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Replies of Kyrgyzstan to the list of issues in relation to its third periodic report*

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* The present document is being issued without formal editing.



Replies to the list of issues (CCPR/C/KGZ/Q/3)**A. Replies to the issues raised in paragraph 1 of the list of issues**

1. The new version of the Constitution of Kyrgyzstan was adopted by referendum on 11 April 2021 and entered into force pursuant to the Constitution Act of 5 May 2021.
2. The Constitution adopted by referendum in 2021 reflects all the international standards on citizens' electoral rights set out in the previous version of the Constitution.
3. As before, article 2 of the Constitution enshrines the principle of democratic governance:

Citizens of Kyrgyzstan exercise their power directly, in elections and referendums (universal suffrage), as well as through a system of central and local government bodies, on the basis of the Constitution and laws of Kyrgyzstan.

Elections and referendums are by free, universal, equal and direct suffrage and are held by secret ballot.
4. Article 37 of the Constitution enshrines the right to take part in the conduct of public affairs:

Citizens of Kyrgyzstan have the right to take part in the conduct of social and public affairs, both directly and through their representatives.
5. In accordance with article 6 of the Constitution, 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. In addition, the second section of the Constitution is devoted entirely to human and civil rights, freedoms and duties.
6. In implementation of a presidential decree of 8 February 2021 on the conduct of a review of Kyrgyz legislation, an inter-agency expert group was established by government order on 10 March 2021. It includes members of the Zhogorku Kenesh (the parliament of Kyrgyzstan) and representatives of the Office of the President, the Office of the Procurator General, the executive authorities, academia, civil society and international organizations. The experts have been tasked with conducting a review of Kyrgyz legislation to check compliance with the Constitution and the principles of social justice and partnership, necessity, appropriateness and effectiveness, to ensure that the object of each text is adequately regulated and to eliminate internal contradictions, conflicts and gaps in the law. All 359 of the laws submitted to date have been evaluated against these criteria and, for many of them, the necessary bills are already being submitted to the Office of the President.
7. A draft human rights plan for the period 2022–2024 has been submitted to the Office of the President. It provides for a corresponding plan of action to improve human rights and freedoms.

B. Replies to the issues raised in paragraph 2 of the list of issues

8. In the administration of justice, the courts are independent and subordinate only to the Constitution and laws of Kyrgyzstan.
9. Under the Constitution, the generally recognized principles and rules of international law and international treaties that have entered into force in accordance with national law form an integral part of the legal system of Kyrgyzstan.
10. On 30 July 2015, the Supreme Court of Kyrgyzstan, citing the domestic legislation of Kyrgyzstan, the International Covenant on Civil and Political Rights and the Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms of 26 May 1995, upheld a complaint filed under the supervisory procedure by D.Z., a lawyer, and quashed an interim order of the Bishkek City Court for an examination by the Kyrgyz Bar Association of D.Z.'s violations of the rules of professional conduct for lawyers.

11. This is one of the most striking examples in the case law of the Supreme Court.

12. A training manual on international standards and mechanisms relating to the protection of human rights and the principles of non-discrimination and equality was developed for judges and served as the basis for two seminars conducted for 36 judges over the period 2020–2021. Career development courses on human rights were attended by 575 internal affairs officers in 2021, 559 officers in 2020 and 1,258 officers in 2019. At the Penal Correction Service departmental training centre, 1,399 officers underwent training on that subject.

C. Replies to the issues raised in paragraph 3 of the list of issues

13. The draft constitutional law on the Ombudsman of Kyrgyzstan complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It should be noted that these principles are binding in nature.

14. It should also be noted that the text in question has undergone a public consultation process and will be submitted to the Zhogorku Kenesh.

15. The text sets out clearer definitions of the principles governing the activities of the Ombudsman and his or her Office and the main areas of work, which include engagement with State bodies and international and non-profit organizations. The provisions on the legal status of the institution, the procedure for the election and dismissal of the Ombudsman and his or her deputies, organizational matters, including the Office's financial and technical resources, and guarantees of the Office's independence have been consolidated.

