 May 2011</i>
Employment rate, percentage	88.5	88.9	91.8	91.6	91.6
Employed population (thousands of persons)	2 077.1	2 152.7	2 184.4	2 216.1	-
Including, persons working:					
In enterprises, institutions and organizations	362.5	362.5	670.3	670.3	-
In farms	10.8	10.8	515.7	515.7	-
As individual entrepreneurs	148.7	148.7	328.8	328.8	-
Under contract to individuals	224.0	224.0	563.3	563.3	-
On subsidiary smallholdings	8.6	-	138.3	138.3	-

110. The number of employed persons by place of residence and sex is presented in table 37.

Table 37

<i>Population group</i>	<i>Unit of measurement</i>	2007	2008	2009	2010
Employed persons	Thousands of persons	2 152.7	2 184.3	2 216.4	2 243.7
Urban population	Thousands of persons	754.6	770.8	766.3	769.5
Rural population	Thousands of persons	1 398.1	1 413.5	1 450.1	1 474.2
Men	Thousands of persons	1 251.6	1 257.0	1 292.2	1 317.7
Women	Thousands of persons	901.1	927.3	924.2	926.0

111. The work participation rate is shown in table 38.

Table 38

<i>Indicator</i>	2007	2008	2009	2010	31 May 2011
Work participation rate (thousands of persons)	2 347.6	2 420.9	2 379.9	2 420.0	2 420.1

112. Per capita income is presented in table 39.

Table 39

<i>Indicator</i>	2007	2008	2009	2010	31 May 2011
Per capita income (soms)	3 990.4	5 422.0	6 253.0	7 142.0	7 463.0

113. Table 40 shows the share of consumption expenditures on food, housing, health and education.

Table 40

<i>Indicator</i>	2007	2008	2009	2010	31 May 2011
Minimum subsistence level (soms per month)	2 795.88	3 570.95	3 263.22	3 502.65	7 609.04

Constitutional, political and legal structure of the State

Political system

114. The Kyrgyz Republic, a sovereign State since 31 August 1991, is undergoing intensive adaptation to new, democratic political and civil society institutions. The most important achievement in the country's recent history has been the preservation of political stability, particularly in the wake of the June events in the south. The current Government is seeking to carry out a number of democratic reforms, maintain peace and harmony within the country, demonstrate openness towards the outside world and cooperate with international organizations.

115. The new Constitution, adopted by nationwide referendum on 27 June 2010, proclaimed Kyrgyzstan a sovereign, democratic, law-based, secular, unitary, social State. The people of Kyrgyzstan are the sole source of State power, which they exercise through their participation in elections and referendums.

116. The Constitution also embodies the fundamental right of citizens to hold people's assemblies (*kurultai*) on issues of importance to the nation and society. In accordance with

the new Constitution, Kyrgyzstan is a parliamentary republic. It differs in certain respects, however, from parliamentary republics of the European type. The new Constitution incorporates as many checks and balances on State power as possible.

The President of the Kyrgyz Republic

117. The President is the Head of State and is elected by the citizens for a six-year term. The President personifies national unity and State power. The same person may not be elected president twice. The Head of State exercises the following powers: to call elections to the Zhogorku Kenesh, the parliament of Kyrgyzstan, and to local councils; to sign and promulgate laws; to return laws to the parliament with objections; to convene extraordinary sessions of the parliament and determine the issues for consideration; to address sessions of the parliament; to propose to the Zhogorku Kenesh, on the recommendation of the Judicial Selection Board, candidates for election to the post of judge of the Supreme Court; to propose to the Zhogorku Kenesh, on the recommendation of the Judicial Selection Board, the removal from office of judges of the Supreme Court; to appoint and remove judges of local courts, on the recommendation of the Judicial Selection Board; to appoint the Procurator-General, with the consent of the Zhogorku Kenesh; to remove the Procurator-General, with the consent of at least one third of the total number of deputies, or, at the initiative of one third of the total number of deputies, with the approval of two thirds of the deputies of the Zhogorku Kenesh; to appoint and remove the Deputy Procurators-General, on the recommendation of the Procurator-General; to appoint and remove the members of the Government in charge of the State authorities responsible for defence and national security issues, and their deputies; to propose to the Zhogorku Kenesh candidates for the post of President of the National Bank of the Kyrgyz Republic; to propose to the Zhogorku Kenesh for election or removal from office one third of the membership of the Central Commission for Elections and Referendums; and to propose to the Zhogorku Kenesh for election or removal from office one third of the membership of the Audit Chamber.

118. The President's powers may be revoked before the end of his or her term in the event that he or she resigns, is removed from office or is unable to carry out his or her functions owing to illness, or in the event of his or her death. The President may be prosecuted following his or her removal from office if charges are brought on the basis of evidence in his or her actions of an offence, as determined by the Procurator-General.

119. On 2 July 2011, the parliament adopted the new Constitutional Act on Presidential Elections and Elections to the Zhogorku Kenesh. This law was passed by the Zhogorku Kenesh on 30 June 2011, signed by the President on 2 July 2011 and entered into force on its publication in the newspaper *Erkin Too* on 5 July 2011.

The legislature

120. In accordance with the Constitution, the Zhogorku Kenesh is the highest representative body, exercising legislative power and oversight functions within the limits of its authority. The Zhogorku Kenesh consists of 120 deputies elected for a five-year term under a proportional system. A political party may, depending on the outcome of the elections, take a maximum of 65 parliamentary seats.

121. Any citizen who is 21 years of age on the day of the poll and enjoys electoral rights may be elected a deputy.

122. The deputies of the Zhogorku Kenesh form groups. Where a group or a number of groups having officially declared themselves a coalition comprises more than half the deputies in the Zhogorku Kenesh, it is deemed the parliamentary majority.

123. The parliamentary opposition comprises any group or groups that have not joined the parliamentary majority and have declared their opposition to it. Deputies are not bound by an imperative mandate and may not be recalled.

124. The Zhogorku Kenesh exercises the following powers: to adopt laws calling referendums; to call presidential elections; to make amendments to the Constitution; to pass laws; to ratify or denounce international treaties; to make decisions on changes to the national border; to approve the national budget and the budget implementation report; to take decisions on the country's administrative territorial structure; to issue amnesty acts; to determine the structure and composition of the Government, with the exception of the Government members in charge of the State authorities responsible for defence and national security issues; to approve the Government's programme of activity; to approve the national development programme; to take votes of confidence or no confidence in the Government; on the recommendation of the President, to elect judges of the Supreme Court and remove them from office; to approve the composition of the Judicial Selection Board; on the recommendation of the President, to elect the President of the National Bank; to elect the members of the Central Commission for Elections and Referendums and the Audit Chamber, one third of whom are proposed by the President, one third by the parliamentary majority and one third by the parliamentary opposition; to elect the Ombudsman, remove him or her from office and give its consent to his or her criminal prosecution; to give its consent to the appointment of the Procurator-General, to his or her criminal prosecution and, by at least one third of the total number of deputies, to his or her removal from office; to impose a state of emergency; to take decisions on issues of war and peace; and to take decisions on the deployment of the Armed Forces.

The executive

125. Executive power is exercised by the Government and the ministries, State committees, administrative departments and local agencies of the State subordinate to it.

126. The Government is the country's highest executive body and is headed by a prime minister. The Government consists of the Prime Minister, deputy prime ministers and ministers and the chairpersons of the State committees. Its structure encompasses ministries and State committees.

127. The group or coalition forming the parliamentary majority proposes a candidate for the post of Prime Minister. He or she then submits to the Zhogorku Kenesh the Government's programme and its proposed structure and composition.

128. In the event that a coalition loses its parliamentary majority, a new Government is formed.

129. The Government exercises the following powers: to ensure the application of the Constitution and laws; to implement the State's domestic and foreign policy; to carry out measures aimed at safeguarding the rule of law and the rights and freedoms of citizens, preserving public order and combating crime; to take steps for the preservation of State sovereignty and territorial integrity, the protection of the constitutional order and the strengthening of defence capabilities, national security and law and order; to conduct financial, pricing, tariff, investment and tax policies; to prepare the national budget and see to its implementation; and to carry out measures to secure equal conditions for the development of all forms of property and ensure their protection.

The judiciary

130. Justice is administered solely by the courts in Kyrgyzstan. The judicial system consists of the Supreme Court and the local courts. The Supreme Court has a Constitutional

Chamber. Specialized courts may be established by law; the constitution of extraordinary courts is not permitted.

131. The Supreme Court is the highest judicial body in civil, criminal, economic, administrative and other matters. The plenum of the Supreme Court, which consists of the Presiding Judge of the Supreme Court and the Supreme Court chambers, elucidates jurisprudential issues.

132. The Constitutional Chamber of the Supreme Court is the body responsible for constitutional oversight. It has the following powers: to declare laws and other legal enactments that are not consistent with the Constitution unconstitutional; to make rulings on the constitutionality of international treaties that have not yet entered into force and to which Kyrgyzstan is a party; and to make rulings on bills amending the Constitution. When it is established that laws or their provisions are unconstitutional, they cease to apply in the territory of Kyrgyzstan, as do any other legal enactments based on the laws or their provisions, with the exception of judicial instruments. The decisions of the Constitutional Chamber are final and are not subject to appeal.

133. The budget of the judicial system is prepared by the judiciary independently and incorporated in the national budget.

134. Proceedings in all courts are open. Closed proceedings are permitted only in exceptional circumstances. Trials in absentia are prohibited other than in the cases provided for by law. Proceedings are conducted on the basis of the adversarial principle, and the parties have equal rights. Failure to execute judicial instruments, inappropriate execution or obstruction of the execution of judicial instruments and interference in the work of the courts incur the penalties stipulated by law.

135. Justice is administered free of charge in the cases provided for by law and in all instances in which the parties to judicial proceedings produce evidence that they lack sufficient funds for the conduct of the proceedings.

136. Issues concerning the internal workings of the courts are addressed through a system of judicial self-regulation encompassing the Congress of Judges, the Council of Judges and the Assembly of Judges. The Congress is the highest body of judicial self-regulation. The Council is an elected body responsible, in the period between congresses, for protecting the rights and legitimate interests of judges and considering issues relating to disciplinary action against judges. The Assembly is the primary body of judicial self-regulation.

137. The Constitution provides for the participation of citizens in the administration of justice in the cases and under the procedure specified.

138. The Procurator's Office, National Bank, Central Commission for Elections and Referendums and Audit Chamber are autonomous State bodies endowed with constitutional status.

139. The Ombudsman (Akyikatchy) conducts parliamentary oversight of the observance of human and civil rights and freedoms.

140. Local government is exercised by the communities in the administrative economic units concerned. The system of local government comprises local councils, which constitute the representative authorities, and rural administrations (*aiyl okmotu*) and municipal administrations, which are the executive authorities at this level. Local government bodies are entitled to apply to the courts for protection in the event that their rights are violated. State authorities do not have the right to interfere in local government.

The electoral system

141. Elections are free and are held on the basis of universal, equal and direct suffrage by secret ballot.

142. Citizens have the right to vote and be elected to central and local government bodies and to take part in referendums. Citizens who have attained the age of 18 years have the right to vote.

143. The presidential elections of 23 June 2009 were monitored by the Coalition for Democracy and Civil Society. The results were described in the 2009 Human Rights Yearbook.

144. Political parties take part in presidential elections and elections to the Zhogorku Kenesh and local government bodies.

Indicators on the political system

145. As at 1 July 2011, there were 156 recognized political parties at the national level.

Proportion of population eligible to vote

146. The total number of persons on the main electoral roll, according to the data for 2010, is 2,837,989. In the most recent parliamentary elections, in 2010, 1,101,958 persons voted.

Proportion of the non-citizen adult population registered to vote

147. Non-citizens are not registered to vote.

Number of complaints on the conduct of elections registered, by type of alleged irregularity (2010 elections to the Zhogorku Kenesh)

148. The main demands made by complainants were for the courts to set aside the registration of lists of candidates, overturn the decision of the Central Commission for Elections and Referendums on the outcome of the elections and declare invalid Decision No. 327 of 30 October 2010 by which the Commission invalidated the results of the voting in polling stations outside Kyrgyzstan.

149. The courts received 18 petitions before and during the elections alleging violations of electoral rights, including 15 demanding the setting aside of the registration of lists of candidates; appropriate rulings were handed down by the district courts and the Supreme Court.

150. Some 18 reports of administrative offences involving violations of electoral rights were referred to the courts, including 15 concerning offences under article 49 (Failure to comply with the lawful requests of an electoral commission) of the Code of Administrative Liability, 2 of offences under article 55 (Preparation or distribution of anonymous campaign material) and 1 of an offence under article 54 (Campaigning outside the permitted period).

151. From the date that the elections to the Zhogorku Kenesh were called, the Central Commission for Elections and Referendums received a total of 679 written communications (applications or complaints) from participants in the electoral process. It should be noted that, most contained requests for clarification of individual provisions of the Elections Code, including those on electoral deadlines; on the procedures for forming an electoral commission, nominating a list of candidates and establishing a campaign fund for a political party; on the status of candidates; and on campaigning and voting procedures.

152. The majority of the 679 written communications received were sent for information purposes and were filed with the appropriate electoral documents; note was taken of some communications.

153. There were 259 complaints related to violations of electoral legislation: 53 were received from voters, including 14 from groups of voters, while 125 came from political parties, 2 from international organizations, 6 from NGOs, 39 from State institutions and 20 from other sources.

154. The Ata Meken party withdrew all the complaints it had submitted, 7 in total, after 10 October 2010. The Ata-Zhurt party withdrew 1 communication. The Legal Information Centre withdrew 1 application it had submitted.

155. The complaints mainly concerned action taken by parties, the formation of electoral commissions, the conduct of campaigning, the nomination of candidates, violations of the voting procedure, bribing of voters, recounts and the invalidation of election results.

156. An application by the Respublika party was considered at a meeting of the Commission. An application by the SDPK (No. 48 of 5 October 2010), citing the 24 kg News Agency and concerning lobbying by the party, was examined by the Commission and the decision adopted was forwarded to the Office of the Procurator-General. Following a complaint by the municipal enterprise Zelenstroi goroda Bishkek, a file was sent to the Central Internal Affairs Department for the city of Bishkek with a view to the identification and removal of campaign flags placed by the Ata Meken party in violation of the Elections Code. A complaint by the Akshumkar party concerning a violation of the electoral rights of parliamentary candidates was referred to the Alamudun district procurator's office. In response to an application by the Ar-Namys party concerning the conduct by the Sverdlovsk district electoral commission of early voting for students at the Ministry of Internal Affairs Academy, a file was considered at a meeting of the Commission and sent to the procuratorial authorities. Some 12 files relating to individual applications and complaints were sent for appropriate action to the procuratorial authorities, 8 to the State National Security Service, 7 to the Ministry of Internal Affairs, 1 to the financial police and 18 to the courts.

157. On 10 October 2010, the day of the elections to the Zhogorku Kenesh, the Commission received 33 written communications from participants in the electoral process reporting the following violations of the Elections Code: acts or omissions by district and neighbourhood electoral commissions; organized transportation of voters to polling stations; restrictions placed on free expression of will; infringements of voting secrecy; and obstruction of electoral monitors. The complaints were examined promptly by Commission staff and lower-level electoral commissions, and field visits were made as necessary.

158. Errors and discrepancies in election returns were identified on the basis of complaints and reports received. On 26 October 2010, the Commission adopted a decision on the disclosure of the electoral rolls of neighbourhood electoral commissions. After verification of the rolls, the election returns were corrected pursuant to Commission Decisions Nos. 321 of 28 October 2010 and 323 of 29 October 2010. The results of the voting at certain polling stations were declared invalid by Commission Decisions Nos. 320 of 25 October 2010, 322 of 28 October 2010, 324 of 29 October 2010 and 325, 326 and 327 of 30 October 2010.

Population coverage during elections and breakdown of ownership of major media channels

159. More than 183 accredited representatives of domestic and foreign media outlets covered the election campaign.

160. The International Foundation for Electoral Systems and the Central Commission for Elections and Referendums, with assistance from the United States Agency for International Development (USAID), jointly developed a guide to the work of provincial, district and neighbourhood electoral commissions, a brief manual on resolving electoral disputes, a pocket handbook for journalists containing excerpts from Kyrgyz legislation, and a set of information materials including the addresses and telephone numbers of organizations participating in the elections. Given that the country was going through a political crisis, the issue of citizens' security was a priority. Accordingly, a pocket handbook containing golden rules for officers of the internal affairs agencies was devised and issued.

161. From 30 September 2010, the National Television and Radio Company channels and other television channels, as well as provincial television and radio companies, broadcast video and audio spots in the State and official languages explaining special features of the election technologies, the compiling of the electoral rolls, the procedures for voting and for voting away from the polling station, and the meaning of markings. This process empowered voters to take an active part in the elections.

162. Booklets, leaflets, posters and brochures were printed in communities to let voters know when and how to take the necessary steps, and banners and panels clarifying election procedures and encouraging voter turnout were displayed.

163. Under article 32 of the Elections Code, candidates and political parties are entitled to free airtime on channels belonging to television and radio organizations that are covered by article 30, paragraph 16, of the Code and broadcast in areas in which elections are taking place. This airtime must be during prime time, that is between 8 p.m. and midnight.

164. Irrespective of the form of ownership, a television and radio organization that gives airtime to one candidate or political party is obliged to give airtime to the other candidates and political parties under the same conditions (including in respect of cost, transmission time and length).

165. The Central Commission for Elections and Referendums conducted a lottery to distribute free airtime to political parties on channels of the National Television and Radio Company. Political parties registered with the Commission were entitled to equal access to airtime.

166. Under the Elections Code (art. 34), central and local government bodies are required to assist candidates and political parties in organizing assemblies and meetings with citizens, public debates and discussions, rallies, demonstrations and processions.

167. The list of accredited media outlets was published on the official website of the Commission. A varied range of material appeared in the media: most media outlets addressed the new format of the elections, which were conducted under a party system, while continuing to publish speeches by, and interviews with, the candidates; very few covered the manifestos and ideas of the political parties.

168. During the preparations for and holding of the 10 October 2010 elections to the Zhogorku Kenesh, many publications dealing with the theme of the elections appeared. Among the most prolific were *Slovo Kyrgyzstana*, *Vecherny Bishkek*, *Kyrgyz Tuusu*, *Erkin Too*, *Kyrgyz Rukhu*, *Ordo*, *Zhany Agym*, *Forum*, *Dengi Vlast*, *Aalam*, *MSN*, *Obshchestvenny reiting*, *Delo No.*, *Komsomolskaya pravda v Kyrgyzstane* and *Argumenty i fakty*. Even before the start of the official election campaign, most domestic media carried material on the early elections to the Zhogorku Kenesh.

169. Election day was covered not only by the domestic media, but also by journalists from foreign media outlets in the city of Bishkek and in the country's provinces and towns. By 10 October 2010, the Central Commission for Elections and Referendums had

accredited more than 110 representatives of domestic and foreign media outlets. All radio stations reported extensively on the election campaign: Kabarlar, Azattyk, the BBC, El FM, Min Kyyal FM, Kyrgyzstan Obondory, Tumar, Sezim, Almaz, Evropa Plus and others.

170. A distinctive feature of the early elections to the Zhogorku Kenesh on 10 October 2010 was the wide coverage of the election campaign on the Internet. For the first time since Kyrgyz independence, the elections were democratic and took place without administrative intervention, and the electoral process was observed to be open and transparent.

171. From 10 September 2010, political parties actively distributed printed campaign materials throughout the country. Unlike during previous election campaigns, during the elections of deputies to the 5th Zhogorku Kenesh, the latest technologies were used to prepare campaign materials: billboards, posters, banners and calendars.

Number of non-governmental organizations involved in the elections

172. During the 2010 elections to the Zhogorku Kenesh, 850 international observers representing 32 international organizations from 52 countries were accredited.

Distribution of legislative seats by party

173. On the basis of the election results, the following political parties were assigned seats in the parliament (2010): the Ata-Zhurt Idealistic Democratic Party (8.47 per cent), the SDPK (7.83 per cent), the Ar-Namys party (7.57 per cent), the Respublika party (6.93 per cent) and the Ata Meken Socialist Party (5.49 per cent).

174. The distribution of seats was calculated as follows:

- 28 seats to the list of candidates from the Ata-Zhurt Idealistic Democratic Party;
- 26 seats to the SDPK list;
- 25 seats to the Ar-Namys party list;
- 23 seats to the Respublika party list;
- 18 seats to the Ata Meken Socialist Party list.

Percentage of women in parliament

175. Twenty-eight women won parliamentary seats in the last elections; they represent 23.3 per cent of all deputies.

Average voter turnouts in the national elections by administrative unit

176. A total of 1,101,958 persons voted in the 2010 elections to the Zhogorku Kenesh. The number of persons on the main electoral roll by province was as follows: in Naryn province, 155,380; in Jalal-Abad province, 497,328; in Ysyk-Köl province, 234,623; in Batken province, 228,356; in Osh province, 599,393; in Chüy province, 468,040; in Talas province, 121,273; in the cities of Bishkek and Osh, 340,511 and 115,106, respectively; and at missions of the Ministry of Foreign Affairs abroad, 76,557.

Information on the basic system for recognizing non-governmental organizations as such

177. In Kyrgyzstan, citizens may form voluntary associations on the basis of free will and community of interests to realize and protect their rights and freedoms and to pursue their political, economic, social, labour, cultural and other interests.