D. Replies to the issues raised in paragraph 4 of the list of issues

16. The Constitution provides for a prohibition on discrimination on the basis of sex, race, language, disability, ethnicity, religion, age, political or other opinion, education, origin, property or other status or other circumstances. Those who commit acts of discrimination are liable to the penalties provided by law.

17. Efforts to combat discrimination are also being made in the context of the review of Kyrgyz legislation (see the replies to the issues raised in paragraph 1 of the list of issues). In addition, the aforementioned draft human rights plan for the period 2022–2024 includes a dedicated section on the right to equality and non-discrimination, which includes provisions on the elaboration of proposals for the adoption of comprehensive anti-discrimination legislation; the adoption of legislation to prohibit hate speech and roll out a system to monitor and prosecute officials for the use of hate speech; the strengthening of procuratorial oversight of public statements made by politicians and articles published in the media that are in any way discriminatory; the organization of regular preventive and awareness-raising activities among the public to cultivate tolerance and prevent discrimination against members of various minority groups, including persons belonging to religious or ethnic minorities and lesbian, bisexual, gay, transgender and intersex persons; and a number of other measures to eradicate all forms of discrimination and intolerance.

E. Replies to the issues raised in paragraph 5 of the list of issues

18. The implementation of the National Strategy for the Achievement of Gender Equality and the related plan of action for 2018–2020 is estimated to be 70 per cent complete. Consequently, an inter-agency working group, which included representatives of State bodies and the international and non-governmental sectors, has drafted a new national strategy for the period up to 2030 and a new plan of action for 2022–2024. The new strategy has the following priorities:

- Expanding economic opportunities for women: promoting women's employment; creating conditions to ensure decent work for women and men; and improving gender-sensitive climate change adaptation

- Cultural policy and functional education: promoting cultural norms and attitudes conducive to gender equality; promoting functional education on gender issues; and explaining the types of gender-based discrimination and violence and how to prevent them
- Strengthening protection against gender-based discrimination and ensuring fair justice: monitoring law enforcement practices and developing legal and institutional mechanisms to ensure effective investigations and fair justice in cases of gender-based discrimination and offending; developing and implementing legislation to combat discrimination in all its forms; incorporating legal mechanisms into legislation on sexual harassment and implementing them; instituting a systemic analysis of law enforcement practices with regard to the investigation of cases of gender-based discrimination and offending and introducing measures reflective of inclusive approaches, the diversity of needs and the unique aspects of interacting with victims of gender-based offences; introducing and implementing mechanisms for inter-agency cooperation in the area of preventing and responding to gender-based violence in emergency and crisis situations; studying practice relating to the protection of property relations and violations of the property rights of women in unregistered marriages and introducing legislative measures where appropriate; developing a re-education programme for perpetrators of domestic violence and evaluating its effectiveness; developing a comprehensive system of services and assistance for victims of gender-based discrimination and violence; and preventing gender-based discrimination and violence, including in the overall corporate culture of organizations, regardless of their form of ownership
- Promoting gender equality in decision-making and increasing women's political participation: developing and introducing special measures to ensure gender representation in political State and municipal posts and in administrative State and municipal posts (with neither sex accounting for over 70 per cent); and incorporating a gender-sensitive approach into the activities of political parties and supporting women's political leadership
- Regulatory policy: improving the national institutional mechanism for achieving gender equality at all levels of government; incorporating a comprehensive gender-sensitive approach into the policies and activities of central and local government bodies; rolling out a gender-sensitive human resources policy in the State and municipal civil service; improving the legal and regulatory framework and law enforcement practices for the implementation of gender policy; strengthening parliamentary and public oversight of compliance with the requirements of national law relating to the need to analyse adopted laws and regulations from a gender perspective; and standardizing national gender statistics and harmonizing indicators with international obligations

19. Women currently account for 33.4 per cent of local court judges and 37.1 per cent of Supreme Court judges. The president and one of the three vice-presidents of the Supreme Court and three of the eight presidents of the appellate courts are women. In addition, during the elections to the Zhogorku Kenesh held in November 2021, 377 of the 1,046 candidates were women. The outcome was that, with the application of the 30 per cent gender quota, the 54 members elected from the party lists included 18 women, and 1 woman was elected from the single-member constituencies. Accordingly, 19 of the 90 members of the Zhogorku Kenesh (21 per cent) are women. The number of women local councillors increased from 11 in 2017 to 20.8 per cent in 2021.

20. Article 24 of the Constitution adopted by referendum on 11 April 2021 states that: "In Kyrgyzstan, men and women have equal rights and freedoms and equal opportunities to exercise them."

21. Article 37 of the Constitution also provides for equal rights and opportunities to exercise electoral rights: "Citizens of Kyrgyzstan have the right to vote in elections to central and local government bodies and to be elected to such bodies."

22. In view of the low representation of women in elected bodies, especially in rural councils (*aiylny kenesh*), Kyrgyzstan has taken a number of special measures at the legislative level to facilitate the equal participation of women in political life.

23. Article 24 of the Constitution states that: “Special measures established by law and aimed at ensuring equal opportunities for various social groups in accordance with international obligations do not constitute discrimination.”

Measures relating to elections to the national parliament

- Since 2011, a special measure has been in force in the context of elections to the national parliament and municipal councils under the proportional system: when putting forward lists of candidates, political parties must establish gender quotas to ensure that neither sex accounts for more than 70 per cent of candidates.
- In 2017, legislative provision was made for a mechanism to ensure that a seat left empty by a woman passes to another woman. This provision entered into force in January 2020. In two years, the number of women members of the national parliament has increased by three.

Act No. 96 of 5 June 2017 amending the Constitutional Act on Presidential Elections and Elections to the Zhogorku Kenesh (art. 65)

- In 2021, in accordance with the Constitution, the number of members of the Zhogorku Kenesh was reduced from 120 to 90.

24. Pursuant to the new version of the Constitution, the Constitutional Act on Presidential Elections and Elections to the Zhogorku Kenesh was amended to stipulate that the 90 members of the national parliament are elected under a mixed electoral system:

- 54 members are elected from multi-member constituencies with open lists under a proportional system
- 36 members are elected from single-member constituencies under a majority system

25. In addition to pre-existing requirements relating to the representation of women on the candidate lists put forward by political parties for elections under the proportional system, special measures were introduced in the form of a rule that at least 30 per cent of elected members must be women.

26. The application of these rules resulted in the election of 18 women to the Zhogorku Kenesh under the proportional system and 1 woman under the majority system. Accordingly, the Zhogorku Kenesh has 19 women members (21 per cent).

27. Although the overall number of members of the Zhogorku Kenesh fell from 120 to 90, the number of women members remained the same, at 19, which represents an increase of 6 per cent (in 2020, women held 15.38 per cent of the 120 seats).

Act No. 103 of 26 August 2021 amending the Constitutional Act on Presidential Elections and Elections to the Zhogorku Kenesh (art. 64)

28. Owing to the nature of the majority system, it is not possible to adopt special measures to establish a quota for women in single-member constituencies.

29. In view of this fact, the Central Election Commission intends to make efforts to strengthen the capacity and competitiveness of women candidates with a view to ensuring equal participation in elections through ongoing information, educational, consultation and awareness-raising measures and outreach activities aimed at overcoming negative stereotypes about the participation of women in politics.

Measures relating to local council elections

30. In 2019, to increase the representation of women among local councillors, it was made a rule that, during rural council elections, at least 30 per cent of seats in each electoral district should be reserved for women.

Act No. 117 of 8 August 2019 amending the Local Council Elections Act (arts. 59-1 and 62)

31. In 2021, this rule was implemented during the elections to 448 local councils and resulted in an increase in the proportion of women among rural council members from 9.6 per cent to 38.76 per cent.