178. The formation by citizens' associations of armed groups is prohibited, as is the functioning of political parties and voluntary organizations or religious associations of a political nature, and offices or branches thereof, that seek through their actions to bring about the violent overthrow of the constitutional order, undermine national security or incite social, racial, national, ethnic or religious enmity.

179. Between 2008 and May 2011, 49 political parties, 3,607 non-profit organizations and 403 media outlets were included in the single State register of legal entities and their branches and offices.

180. Regarding the number of recognized NGOs, as at 1 July 2011 there were 21,000 non-profit organizations.

181. Between 2008 and May 2011, 4,638 legal entities and branches and offices thereof were refused State registration or re-registration. The grounds for refusal were as follows: failure to submit the documents required by law for registration of a legal entity; inaccuracies or irregularities in the information contained in the documents submitted by non-profit organizations or non-compliance of the documents with Kyrgyz legislation; and absence in permits of information required by law.

182. The activities of NGOs are regulated by the Non-Profit Organizations Act. All non-profit organizations are formed and operate on the basis of voluntariness, self-governance, lawfulness, transparency and openness. The State guarantees conditions in which non-profit organizations can accomplish the tasks stipulated in their statutes and supports their activities. Registration of such organizations is carried out in accordance with the Act on State Registration of Legal Entities and Their Branches and Offices.

183. Non-profit organizations have the right to engage in any type of activity that is not prohibited by law or at variance with the purposes and tasks stipulated in their statutes, policy documents and other instruments. They have the right to engage in commercial, including productive, activity, provided that they do not distribute the profits among their founders, members, officials and other employees, or members of their governing bodies. Any restriction on designated types of activity by non-profit organizations must be established by law. A licence or special permit is required to carry out certain types of activity.

184. State authorities that permit the establishment of conditions restricting the activities of non-profit organizations are held accountable in accordance with Kyrgyz legislation.

185. The Act on State Registration of Legal Entities and Their Branches and Offices governs the procedure for the establishment, operation, reorganization and winding up of non-profit organizations, that is voluntary associations, foundations and institutions.

186. The functioning of media outlets is governed by a separate law. Under the Media Act of 1992, State authorities, voluntary associations, employees' groups and citizens of Kyrgyzstan have the right to found a media outlet. Arbitrary refusal to register a media outlet or undue delays in registration may be appealed before a court.

187. The activities of political parties are regulated by the Political Parties Act.

188. The State guarantees the observance of the rights and legitimate interests of political parties and ensures that they enjoy the same conditions in law for the accomplishment of the tasks stipulated in their statutes. Interference by State authorities and their officials in the activities of political parties is prohibited, except in the cases provided for by law.

Crime and the administration of justice

189. Protecting citizens from crime, countering the spread of crime in society and tackling negative social trends are becoming priorities in Kyrgyzstan. This is a difficult

period for the crime prevention system. The reform of the law enforcement bodies has yet to be completed, which, undoubtedly, is having an impact on criminality. The events of April and June 2010 demonstrated the ineffectiveness of the internal affairs agencies.

Overall crime figures

190. The current crime situation is characterized by the growth, both quantitative and qualitative, of negative trends and remains quite challenging overall. By way of illustration, statistics on total crime in the country are presented in table 41.

Table 41

	2008 population (thousands) 5,224.3		2009 population (thousands) 5,276.1		2010 population (thousands) 5,418.3		First 5 months of 2011	
	Number of recorded offences	Rate per 100,000 population	Number of recorded offences	Rate per 100,000 population	Number of recorded offences	Rate per 100,000 population	Number of recorded offences	Rate per 100,000 population
Total number of offences	29 519	565.0	29 715	563.2	35 528	655.7	14 064	259.5
Murder	417	8.0	149	2.8	909	16.8	218	4.0
Infliction of serious harm to health	269	5.1	269	5.1	317	5.9	107	1.9

191. Table 42 shows the number of persons prosecuted for violent offences, including those committed for gain.

Table 42

	2008 population (thousands) 5,224.3		2009 population (thousands) 5,276.1		2010 population (thousands) 5,418.3		First 5 months of 2011	
	Number of persons prosecuted	Rate per 100,000 population	Number of persons prosecuted	Rate per 100,000 population	Number of persons prosecuted	Rate per 100,000 population	Number of persons prosecuted	Rate per 100,000 population
Total number of persons	15 184	290.6	15 873	300.8	14 627	269.9	7 334	135.3
Murder	405	7.8	236	4.5	500	9.2	209	3.9
Aggravated theft	1 244	23.8	750	14.2	1 085	20.0	541	10.0
Theft with violence	370	7.1	316	6.0	539	9.9	286	5.3
Trafficking	98	1.9	46	0.9	66	1.2	18	0.3
Terrorism							22	0.4
Hostage-taking					2	0.04		
Banditry			6	0.11	2	0.04	1	0.02

192. The number of recorded cases of sexually motivated violence is given in table 43.

Table 43

Offence	2008		2009		2010		First 5 months of 2011	
	Number of persons prosecuted	Rate per 100,000 population	Number of persons prosecuted	Rate per 100,000 population	Number of persons prosecuted	Rate per 100,000 population	Number of persons prosecuted	Rate per 100,000 population
Rape	295	5.6	172	3.3	295	5.4	108	2.0

Maximum and average time of pretrial detention

193. The maximum and average time of pretrial detention is governed by the Constitution, taking into account the International Covenant on Civil and Political Rights. Article 111 of the Code of Criminal Procedure contains a general requirement that the period of custody during the investigation of an offence should not exceed 2 months from the time that a person is remanded in custody until the criminal case against him or her is referred to court for trial. At the same time, provision is made for cases in which it is not possible to complete the investigation within 2 months; the period of custody may then be extended beyond the 2-month limit, but only on one of the grounds indicated. In accordance with article 111, paragraph 2, when an investigation cannot be completed within 2 months and there are no grounds for revoking or amending the preventive measure imposed, the 2-month limit may be extended by a district or municipal court judge: for a period of up to 6 months, on application by the investigator and with the agreement of the procurator; for a period of up to 9 months, on application by the investigator and with the agreement of the Deputy Procurator-General; or for a period of up to 12 months, on application by the investigator and with the agreement of the Procurator-General. Further extensions are not permitted, and the accused person must be released from custody; other preventive measures may be imposed (art. 111, para. 3).

Crime prevention activities of the internal affairs agencies

194. Pursuant to the Crime Prevention Act and Ministry of Internal Affairs Order No. 162 of 28 February 2008 on the application of the lessons learned from the work of community prevention centres, officers of the internal affairs agencies are conducting activities aimed at perpetrators and victims of crime.

195. In order to prevent repeat offending, group and individual prevention work is carried out. Group activities involve identifying the causes and conditions that contribute to the commission of criminal and administrative offences, with a view to their elimination. Individual activities are undertaken on the basis of internal affairs agencies registers and entail the maintenance of prevention registers, the conduct of prevention work with persons on the registers, and the imposition of administrative sanctions against persons on the registers who commit breaches of the peace.

196. Community prevention centres make a major contribution to efforts in this area. Officers of the internal affairs agencies, together with representatives of the centres, elders' (*aksakal*) courts and youth councils, carry out prevention work with habitual domestic abusers, alcoholics, drug addicts and problem families disposed to offending.

Work of the courts

197. In 2008, 10,666 persons were convicted by the courts in Kyrgyzstan and 294 were acquitted. In 2009, the figures were 9,797 and 323, respectively; in 2010, 8,524 and 279; and, in the first quarter of 2011, 2,308 and 39.

198. The backlog of cases — uncompleted cases and cases awaiting trial — according to the courts' consolidated report is shown in tables 44, 44-1 and 44-2 (see annex 16).

199. The backlog is not divided by categories of case in statistical reporting. Consequently, it is not possible to present disaggregated data in this regard.

Prison population

200. Table 45 contains data on the prison population with breakdown by offence and length of sentence.

Table 45

	<i>As at 01.01.2009</i>	<i>As at 01.01.2010</i>	<i>As at 01.01.2011</i>	<i>As at 01.04.2011</i>
Offences against life or health	1 904	2 001	1 983	2 077
Offences against property	3 218	3 310	3 118	3 221
Drug-related offences	1 018	995	933	1 510
Offences against sexual integrity and sexual freedom	382	421	441	424
Offences against public security	654	781	801	720
Economic offences	12	9	13	20
Military offences	15	11	11	27
Official misconduct	5	8	4	11
Offences against the constitutional order	4	2	20	25
Other	720	689	648	581

201. Data on length of sentence are presented in table 46.

Table 46

<i>Length of sentence</i>	<i>As at 01.01.2009</i>	<i>As at 01.01.2010</i>	<i>As at 01.01.2011</i>	<i>As at 01.04.2011</i>
1–3 years	340	281	425	902
3–5 years	1 821	1 979	2 350	1 891
5–10 years	3 054	3 130	2 296	1 972
Over 10 years	2 717	2 837	2 901	2 851

202. Table 47 shows the number of deaths in places of deprivation of liberty.

Table 47

Number of deaths of persons while in remand custody or serving sentences of deprivation of liberty

<i>Overall mortality rate</i>	<i>2007</i>		<i>2008</i>		<i>2009</i>		<i>2010</i>		<i>2011 (first 5 months)</i>	
	<i>Remand prisoners</i>	<i>Convicts</i>	<i>Remand prisoners</i>	<i>Convicts</i>	<i>Remand prisoners</i>	<i>Convicts</i>	<i>Remand prisoners</i>	<i>Convicts</i>	<i>Remand prisoners</i>	<i>Convicts</i>
Total	11	140	5	98	6	87	12	78	6	36

Overall mortality rate	2007		2008		2009		2010		2011 (first 5 months)	
	Remand prisoners	Convicts	Remand prisoners	Convicts	Remand prisoners	Convicts	Remand prisoners	Convicts	Remand prisoners	Convicts
	Tuberculosis	3	80	2	37	3	29	3	29	1
Non-specific somatic diseases	1	37	1	28	1	31	3	33	1	9
Drug overdoses	2	2	2	14		9	2	4	1	3
Suicide	2	10		9	1	6	2	8	3	4
Trauma	3	6		8	1	7		4		2
HIV		5		2		5	2	0		8
Total (remand prisoners and convicts)		151		103		93		90		42

Number of persons serving life sentences

203. Pursuant to Act No. 91 of 25 June 2007 amending the Criminal Code, the Penal Enforcement Code, the Code of Criminal Procedure and other legislative acts, the death sentences of 172 persons have been commuted to life imprisonment. As at 1 June 2011, 247 persons were serving life sentences in institutions of the State Penal Correction Service.

General questions: organization and financing of the court system and the law enforcement bodies

204. Table 49 shows the share of public expenditure on the court system with breakdown by year.

Table 49

	2008	2009	2010	2011
Supreme Court	74 991.6	88 666.9	81 760.3	68 198.8
Judicial Department	280 181.2	340 034.1	340 735.2	412 536.6
Total	355 172.8	428 701.0	422 495.5	480 735.4
National budget (total amount)	37 953 547.0	41 120 440.9	45 247 300	65 111 152.1
% share	9.3	10.4	9.3	7.3

The reduction in funding for the court system is connected with the state of the country's finances.

205. There are 8 judges per 100,000 persons.

206. As at 20 June 2011, the procuratorial authorities employed a total of 841 staff: 310 in Bishkek, 118 in Chüy province, 87 in Osh province, 99 in Jalal-Abad, 44 in Batken province, 47 in Naryn province, 66 in Ysyk-Köl province, 39 in Talas province and 31 in the city of Osh.

207. There are 15 prosecutors per 100,000 persons.

208. The funding allocated to the procuratorial authorities from the national budget stood at 189,645.8 thousand soms in 2009; 228,866.2 thousand soms in 2010; and 257,018.4 thousand soms in 2011.

209. The share of public expenditure on the internal affairs agencies with breakdown by year is shown in table 48.

Table 48

2008	2009	2010	<i>Estimate approved for 2011</i>
1 083 419.6	1 176 985.9	2 336 750.1	2 634 442.8

210. Until October 2009, the State Penal Correction Service was part of the Ministry of Justice. Following the reform of the State administration, it became an autonomous body with the important function of enforcing criminal penalties involving deprivation of liberty.

211. The share of public expenditure on the State Penal Correction Service is being gradually increased. In the period from 2008 to 2011, in accordance with the National Budget Act, funding allocated to the Service's agencies and institutions was as follows: 416,978.0 thousand soms in 2008, 507,384.5 thousand soms in 2009 and 618,250.0 thousand soms in 2010. Provision of 676,025.5 thousand soms was made for 2011.

212. Regarding expenditure on renovations and construction of new correctional colonies, the following amounts were made available under the "Buildings and facilities" budget line for major repairs to institutional infrastructure and building of a special block to hold life prisoners at correctional colony No. 19:

Table 50

	2008	2009	2010	2011
Major repairs	7 987.2 thousand soms	18 600.0 thousand soms	10 200.0 thousand soms	10 000.0 thousand soms (planned)
Capital investment	5 000.0 thousand soms	18 000.0 thousand soms	27 000.0 thousand soms	

213. The number of State Penal Correction Service staff per 100,000 persons was 45.5 in 2008, 40.45 in 2009, 39.94 in 2010 and 40.33 in 2011.

Information on receipt of free legal aid

214. According to data from the State Penal Correction Service, 6,707 remand and convicted prisoners have applied for free legal aid since 2008. Legal aid is provided by NGOs and voluntary funds working with the penal correction system.

B. General framework for the protection and promotion of human rights

Acceptance of international human rights norms and ratification of the main international human rights instruments

215. In the period from 2008 to 2011, Kyrgyzstan ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, adopted by the General Assembly in its resolution 44/128 of 15 December 1989.

Legal framework for the protection of human rights at the national level

216. The legislative and regulatory framework for the protection of human rights consists of the Constitution, which is the highest legal authority in Kyrgyzstan and is self-executing, and the constitutional laws, laws, and other legal acts and regulations adopted on the basis of the Constitution. The international treaties to which Kyrgyzstan is a party and the generally recognized principles and rules of international law form an integral part of the country's legal system.

217. Human rights and freedoms are inalienable and attach to every person from birth (Constitution, art. 16). In keeping with the modern, constitutionally enshrined concept of personhood, every individual is recognized as a bearer of rights and freedoms.

218. Human rights and freedoms in Kyrgyzstan are addressed in almost all branches of national legislation. The norms of constitutional law are of special importance, however, where the enshrinement of the legal status of the individual is concerned. In relations between the individual and the State, priority must be given to the individual.

219. Among the merits of the Constitution is the principle set forth therein that human rights are not subject to limitation. This principle cannot be absolute, however. Article 20 states that human and civil rights and freedoms may be restricted by the country's Constitution and laws for the purpose of protecting national security, public order, public health and morals, and the rights and freedoms of others. Any restrictions introduced must be commensurate with these objectives. The adoption of subordinate legislation restricting human and civil rights and freedoms is prohibited.

220. Human rights and freedoms are realized on the basis of the principle of equality of rights, which has very many facets. Article 16 of the Constitution embodies equality before the law and the courts: everyone has the right to a fair and public hearing in the review of any criminal charge brought against him or her and in the determination of his or her rights in civil proceedings. It is a question of enshrining legal and procedural equality. Article 16 also prohibits all discrimination on any grounds: no one may be subject to discrimination on grounds of sex, race, language, disability, ethnicity, faith, age, political or other opinions, education, origin, property or other status, or on any other basis.

221. The Constitution is the highest legal authority and is self-executing. The norms set forth in the international human rights instruments are directly enforceable and have precedence over those of other international treaties (Constitution, art. 6). Thus, the courts are empowered to apply the norms of international treaties in handing down decisions on cases. No instances have been identified in judicial practice, however, of the application by the courts of an international norm. Such statistics are not maintained.

222. The reports on the work of the country's courts do not include data on the number of cases in which victims of violations of civil or political rights have been granted reparation, compensation or rehabilitation.

223. The right of citizens to judicial protection of their rights and freedoms is enshrined in the Constitution. In addition, the State ensures the development of non-judicial and pre-judicial methods, forms and means to protect human and civil rights and freedoms (art. 40).

224. Everyone has the right to submit representations to central or local government bodies and their officials, who must provide a response, with reasons given, within the period established by law (art. 41).

225. Everyone has the right, as stipulated in the relevant international instruments, to apply to international human rights bodies for protection of rights and freedoms that have been violated. Should these bodies declare that a violation has indeed taken place,

Kyrgyzstan takes measures to restore the rights and freedoms and/or provide reparation (art. 41, para. 2).

226. The State bodies with competence affecting human rights matters are as follows:

- The Supreme Court and local courts and the Constitutional Chamber of the Supreme Court, in accordance with the procedures established by the relevant laws and regulations. To date, the following laws have been adopted and have entered into force: (1) Act No. 39 of 13 June 2011 amending the Supreme Court and Local Courts Act; (2) Constitutional Act No. 41 of 13 June 2011 amending the Constitutional Act on the Status of Judges; (3) Act No. 40 of 13 June 2011, the Judicial Selection Board Act; (4) Constitutional Act No. 37 of 13 June 2011 on the Supreme Court Constitutional Chamber; and (5) Act No. 35 of 20 March 2008, the Judicial Self-Governance Bodies Act;
- The Zhogorku Kenesh, when it exercises its oversight function of verifying the implementation of laws and when it hears the Ombudsman's annual report and the reports of representatives of foreign States;
- The Government, when carrying out its constitutionally enshrined functions and implementing national programmes and strategies;
- The Procurator's Office, one of the functions of which, as set out in the Constitution, is to protect citizens' rights;
- The Ombudsman, as the entity exercising, on a continuous basis, parliamentary oversight of respect for the human and civil rights and freedoms stipulated in the Constitution. Each year, the Ombudsman presents a report on the situation of human rights, containing recommendations addressed to the parliament on the legislative amendments that need to be made.

227. Since 2010, the Committee on Human Rights, Equal Opportunities and Civil Society Associations of the Zhogorku Kenesh has received more than 300 communications from citizens, including 286 alleging violations of constitutionally enshrined human and civil rights. More than half of the communications were complaints of unlawful acts by law enforcement officers committed at all stages of their dealings with Kyrgyz citizens and foreign nationals, including gross violations of procedural norms. After reviewing the complaints, the Committee may, depending on the outcome, transmit its decisions and findings to the competent officials, so that disciplinary action (which may include dismissal) can be taken against the persons responsible. Where necessary, complaints are transmitted to the Office of the Procurator-General, so that administrative or criminal proceedings can be instituted. Approximately one third of the complaints considered by the parliamentary Committee are transmitted by human rights organizations or lawyers. All complaints are verified.

228. While reviewing a series of complaints from organizations defending the rights of disabled and older persons, pensioners and persons with special health needs, the Committee decided to establish the Council for Persons with Special Needs. In order to tackle the related issues and address the complaints received from citizens, members of the Committee have carried out a number of extramural activities, making visits to shelters run by Svetly put (Bright path), a charitable foundation, to remand centres of the State Committee on National Security and to the Ombudsman's Office, and attending sessions of the Pervomai and Lenin district courts in the city of Bishkek as observers. The adoption of Government Order No. 422-r of 16 September 2011 approving the Convention on the Rights of Persons with Disabilities, adopted by the United Nations General Assembly on 13 December 2006, paved the way for Kyrgyzstan to sign the Convention on 21 September 2011, at the Assembly's sixty-sixth session.

229. The Committee cooperates with a number of NGOs: the Adilet (Justice) Law Clinic, the citizens' initiative Internet Politicians, the Kylum Shamy Human Rights Centre, Svetly put, the Communications Operators' Network, the Child Protection League, the Diabetics' Association of Kyrgyzstan and others.

230. The Procurator's Office ensures the protection of citizens' rights; it carries out its work in accordance with the Procurator's Office Act. The department overseeing the legality of the activities of central and local government bodies continuously monitors the safeguarding of citizens' constitutional rights. Thus, with a view to securing human rights and freedoms, in 2010 procuratorial authorities conducted 1,103 checks of the status of protection of social rights and filed 587 challenges concerning acts that broke the law. Some 430 recommendations for remedying breaches of the law were issued to heads of State authorities, organizations and institutions, along with 800 directives, while 172 persons received warnings as to the inadmissibility of such breaches. As a result of action by procurators, disciplinary action was taken, or administrative proceedings initiated, against 589 officials in connection with violations of citizens' rights, and 58 criminal cases were brought.

231. The procuratorial authorities conducted 724 checks of compliance with employment law and filed 586 challenges. Some 292 recommendations for remedying breaches of the law and 324 directives were issued; warnings as to the inadmissibility of such breaches were received by 89 individuals, and, in 41 cases, it was decided to launch disciplinary proceedings. Some 285 persons were subjected to disciplinary action and administrative proceedings were initiated against 33 persons following procuratorial intervention.

232. Procurators carried out 121 checks of compliance with the legislation on pensions, issuing 62 recommendations for remedying breaches of the law and 45 directives. A total of 6 persons were warned as to the inadmissibility of such breaches, and the launching of disciplinary proceedings was recommended in 1 case. As a result of action by procurators, disciplinary action was taken against 120 persons and 24 criminal cases were brought, while pensions and social benefits worth 1,171,289 soms were paid out.

233. The Government, within the framework of the powers granted to it by the Constitution, takes measures to ensure legality, safeguard citizens' rights and freedoms, and promote cooperation with civil society. Ministries and departments are engaged in tackling a range of problems in the field of human rights.

234. In Kyrgyzstan, there are also non-governmental mechanisms that observe the realization of human rights.

Framework within which human rights are protected at the national level

Zhogorku Kenesh

235. The Zhogorku Kenesh, within the framework of the powers granted to it by the Constitution, takes steps to promote human rights and freedoms in Kyrgyzstan. The Committee on Human Rights, Equal Opportunities and Civil Society Associations of the Zhogorku Kenesh carries out activities aimed at refining legislation on human rights and freedoms. Since 2010, the parliamentary Committee has submitted more than 16 bills for consideration by the Zhogorku Kenesh, as well as reviewing more than 44 bills. In particular, it has proposed amendments, inter alia, to the legislation on combating trafficking in persons, to the provisions of employment law governing maternity leave and the payment of increments to workers holding more than one job, and to the legislation on the family. Until 2012, the Committee worked with the Government on developing the Gender Equality Strategy.

Assembly of the Peoples of Kyrgyzstan

236. The Assembly of the Peoples of Kyrgyzstan was constituted in 1994 to address ethnic problems and relations between ethnic groups. The Assembly, a key civil society organization, speaks on behalf of the different ethnic groups that make up the unified people of Kyrgyzstan. The Assembly ensures the realization and protection of the interests of all the country's ethnic groups. It structures its work around the principles of the Universal Declaration of Human Rights. In response to the expansion of the Assembly's activities and in an effort to enhance its institutional structure, provincial branches have been set up, in Ysyk-Köl, Osh, Jalal-Abad and Talas. These branches operate on the basis of the long-term workplan established by the Assembly, taking account of regional specificities.

237. From 2008 to 2011, the Assembly took part in discussion of a number of bills, the Constitution and the Elections Code. The members of the Assembly participated in the June 2010 referendum and in the October 2010 parliamentary elections as independent observers.

238. Ethnic minorities enjoy access to information and have their own printed and electronic media. Ethnic cultural centres publish private newspapers in native languages. The best known ethnic media are as follows: *Maayan* (Source), the newspaper of the Menora Jewish cultural society; *Itipak*, published by the Uighur association; *Khueimin Bo*, published by the Dungan association; *Ilchi-Edinstvo*, the Korean association's publication; *Ala-Too Paemi*, published by the Rudaki Tajik Association; and *Polonus*, the magazine of Odrozenie, the Polish cultural and educational association.

239. The Assembly cooperates with the Ministry of Internal Affairs in efforts to avert ethnic conflict. The events in the village of Maevka in 2010 were brought under control in time. A 24-hour response centre was set up. From April to August 2010, eight meetings of the Council of the Assembly were held to discuss the prevailing sociopolitical situation. Members of the ethnic associations that make up the Assembly and of the Assembly's Osh branch made appeals to the Kyrgyz people. In January 2011, representatives of the ethnic associations helped to develop the Outline of Kyrgyz Ethnic Policy. A new bill on the Assembly of the Peoples of Kyrgyzstan is being prepared.

Elders' courts

240. The Elders' Courts Act was adopted in 2002. Elders' courts are elected, self-governing community bodies, established on a voluntary basis, that review cases referred to them by courts, procurators, internal affairs agencies and other State authorities and their officials under the established procedure, as well as disputes between citizens. Elders' courts are entitled to consider cases involving: (a) property and family disputes concerning property debt recovery, obtaining of unlawfully appropriated property, return of unlawfully appropriated property, return of property handed over for storage, recovery of rent, compensation for damage to property, division of spouses' communal property, marital relationships between members of ethnic groups or traditions related to marriage and the family; (b) non-fulfilment by parents or other family members of their duty to raise and support children; (c) non-fulfilment by adult children of their duty to provide for their parents or for the persons who raised and supported them when the latter have become incapacitated; (d) payment for work performed under an employment agreement; and (e) watering disputes between smallholders.

Raising human rights awareness among public officials

241. Since 2007, the vocational training centre for procuratorial staff run by the human resources department of the Office of the Procurator-General has organized and conducted

seminars and round tables on the following topics: “Human rights and procuratorial oversight in Kyrgyzstan”, a joint initiative with the Organization for Security and Cooperation in Europe (OSCE); “Human rights and prison system reform in Kyrgyzstan”, in partnership with the Danish Institute for Human Rights; and “Familiarization with, and application of, international human rights norms”, jointly with the Soros Foundation-Kyrgyzstan.

242. Between 2008 and 2011, officers of the internal affairs agencies took part in 42 international conferences, round tables, training sessions and seminars devoted to civil and political rights.

243. In order to ensure the transparency of its work and increase its effectiveness, the Office of the Procurator-General launched an official website where material concerning its activities is posted. Procuratorial staff cooperate with the media. In 2010, procurators spoke in the media about citizens’ rights and duties on 397 occasions; the figure for the first quarter of 2011 was 101. From 2007 to 2011, the Office’s vocational training centre conducted 16 workshops and trained 329 procuratorial staff.

244. In accordance with the Regulations on legal training in government bodies, the Ministry of Defence conducts legal training for military personnel serving in its formations, units and institutions. One of the main purposes of the training is to raise legal awareness among military and civilian personnel. Every year, a plan of action for legal training of military personnel is approved.

245. With the establishment of the Judicial Training Centre of the Supreme Court, opportunities for human rights training were expanded. In 2008, the Centre conducted 19 workshops for judges, court employees and bailiffs attended by 787 participants, including 642 judges. In 2009, 13 workshops were conducted for judges and court employees, and the 348 participants included 264 Supreme Court and local court judges. In 2010, the Centre ran 19 workshops and training courses for judges and court employees attended by 1,231 participants, 998 of whom were judges.

246. In 2011, 4 workshops were held for judges and court employees, and 101 Supreme Court and local court judges attended.

247. The Centre for Training and Advanced Training of Penal Correction System Staff was established within the State Penal Correction Service in 2003. The Centre conducts training for staff of all categories. The thematic curriculum includes such mandatory courses as “Human rights”, “International standards on the treatment of detainees” and “Preventing torture and ill-treatment of detainees”.

248. Under an agreement between the State Penal Correction Service and the OSCE Centre in Bishkek, a project aimed at promoting within the penal correction system the principle of the primacy of law and human rights was launched on 15 February 2010; funding for the two-year project amounts to 220,000 euros.

249. Since 2009, the Ministry of Justice, together with the Lawyers’ Training Centre and the Lawyers’ Union, two civil society associations, has been carrying out training for lawyers.

250. The Ministry of Internal Affairs Academy offers 30- and 60-hour courses on human rights for administrative staff studying in the training, in-service training and advanced training faculty. A 30-hour specialized course, “Gender policy in the activities of the internal affairs agencies” is taught separately.

Promotion of human rights awareness through educational programmes

251. The Judicial Training Centre of the Supreme Court is not planning any publications on civil and political rights.

252. The Ministry of Internal Affairs Academy has issued training manuals on the following topics:

- (a) Human rights (Bishkek, 1998);
- (b) Human rights: the role of the internal affairs agencies in protecting human rights (Bishkek, 2005);
- (c) Human rights and law and order: theory and practice (Bishkek, 2008);
- (d) Human rights and mass disturbances (Bishkek, 2010).

253. The Ministry of Finance has recommended the issuance of a training manual for journalists on reporting on budgetary topics, prepared by the Alliance for a Transparent Budget.

Human rights education within schools

254. Under the core curriculum, a course entitled “The individual and society”, which includes legal studies, is taught in grade 9 and during part of grade 10 and aspects of social studies are taught in grades 10 and 11, over a total of 102 hours per school year.

255. In higher and secondary vocational education, the teaching of human rights is regulated by Order No. 209/1 of the Ministry of Education and Science of 15 May 2011 approving the requirements with respect to mandatory minimum content and student attainment. A human rights module is included in the legal studies syllabus, and human rights is a mandatory component of the general humanities and social and economic studies programme laid down in the State educational standards for all fields and specialisms in higher education.

Other ways of promoting human rights awareness

256. Since 2009, a State youth magazine entitled *Student KG* has been published monthly in Russian and Kyrgyz in implementation of the Government’s youth policy and as part of efforts to ensure young people’s access to information. The magazine is distributed free of charge.

257. Regulations on public supervisory councils were approved pursuant to Presidential Decree No. 212 of 29 September 2010 on improving collaboration between the State authorities and civil society, and the State authorities have since taken steps to set up genuine mechanisms for such collaboration: public supervisory councils have been established in ministries and departments and, in addition, representatives of civil society organizations have been included in the central administrative boards of some ministries.

258. In March 2011, a public supervisory council was established in the Ministry of Internal Affairs. The council includes representatives of the following NGOs: the Kylym Shamy Human Rights Centre, the Independent Human Rights Group, Voice of Freedom, Labris, the Centre for Democratic Processes, Dialog and the Youth Rights Network. Representatives of voluntary associations — the Kyrgyz People’s Revolutionary Committee, the Aikol Ala-Too Association and the Patriot volunteer militia — also sit on the council.

259. A public supervisory council was established in the State Penal Correction Service in 2011. The council’s tasks include: public oversight of the activities of the State Penal Correction Service and of penal correction system employees; public monitoring of respect

for legality and the realization of the human rights and freedoms of persons deprived of their liberty, as well as oversight of the effective implementation of decisions taken; promotion of the protection of the rights of persons detained in institutions of the State Penal Correction Service; promotion of the principles espoused by the national preventive mechanism, with a view to furthering openness in prisons and the protection of the rights of convicts and other detainees, as well as of penal correction system employees; evaluation of the effectiveness of the services provided by the State Penal Correction Service; and development of proposals for establishing conditions conducive to respect for the rights and legitimate interests of convicts and other detainees, as well as of penal correction system employees.

260. At present, the penal correction system is cooperating with NGOs in various areas.

261. Pursuant to the memorandum on cooperation between GRM International Ltd., the Soros-Foundation Kyrgyzstan and the State Penal Correction Service in the context of the harm reduction projects being carried out in the penal correction system, signed on 1 December 2009, the Harm Reduction Network conducted a project that included the provision of legal assistance to convicts and victims of sexual violence. Under the Caritas France project for the protection of the human rights of persons sentenced to life imprisonment, which is being implemented by the Citizens against Corruption Human Rights Centre, legal and humanitarian assistance is continuously available to life prisoners.

262. A rehabilitation and pre-release training centre has been set up at facility No. 14 under a project aimed at enhancing and protecting the rights of children in conflict with the law, which is being implemented by the Egl Foundation.

263. A telephone helpline was set up in 2002 to protect the rights and interests of patients and to deal expeditiously with questions, applications and complaints concerning the compulsory health insurance fund operated by the Government and its local departments. The helpline number is widely disseminated, including among NGOs.

Reporting process at the national level

264. The most recent report addressing the fulfilment by Kyrgyzstan of its international obligations, which consisted solely of a core document, was submitted to the United Nations Committee on 22 December 2008.

265. The guidelines on the form and content of reports to be submitted by States parties to the international human rights treaty bodies constituted the basis for this report. Experts from State bodies and civil society organizations were involved in its preparation. Comments were received from the heads of individual NGOs.

266. The report uses information kindly provided by the Zhogorku Kenesh, the Government, ministries and administrative departments, the Procurator's Office and the Supreme Court, the activities of all of which directly affect the realization and protection of human rights. It also employs material supplied by the Assembly of the Peoples of Kyrgyzstan and the Ombudsman.

Other related human rights information

267. Following the adoption of the United Nations Millennium Declaration, Kyrgyzstan took a series of measures to: reduce extreme poverty; achieve universal basic secondary education; promote gender equality; reduce child mortality and improve maternal health; combat HIV/AIDS and other major diseases; and develop a global partnership for development. Since 2005, the country has been implementing an aid programme funded from the Millennium Challenge Account of the United States of America.

268. In accordance with the conditions of the relevant agreement and in collaboration with the Threshold Programme of the Millennium Challenge Account, a civil society body has been established to monitor the lawfulness of the activities of officers of the internal affairs agency. The Code of Professional Ethics for staff of the internal affairs agencies was approved by Ministry of Internal Affairs Order No. 164 of 27 February 2009.

269. Three Millennium Development Goals related to health care are being implemented: reducing child mortality; improving maternal health; and combating HIV/AIDS, malaria and other diseases. The “Manas taalimi” national health-care programme is a sectoral document designating the achievement of the Goals as a Government policy and incorporating measures for so doing; progress is being tracked against the relevant indicators. The attainment by 2015, on a number of indicators, of the targets set forth in the Millennium Declaration seems unlikely, however, although there has been progress towards the targets in respect of infant and child mortality and tuberculosis morbidity and mortality. Concerning maternal mortality and HIV infection, it has not been possible to achieve significant progress overall, despite the positive outcomes of many of the steps taken under the “Manas taalimi” programme. The Ministry of Health has proposed measures for inclusion in the National Development Strategy and the “Den sooluk” national programme for 2012–2016, which are currently being elaborated. A new national programme entitled “Tuberculosis IV” is also being developed, as well as a national HIV/AIDS programme for 2012–2016.

270. The State Commission on Religious Affairs cooperates actively with various religious, charitable and civil society organizations. In particular, every year during the month of Ramadan, *iftar* dinners (evening meals breaking the day’s fast) are organized. The Commission’s work was intensified in 2010 in the wake of the tragic events in the south of the country, with a view to consolidating the efforts of the religious community to achieve, and strengthen, ethnic concord.

C. Information on non-discrimination and equality and effective remedies

Non-discrimination and equality

271. In accordance with international principles and agreements, Kyrgyzstan has incorporated in article 16 of the Constitution a provision on non-discrimination and equality of everyone before the law and the courts. This constitutional standard is developed in national legislation. The Criminal Code is founded on the principles of equality of citizens before the law (art. 3). Chapter 19 of the Code, entitled “Offences against constitutionally enshrined human and civil rights and freedoms”, contains 20 articles establishing liability for such offences.

272. The Code of Criminal Procedure states, in article 1, that the universally recognized principles and norms of international law and the international treaties ratified by Kyrgyzstan are an integral part of criminal procedure law and give rise directly to rights and freedoms for the individual in criminal proceedings.

273. No law or other act may be promulgated in the field of criminal procedure that abrogates or derogates from human and civil rights and freedoms, violates the autonomy of the courts or the adversarial nature of proceedings, prejudices the value of evidence, or is at variance with the universally recognized principles and norms of international law or the international treaties of the independent State of Kyrgyzstan (Code of Criminal Procedure, art. 1).

274. The Code guarantees equality before the law and the courts. Justice is administered on the basis of the equality of citizens before the law and the courts, irrespective of their social origin, property or professional status, race or ethnicity, sex, education, language,

attitude to religion, opinions, membership of civil society associations, place of residence or other factors.

275. The State guarantees the equality of everyone before the law and the courts, irrespective of ethnicity or religious or other affiliation. All issues relating to ethnic minorities are addressed within a democratic political framework founded on the primacy of law and with the aid of a functioning independent judiciary. The judicial system ensures that all citizens, including members of ethnic minorities, receive a fair trial and are afforded protection, in accordance with the procedures established in the Constitution and laws of Kyrgyzstan.

276. Liability is provided under Kyrgyz criminal law, in articles 134, 299 and 373 of the Criminal Code, for offences with ethnic, national, racial or other such elements. In addition to the special articles just referred to, article 97 of the Code specifies “ethnic, racial or religious hatred or enmity” among the components of the mental element of the offence of murder.

277. The Office of the Procurator-General is taking the most active steps to suppress discrimination. For example, criminal proceedings were initiated in connection with the publication in the newspaper *Elsozu*, on 25 January 2011, of a statement by Mr. I. Trofimov preaching ethnic exclusivity and intolerance towards other peoples and nations, insulting the honour of the peoples living in Kyrgyzstan, namely Kyrgyz, Russians, Dungans and Kurds, and declaring that they were living in a state of mutual hatred, hostility and opposition, thereby exploiting a media outlet to incite ethnic enmity. Following the publication in the newspaper *Aikyn Sayasat* of an article entitled “Yids will take us back to square one”, a file was passed to the State Committee on National Security, which is considering whether to bring a case under article 299 of the Criminal Code.

278. On 15 February 2010, the procurator for the Sverdlovsk district of Bishkek initiated criminal proceedings on the basis of evidence of an offence contrary to article 299 in connection with the daubing on the facade of building No. 56 in the Alamedin-1 microdistrict, in black paint, of graffiti reading “Russkies go home, or may you and your children die” and “Death to Russkies”.

279. In response to an application by the Office of the Procurator-General, on 26 April 2011 the Pervomai district court in the city of Bishkek ruled the publications *Philosophy of Cruelty: Hour of the Jackal* and *Philosophy of Cruelty: the Genocide Continues ... the Jackals Have Not Yet Gone* to be illegal. The dissemination of these publications and the accompanying CDs in Kyrgyz territory was banned.

280. Suspects, accused persons and defendants have the right to a defence. Bodies conducting initial inquiries, investigators, procurators and courts are obliged to ensure that such persons have the opportunity to defend themselves using the ways and means specified by law and that their personal and property rights are protected (Code of Criminal Procedure, art. 20). The right to a defence is also ensured to persons who are the subject of proceedings to apply coercive measures of a medical nature (Code, art. 20).

281. The Act on Procedures and Conditions for the Custody of Suspects and Accused Persons provides, in article 17, for persons suspected or accused of an offence to meet with defence counsel from the time they are first questioned or from the moment they are detained. Such meetings must take place in private, with no restriction on their number or length.

282. The right to receive properly qualified legal assistance is enshrined in article 40 of the Constitution. Legal assistance is provided from public funds in the cases envisaged by law. Article 6 of the Advocacy Act contains guarantees in respect of the provision of legal assistance: the State guarantees legal assistance for all persons who need it, without

restrictions of any kind. The State guarantees equal access to legal assistance and to information about legal assistance and the procedure for obtaining it for all persons residing, or having a residence, in Kyrgyzstan. It guarantees the provision of legal assistance and a defence free of charge for citizens without means. It further guarantees the necessary funding for the provision of legal assistance and for payment for legal assistance rendered in the manner stipulated by law, either free of charge or pursuant to a contract freely concluded with the client.

283. Legal defence in criminal proceedings remains a pressing issue. The reform of the criminal procedure law concerning the guarantees of the right to a defence is intended to: enhance the legal status of lawyers; expand the functions of lawyers in criminal proceedings; codify the procedure for the collation and transmission of evidence to counsel; guarantee the independence of lawyers and of their activities; and extend the possibilities for citizens to receive free legal assistance.

284. According to a study of investigative and judicial practice in Kyrgyzstan, one problem affecting criminal proceedings is the lack of lawyers and legal advice offices in remote and sparsely populated areas; other important issues include the application of preventive measures such as remand in custody, the bringing of charges and the conduct of other actions without the involvement of counsel.

285. The State Legal Aid Act was adopted to safeguard citizens' rights in criminal proceedings. Regulations for a pilot legal aid project aimed at validating the provisions of the Act were ratified by Interim Government Decision No. 64 of 3 June 2010. The project was carried out in the Sverdlovsk district of the city of Bishkek and the Nookat district of Osh province over a period of seven months. To implement the Act, the National Council on State Legal Aid, which reports to the President, was set up pursuant to Presidential Decree No. 67 of 28 March 2011 and regulations governing the Council were approved. The Council comprises lawyers and representatives of civil society, academe and business associations.

286. In accordance with article 24 of the Constitution, from the moment that individuals are detained, their security is guaranteed and they are granted the opportunity to defend themselves in person, to make use of properly qualified legal assistance from a lawyer and to be represented by defence counsel. Every person has the right to receive properly qualified legal assistance. In the cases envisaged by law, legal assistance is provided from public funds. Under the State Legal Aid Act, the State guarantees the provision of properly qualified legal assistance funded from the State budget when a citizen lacks the means to defend his or her rights and legitimate interests.

287. The State Legal Aid Act defines the persons entitled to receive legal aid. They include Kyrgyz citizens whose annual income does not exceed the ceiling established by the Government for receiving legal aid. If a person has dependents and/or is the breadwinner in his or her family, the family's aggregate per capita income is taken into account in deciding whether to grant him or her legal aid (State Legal Aid Act, art. 6). The following persons have the right to receive legal aid without reference to the annual income ceiling established by the Government: minors; persons with category I or II disability; persons suffering from severe speech, hearing or visual impairment or psychiatric illness; persons suspected or accused of committing especially serious offences; unemployed persons registered with the employment service; and national servicemen.

288. Article 20 of the Code of Criminal Procedure states that suspects, accused persons and defendants have the right to a defence. Bodies conducting initial inquiries, investigators, procurators and courts are obliged to ensure that such persons have the opportunity to defend themselves in the ways and means specified by law and that their personal and property rights are protected.

289. At present, defence counsel are assigned in more than 50 per cent of criminal cases. Persons being prosecuted have the right to conduct their own defence. In accordance with international legal standards, a fully adequate defence is possible, as a rule, only with the participation of counsel in a case. When a lawyer is assigned to a person, the fees are paid for by the State (Code of Criminal Procedure, art. 45). Monitoring of trials in Kyrgyzstan in 2005–2006⁹ showed that counsel were present at 84.7 per cent of court hearings, while there was no counsel at 15.3 per cent of hearings.

290. Men and women in Kyrgyzstan have equal rights and freedoms and equal opportunities for their realization (Constitution, art. 16).

291. Article 5 of the Act on State Guarantees of Equal Rights and Opportunities for Men and Women prohibits sex discrimination. Direct and indirect discrimination on grounds of sex are prohibited in all spheres of activity. Under the Act, the following are not regarded as sex discrimination: distinctions established in regulating matters related to childbearing and breastfeeding; the call-up exclusively of men for active, fixed-term military service in the cases specified by law; the adoption of special measures aimed at achieving de facto equality in the political, economic, employment and other social spheres; the special features of occupational safety associated with the protection of women's and men's reproductive functions; requirements established in respect of vocational qualifications where the functions concerned may be performed only by persons of one sex; and positive actions.

292. A procedure has been established whereby citizens may report specific cases of violations of gender equality. Persons subjected to sex discrimination have the right to apply to the Ombudsman, the procuratorial authorities, the courts, other central government bodies and local government bodies (Act on State Guarantees of Equal Rights and Opportunities for Men and Women, art. 30). Actions of central and local government bodies and their officials and of legal persons that entail discrimination on grounds of sex may be challenged and citizens' rights restored through the courts (Act, art. 31).

293. The National Plan of Action for Gender Equality having come to an end, a draft new plan of action for the period 2012–2013 is being developed.

294. As part of this work, a gender analysis of the Kyrgyz labour market was carried out from 2009 to 2010. In 2009, male employment was higher than female employment across all age groups. The greatest disparity was to be observed in age groups 20–24, 25–29 and 60–64, when women often leave their jobs after giving birth or to care for grandchildren. In age group 35–39, the gap between male and female employment was narrower. As a rule, children of women in this age group are already grown, and the women return to employment. In 2009, women with higher vocational education constituted 18.6 per cent of the workforce and men 13.3 per cent, women with secondary vocational education 11.3 per cent and men 5.7 per cent. At the same time, among the male workforce, 8.3 per cent had received basic vocational education, compared with only 4.5 per cent of their female counterparts. The types of economic activity in which the largest numbers of women were employed were as follows in 2009: agriculture (44.2 per cent); trade (15.7 per cent); education (11 per cent); processing (6.8 per cent); and services, that is repairing cars, household appliances and items for personal use (10.9 per cent).

⁹ The project was implemented with financial support from the European Commission as part of the Joint Programme on Advancing Human Rights and Democratization in Central Asia, an initiative of the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) and the European Commission.

295. In 2010, women accounted for 52.7 per cent of registered unemployed persons (33,400), an increase of 1.7 per cent compared with 2009. The number of unemployed women is highest in Talas province (70.8 per cent) and Chüy province (67.1 per cent). In 2010, women constituted 56.2 per cent of those who had left their employment voluntarily and men 43.8 per cent, while 51.1 per cent of those who had been made redundant from enterprises and organizations were women and 48.9 per cent men.

296. The Social and Legal Protection against Domestic Violence Act was adopted on 31 January 2003 to ensure the safety of individuals, families and society. The State is particularly concerned to protect minors and older family members from violence. The Act provides for an entire system of protection against domestic violence. Special means of protection, namely temporary restraining orders, and protective court orders have been introduced pursuant to the Act (art. 21).

297. No protective court orders were issued against perpetrators of domestic violence from 2003 to 2010. In the first quarter of 2011, only two such orders were issued. This situation is attributable to the population's lack of legal awareness and to the fact that, in the Kyrgyz legal system, special restraining orders and court orders constituted a new, previously unfamiliar type of prevention where domestic abusers are concerned.

298. In 2008, the Ministry of Internal Affairs monitored the implementation of the Act by the internal affairs agencies. New instructions were developed and a new type of temporary restraining order, as well as instructions on statistical reporting.

299. The internal affairs agencies have since 2004 issued 4,574 temporary restraining orders. The relevant figures are shown in table 51 (see annex 17). In the first five months of 2011, the internal affairs agencies issued 383 temporary restraining orders, 352 against men and 31 against women. Administrative proceedings were initiated against 216 persons, including, in 133 cases, under article 66-3 of the Code of Administrative Liability. There were 28 recorded cases of domestic violence leading to criminal proceedings.

300. Institutional measures adopted and domestic violence prevention training conducted for officers of the internal affairs agencies led to an increase in the number of temporary restraining orders issued in 2008. Community prevention centres make a major contribution to efforts to prevent domestic violence. There are 552 such centres in Kyrgyzstan, in which some 13,920 persons are involved, including 2,968 representing 574 women's councils, 2,672 representing 544 youth councils and 4,482 representing 805 elders' courts.

301. Representatives of the centres, together with neighbourhood militia and juvenile affairs officers, carry out prevention work with habitual domestic abusers, alcoholics and drug addicts. Some 2,710 persons with a history of domestic abuse are on the prevention registers maintained by the internal affairs agencies. Measures of a legislative nature are being developed with a view to enhancing domestic violence prevention efforts.

302. The number of persons seeking assistance from crisis centres ranges from eight thousand to ten thousand each year and is on the rise. The Association of Crisis Centres brings together 13 such centres, including 2 shelters (rehabilitation centres) providing accommodation for victims of violence. Many centres have been operational for more than 10 years and they form a strong network. Every centre has a hotline or helpline offering legal advice.

303. Children's rights are protected by law. Thus, the Children's Code, adopted in 2006, sets out the tasks of the State authorities with regard to the protection and realization of the rights and interests of children. The Presidential Decree on protecting and supporting children, issued on 30 August 2007, defined urgent measures to protect children's rights and address child homelessness, the worst forms of child labour and juvenile crime in the period 2007–2008. Regrettably, the Decree was not implemented.

304. Economic difficulties force parents to use their children's labour in agricultural and other work. Some children do not attend school because they lack footwear and clothing. Kindergarten provision is not adequate. The largest numbers of working children have been identified in Chüy province, where 55 children are affected, while in Jalal-Abad and Ysyk-Köl provinces the figures are 49 and 20, respectively. In the city of Bishkek, a total of 16 children are affected; in Batken province, 8; in Osh province, 7; in Naryn province, 6; in Talas province, 6; and in the city of Osh, 4.

305. To prevent breaches of the law and avert the spread of religious extremist ideologies among minors, 1,587 checks were conducted at religious institutions, including 1,386 mosques, 136 madrasas and 65 other establishments, in the course of which 82 children who were not attending school and did not have ninth-grade education were identified. Some 29 children were returned to school.

306. The school system is in urgent need of reform. For a long time, qualified teachers left schools in large numbers on account of low pay. Proper, sustainable steps were taken to raise teachers' pay following the April revolution. In May of the 2011 school year, a new pay scale was introduced for education workers.

307. According to data for 2008, an average of 1,500 children are registered disabled each year. This is due to poor maternal health, diseases contracted by women during pregnancy and the poor state of the environment.

308. In 2001, the Government developed the "New generation" programme for the realization of the rights of the child in Kyrgyzstan in the period up to 2010. A sum of 14,038,000 soms was allocated from the national budget for the programme's implementation between 2005 and 2009. In nine years, the following outcomes were achieved:

(a) On the basis of the results of a pilot project carried out in district and municipal administrations, family and child welfare offices were set up to defend the rights and interests of children at the local level. Since 2011, the offices have been under the jurisdiction of district social welfare departments. They are responsible for developing the system of services and coordinating the activities of State institutions and organizations dealing with issues related to families and children at the district and municipal levels, conducting comprehensive children's rights and family assessments, drawing up care plans for children, considering the appointment of child guardians, and placing children in foster care or with adoptive families;

(b) Commissions on children's affairs were set up in district administrations, in the executive and administrative bodies of all local authorities, including the mayor's offices in the cities of Bishkek and Osh, and in town councils to coordinate issues related to the protection of children at the local level in accordance with international standards;

(c) A designated child protection authority, the Department for the Protection of Children, was established within the State Agency for Physical Culture and Sport, Youth Affairs and the Protection of Children. On 26 October 2009, the Department was transferred to the jurisdiction of the Ministry of Labour, Employment and Migration and, since 2011, it has been part of the Ministry of Social Protection;

(d) The number of children's NGOs increased significantly, and cooperation between State authorities and civil society in developing and carrying out national policies for the implementation of the "New generation" programme and the Convention on the Rights of the Child was strengthened;

(e) Inspired by the outcome of a pilot competition for social projects, an innovative law, the Government Social-Sector Procurement Act, was drafted and adopted. The purpose of the law is to facilitate the expansion and enhancement of social service

provision by allowing State authorities to involve non-profit organizations in delivering social programmes;

(f) Following a trial, the revised State Benefits Act was drafted and adopted. The Act provides for the payment of benefits solely to low-income families with children aged up to 18 years or, if the children are studying, until they complete their education but only up to the age of 23 years; children with special needs; and children who have lost one or both parents. The period during which benefits are paid to children was increased from one and a half to three years;

(g) The Family Code was amended. Adoption was recognized as the first choice when placing children without parental care. In 2005, district administrations and mayor's offices became responsible for making decisions on domestic adoptions. Cases involving the adoption within Kyrgyzstan of Kyrgyz children by foreign nationals or stateless persons began to be dealt with by the Kyrgyz courts in civil proceedings;

(h) The pilot schemes aimed at expanding and transforming alternative services for children and families in crisis were extended. Within the health-care system, family resource centres were established to provide psychological counselling to mothers with a view to preventing them from abandoning their children, along with a kindergarten to care for children following their reintegration in families and avoid the placement of children in institutions. A foster parents' centre was set up under the auspices of the Belovodskiy Children's Home offering child reintegration services, as well as a 24-hour nursery that looks after children on weekdays;

(i) Drawing on the pilot schemes, a project is being carried out to expand State services for families and children as part of an initiative supported by the Commission of the European Communities, namely the Sector Policy Support Programme, Social Protection and PFM — Kyrgyzstan 2007–2009 — Second allocation (Government Order No. 404-r of 23 July 2009).

309. On the basis of the results of a pilot project to provide informal education to working children in the cities of Osh and Kara-Suu, individual study plans were drawn up for children with gaps in their schooling, as well as a testing methodology. Evening classes and correspondence courses were organized for working children in four regions and in the cities of Bishkek and Osh.

310. Within available extrabudgetary resources, higher education establishments are developing and regulating their own social support measures for individual categories of student, in the form of reduced tuition fees. Recommendations on a common approach to the granting of reduced tuition fees to day students studying under contract at educational organizations were approved by Ministry of Education and Science Order No. 709/1 of 27 October 2005. Recommended categories of day student to whom reductions may be offered were defined. They include students with category I or II disability. In the 2010/11 academic year, 185 students with disabilities at higher education establishments were granted reductions in their tuition fees. In accordance with Government Decision No. 256 of 27 May 2011 approving the regulations on admission to higher education establishments, 256 persons with special needs, recognized as a separate category, have been enrolled as bursary students and are studying under contract, without having sat an entrance examination.

311. In application of the transitional provisions of article 50 of the Children's Code, an act was adopted on 31 July 2007 amending the Civil Code. The act entrusts family and child welfare offices with responsibility for carrying out tutorship and guardianship functions.

312. Family and child welfare offices are recognized as specialized units that defend the rights and legitimate interests of children, established in district administrations or in the executive and administrative bodies of local authorities. The agencies formerly responsible for tutorship and guardianship have been wound down. Government Decision No. 169 of 19 April 2011 on issues relating to the Ministry of Social Protection states that the Ministry is the coordinating body with respect to the protection of children. The family and child welfare offices in the district and municipal administrations have likewise been transferred to the jurisdiction of the Ministry's local social protection agencies, along with their infrastructure, wage funds and approved budgets.

313. At present, 366 problem families are on the register maintained by the juvenile affairs inspectorates of the internal affairs agencies. A total of 1,101 files on parents have been sent for review by the Commission on Children's Affairs, while 20 parental rights cases have been referred to the courts, including 15 involving deprivation of rights.

314. To prevent child homelessness and neglect, the internal affairs agencies have carried out spot checks under initiatives with such titles as "Homeless Child", "Teenager" and "Concern": 1,245 in 2008; 1,269 in 2009; 837 in 2010; and 428 in the first five months of 2011.

315. Some 2,213 homeless or neglected children were held in Ministry of Internal Affairs adaptation and rehabilitation centres for juveniles in 2008; in 2009, the figure was 1,951; in 2010, 1,205; and, in the first five months of 2011, 430.

316. There were 3,514 children, including 387 runaways, on the individual prevention registers maintained by the juvenile affairs inspectorates in 2008; 3,375, including 355 runaways, in 2009; 3,229, including 302 runaways, in 2010; and 3,204, including 207 runaways, in the first five months of 2011. As part of the "New generation" programme, pilot competitions have been held for social projects to prevent child homelessness and neglect: in 2006, the theme for the competition was "Prevention of child neglect and child labour, and social reintegration of children with special needs"; in 2009, "Prevention of the worst forms of child labour, and social adaptation of children with special needs"; and, in 2010, "Development of rehabilitation opportunities and services for persons with special needs".

317. The concept of a juvenile justice system has been embodied in the Children's Code. The conduct of judicial proceedings involving children is being enhanced, restorative justice is being developed and a national model of probation, that is permanent social support for children in conflict with the law, is being established. A specialized juvenile justice training manual has been prepared for judges, Ministry of Internal Affairs and procuratorial staff, and lawyers. Training has been conducted at the Judicial Training Centre, the Procuratorial Career Development Centre, the Lawyers' Training Centre and at legal education establishments. A juvenile justice resource centre has been set up at the Ministry of Internal Affairs Academy. As part of a pilot project to inculcate, in the work of district internal affairs offices, juvenile justice principles, which stipulate the creation of a system of protection for children in conflict with the law, offices in the internal affairs departments of the Sverdlovsk and Oktyabr districts of the city of Bishkek have been specially equipped for the conduct of investigative actions involving minors (whether detainees, suspects or accused); the presence of staff of the appropriate family and child welfare office and of defence counsel and legal representatives is required. Juvenile offenders receive legal assistance and social support. In September 2009, the Supreme Court hosted the fourth Conference of Presiding Judges of Supreme Courts of the States Members of the Shanghai Cooperation Organization (SCO), one topic of discussion at which was the development of juvenile justice in SCO member States.

318. Specific steps have been taken to improve custody arrangements for minors deprived of their liberty. For example, areas have been set aside in women's colony No. 2 in which girls convicted of offences are held separately from adult female inmates. Boys admitted to a detention facility for the first time are likewise held separately. Educational activities are being developed, as are pre-release and social support programmes for juvenile offenders.

319. There are no separate sections in the courts' consolidated report on civil or criminal cases involving violations of the rights of women, children, older persons, migrants or persons with disabilities. Juvenile justice is dispensed by courts of general jurisdiction with no specialization.

320. The Ministry of Labour, Employment and Migration works closely with local agencies of the State, local government bodies and NGOs on problems related to migration. NGOs are helping, inter alia, to increase legal awareness among the population, protect the rights of refugees and victims, assist trafficked persons and deal with migration issues. More than 30 NGOs in Kyrgyzstan are actively addressing problems related to migration.

321. As part of the "New generation" programme, children aged up to 5 years have been included in the categories of the population with special entitlements, which gives them the right to receive free medical assistance in health-care organizations. Children's dosage forms, along with drugs for the prevention of iodine and iron deficiency and parasitic diseases, are now available under discounted drug programmes, account having been taken of the list of drugs specified for the integrated management of childhood diseases.

322. Since 2003, the Government's compulsory health insurance fund has been working in close cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), under an agreement concluded with it, to include refugees in the compulsory health insurance system and to provide them with medical assistance and drugs at reduced rates in the country's health-care organizations.

323. A range of NGOs is delivering, on behalf of the Government, social programmes for the protection of children, older persons and persons with disabilities. In 2010, a competition for social projects on the theme "Development of rehabilitation opportunities and services for persons with special needs", financed from the national budget, was won by organizations including the following: the Society of Cornelius; the parents' voluntary association for the protection of the rights of the child; the Association of Parents of Children with Disabilities; the Shoola Kol voluntary association; Tenir Koldo, a voluntary association for parents of children with disabilities; the Onor kenchi voluntary association; the Kyrgyz Blind and Deaf Society; the Manas Social Village; Serdtse materi (Mother's heart), a foundation promoting the development of persons with disabilities; the Fenomen foundation; and a municipal rehabilitation centre for persons with special needs. In 2011, a competition for social projects on the theme "Development of social services for socially vulnerable older persons and persons with special needs" was announced. Some 58 non-profit organizations took part in the competition, and 26 proposals for projects to provide support to the 2 aforementioned groups were selected.

324. As part of the 2009 programme of State guarantees relating to the provision of medical and health care, orphans living in State children's homes, family-type children's homes, foster families and residential schools for orphans, children aged up to 16 years from large families with four or more minor children and children aged up to 5 years were included in the categories of the population entitled, on the basis of their social status, to free medical services. All children are enrolled in the compulsory health insurance fund until they reach the age of 16 years or, if they are studying in educational establishments, until they complete their education but only up to the age of 18 years. They are entitled to receive medical services at preferential rates and to obtain health-care items under the fund's supplementary programme when they are treated as outpatients. Nutritional

standards in specialized children's homes have been reviewed; current expenditure stands at 50 soms per child per day. The Bishkek children's home raised the amount to 100 soms in January 2008 with funding from the local budget. A draft national strategy to improve children's and women's nutrition in Kyrgyzstan has been prepared.

325. The Ombudsman's Office also forms part of the system for protecting children. A project for the introduction of the "Schools without violence" programme has been developed and is being implemented. On the basis of the lessons learned from the project, the programme will be rolled out across the country. With the support of the Ombudsman, a school ombudsman project is being realized with a view to improving the protection of the rights and freedoms of pupils. A Council for Youth and Student Rights now reports to the Ombudsman. There is a students' ombudsman at 12 higher education establishments in the country. Working with NGOs, the Ombudsman's Office has conducted inspections of psychiatric treatment facilities, some maternity hospitals and all crisis centres for women victims of violence. The Office cooperates with the Association of Crisis Centres on issues relating to protection from domestic violence and gender discrimination. The Ombudsman set up an independent commission to study the factors that led to the June events in the south of the country. The members of the commission represented various regions and ethnic groups. The commission's findings were presented on 10 December 2010 at a meeting of human rights defenders, representatives of civil society and members of the media and were published by the AKIpress news agency, as well as being transmitted to the President, the Prime Minister and the Speaker of the Zhogorku Kenesh. Information was posted on the Ombudsman's website. A memorandum was signed between the Ombudsman, OSCE and a network of NGOs headed by the Kylum Shamy Human Rights Centre on monitoring closed institutions to prevent torture and other inhuman or cruel treatment or punishment.

III. Information on the implementation by Kyrgyzstan of the articles of the International Covenant on Civil and Political Rights

Article 1

326. The then Supreme Soviet, on 31 August 1991, adopted the Declaration on the State Independence of the Republic of Kyrgyzstan, under which Kyrgyzstan was declared an independent, sovereign, democratic State. From that date, the people's right to self-determination was realized.

327. The first Constitution of the sovereign State was adopted on 5 May 1993. It provided that Kyrgyzstan was a sovereign, unitary, democratic republic, founded on the principles of the rule of law and secularism. Subsequent constitutional reforms rendered that language more precise. The new Constitution, adopted by referendum on 27 June 2010, proclaimed the Kyrgyz Republic a sovereign, democratic, law-based, secular, unitary, social State. The Republic is possessed of full State power in its territory and conducts its domestic and foreign policy independently. The Constitution defines and embodies the foundations of the constitutional order, human and civil rights and freedoms, and the system of governance.

328. Kyrgyzstan has the following State symbols: a flag, a coat of arms and an anthem. The State language is Kyrgyz, and Russian is used as an official language. The ethnic groups constituting the people of Kyrgyzstan are guaranteed the right to maintain their native languages and conditions conducive to the study and development of those languages.

329. The Constitution recognizes a variety of forms of ownership. The soil and subsoil, airspace, waters, forests, flora and fauna and other natural resources are the exclusive property of the Kyrgyz Republic. They must be used in such a way as to preserve the shared environment that serves as the basis for the life and activities of the people of Kyrgyzstan, and they enjoy special protection by the State. The land may also be under private, municipal or other types of ownership, with the exception of pastureland, which may not be privately owned (Constitution, art. 12).

Article 2

330. Human rights and freedoms are inalienable and attach to every person from birth. They represent the highest value. They are directly enforceable, and they inform the purport and nature of the activities of the legislative and executive authorities and of local government bodies (Constitution, art. 16). Constitutional laws, laws, and other legal acts and regulations are adopted on the basis of the Constitution.

331. International treaties that have entered into force in accordance with the legally established procedure and to which Kyrgyzstan is a party, along with the generally recognized principles and rules of international law, form an integral part of the country's legal system. The norms set forth in the international human rights instruments are directly enforceable and have precedence over those of other international treaties (Constitution, art. 6).

332. The Constitution ensures human rights and freedoms to all individuals in the territory of Kyrgyzstan and subject to its jurisdiction. No one may be subject to discrimination on grounds of sex, race, language, disability, ethnicity, faith, age, political or other opinions, education, origin, property or other status, or on any other basis (art. 16). The constitutional provisions on human rights are consolidated in the legislation in force in Kyrgyzstan.

333. The Constitution guarantees everyone judicial protection of his or her rights and freedoms (art. 40). The State ensures the development of non-judicial and pre-judicial methods, forms and means to protect human and civil rights and freedoms. In Kyrgyzstan, there are elders' courts and a State judicial system comprising the Supreme Court and local courts and the Constitutional Chamber of the Supreme Court.

334. Everyone has the right to submit representations to central or local government bodies and their officials, who must provide a response, with reasons given, within the period established by law (Constitution, art. 41). The Act on the Procedure for Considering Citizens' Appeals, of 2007, governs matters relating to the realization of this constitutionally enshrined right, as well as the procedure for the review of such appeals by the bodies concerned and their officials. No one may be deprived of his or her right to submit proposals, statements and complaints, nor may this right be restricted. Statements and complaints may be submitted on behalf of minors or persons who lack legal capacity by their legal representatives or by the agencies of tutorship or guardianship. Foreign nationals and stateless persons enjoy the right to submit representations as specified by the Act.

335. The Constitution provides that everyone has the right, as stipulated in the relevant international instruments, to apply to international human rights bodies for protection of rights and freedoms that have been violated. Should these bodies declare that a violation has indeed taken place, Kyrgyzstan takes measures to restore the rights and freedoms and/or provide reparation. The United Nations Human Rights Committee has handed down decisions on communications submitted by four Kyrgyz citizens, in the following cases: *F. Kulov v. Kyrgyzstan* (Views of 26 July 2010); *M. Krasnov v. Kyrgyzstan* (Views of 23 March 2011); *O. Akhadov v. Kyrgyzstan* (Views of 25 March 2011); and *N. Toktakunov v.*

Kyrgyzstan (Views of 28 March 2011). At present, intra-State procedures are being elaborated for the implementation of the Committee's decisions.

336. The Constitution guarantees to everyone the right to receive properly qualified legal assistance (art. 40). The State Legal Aid Act was adopted on 17 July 2009. The Act defines the conditions and procedures for granting legal aid to Kyrgyz citizens who lack the means to protect their rights and legitimate interests.

337. The Code of Criminal Procedure guarantees the judicial protection of human rights and freedoms at all stages of procedure. Victims are guaranteed access to justice and compensation for harm caused in the circumstances and under the procedure established by law (art. 9). The Code also governs the safeguards in respect of the right to a defence (art. 20). Suspects, accused persons and defendants are entitled to a defence. Bodies conducting initial inquiries, investigators, procurators and courts are obliged to ensure that such persons have the opportunity to defend themselves using the ways and means specified by law and that their personal and property rights are protected. The right to a defence is also ensured to persons who are the subject of proceedings to apply coercive measures of a medical nature. The rights of victims of crime or abuse of authority and of persons who have been unlawfully convicted or whose rights have been unlawfully restricted are guaranteed in criminal proceedings. Crime victims have the right to demand the opening of a criminal case, to take part in criminal proceedings as an aggrieved party, to bring a private prosecution and to receive compensation for harm caused.

Article 3

338. The new Constitution of 27 June 2010 embodies equality of rights and freedoms between men and women and of opportunities for their realization. The State has taken a number of measures to put the principle of equality between the sexes into practice, as well as to realize civil and political rights. The legislative framework is founded on the principle of equality. Prohibitions have been established in various areas in connection with the need to protect health, life and reproductive functions.

339. The use of women's labour is prohibited in arduous work, work involving harmful and/or dangerous conditions and underground work, with the exception of non-physical work and cleaning and domestic services, and also in work involving the manual lifting or moving of loads exceeding the limits prescribed for women. The list of factories, jobs, professions and functions with harmful and/or dangerous conditions in which the use of women's labour is prohibited, as well as the limits for manual lifting or moving of loads by women, are approved under a procedure determined by the Government. (The list was ratified by Government Decision No. 158 of 24 March 2000 and the limits by Government Decision No. 548 of 2 December 2005.)

340. Following its signature of the Beijing Platform for Action, in 1995, and ratification of the Convention on the Political Rights of Women, in 1997, and the Convention on the Elimination of All Forms of Discrimination against Women, also in 1997, Kyrgyzstan approved national plans of action for gender equality covering the periods 2002–2006 and 2007–2010.

341. On 27 October 2008, a gender issues section was established in the office for social development within the Government machinery. Monitoring of the implementation of gender policy in the executive branch has been stepped up. An attempt has been made across Government to build institutional mechanisms for managing gender issues and to establish a system of equality of rights. There are, however, a number of difficulties with the functioning of the system that must be resolved. Gender policy needs institutional strengthening.

342. The 4th Zhogorku Kenesh formed a specialized committee with responsibility for gender issues, the Committee on Youth and Gender Policy, Physical Culture and Sport. On 17 June 2008, the Committee heard reports by the heads of the various ministries on their activities in respect of domestic violence. As a result, the Ministry of Internal Affairs stepped up monitoring of enforcement of the law. On 7 October 2008, hearings took place on the fulfilment by Kyrgyzstan of its international and national obligations to provide equal rights and opportunities for men and women in the field of politics. On 16 December 2008, a parliamentary hearing was held on the theme “Gender aspects of youth employment” and, on 3 March 2009, hearings on the gender aspects of the age for marriage. Relevant achievements include the development and approval in Kyrgyzstan of standards for carrying out expert analyses. A proposal for the use of analyses undertaken from a gender perspective was submitted to the Zhogorku Kenesh for consideration. On 18 January 2008, a decision approving the Standards for different types of specialized analysis of bills before the Zhogorku Kenesh was adopted. The provisions concerning the conduct of analyses from a gender perspective are, however, of a recommendatory nature.

343. The new, revised Elections Code, of 23 October 2007, was the first text to provide for genuine mechanisms to promote women’s participation in parliamentary elections. The Code established quotas for women’s representation on party lists. It stipulates principles for citizens’ participation in elections. In particular, article 2 states that, in elections conducted in Kyrgyzstan, women must be guaranteed the same opportunities as men to realize their right to vote, and be elected to, central and local government bodies. Under article 72, political parties, in drawing up lists of candidates, are obliged to take account of the following criteria: individuals of one sex may represent no more than 70 per cent of a list, and there must be no more than three positions between men and women on the list of candidates put forward. Women took an active part in the 2007 parliamentary elections. Political parties were motivated to include women in the electoral process. Women constituted 25 per cent of the 90 deputies elected to the Zhogorku Kenesh. The 2010 parliamentary elections demonstrated the effectiveness of the quotas introduced earlier in the country’s legislation. Of the 120 deputies elected to the Zhogorku Kenesh, 23.3 per cent, or 28, were women, elected under the new Constitutional Act on Presidential Elections and Elections to the Zhogorku Kenesh.

344. Following the political crisis in Kyrgyzstan in 2010, women’s representation in decision-making positions changed. Thus, the functions of President of the Kyrgyz Republic in the transitional period were assumed by a woman. Women also occupied the posts of Procurator-General, Supreme Court Presiding Judge, Minister of Social Protection and provincial governor. The percentage of women’s representation in the executive branch is low. The mechanisms for promoting female participation in this branch need analysis.

345. The local council elections held on 5 October 2008 likewise produced an increase in the percentage of women’s representation. The figure was particularly high in the city of Bishkek and in Chüy province, where it passed the 20-per-cent mark. In the remaining regions, it varied between 10 and 19 per cent. The lowest figure, 10.4 per cent, was seen in Osh province, where only 457 women were registered as candidates for election to municipal councils or rural councils (408). In the country as a whole, 17.4 per cent of candidates for election to local councils were women and 82.6 per cent men.

346. In 2008, the Zhogorku Kenesh adopted a new, revised law on gender equality, the Act on State Guarantees of Equal Rights and Opportunities for Men and Women. The Act provides real guarantees in the spheres of government and the civil service. Article 10 states that men and women have equal rights, duties and responsibilities, and equal opportunities, in respect of entrance to State and municipal public service and their subsequent careers. The heads of central and local government bodies are required to ensure that men and women enjoy equal access to public service employment at State and municipal level on the

basis of their abilities and professional training. Vacancies in the civil service at both levels are filled through competitive examinations, in which men and women participate in equal numbers and in the same conditions. The announcement of competitive examinations for persons of only one sex is not permitted. If two candidates of opposite sexes pass the competitive examination for a vacancy in a civil service body at State or municipal level and both are equally qualified, the candidate of the sex that is less represented in that body must be appointed.

347. The Act also contains guarantees in respect of equal electoral rights. In order to achieve an equal democracy, the Government is entitled to establish special measures aimed at supporting candidates of the sex that is underrepresented. The participation of political parties in elections calls for guarantees of equal representation in lists of candidates of persons of both sexes.

348. In 2008, relative gender balance was to be observed in junior and mid-ranking administrative posts. Comparative data from 2006 are given in table 52 (see annex 18).

349. Gender balance was maintained among the staff of the Zhogorku Kenesh according to the data for 2008–2009: 47 per cent of all employees were women, and 43 per cent of assistants and advisers. There were 18 female heads of department (34 per cent).

350. Gender indicators for the judicial system as at June 2011 are presented in table 53 (see annex 19).

351. There has been some progress in the promotion of gender policy. The principle of equality, however, has yet to enter the popular consciousness or culture. According to some studies, stereotypes to the effect that “politics is not women’s business” still prevail in the popular consciousness; 32 per cent of men and 21.1 per cent of women agreed with that statement.

352. Society as a whole does not repudiate the idea of gender equality. A number of institutional and legal measures are necessary to establish legal mechanisms for including women in decision-making positions (political representation in central and local government bodies), in addition to the integration of gender in the popular culture and consciousness.

Articles 4 and 5

353. Article 15 of the Constitution provides that a state of emergency may be imposed in Kyrgyzstan, or martial law, in the circumstances and under the procedure stipulated in the Constitution and constitutional laws.

354. The Constitutional Act on States of Emergency, of 1998, regulates the conditions, grounds and procedure for imposing a state of emergency. A state of emergency is a temporary measure that may be imposed solely in the interests of ensuring public safety and defending the constitutional order of the Republic and with a view to normalizing the situation as quickly as possible, re-establishing the rule of law, restoring law and order, eliminating the threat to public safety and rendering necessary assistance to citizens. A state of emergency may be imposed in Kyrgyzstan only in case of a natural disaster, major accident or catastrophe, epidemic, epizooty or direct threat to the constitutional order, or mass unrest accompanied by violence endangering life, for the period specified in the Act. Only the Zhogorku Kenesh may impose a state of emergency throughout the territory of Kyrgyzstan. Where there are circumstances requiring urgent measures in individual parts of the territory, the President may impose a state of emergency with immediate effect and without warning, provided that the Zhogorku Kenesh is informed thereof without delay on the day that the state of emergency is imposed. When it confirms the presidential decree imposing the state of emergency, the Zhogorku Kenesh has the right, in its decision, to

amend the list of emergency measures and their scope, the temporary restrictions placed on citizens' rights and freedoms, and the additional duties placed on them under the decree imposing the state of emergency. The measures adopted during a state of emergency are regulated by article 22 of the Act. During a state of emergency, depending on the specific circumstances, the State and administrative bodies may adopt the following emergency measures:

- Enlist subdivisions of the State authorities responsible for defence and internal affairs to protect public order, strategic infrastructure and facilities ensuring vital activities of the population;
- Temporarily evacuate citizens from districts exposed to danger, with the obligation to provide them with permanent or provisional alternative accommodation;
- Introduce special rules for the entry and exit of citizens;
- Prohibit individuals from leaving a specified area or from going outside their homes during a given period, and transport, at their expense, non-residents of the area, including foreign nationals, who breach the peace to their permanent place of residence or outside the area in which the state of emergency has been imposed;
- Temporarily remove firearms, edged weapons and ammunition from citizens, and military training equipment, explosives, radioactive substances and materials, virulent chemicals and toxic substances from enterprises, institutions and organizations;
- Prohibit meetings, rallies, processions, demonstrations and pickets and entertainment, sport and other mass events;
- Make adjustments to the product manufacture and supply plans of enterprises and organizations, establish special rules for the operation of enterprises, institutions and organizations, and make other arrangements regarding their economic activity;
- Appoint and dismiss managers of State enterprises, institutions and organizations, and prohibit the voluntary resignation without good cause of workers and employees;
- Use the resources of State enterprises, institutions and organizations for emergency prevention and response;
- Prohibit strikes;
- Enlist able-bodied citizens to work in enterprises, institutions and organizations or respond to emergencies, while complying without fail with occupational safety requirements, and commandeer vehicles for the same purposes;
- Restrict or prohibit the trade in weapons, virulent chemicals and toxic substances, as well as alcoholic beverages and substances containing alcohol;
- Impose quarantine and take other necessary public health and anti-epidemic measures;
- Restrict or prohibit the use of copying equipment, as well as radio and television broadcasting and audio and video recording equipment, remove sound-amplification devices and introduce controls on media outlets if they may be used to aggravate the situation in the area in which the state of emergency has been declared;
- Introduce special rules for communications;

- Restrict the movement of, and inspect, vehicles, including those belonging to foreign nationals, with the exception of vehicles belonging to diplomatic services or deputies of the Zhogorku Kenesh;
- Impose a curfew;
- Suspend the activities of political parties, civil society organizations, mass movements and independent citizens' associations that impede the normalization of the situation;
- Prohibit the establishment and operation of armed citizen groups not provided for by law;
- Check documents at large gatherings of citizens and, where there is information that citizens are in possession of weapons, conduct searches of their persons, belongings and vehicles, if necessary;
- Remove property, with compensation and under the legally established procedure;
- Destroy plants, animals and other property;
- Regulate the conduct of financial transactions;
- Regulate the holding of private events (weddings, birthday parties and other celebrations);
- Use the State reserves to carry out priority emergency response activities.

355. During a state of emergency, the conduct of referendums and elections to State bodies is prohibited, as are any changes to the structure, functions and powers of State bodies established under the Constitution.

356. In response to the tragic events in the south of the country, the Interim Government issued decrees imposing a state of emergency in the cities of Osh and Özgön and the Kara-Suu and Aravan districts of Osh province on 11 June 2010 and in Jalal-Abad province on 13 June 2010. The decrees covered the period up to 20 June 2010; a curfew was imposed. The Interim Government subsequently extended the state of emergency until the situation in Osh and Jalal-Abad provinces had been brought under control.

357. In accordance with the obligations of Kyrgyzstan under international law, in the event that a state of emergency is declared, the Ministry of Foreign Affairs notifies the Secretary-General of the United Nations within three days of the civil rights and freedoms that have been curtailed by way of derogation from the country's commitments under the International Covenant on Civil and Political Rights, the extent of such derogation and the reasons by which it was actuated (Constitutional Act on States of Emergency, art. 36).

Article 6

358. Article 21 of the Constitution embodies the principle that everyone has the inherent right to life and that no one may be arbitrarily deprived of his or her life, and prohibits the death penalty. The State has established full guarantees in respect of that prohibition. Article 20, paragraph 4, states that those guarantees are not subject to any limitation.

359. Capital punishment has not been used in Kyrgyzstan since 4 December 1998, as a result of the introduction by presidential decree of a moratorium on the application of the death penalty. The moratorium was subsequently extended. The national human rights programme for 2002–2010, approved by presidential decree in 2002, identified one of the main tasks of humanitarian policy in the sphere of rights in Kyrgyzstan as the phasing out and abolition of capital punishment. On 23 March 2004, the Zhogorku Kenesh adopted a law precluding the death penalty for three types of offence: murder of a statesperson or

public figure (Criminal Code, art. 294); murder of a person administering justice or carrying out an investigation (art. 319); and murder of a law enforcement officer or soldier (art. 340). Presidential Decree No. 667 was issued on 29 December 2005. This decree extended the moratorium on the application of the death penalty pending its complete abolition through legislation. The Government was instructed to prepare bills on ratification by Kyrgyzstan of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, adopted by the General Assembly in its resolution 44/128 of 15 December 1989, and on the abolition of the death penalty and its replacement with life imprisonment. The adoption of the Constitution of November 2006 entailed the effective abolition of the death penalty. Article 14 provided that everyone has the inherent right to life and that no one may be deprived of his or her life.

360. The death penalty was abolished by Act No. 91 of 25 June 2007 and, in a number of articles of the Criminal Code, it was replaced with life imprisonment. The types of offence concerned were as follows: murder with aggravating circumstances (art. 97); rape of a girl of tender years with especially serious consequences (art. 129); murder of a statesperson or public figure (art. 294); murder of a person administering justice or carrying out an investigation (art. 319); murder of a law enforcement officer or soldier (art. 340); and genocide (art. 373).

361. Before the adoption of the Act of 25 June 2007, the Supreme Court was dealing with 139 criminal cases involving 172 individuals who had been sentenced to death. Following the Act's adoption, the criminal division of the Supreme Court considered 105 cases involving 133 individuals whose death sentences had been commuted to life imprisonment; 30 cases involving 34 individuals sentenced to death were referred to local courts as the persons concerned had died, along with another 4 cases involving 5 individuals to allow for the review of newly discovered circumstances.

362. In 2009, the Zhogorku Kenesh ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights. The abolition of the death penalty and its replacement with life imprisonment did not cause particular concern in society at that time. The main problem proved to be the enforcement of sentences of life imprisonment. Thus, in accordance with articles 100 to 100-2 of the Code of Criminal Procedure, life prisoners must be held in special-regime correctional colonies with harsher conditions of detention than in other types of colony. In Kyrgyzstan, however, there is no special-regime correctional colony. It was therefore decided to build such a facility. Pending the facility's construction, the transitional provisions of the Act of 25 June 2007 envisaged the holding of lifers in strict-regime correctional colonies, namely facilities IK-1, IK-3 and IK-16. Since 1 January 2008, 63 such individuals have been sent to the colonies concerned. The holding of inmates serving life sentences alongside other prisoners has had tragic consequences. For example, in facility IK-16 a lifer wounded two staff of the State Penal Correction Service with a knife. Later, as he was being transferred, along with other inmates, to a closed facility, they were murdered by other prisoners. This case was discussed at a meeting of a Zhogorku Kenesh committee, which recommended that all life prisoners should be returned to remand centres. In addition, the Citizens against Corruption Human Rights Centre has observed in its reports that the conditions of detention of citizens serving life sentences can be equated with torture. Financial backing has therefore been requested for the reform of the sentence enforcement system.

363. The protection of the right to life of every person is effected through national legislation. The Criminal Code contains a chapter entitled "Offences against life and health". In a number of cases, if death occurs as a result of an offence not directly connected with deprivation of life, a harsher penalty is incurred. Lawmakers consider the death to be an aggravating factor for the purpose of categorizing the offence. In the case of

offences with serious consequences not, however, including, under the Criminal Code, the death of the victim, the latter is regarded by the law enforcement and judicial authorities as an aggravating factor. For other offences, perpetrators are subject to the harshest penalties, as stipulated by lawmakers, when there is a threat of murder (arts. 113, 336 and 345). Criminal liability is incurred both for the preparation of an attempted murder and for the attempt itself.

364. Under the Code of Criminal Procedure, cases involving deprivation of life are heard by district or municipal courts or garrison courts acting as courts of first instance; the provincial courts, the municipal court of the city of Bishkek and the Kyrgyz Military Court act as the court of appeal or cassation, while the Supreme Court is the supervisory body. In the period 2012–2014, jury trials will gradually be introduced.

Article 7

365. The Constitution states that no one may be subjected to torture or other inhuman, cruel or degrading treatment or punishment. Under article 22, every person deprived of his or her liberty has the right to be treated with humanity and respect for human dignity. It also prohibits medical, biological or psychological experimentation without the free, express and properly documented consent of the person concerned.

366. Kyrgyzstan ratified the Convention against Torture in 1997. A provision on the suppression of torture was introduced in domestic legislation, with the inclusion in the Criminal Code in 2003 of article 305-1 on torture: “The intentional infliction on a person of physical or mental suffering for such purposes as obtaining from him or her information or a confession, punishing him or her for an act he or she has committed or is suspected of having committed, or intimidating or coercing him or her to commit certain acts, when such suffering is inflicted by a public official or by another person with the former’s consent or acquiescence, is punishable by deprivation of liberty for a term of from 3 to 5 years, which may be accompanied by deprivation of the right to engage in certain activities for a term of from 1 to 3 years.” The inclusion of this article in the Criminal Code has resulted in a conflict of norms, as the provision establishing liability for coercion to testify (art. 325) has not been deleted from the Code. This has led to a number of difficulties in judicial and investigative practice with the classification of offences.

367. The procuratorial authorities received a total of 270 appeals concerning the use of torture and other inhuman, cruel or degrading treatment or punishment in 2010. Checks were carried out on all the appeals and, as a result, criminal proceedings were not instituted in 236 cases (in 25 of those cases, the decision was reversed because of incomplete investigations); 34 criminal cases were brought, of which 28 were classified under article 305, paragraphs 2 and 3, of the Criminal Code (Exceeding official powers) and 6 under articles 305, paragraph 2 (3), and 305-1 (Torture). As a result of the criminal investigations conducted, 4 cases were discontinued and 4 were suspended because the presumed authors could not be identified, 2 cases were suspended at the investigation stage and 24 cases involving 33 persons were sent for trial.

368. Basic information on the issue of torture is provided in the second periodic report of Kyrgyzstan on implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment during the period from 1999 to 2011.

369. National legislation establishes the procedures for the different preventive measures that can be taken in respect of a suspect or an accused or convicted person. Pretrial detention is implemented in accordance with article 110 of the Code of Criminal Procedure. The procedure and conditions for detaining persons suspected of or charged with offences are governed by the Act on Procedures and Conditions for the Custody of Suspects and Accused Persons. Under the Act, suspects and accused persons may be held in: remand

centres of the penal correction system and the national security agencies; temporary holding facilities of the internal affairs agencies and the national security agencies; Armed Forces detention barracks; and temporary holding facilities of the State drug control agency.

370. Places of detention each have a specific regime and internal regulations. Suspects and accused persons are held in shared or single cells. The Act provides for separate accommodation in the cells. Female suspects and accused persons are held separately from men and have the right to have their children under the age of 3 with them. Pregnant women and women who have their children with them may not be subjected to the disciplinary measure of placement in a punishment cell. Male and female juvenile suspects and accused persons are held separately from each other and from adults.

371. Accused persons may be placed in solitary confinement or a punishment cell on the following grounds: insulting or harassing other accused persons; failing to comply with the lawful demands of, or insulting, staff of the place of detention or other persons; repeatedly violating the rules of detention; manufacturing, storing or consuming alcoholic beverages; manufacturing, storing or using objects or substances that are prohibited under the established rules; participating in gambling; and disorderly conduct.

372. The Act regulates the procedure for the use in places of detention of physical force, restraining devices, gas weapons and firearms. Before using them, staff must warn a suspect or accused person of their intention to do so and allow sufficient time for the person to carry out legitimate requests, except in cases where delay in the application of physical force, restraining devices or weapons would pose a direct danger to the life or health of staff or other persons also held in detention, or might lead to other serious consequences, or when such a warning about the prevailing situation is inappropriate or impossible.

373. Persons sentenced to deprivation of liberty serve their sentences in the appropriate correctional colony, in accordance with a court judgement that has become enforceable. Article 49 of the Criminal Code specifies that deprivation of liberty is the forced isolation of a convicted person from society by detention in an open prison or placement in an ordinary, strengthened, strict or special regime correctional colony or prison.

374. The main correctional means used on convicted prisoners are those covered in the established procedure for the enforcement and serving of sentences: the type of regime, re-education work, community service, education, vocational training and community rehabilitation (Penal Enforcement Code, art. 8).

375. The new Penal Enforcement Code has introduced a special chapter on the legal situation of convicted persons. The State respects and protects the rights, freedoms and legitimate interests of convicted persons, and provides the conditions prescribed in legislation for the serving of sentences, as well as guarantees of social justice and legal and other security (Penal Enforcement Code, art. 9). While serving their sentences, convicted persons are guaranteed the civil rights and freedoms enshrined in the Constitution, with the exceptions and limitations laid down in penal enforcement and other legislation. Except in those cases provided for by law, convicted persons may not be released from the performance of their civic obligations (Penal Enforcement Code, art. 9). Article 11 of the Code sets forth their basic rights.

376. To ensure that convicted persons are able to enjoy their rights under the Penal Enforcement Code, an act adopted on 25 June 2007 introduced legal provisions for the monitoring and supervision of places of deprivation of liberty: medical and public health inspections; international monitoring; parliamentary monitoring; monitoring by central and local government bodies; judicial control; departmental oversight; and procuratorial oversight of enforcement of the law by the administrations of the institutions and agencies responsible for the enforcement of sentences.

377. The regimes of correctional institutions are regulated by chapter 10 of the Penal Enforcement Code. The regime is the procedure prescribed by law and by the relevant legal acts regulations for the enforcement and serving of sentences, which provides for: the protection and isolation of convicted persons; their permanent monitoring; the discharge of their obligations; realization of their rights and legitimate interests; the safety of prisoners and staff; separate detention of different categories of convicted prisoner; various conditions of detention depending on the type of correctional institution decided on by the court; and changes to the conditions for serving of the sentence (Penal Enforcement Code, art. 54).

378. Correctional institutions have internal regulations. To ensure that proper procedure is followed, convicted persons are prohibited by law from keeping or using money, securities or valuables, as well as other items specified in the internal regulations (Penal Enforcement Code, art. 54).

379. The Code provides for a specific regime in the case of special conditions occurring (art. 57). The special conditions include: natural disasters, states of emergency or martial law introduced in the area of the correctional institution in the case of mass unrest or of group insubordination by prisoners. While the special conditions obtain, the exercise of some rights of convicted persons may be suspended, a reinforced level of security and monitoring introduced, special arrangements made for admission to facilities, the daily schedule changed, and the activities of production units and residential, cultural, educational, health and other services restricted.

380. Chapter 11 of the Code defines the conditions in which sentences are served in correctional institutions. Pilot projects are to be introduced at correctional colony No. 8 in the coming years: 16 ordinary, relaxed or strict regimes will provide differentiated conditions for prisoners within the same correctional institution. In that case, if an individual does not agree to a transfer to strict conditions within the colony, he or she is entitled to appeal in accordance with the procedure established by law (Penal Enforcement Code, art. 59).

381. Legislation establishes the specific conditions to be provided for women who are pregnant, breastfeeding or have children. Convicted women prisoners are given access to childcare units that offer the necessary conditions for the normal life and development of children. The women may place their children under the age of 3 in the units and spend unrestricted time with them when they are not working. They may be allowed to live with their children (art. 72). Institution No. 2 (Stepnoye village) has a childcare unit. It has catered for the following children: seven in 2007; eight in 2008; six in 2009; nine in 2010; and nine in 2011.

382. All prisoners are required to work in places and jobs decided by the prison administration (art. 75), taking into account their sex, age, capacities, state of health and, if possible, any specialization. There are production units in correctional institutions Nos. 1, 2, 3, 8, 10, 16 and 47. The units in correctional institutions Nos. 2 and 3 are more effective. In institution No. 2, almost 87 per cent of women prisoners are employed in the sewing workshop and the soy milk production plant. Some prisoners make ethnic products. In the other correctional institutions, the prisoners work in brick factories, but these have been out of action recently. Figures for the prison workforce in recent years are as follows: 2009: production brigade – 225, domestic services – 218; 2010: production brigade – 538, domestic services – 387; 2011: production brigade – 456, domestic services – 312.

383. Article 88 of the Penal Enforcement Code defines the serious violations of the established rules for which penalties may be applied. Table 54 (see annex 20) presents information on the penalties imposed on prisoners in institutions of the State Penal Correction Service.

384. Prisoners subjected to punishment in the disciplinary unit or special or single cells forfeit certain rights. In particular, prisoners in the disciplinary unit may not: receive visits or telephone calls; watch films or television; purchase food; or receive parcels, hand-delivered packages or packets.

385. Juveniles serve their sentences in young offenders' institutions with ordinary or favourable conditions. Because specific conditions are provided for young people in prison, they are addressed separately in the Code, in chapter 15. Table 55 (see annex 15) gives information on the penalties imposed on juvenile prisoners in young offenders' institution No. 14.

386. The penalty for service personnel convicted of an offence is detention in a military disciplinary unit, with the punishment administered by the Ministry of Defence. Between 2007 and May 2011, 33 individuals served their sentences in a military disciplinary unit.

387. Everyone has the right to personal security. If there is a danger from other inmates, prisoners are entitled to apply to any prison official to request that their personal security be assured.

388. Prisoners have the right to have their rights and legitimate interests protected. They may submit proposals, statements and complaints (orally or in writing). All such submissions are examined by the prison administrations and the penal enforcement authorities. Proposals, statements and complaints from prisoners about decisions or actions of prison administrations and penal enforcement authorities do not have suspensive force (art. 14). Prison administrations and penal enforcement authorities who receive proposals, statements or complaints from prisoners must examine them within the prescribed period and communicate the decision taken to the prisoner concerned (art. 14).

389. Article 9 of the Penal Enforcement Code establishes, for the first time, a provision concerning restorative justice in respect of both the convict and the victim; this may entail reconciliation or meetings between the victim and the offender, apologies, personally or in writing, or any other form acceptable to the parties. Restorative justice procedures are decided on individually for each prisoner by the prison administrations and penal enforcement authorities; they may involve social workers, psychologists or representatives of voluntary associations.

390. The Human Organ and/or Tissue Transplantation Act sets out the conditions and procedure for the transplantation of human organs and/or human tissue, based on modern science and medical practice in the world, taking the WHO recommendations into account. The removal of organs and/or tissue for transplantation is not permitted from a living donor under the age of 18 (except in cases of bone marrow transplant) or a person declared as lacking legal capacity under the procedure established by law. It is a criminal offence under the law of Kyrgyzstan to coerce any person to agree to the removal of organs and/or tissue as a living donor.

Article 8

391. Article 23 of the Constitution bans slavery, human trafficking and the exploitation of child labour. It also prohibits forced labour, except in the event of war, disaster relief operations and other emergencies, or in enforcement of court orders. Military or alternative (paramilitary) service is not considered to be forced labour.

392. The constitutional prohibition on slavery has not been reflected in legislation. Legislation does, however, prohibit forcing a person to work.

393. Article 124 of the Criminal Code makes trafficking in persons a crime. Trafficking in persons is the recruitment, transportation, harbouring, receipt, transfer, sale or purchase of a person, or other illegal transaction with or without his or her consent, carried out by

means of coercion, blackmail, fraud, deception or abduction, for the purpose of exploitation or to extract other benefits. It is punishable by up to 5 years' restriction of liberty or 3 to 8 years' deprivation of liberty, with or without the confiscation of property. Paragraphs 2 and 3 describe qualified forms of human trafficking. The footnote to article 124 of the Criminal Code states that exploitation is understood to mean the enticement of a person into criminal activities, enforced prostitution or other forms of sexual activity, forced labour or services, slavery, adoption for commercial purposes, or use in armed conflicts.

394. Persons who have been sentenced to deprivation of liberty are required to work in places and jobs as decided by the prison administration (Penal Enforcement Code, art. 75), which must assign prisoners to jobs on the basis of their sex, age, capacities, state of health and, if possible, any specialization.

395. Convicted soldiers held in the military unit are required to work in production plants or other facilities of the military disciplinary unit, or at other sites as decided by the Ministry of Defence (Penal Enforcement Code, art. 125).

396. Article 42 of the Criminal Code provides for penalties in the form of community service and punitive deduction of earnings. Community service involves convicted persons spending their time outside of work or study working for free for the good of society, the type of work being determined by the local authorities. The sentences can be between 40 and 360 hours. Convicted persons who are working or studying perform community service without remuneration, but for no more than four hours a day; the maximum for those who do not have a job is eight hours a day. As a rule, punishment in the form of community service is assigned with the consent of the person concerned, in the light of his or her health, profession, skills and level of education.

397. Punitive deduction of earnings is assigned in the case of convicted persons for whom correction and re-education is possible without them being taken out of society or removed from the area in which they lived and worked before committing the offence. It consists of the deduction and payment to the State of an amount of between 5 and 20 per cent of the monthly wages of the person sentenced (Criminal Code, art. 46-2).

398. Under the Act on Universal Conscription of Kyrgyz Nationals, and Military and Alternative Service, the duties of military personnel are considered to include tasks during states of emergency or martial law, as well as in the context of armed conflict, and participation in peacekeeping and security operations, in the elimination of the consequences of natural and industrial disasters and in the organization of territorial defence.

399. During a state of emergency, managers of enterprises, institutions and organizations are entitled, where necessary, to transfer their workers and employees without their consent to work that is not covered by their labour contracts, for a period of up to one month (Constitutional Act on States of Emergency, art. 24).

Article 9

400. Under the Constitution, everyone has the right to liberty and personal inviolability (art. 24). No one may be arrested, detained or deprived of liberty except on decision of the courts and only on the grounds and under the procedure established by law.

401. Chapter 12 of the Code of Criminal Procedure provides for different types of preventive measure: (1) an undertaking not to leave the area; (2) a recognizance; (3) transfer to the supervision of the military disciplinary unit command; (4) transfer of a minor to the supervision of his or her parents or persons or organizations acting in their stead; (5) bail; (6) house arrest; and (7) pretrial detention. The investigator, the procurator and the court are, within the limits of their authority, entitled to apply one of the preventive

measures if there are sufficient grounds to believe that the defendant or accused may abscond during the investigation or the trial, hinder the objective nature of the investigation and trial of the case in a court of law or continue to engage in criminal activity, or in order to ensure enforcement of the sentence (Code of Criminal Procedure, art. 102). To decide whether to apply preventive measures, and of what type, the investigator, the procurator and the court take into account, in addition to the above-mentioned circumstances, the gravity of the crime, the personality of the defendant or accused, his or her occupation, age, state of health, family status and other circumstances (Code of Criminal Procedure, art. 103).

402. House arrest involves restrictions on the freedom of movement of the accused and a ban on him or her communicating with certain people, sending or receiving correspondence, leaving home at night, and leaving the administrative territory without the authorization of the investigator, court or body in charge of the criminal case (Code of Criminal Procedure, art. 109-1).

403. Pretrial detention as a preventive measure is applied on decision of a court in respect of a person charged with an offence for which the law prescribes a sentence of deprivation of liberty for more than 3 years, if it is not possible to impose a less harsh preventive measure. Pretrial detention as a preventive measure is not used in respect of a person charged with an economic offence, regardless of the type and duration of the penalty prescribed by criminal law, if the accused or another person pays the amount of bail established by law into a special account (Code of Criminal Procedure, art. 110). Pretrial detention as a preventive measure may be used in respect of minors in exceptional cases only, if they are accused of having committed especially serious offences or repeated criminal acts classified as serious offences (Code of Criminal Procedure, art. 114).

404. Every detainee must be promptly informed of the grounds for his or her detention, and his or her rights, including the right to a medical examination and medical assistance, must be explained and safeguarded (Constitution, art. 24). Article 95 of the Code of Criminal Procedure lays out the procedure for the detention of a person suspected of having committed a crime. The record of arrest states the reasons and grounds, the place and time of detention (indicating hours and minutes), and the results of the personal search. It is then read to the suspect in the presence of defence counsel, and his or her rights are explained. The record is signed by the arresting officer, the detainee and his or her counsel. The investigator must inform the procurator of the detention in writing within 12 hours of the time of the record of arrest being drawn up.

405. Article 214 of the Code of Criminal Procedure provides that the formal charge must indicate: (1) the time, place and originator of the charge, together with the full name of the person charged, and his or her full date and place of birth; (2) a description of the offence committed, with the time and place and any other circumstances to be used as evidence; and (3) the legislation (article, paragraph) under which the act is an offence. Where the charge concerns multiple offences falling under different articles of the Criminal Code, it should indicate which specific actions are imputed to the accused under each of the articles concerned.

406. In accordance with the Constitution, no one may be detained for a period of more than 48 hours without a court decision. Any person who is detained must be brought before a judge promptly, and in any case within 48 hours of detention, for a decision to be taken on the legality of the detention. In individual cases, a shorter period of time may be specified. Every detainee has the right to challenge the legality of his or her detention according to the procedure and at intervals established by the law. If the grounds on which a person was detained no longer exist, he or she must be released immediately (art. 24). This provision is explained in greater detail in the Code of Criminal Procedure. The investigating agency may not hold a detainee as a suspect for more than 48 hours. On

expiry of that period, the investigating agency must release the detainee or charge him or her and elect a preventive measure. If it is necessary to select pretrial detention or house arrest as a preventive measure, the investigator, with the consent of the procurator, files an application to the court (Code of Criminal Procedure, art. 39).

407. The preventive measure is set aside if there is no further need for it, or is changed to a more or less harsh measure when prompted by the circumstances of the case. Preventive measures are set aside or modified on the basis of a reasoned decision of the investigator, procurator or judge, or a court ruling. The preventive measures of remand in custody or bail may be set aside or modified by the court or on decision of the investigator or procurator, with the consent of the procurator's supervisor.

408. The Code of Criminal Procedure provides for the right to compensation for persons who have been detained or held in custody illegally. Chapter 46 sets out the rules for compensation for harm caused by unlawful actions of the court or the authorities in charge of the criminal case.

Article 10

409. Article 22 of the Constitution provides that every person deprived of liberty has the right to humane treatment and respect for his or her human dignity.

410. The principle of humanity is enshrined in article 7 of the Penal Enforcement Code and is also reflected in several other articles. The Code contains legal regulations governing each type of criminal punishment handed down by the courts.

411. The aim of the Code is to apply correctional measures to convicted criminals, and to prevent offences being committed by both convicted criminals and other persons. Criminal punishment is combined with correctional measures. A convict is considered reformed when he or she develops a law-abiding attitude and shows respect towards other people, society, work and the norms, rules and traditions of communal life. The main correctional measures applied to convicts are included in the established procedure for the enforcement and serving of sentences. This covers the type of regime, re-education work, community service, education, vocational training and community rehabilitation (Penal Enforcement Code, art. 8).

412. Article 52 governs the separation of convicted prisoners in correctional institutions. Specifically, it provides for women and men, and juveniles and adults, to be held separately. Men and women serving their first custodial sentence are held separately from those who have previously served a sentence of imprisonment. Female first-time offenders and those who have previously served sentences of imprisonment may not be held in the same correctional facility. Especially dangerous recidivists are held in isolation from other prisoners, as are those whose sentence of life imprisonment has been commuted to imprisonment. Convicted prisoners who are former court officials or law enforcement officers are held in specific correctional institutions or separately from other prisoners. Other convicted prisoners may also be sent to these facilities (art. 52).

413. Legislation prescribes the conditions in which sentences are served. For instance, convicted persons may purchase foodstuffs and basic supplies using the money available on their personal accounts (Penal Enforcement Code, art. 60). They are allowed the following types of visit on the premises of the correctional institution: short visit – for a period of up to four hours; long visit – for a period of up to three days (art. 61).

414. Convicted persons may obtain legal assistance by applying for a meeting with a lawyer when there is an appropriate warrant. Visits take place in private and with no restriction on their number or length (art. 61).

415. Prisoners who are sick or have category I or II disability, nursing mothers, pregnant women and women who have children in the childcare unit may receive additional parcels and hand-delivered packages in a quantity and variety determined in accordance with a medical certificate (art. 62).

416. If convicted prisoners serving their sentences in cells do not work in the open air, they have the right to exercise (art. 65). Prisoners may exercise one cell at a time during the day in a specially equipped part of the prison.

417. They are allowed to receive packets, parcels and hand-delivered packages with stationery supplies, literature acquired through the normal trade channels, and unlimited subscriptions to newspapers and magazines, which are paid for from the funds available on their personal accounts. Films are shown at least once a week.

418. With certain exceptions, convicted prisoners in correctional colonies and young offenders' institutions may be allowed to make short visits outside prison for up to seven days in exceptional circumstances: the death or serious illness of a close relative, or a natural disaster that has caused considerable loss to the person concerned or his or her family (art. 69).

419. Convicted prisoners who work are subject to compulsory state social insurance, and convicted women prisoners may also receive pregnancy and maternity benefits on the standard basis. Convicted prisoners have the right to State pensions in the case of old age, disability or loss of the family breadwinner.

420. The standard living space per prisoner may not be less than two square metres in correctional colonies, two and a half square meters in prisons, three square metres in women's colonies, five square metres in prison hospitals and three square metres in medical correctional facilities (art. 71). Convicted prisoners are provided with individual beds and bedding. They are provided, at the expense of the State, with food, clothing, underwear and footwear according to the season, taking into account their sex and the climatic conditions (art. 71).

421. Re-education work with prisoners is one of the main corrective methods used. It is aimed at: correction; the encouragement and strengthening of the convicted person's wish to engage in socially useful activities and adopt a conscientious attitude to work; compliance with laws and other socially accepted standards of behaviour; and improvement of the person's educational and cultural level. There are now staff positions of social worker and psychologist in institutions of the penal correction system. The psychologists and social workers carry out preventive work with individuals and groups of young offenders in the rehabilitation centre. English language courses have been introduced for students and staff. Computer courses have been introduced with the help of the chaplaincy service. Eleven of the institutions have social offices which provide social support for the prisoners.

422. Convicted juveniles serve their sentences in ordinary and strengthened regime young offenders' institutions, separately from adults, and live in normal residential buildings. Prisoners serving their sentences under favourable regimes live in residential premises that are generally outside the colony itself and do not have guards, but are monitored (Penal Enforcement Code, arts. 103 and 104).

423. There is one young offenders' colony, No. 14, in the penal correction system. Young offenders do not work because they are in education. The colony has a general school and a vocational technical college. On completion of their education, the young prisoners receive certificates in different specializations: lathe operator, carpenter or welder. The colony's general education school takes students from grades 3 to 11.

424. The administration is assisted by a board of trustees, made up of representatives of State organizations, voluntary associations and individuals, which helps to organize training and education, provide better facilities, address matters concerning the prisoners' social welfare and help them find employment and a place to live after release.

Article 11

425. No one may be imprisoned merely on the grounds of inability to fulfil his or her obligations under civil law (Constitution, art. 24).

426. Domestic criminal law does not contain any provisions related to the deprivation of liberty of a person who is unable to fulfil a contractual obligation.

427. Breach of contractual obligations entails liability under civil law. Article 356 of the Civil Code establishes the grounds for liability for breach of obligations.

Article 12

428. The Constitution enshrines the human right to freedom of movement and choice of place of stay or residence in the country. Everyone has the right freely to leave Kyrgyzstan (art. 25).

429. No restrictions may be placed on the constitutional civil right to return without hindrance to Kyrgyzstan. An act adopted on 18 July 2008 establishes State guarantees for ethnic Kyrgyz returning to their historical homeland. It regulates public policies on immigration by ethnic Kyrgyz, determines the legal, economic and social foundations for immigration processes, and makes it possible for *kairylman* (ethnic returnees) to live in a new location. *Kairylman* are ethnic Kyrgyz with foreign citizenship or no citizenship who have returned to the homeland voluntarily and received *kairylman* status.

430. The International Migration Act establishes the procedure for exit from and entry to Kyrgyzstan for Kyrgyz nationals. The Refugees Act governs the procedure for the granting, removal and forfeiture of refugee status, the rights, duties and responsibilities of refugees, and the safeguards for the rights of refugees in the country.

431. Kyrgyz nationals may not be deprived of the right to enter Kyrgyzstan.

432. A Kyrgyz national may be temporarily prevented from leaving the country in the cases specified by law.

433. Kyrgyz nationals leaving to reside permanently outside the country must have the appropriate visa or permit, issued in the manner prescribed by the law of the receiving State.

434. The procedure for entry to a foreign State is governed by the laws of that State, as well as the international treaties signed by Kyrgyzstan.

435. When Kyrgyz nationals who had left to reside permanently outside the country return to Kyrgyzstan for permanent residence, they enjoy all the rights guaranteed by legislation on the same basis as other citizens and bear the same legal obligations.

436. A Kyrgyz national may not be allowed to leave the country in the cases provided for in the Protection of State Secrets Act. Temporary restrictions must be brought to the attention of nationals who have access to State secrets, are involved in the administration of enterprises, institutions, organizations or their authorized bodies, or are heads of educational establishments or part of the military command, at the time of admission to employment or training or enlistment in military service.

437. In accordance with national legislation, foreign nationals and stateless persons bear responsibility for illegal entry into the country.

438. Foreign nationals and stateless persons may move freely throughout those parts of the territory of Kyrgyzstan that are open to visit. They may enter and move about places that are closed to foreign nationals and stateless persons only with authorization from the internal affairs agencies. Applicants for refugee status in Kyrgyzstan and their family members have the right to travel freely throughout the country except for those areas closed to visits by foreign nationals, and also have the right to reside in places of temporary residence and to use public services.

439. The entry of foreign nationals and stateless persons into Kyrgyzstan is governed by section 2 of the International Migration Act. Nationals of foreign States on the list approved by the Government in agreement with the Zhogorku Kenesh are subject to a simplified visa regime.

440. Entry of a foreign national or stateless person into Kyrgyzstan is not permitted in the following cases:

- Absence of visa or other valid document;
- In the interests of national security or to protect public order;
- If such entry would represent a threat to human health or the protection of the rights and legitimate interests of Kyrgyz nationals and other persons residing in Kyrgyzstan;
- If it is found that the person concerned violated national legislation during a previous stay in the country;
- If, in applying for entry to Kyrgyzstan, he or she provided false personal information or submitted forged documents;
- If the designated authorities decide that it is not possible for the person concerned to stay or reside in the country in the manner prescribed by the Government;
- For other reasons specified by Kyrgyz law.

441. Where an applicant who has a visa is refused entry, the refusal must be communicated (in writing) by the officer of the relevant public authority who took the decision, indicating the grounds for refusal. The refusal of entry may be appealed in the manner prescribed by national legislation.

442. A foreign national or stateless person entering or leaving the country must pass through migration control. The migration control regulations are approved by the Government. The procedure for crossing the State border is governed by the International Migration Act, the State Border Act and the international treaties to which Kyrgyzstan is a party.

443. Foreign nationals and stateless persons who come to Kyrgyzstan for a period of more than five working days must register in their place of stay with the Ministry of Foreign Affairs or its local offices, the Ministry of Internal Affairs or its local agencies or hotels, in accordance with the International Migration Act. The Act also allows such persons who enter the country for a period of more than six months to obtain temporary residence permits, and those who remain in Kyrgyzstan for more than five years and are granted immigrant status in accordance with the Act to receive permanent residence permits.

444. The regulations for processing and issuing temporary and permanent residence permits for foreign nationals and stateless persons in Kyrgyzstan were approved by Government Decree No. 626 of 13 November 2008.

445. A decision not to grant a visa or residence permit is communicated to the applicant within three days of its adoption. On the request of the applicant, a decision not to grant a visa or residence permit is communicated in writing.

446. In order to optimize processes for organizing legal employment for Kyrgyz nationals, to protect the interests of migrant workers and to monitor the activities of private agencies organizing employment abroad, a centre for the employment of Kyrgyz nationals abroad was set up under the Ministry of Labour, Employment and Migration by Government Decree No. 85 of 9 February 2010. The main tasks and functions of the centre are: to provide information and advice; to assist Kyrgyz nationals in finding employment abroad; to license and monitor the activities of private agencies that recruit for employment abroad; and to provide compensation for the costs associated with returning home the bodies of nationals who die while working abroad. The main migration partners are the traditional States of destination of Kyrgyz migrant workers, which are still the Republic of Korea and the Russian Federation; cooperation with them is based on international agreements. In 2010, the employment centre set up a database with information on a total of 1,866 potential migrant workers; 1,675 of them made use of the employment information services; and 11 agreements were signed with Russian employers and staffing agencies. In 2011, the centre developed new draft agreements with foreign employers to provide greater protection for the rights of migrant workers. In March 2010, a memorandum of understanding was signed between the Ministry of Labour, Employment and Migration and the Ministry of Labour of the Republic of Korea. Migrant workers were employed mostly in small and medium-sized industrial concerns in the Republic of Korea. These included, in particular, enterprises in the food and chemical industries, the plastics, rubber, glass and synthetic resin manufacturing industries, the paper industry and electrical machine manufacturing. Salaries for those who have gone abroad to work are between US\$ 700 and US\$ 1,200, with skilled workers earning more. The fifth Korean language knowledge test was held on 7 and 8 May 2011. A total of 1,905 people were registered and 1,808 people took the test. Since the beginning of the year, 307 new job contracts have been issued to Kyrgyz nationals, and 246 persons have left to work in the Republic of Korea. Efforts are being made to harmonize employment contracts and to provide visa support for citizens travelling to work in the Republic. The Ministry of Labour, Employment and Migration and its counterpart in the Republic of Korea have introduced a new pre-departure training procedure for nationals who have contracts to work in that country under the work permit programme. Migrant workers who have already signed contracts with employers from the Republic of Korea follow free pre-departure training at the Korean educational centre.

447. The activities of private agencies with valid permits to organize employment abroad were monitored in 2010. During the reporting period, 602 persons left for work with the help of such private agencies. Part of the centre's work has been to prevent illegal labour migration. In this regard, letters have been sent to the press and television channels explaining that they should not host advertising of employment opportunities abroad from individuals or companies that are not State certified. The newspaper *Rabota* (Work), on the Ministry of Labour, Employment and Migration website, periodically publishes lists of firms that have State certification to organize employment abroad. In its reception area, the employment centre provides informational materials, newspapers and brochures on legal labour migration. Employment centre staff make regular visits, in response to calls and information from private individuals, to places (stations, markets, etc.) where nationals are allegedly illegally recruited for subsequent employment abroad. It also conducts awareness-raising among potential migrant workers and persons attempting to take them abroad.

448. Kyrgyzstan has addressed the issue of compensation for the costs associated with returning home the bodies of nationals who die while working abroad. A commission met seven times in 2010 to consider whether such compensation should be paid and how much it should be. During the reporting period, the employment centre received 71 applications

from nationals, of which 59 were examined. Four were refused, and 55 approved, to a total amount of 2,104,440 soms. In 2011, the centre received 63 applications and the commission met three times to consider them. Approval was given for 39 applications, to a total amount of 1,171,196 soms. Of the migrant workers who died abroad, 49 were men and 14 were women. They included 9 under the age of 21, 22 aged 22–30 years old, 15 aged 31–40 years, and 17 over the age of 40. The causes of death were: suicide – 3; murder – 4; vehicle and traffic accidents – 11; disease (cardiovascular disease, pneumonia) – 14; accidents – 6; and unknown – 25. The migrant workers who died were employed in the construction industry, public utilities, and as drivers and ancillary workers. The main regions in which they worked were the Russian Federation (62) and Kazakhstan (1).

Article 13

449. Foreign nationals or stateless persons may be restricted from leaving Kyrgyzstan:

- If they have been detained under domestic legislation on suspicion of having committed an offence or formal charges have been brought against them, until a decision is taken in the case or until a court judgement becomes enforceable;
- If they have been convicted of an offence in the territory of Kyrgyzstan, until the penalty is enforced or they are given remission;
- If they refuse to fulfil obligations imposed on them by a court, until they do so or until an agreement is reached between the parties;
- If they have not complied with the tax laws of Kyrgyzstan, until they do so;
- If they have been held liable under domestic legislation for an administrative offence committed in the territory of Kyrgyzstan, until the penalty is enforced or they are given remission.

450. A foreign national or stateless person who breaks the law concerning the legal status of foreign nationals and stateless persons and the regulations governing their stay may have their stay in Kyrgyzstan curtailed. The decision is taken by the authority issuing the visa or residence permit. In the event of failure to comply with regulations, a foreign national or stateless person is subject to administrative expulsion from Kyrgyzstan. A court or a judge may order the administrative expulsion from Kyrgyzstan of a foreign national or stateless person as an administrative penalty.

Article 14

451. In Kyrgyzstan, justice is administered solely by the courts. Judges are independent and are subject only to the Constitution and the law. Judges have the right of inviolability.

452. Under article 16 of the Constitution, everyone is equal before the law and the courts. Article 40 of the Constitution guarantees everyone judicial protection of all the rights and freedoms enshrined by the Constitution.

453. According to the Code of Criminal Procedure, all cases are heard in open court, except when this is contrary to the interests of protecting State secrets. Closed proceedings may, however, be allowed on the basis of a reasoned decision by the court where the accused is under the age of 16, in cases of sexual offences and other cases, in order to prevent the disclosure of intimate details of the lives of those involved in the case, and to ensure the safety of a victim, witness or other participant, or of members of their families or close relatives (Code of Criminal Procedure, art. 22). Court judgements are announced publicly in all cases (art. 22).

454. Everyone is guaranteed the presumption of innocence (Constitution, art. 26). Under article 40 of the Code of Criminal Procedure, a suspect has the right to know the offence of

which he or she is suspected. According to article 216 of the Code, the accused must be arraigned no later than three days from the time the charge is formally made and, in any case, no later than the day the accused appears in court or a warrant is issued in default of his or her appearance. The investigator informs the accused that he or she is to be prosecuted and explains the essence of the charge.

455. Article 20 of the Code gives the accused the right to defence counsel, who, in line with article 44, is allowed to participate in the case as soon as the formal charge is brought. From that point, defence counsel has the right, after the first interrogation, to have private meetings with the accused, with no restriction on their number or length (Code of Criminal Procedure, art. 48).

456. The Code sets time limits on the period of investigation (art. 166) and on the time during which the case may be considered once it is brought to court (art. 252); it also sets out the procedure for the extension of these limits.

457. Article 20 accords suspects, accused persons and defendants the right to a defence. The body conducting the initial inquiry, the investigator, the procurator and the court must ensure that suspects, accused persons and defendants have the opportunity to defend themselves using the ways and means established by law and that their personal and property rights are protected. Under article 47, an accused person or defendant is entitled to waive legal counsel at any time during the proceedings. This may only be done on the initiative of the accused person or defendant. In that case, the accused person or defendant conducts his or her own defence. However, under article 46, there are certain types of cases in which the participation of defence counsel is mandatory.

458. Under article 40 of the Constitution, everyone has the right to receive properly qualified legal assistance. In the instances specified by law, legal assistance is provided from public funds. The State Legal Aid Act provides for a lawyer to be paid from the State budget in cases where the citizen concerned is not able pay for his or her services.

459. According to article 10 of the Constitution, the State language is Kyrgyz, and Russian is used as an official language; however, article 16 of the Constitution prohibits any infringement on citizens' rights and freedoms on grounds of their not knowing or not being fluent in the State language. Under article 23 of the Code of Criminal Procedure, court proceedings are conducted in the State or the official language. Parties to proceedings who are not fluent in the language of the proceedings have the right to make statements, give evidence, submit petitions, consult the case file and address the court in their mother tongue and to use the services of an interpreter. A copy of the formal charge and the judgement (ruling, decision) is handed to the accused, defendant or convicted person in a translation into his or her mother tongue or a language in which he or she is proficient. Article 147 of the Code of Criminal Procedure stipulates that the procedural costs associated with the participation of an interpreter are to be borne by the State.

460. No one may be considered a suspect or charged, arrested, remanded in custody, searched, subjected to a warrant in default of appearance or any other measure of procedural constraint, nor may they be convicted, punished or suffer any other restrictions on their rights and freedoms except on the grounds and under the procedure prescribed by law. No evidence obtained in violation of the Code of Criminal Procedure may be admitted in the administration of justice. Article 169 prohibits the use in the investigation process of violence, threats and other unlawful measures, as well as the endangering of the life or health of those involved.

461. In cases involving juveniles, the court has the right to invite representatives of enterprises, institutions or organizations in which the young person has studied or worked, juvenile affairs commissions or inspectorates and other organizations, if necessary, to take part in the judicial proceedings.

462. Under article 83 of the Criminal Code, juvenile first-time offenders who have committed minor or less serious offences may be relieved of criminal responsibility if it is considered that they can be reformed through the application of compulsory re-education measures.

463. Article 86 provides that juvenile first-time offenders who have committed minor offences may be relieved of criminal responsibility and the case file submitted for the consideration of the juvenile affairs commission if, taking account of the nature of the offence, the personality of the young offender and other circumstances of the case, it is considered that he or she can be reformed without the use of punishment. Furthermore, if there are grounds for doing so under article 86, the court may exempt juvenile first-time offenders who have committed minor offences from both punishment and coercive measures.

464. If, as a result of the trial, the court comes to the conclusion that the reform of a person under 18 years of age who has committed a crime that does not represent a significant danger to society is possible without the application of criminal punishment, it may convict the offender without imposing a criminal penalty and apply a compulsory re-education measure.

465. Everyone who has been convicted of a crime has the right to have his or her case reviewed by a higher court in accordance with the law (Constitution, art. 27).

466. In the case of an acquittal and the verdict coming into force, the rights of the person concerned are fully restored and he or she is compensated for all the material costs associated with the pretrial investigation and the court proceedings.

Article 15

467. The Constitution states that no one may be held responsible for actions that were not recognized as an offence at the time they were committed. Criminal legislation is built on the principle of legality. The definition of and penalty for an offence and other legal consequences are determined only by criminal law. Criminal legislation may not be applied by analogy.

468. Article 7 of the Criminal Code stipulates that the criminality and punishability of an act are determined by the legislation in force at the time of the act's commission.

469. The same provision contains an exception to this general rule: a criminal law revoking the criminality of an act or imposing a lighter penalty has retroactive force, that is, it applies to persons who committed the act in question before the new law entered into force, including persons who are serving a sentence and persons who have served a sentence but whose criminal record has not been expunged.

470. Laws establishing offences or stiffening penalties do not have retroactive force (Criminal Code, art. 7, para. 3). This rule is a legal safeguard to prevent prosecution of citizens for actions that were not recognized as crimes at the time they were committed.

471. The Code recognizes the statute of limitations as one of the grounds for release from criminal responsibility (art. 67). The statute of limitations is calculated from the date of the offence to the entry into force of the court sentence. If a person commits another crime, the statute of limitations is calculated independently for each offence. The statute of limitations is suspended if the person who committed the crime absconds from the investigation or court. In such cases, the statute of limitations resumes from the time of arrest or confession. The statute of limitations does not apply to persons who have committed offences against peace and the security of humanity in cases expressly provided for by domestic law.

Article 16

472. The Civil Code governs legal and dispositive capacity. Its article 51 defines “citizens” (private individuals) as meaning Kyrgyz nationals and nationals of other States, as well as stateless persons.

473. Article 52 provides that the capacity to possess civil-law rights and bear responsibilities (civil legal capacity) is recognized in equal measure for all citizens. The legal capacity of a citizen arises at the time of his or her birth and terminates with his or her death.

474. Article 56 establishes a citizen’s dispositive capacity. The capacity of a citizen, by his or her actions, to acquire and exercise civil-law rights, to create civil-law responsibilities for himself or herself and to perform them (civil-law dispositive capacity) arises in full measure with the attainment of the age of majority, that is the age of 18.

475. No one may be limited in his or her legal capacity or dispositive capacity except in cases and according to procedures set out by law (art. 57). The Code establishes the grounds on which a citizen may be declared as having no dispositive capacity (art. 64) or limited dispositive capacity (art. 65). To protect the rights and interests of persons with limited or no dispositive capacity, the Code stipulates the basis and the procedure for establishing tutorship and guardianship (arts. 66–76).

Article 17

476. The Constitution guarantees everyone the right to inviolability of private life and protection of his or her honour and dignity (art. 29).

477. Everyone has the right to privacy of correspondence, telephone and other conversations, and of postal, telegraphic, electronic and other communications. These rights may be subject to restrictions only in accordance with the law and exclusively on the basis of a judicial instrument (art. 29). The collection, storage, use and dissemination of confidential information or information about a person’s private life without his or her consent is not permitted, except in cases established by law (art. 29). Everyone is guaranteed protection, including judicial protection, from the unlawful collection, storage and dissemination of confidential information or information about his or her private life, as well as the right to compensation for material and moral damage caused by unlawful actions (art. 29).

478. Everyone has the right to the inviolability of the home and other buildings over which he or she has proprietary or other rights. No one may enter a home or other buildings against the will of the person who uses them (art. 30).

479. The search, seizure, inspection or other action, or entry of agents of the public authorities into a home or other buildings owned or otherwise possessed is allowed only on the basis of a judicial instrument (art. 30). Such action is allowed without a judicial instrument in cases provided for by legislation. The legality and validity of such action is subject to review by a court (art. 30, para. 1).

480. Chapter 19 of the Criminal Code makes it an offence: to violate a person’s privacy (art. 135); to violate the privacy of correspondence, telephone conversations and postal, telegraphic or other communications (art. 136); to infringe the inviolability of the home (art. 137); and to divulge medical secrets (art. 145).

481. The honour and dignity of the individual are protected under the Criminal Code. Article 127 makes libel an offence.

482. The honour, dignity and business reputation of a citizen or the business reputation of a company may be defended in civil proceedings. A citizen has the right to petition the

courts for a retraction of information prejudicial to his or her honour, dignity or business reputation, while a company may do so in respect of information prejudicial to its business reputation. Action to protect the honour, dignity and business reputation of an individual is permitted even after the death of the person concerned, at the request of interested persons (art. 18).

483. A citizen about whom information prejudicial to his or her rights or legally protected interests has been published in the media has the right to refute that information in the same media. If a court decision is not complied with, the court may impose a fine on the offending party. Payment of the fine does not relieve the offender of the duty to implement the court's decision. A citizen is also entitled to claim compensation for material and moral harm caused by the spread of defamatory information.

Article 18

484. The Constitution guarantees everyone the right to freedom of conscience and religion. Everyone has the right to profess a religion, individually or jointly with others, or not to profess any religion. Everyone has the right freely to choose and hold religious and other beliefs. No one may be compelled to express or renounce his or her religious or other beliefs (art. 32).

485. Kyrgyzstan currently has the following religious structures: the Spiritual Directorate of Muslims of Kyrgyzstan, 9 *qaziat* (territorial structures of the Directorate), and about 1,900 mosques, of which some 1,400 are officially registered (approximately 400 are in the process of registration), 25 Islamic centres, foundations and associations, and 3 missions of overseas Islamic denominations. There are 7 Islamic institutions that provide training, along with 50 madrasas and classes for study of the Koran, some of which have been converted from *khudzhra* (cells for living and learning) to Islamic institutions. With the democratic reforms in Kyrgyzstan, the Russian Orthodox Church has also grown. It has opened new churches, parishes, Sunday schools in places of worship and a convent. Prior to 1991, the Russian Orthodox Church had 29 churches and prayer houses; by 2010, there were 49 places of worship, and this in spite of the outflow of the Russian-speaking population from Kyrgyzstan at the time. Kyrgyzstan complies with the generally accepted standards of freedom of religion, and this has contributed to the development and emergence of representatives of numerous foreign Protestant denominations. There were no such denominations in the country in 1991, but by 2010 there were 216 religious organizations and 11 protestant educational establishments.

486. The Freedom of Religion and Religious Organizations Act was passed in 2008.

487. Article 1 of the Constitution proclaims the secular nature of the country as one of the foundations of the constitutional order. Article 7 establishes the separation of religion and all religious sects from the State; its paragraph 3 prohibits any intervention by religious associations or clerics in the activities of public bodies.

488. Article 32 of the Constitution guarantees freedom of conscience and religion, one of the achievements of the revised Constitution. The previous version of the Constitution had mentioned only the freedom of religion.

489. The Criminal Code makes it an offence to impede the exercise of the right to freedom of conscience and religion (art. 146), or to cause violence to the person of citizens or infringe on their rights under the guise of religious observance (art. 147). The Administrative Liability Code makes it an offence to impede the exercise of the right to freedom of conscience and religion (art. 61), or to violate the laws on religious associations (art. 395).

490. Under article 6 of the Freedom of Religion and Religious Organizations Act, religious organizations duly registered in accordance with national legislation may set up and maintain religious educational institutions for the religious education of children and adults in accordance with their charters, funded by their own means and using their own facilities.

491. Religious organizations have the right, in accordance with their regulations, to set up educational establishments and groups for the religious education of children and adults. There are more than 52 functioning madrasas in the country. Christian, Buddhist and Jewish religious organizations and associations also have their own religious schools and centres.

492. However, there are outstanding issues in respect of religious training and education, and the functioning of religious schools. The religious education dispensed in many of the small and medium-sized religious schools is not based on any developed and approved curricula, and most of the premises in which they are housed do not comply with standards.

Article 19

493. The Constitution enshrines freedom of thought and opinion (art. 31). Everyone has the right to freedom of expression and freedom of speech and the press. No one may be forced to express or refute their opinions. Article 33 of the Constitution provides that everyone has the right freely to seek, receive, store and use information and distribute it orally, in writing or by other means. Everyone has the right to acquaint themselves with information concerning them held by central or local government bodies, institutions and organizations. Everyone has the right to obtain information on the activities of central and local government bodies and their officials, companies that have central or local government involvement, and organizations that are financed from the national or local budgets.

494. The 1992 Media Act is aimed at creating conditions for the media to function freely and governs their relations with State bodies, voluntary associations, enterprises, organizations and individual citizens. The Act lays down the procedure for the registration of media outlets. Any unjustified refusal of or delay in registration may be appealed to a court (art. 6). Article 15 establishes the right of media outlets to receive information. State bodies, voluntary associations and officials have the right to grant requests for information from media workers and to allow them to read the relevant documents (art. 15).

495. To protect citizens from the dissemination of false information, the Act enshrines the right to refute inaccurate information in the media (art. 17).

496. It also stipulates the right of journalists to collect and disseminate information, as well as their duty to verify the accuracy of the information they publish (art. 20). The activities of journalists are regulated by the 1997 Protection of the Professional Activities of Journalists Act, which sets out their rights more clearly than in the past.

497. The State has established safeguards for journalists' professional activities. The Act protects their professional rights, honour and dignity. A journalist performing his or her duties is guaranteed personal inviolability. It is illegal to prosecute journalists for publishing critical materials (art. 8). Journalists have the right to conduct journalistic investigations (art. 9).

498. Foreign journalists who are accredited in Kyrgyzstan have the same rights and obligations as Kyrgyz journalists (art. 11). A foreign journalist has the right to appeal in court against a decision by the Ministry of Foreign Affairs to terminate his or her accreditation in Kyrgyzstan (art. 12).

499. The Act ensures accountability for violations of its provisions (art. 13).

500. The Freedom of Access to Information (Safeguards) Act was passed in 1997. On 14 November 2006, a new act was adopted on access to information within the jurisdiction of central and local government bodies, guaranteeing the right of access to such information.

501. The act establishes procedures for: the disclosure of information concerning the activities of central and local government bodies (arts. 16–21); direct access to the documents and materials of central and local government bodies (arts. 22–25); access to the meetings of central and local government bodies (arts. 26–29); and the organization of access to information held by central and local government bodies (arts. 30–32).

502. In article 138, the Criminal Code provides for liability, and punishment in the form of a fine of up to 50 times the calculation index, for any official who unlawfully refuses to provide documents and materials that have been collected under the established procedure and that directly affect citizens' rights and freedoms, or who provides an individual with information that he or she knows to be incomplete or false, if these acts significantly prejudice that person's rights and legitimate interests.

503. Obstruction of the lawful professional activities of journalists is also a criminal offence (Criminal Code, art. 151).

504. Despite the regulations that exist, civil society notes that State authorities do not fully carry out their duty to provide information.

505. A refusal to provide information may be appealed in a court. Citizens are not sufficiently aware that they can go to court to challenge the actions of officials who refuse to provide information.

506. According to article 33 of the Constitution, no one may be prosecuted for disseminating information that affronts or demeans the honour or dignity of an individual. The Criminal Code too does not make defamation a criminal offence.

507. It does, however, in article 128, establish criminal liability for insult.

Article 20

508. Kyrgyzstan has no goals of expansion or aggression, nor does it seek to settle territorial claims by military force, and it rejects the militarization of public life and the subordination of the State and its activities to the waging of war. The Armed Forces are constituted in accordance with the principle of self-defence and defensive sufficiency (art. 14).

509. The right to wage war is not recognized, except in cases of aggression against Kyrgyzstan or other States with which it is bound by obligations of collective defence. Every instance of units of the Armed Forces of Kyrgyzstan being moved outside the national territory must be authorized by the Zhogorku Kenesh, by a majority of no less than two thirds of the total number of deputies (Constitution, art. 14).

510. Use of the Armed Forces to achieve domestic political goals is prohibited.

511. Kyrgyzstan is committed to universal and just peace, mutually beneficial cooperation, and the resolution of global and regional problems by peaceful means.

512. The 3rd Zhogorku Kenesh included a round-table discussion of a bill on crimes committed in time of war, but the deputies did not support the bill.

Article 21

513. The Constitution guarantees everyone the right to freedom of peaceful assembly. No one may be compelled to participate in an assembly (Constitution, art. 34). Everyone is entitled to notify the authorities that a peaceful gathering is to be held. Peaceful assemblies

may not be banned or restricted; furthermore, they may not be denied, and the organizers and participants may not be held liable, on grounds of the absence of notification that a peaceful assembly is to be held, or non-compliance with the format for notification, the content or the deadlines for submission.

514. On 14 October 2004, the Constitutional Court set aside certain articles of the Act on the Right of Citizens to Gather Peacefully, Without Weapons, and Freely to Hold Rallies and Demonstrations, originally adopted in 2002, to bring it into line with international requirements. However, local authorities have adopted regulations that provide for authorizations to be issued. For instance, on 30 November 2007, deputies of the Bishkek municipal council adopted Decision No. 385 on regulations governing rallies in the city. The Decision introduced the need for rallies to be given authorization. It established that Kyrgyz nationals have the right to hold peaceful gatherings, provided that prior notification has been given to the central and local government bodies. In response to an application by human rights activist Ms. A. Abdirasulova (Kylym Shamy Centre), the Constitutional Court found on 1 July 2008 that Decision No. 385 of Bishkek municipal council and article 11 of the Act on the Status of the Capital City of the Kyrgyz Republic were not in conformity with article 25 of the Constitution. The Decision, which restricted the citizens' right of peaceful assembly, was thus overturned.

515. On 13 June 2008, the Zhogorku Kenesh adopted an act amending the Act on the Right of Citizens to Gather Peacefully, Without Weapons, and Freely to Hold Rallies and Demonstrations, which was subsequently signed by the President. The adoption of the bill was discussed widely by human rights defenders and international experts. The Kylym Shamy Centre recorded 19 different types of event in 2008, with up to 5,000 participants, according to preliminary estimates. The figures from 2008 show that authorization had been given for peaceful events, but only on the condition that they were held in specially designated areas, and the participants were able to express their views and demands through peaceful assembly.

516. The new Constitution enshrines the right of citizens to freedom of peaceful assembly, without any conditions.

Article 22

517. Under article 35 of the Constitution, everyone has the right to freedom of association. Article 4 of the Constitution recognizes political plurality and the multiparty system. Citizens may form political parties, trade unions and other voluntary associations on the basis of free will and community of interests to realize and protect their rights and freedoms and to pursue their political, economic, social, labour, cultural and other interests.

518. Under the Non-Profit Organizations Act, a voluntary association is an association of citizens who come together voluntarily on the basis of their mutual interests to meet their spiritual and other intangible needs. All non-profit organizations are formed and operate in accordance with the principles of voluntary participation, self-management, lawfulness, openness and transparency. An individual's membership or non-membership of a non-profit organization may not be invoked as grounds for restricting his or her rights and freedoms (art. 4). The State creates a framework within which non-profit organizations can fulfil the objectives outlined in their charters. State authorities and officials ensure that the rights and legitimate interests of non-profit organizations are upheld in accordance with the Constitution and the law, and support their activities (art. 5). Under the Political Parties Act of 1999, a political party is a voluntary association of Kyrgyz nationals who have common political goals and activities that contribute to the realization of the political will of part of the population and, through their representatives, are involved in the management of the affairs of State (art. 1). According to the Ministry of Justice, Kyrgyzstan has 152 officially registered political parties. Political parties promote the expression of the citizens' political

will and take part in the elections of deputies to the Zhogorku Kenesh, of the President and of local government bodies. It is prohibited to set up and operate political parties whose aim or method of work is the overthrow or violent change of the constitutional order, which attempt to undermine the sovereignty and territorial integrity of Kyrgyzstan, or to instigate war, violence and cruelty, or which stir up social, racial, ethnic or religious conflict and enmity, or commit other acts that are contrary to constitutional rule in the country or are not compatible with the universally recognized norms of international law (Political Parties Act, art. 3).

519. The establishment and activities of religious and voluntary associations is prohibited if their activities involve violence against citizens or other harm to the health of citizens, or incite citizens to refuse to carry out their civic responsibilities or to commit other illegal acts. Such acts are considered crimes, as provided for in article 259 of the Criminal Code (Organization of an association that infringes on the person or rights of citizens).

520. Article 85 of the Civil Code allows the establishment of non-profit organizations as legal entities; these may be cooperatives, political parties or other voluntary associations or religious organizations, funded by the owners or charitable or other voluntary funds, as well as in other forms provided for by law. Associations of commercial and/or non-profit organizations may be established as federations or unions.

521. Voluntary associations and religious organizations are recognized as voluntary (except in those cases provided for by legislation) associations of citizens coming together in accordance with the procedure established by law on the basis of common interests to meet their spiritual or other intangible needs. Voluntary associations and religious organizations are non-profit organizations. They have the right to engage in business and other economic activities that are in conformity with their established objectives, only in order to achieve those objectives. The Criminal Code provides penalties for obstructing the exercise of the right to freedom of conscience and religion (art. 146).

522. Voluntary and other non-profit organizations, including institutions, may come together voluntarily in federations or unions (Civil Code, art. 165).

523. According to article 8 of the Freedom of Religion and Religious Organizations Act, religious organizations are recognized as voluntary associations of citizens set up for the purpose of joint worship, prayer, ceremonies and rituals, and the religious education and upbringing of their followers (religious societies, centres, religious schools, mosques, churches, synagogues, prayer houses, monasteries and others), which are registered in line with the legally established procedure.

524. Under article 1 of the Trade Union Act, trade unions are voluntary associations of citizens based on their common interests, established by type of activity in the manufacturing and non-manufacturing industries to protect the labour and socioeconomic rights and interests of their members.

525. Under article 398 of the Labour Code, workers' labour rights are protected mainly by trade unions and other representative bodies.

Article 23

526. Article 36 of the Constitution establishes the family as the foundation of society. The family, fatherhood, motherhood and childhood are matters of concern to all of society and are thus protected under the law. Concern for children and their education is a natural right and obligation of parents. Able-bodied adult children assume the obligation to care for their parents. Everyone has the duty to respect their elders and care for their family and relatives. Family relations are governed by the Family Code.

527. According to article 36 of the Constitution, persons who have reached the age of marriage have the right to marry and establish a family. No marriage may be entered into without the free and mutual consent of the intending spouses. The Criminal Code makes it an offence to coerce a person under the age of 16 into de facto marital relations (art. 154) or to force a woman into marriage or prevent her from marrying (art. 155).

528. Marriages are performed in civil registry offices. Spouses have rights and duties from the day that their marriage is officially registered.

529. The minimum age of marriage is 18 years. Should there be valid reasons for doing so, the local authorities in the place of residence of individuals wishing to marry may lower the age of marriage by no more than one year for both men and women at the request of the persons concerned and on the basis of a decision by the family and child welfare office.

530. A marriage may be terminated as a result of death or subsequent to a court ruling that one of the spouses is deceased. A marriage may be dissolved by divorce on the application of one or both of the spouses, or on application by the guardian of one of the spouses who has been recognized by a court as having no dispositive capacity. A husband is not entitled to file for the dissolution of the marriage without his wife's consent during his wife's pregnancy or for one year after the birth of a child. Divorces are performed in civil registry offices. If the spouses have minor children together or, in the absence of the consent of one of the spouses to the dissolution of the marriage, if they have property claims on each other, or if one of the spouses, even though he or she has made no objection, opposes the dissolution of the marriage at the civil registry office (refuses to submit an application, does not wish to appear for the official registration of the divorce or any other reason), the dissolution of the marriage takes place in court (Family Code, arts. 19–22).

531. Cases related to the dissolution of marriage are considered by the courts as ordinary proceedings under the Code of Civil Procedure.

532. The State takes appropriate steps to ensure equality of rights and responsibilities of spouses on the conclusion of marriage, during marriage and at its dissolution.

533. The Family Code protects the interests of children and disabled spouses on the dissolution of a marriage. When ruling on the dissolution of marriage, the courts take measures, where necessary, to protect the interests of minor children or disabled spouses (art. 25).

534. The rights and duties of parents and children are based on the child's parentage, which is certified in accordance with the procedure established by law (Family Code, art. 50). The child's parentage on its mother's side is established by the civil registry on the basis of the birth certificate confirming the birth of the child to its mother in hospital or, in the event of the birth of the child outside of hospital, on the basis of a certificate confirming the child's birth issued by a doctor or other health-care worker authorized by the relevant medical authority or by court decision. On presentation of a marriage certificate, the mother's spouse is certified as being the child's father. If the father is not married to the mother of the child, paternity is established by submission to the civil registry of a joint statement by the father and the mother of the child; in the event of the mother's death, if she is recognized as lacking dispositive capacity, if it is impossible to establish her whereabouts or if she is deprived of her parental rights, a statement must be submitted by the child's father, with the consent of the family and child welfare office or, in the absence of such consent, a court decision (Family Code, art. 51). On the birth of a child to parents who are not married, and in the absence of a joint statement by the parents or a statement by the father of the child, paternity is established by judicial procedure on the application of one of the parents, a guardian or tutor, a person on whom the child is dependent, or of the child when he or she reaches the age of majority. In such a case, the court takes into account both social and biological evidence that identifies the child's paternity (Family Code, art. 52).

535. Parents or persons acting in their stead have a right and a responsibility to raise their children, to ensure that they receive an education and to guide their actions in a manner commensurate with their age and abilities. Parents or persons acting in their stead must create the necessary conditions for the full development, upbringing and education of their children, strengthen their health and prepare them for life in the family and society. Both of the parents or persons acting in their stead are equally obliged to see to their children's upbringing, duly to care for them, provide for their material needs and ensure that they have a place to live.

536. If a child's parents die, have had their parental rights removed or restricted, are declared not to have dispositive capacity, are ill or absent for long periods, fail to look after their child or to protect their child's rights and interests, including by refusing to remove him or her from foster-care, health-care, social welfare or similar institutions, or in other circumstances where parental care is non-existent, responsibility for protecting the child's rights and interests passes to family and child welfare offices and commissions on children's affairs acting in compliance with legislation and in the child's interests. The work of family and child welfare offices and commissions on children's affairs in protecting children's rights and legitimate interests is regulated by the Family Code, the Children's Code and the Civil Code.

Article 24

537. Article 16 of the Constitution states that the principle of the best interests of the child prevails in Kyrgyzstan. Articles 20 and 23 prohibit the exploitation of child labour.

538. The right to free basic and secondary general education in State educational institutions is enshrined in article 45 of the Constitution.

539. Article 36 recognizes the right of every child to a standard of living adequate for his or her physical, mental, spiritual, moral and social development. The State provides for the maintenance, upbringing and education of orphans and children deprived of parental care.

540. One of the grounds for acquiring Kyrgyz nationality is through birth. Under article 12 of the Citizenship Act, a child whose parents held Kyrgyz citizenship at the time of the birth is a citizen of Kyrgyzstan, irrespective of his or her place of birth. In the case of parents of different nationalities, if one of the parents has Kyrgyz citizenship, the citizenship of the child is decided with the written consent of the parents, irrespective of his or her place of birth. If one of the parents was a Kyrgyz citizen at the time of the child's birth while the other was stateless or was unknown, the child is a Kyrgyz citizen irrespective of his or her place of birth. A child born in the territory of Kyrgyzstan whose parents are stateless and live permanently in Kyrgyzstan is a Kyrgyz citizen. A child of unknown parentage living in Kyrgyzstan is a Kyrgyz citizen. The procedure for establishing a child's parentage is laid down in chapter 11 of the Family Code. The Civil Status Act governs the procedure for the registration of births (chap. 2). Under the Refugees Act, refugees enjoy the same rights and have the same obligations as foreign nationals in Kyrgyzstan.

541. The Children's Code was adopted on 9 June 2006. The Code establishes fundamental safeguards for children's rights, freedoms and legitimate interests as enshrined in the Constitution and other legislative acts, the Convention on the Rights of the Child and the other international treaties to which Kyrgyzstan is a party that have duly entered into force.

542. The concept of juvenile justice has been introduced. It covers the system of measures to be applied in the case of children in conflict with the law, aged 14 to 18 years, which includes the administration of justice and social rehabilitation.

543. Article 63 of the Family Code states that every child has the right to a given name, a patronymic and a family name. The Code establishes the right of the child to express his or her opinion. Every child thus has the right to free expression of his or her opinion. The child's right to express his or her opinion may be restricted only in cases provided by law in order to ensure respect for the rights and reputation of others and in the interests of national security, public order, public health and morals.

544. Article 82 of the Family Code lays down measures to protect the rights of the child in the event of a threat to his or her life or health. Thus, in exceptional cases, when there is a direct threat to the life or health of a child (physical or psychological violence, abuse, exploitation or other cases), the family and child welfare office takes urgent measures to protect the child's rights and may decide to remove the child from his or her family. The office informs the procurator and the commission for children's affairs in writing within 24 hours of the urgent measures being taken and, within three days, develops a child protection plan and submits the material to the commission and thereafter to a court.

Article 25

545. The Constitution, in article 52, paragraph 1, establishes the right of citizens: (1) to take part in the discussion and adoption of laws and decisions of national and local importance; (2) to vote and be elected to central and local government bodies; and (3) to participate in referendums. Citizens have equal rights and equal opportunities to enter State and municipal public service, and to be promoted in the manner prescribed by law (art. 52).

546. Kyrgyz nationals who also have another nationality are not entitled to hold political office or to become judges. This restriction may also be established by law for other public posts (art. 52).

547. The Civil Service Act lays out the basic requirements for public service employees.

548. In accordance with Presidential Decree No. 514 of 13 November 2009, the Government civil service is the single State body authorized to implement Government policy in the area of public service in the State agencies.

549. Article 17 of the Civil Service Act establishes eligibility requirements.

550. The procedure for joining the civil service is laid out in article 24 of the Act. Admission to the civil service is through a competitive examination.

Article 26

551. In Kyrgyzstan all persons are equal before the law and the courts (Constitution, art. 16). Everyone has the right to receive properly qualified legal assistance. In the instances specified by law, legal assistance is provided from public funds (Constitution, art. 40). The Constitution enshrines the right of every person to have his or her case reviewed by a higher court (art. 27).

552. The Code of Civil Procedure establishes equality before the law and the courts (art. 7). In civil cases, justice is based on the principle of equality before the law and the courts of all citizens, irrespective of sex, race, ethnicity, language, faith, political or religious opinions, origin, property or professional status, place of residence or any other conditions or circumstances, whether personal or public in nature. Any interested person is entitled to appeal in the manner prescribed by law to the courts for the protection of his or her rights, freedoms or lawful interests that have been violated or disputed (Code of Civil Procedure, art. 4).

553. The Code of Criminal Procedure establishes the equality of citizens before the law and the courts, provides the right to protection and regulates the procedure for access to

justice. Under article 16, paragraph 1, justice is administered according to the principle that citizens are equal before the law and the courts, irrespective of their social origin, property or professional status, race, ethnicity, sex, education, language, attitude to religion, opinions, membership of civil society associations, place of residence or any other circumstances.

Article 27

554. Kyrgyzstan is a multi-ethnic state and comprises several other groups in addition to the eponymous ethnic group. In line with article 16 of the Constitution, Kyrgyzstan respects and guarantees the human rights and freedoms of all persons in its territory and subject to its jurisdiction.

555. The right of everyone freely to determine and express his or her ethnic identity is enshrined in the Constitution. No one may be forced to determine or express his or her ethnic identity (Constitution, art. 38).

556. The Constitution also guarantees the freedom of literary, artistic, scientific, technical and other types of creativity and teaching. Everyone has the right to participation in cultural life and access to cultural property. The State ensures the protection of monuments and other cultural heritage sites (art. 49). The State encourages folk customs and traditions that do not conflict with human rights and freedoms (art. 37). It creates the conditions for everyone to learn the State and official languages, as well as one international language, from preschool to basic general education.

557. Article 1 of the State Language of Kyrgyzstan Act prohibits any infringement of citizens' rights and freedoms on grounds of ignorance of the State or the official language. The use of the State language does not preclude the use of other languages in the country (art. 4). Members of the ethnic associations that make up the Assembly of the Peoples of Kyrgyzstan may study their mother tongues on courses, in Sunday schools and general education schools (with instruction of school subjects in the mother tongues), and in higher education. Mother tongue education for ethnic minority groups, as at May 2011, is shown in table 56 (see annex 22).

558. Kyrgyzstan has a number of institutes of higher education: the Kyrgyz-Russian (Slavic) University, the Kyrgyz-Uzbek University, the Kyrgyz-Turkish University, the International University of Kyrgyzstan and the American University of Central Asia.

559. The Assembly of the Peoples of Kyrgyzstan works to promote social consolidation on the basis of a common civic identity and the joint responsibility of all citizens to preserve the country's unity and cultural diversity, with the aim of gradually developing democracy and fostering stronger inter-ethnic harmony, civil peace, and the integration and unity of the people of Kyrgyzstan. It has the right to develop proposals on the rights of ethnic minorities and submit them for the consideration of the central and local government bodies. Between 2008 and 2011, the Assembly participated in the discussion of a number of bills and of the Constitution. The Elections Code provides for 15 per cent representation of ethnic groups in the country's parliament.

560. In January 2011, representatives of the ethnic associations that make up the Assembly of the Peoples of Kyrgyzstan participated in the working group that drew up the ethnic policy outline.

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