32. The following rules were also introduced as a protective measure to maintain the representation of women among local councillors:

- At the municipal council level, a procedure analogous to that applied during parliamentary elections was introduced to ensure that any seat left empty by a woman passes to another woman
- At the rural council level, a rule was introduced to ensure that, if the term of office of a woman who won her seat through the quota system ends prematurely, her seat passes to the woman candidate who received the next highest number of votes in the electoral district in question

33. In the event that the term of office of a man who is a member of a rural council ends prematurely, there is no legal requirement that the empty seat should pass to another man. In such cases, the empty seat passes to the candidate who received the next highest number of votes, regardless of sex, such that it could pass to a woman.

Act No. 117 of 8 August 2019 amending the Local Council Elections Act (art. 52)

34. As at 1 June 2022, the 484 local councils had a total of 9,062 councillors, of whom 3,316 (36.59 per cent) were women:

- The 32 municipal councils had a total of 951 councillors, of whom 264 (27.76 per cent) were women
- The 452 rural councils had a total of 8,111 councillors, of whom 3,045 (37.54 per cent) were women

35. On 2 November 2021, the Committee on the Elimination of Discrimination against Women considered the fifth periodic report of Kyrgyzstan (https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2489&Lang=en).

F. Replies to the issues raised in paragraph 6 of the list of issues

36. In accordance with the Constitution, human and civil rights and freedoms may be restricted by the Constitution and the law in order to protect national security, public order, public health or morals or the rights and freedoms of others. Such restrictions may also be imposed in view of the specific characteristics of military or other public service. Any restrictions imposed must be proportionate to the stated aims.

37. It should be noted that the Civil Defence Act is being revised as part of the review of national legislation.

G. Replies to the issues raised in paragraph 7 of the list of issues

38. Kyrgyzstan has now acceded to 11 of the 19 universal international instruments adopted by the United Nations on terrorist offences and counter-terrorism measures.

39. The competent authorities of Kyrgyzstan are active within the framework of the fourth phase of the Joint Plan of Action for the Implementation of the United Nations Global Counter-Terrorism Strategy in Central Asia and the Eurasian Group on Combating Money Laundering and Financing of Terrorism.

40. Work is under way to align national legislation with the provisions of the international treaties to which Kyrgyzstan is a party. In particular, a new counter-extremism and counter-terrorism programme is being drafted for the period 2023–2027. The text will comprehensively address challenges and threats, set out goals and objectives and provide for

a protocol of common actions for State bodies and society as a whole with a view to combating extremism and terrorism in the country.

41. In addition, in accordance with the draft human rights plan for the period 2022–2024, the Counter-Extremism Act is to be amended to establish clear definitions of the terms “extremism”, “extremist activity” and “religious extremist, separatist and fundamentalist ideas”, along with specific criteria for declaring a counter-terrorism operation or authorizing the use of force during counter-terrorism operations.

42. It should be emphasized that, during investigations in criminal cases involving terrorism, any special and other investigative actions, the detention procedure and the application of restrictive preventive measures are minutely regulated under criminal procedure law, which also sets out the procedural rights and obligations of each participant in the criminal proceedings, including suspects and defendants.

43. The following information concerns the situation of Kyrgyz citizens in “refugee camps” and prisons in north-east Syria and in prisons in Iraq.

44. As at December 2021, 575 Kyrgyz nationals (156 women, 370 children and 49 men) had been identified in camps and prisons in Syria. In Iraq, 43 Kyrgyz nationals are serving prison sentences; 5 of them have been sentenced to death. Since 2019, Kyrgyzstan has been working to have their sentences commuted to life imprisonment. According to Iraqi officials, the matter is pending before a court of appeal in Iraq.

45. In March 2021, with the support of the United Nations Children’s Fund (UNICEF) and the Red Crescent Society of Kyrgyzstan, 79 minor children of women serving sentences in Iraqi prisons were repatriated from Iraq to Kyrgyzstan with the consent of their mothers and the agreement of relatives to raise them in the family. The parents of two further children refused for them to be repatriated because they had no relatives in Kyrgyzstan; the refusals of the two mothers in question were recorded on video and set out in writing. The courts have granted the relatives of the 79 repatriated children legal guardianship over them, and the children have all been placed with the families. Of these children, 50 are of school age and are attending general education institutions, 17 have been enrolled in kindergartens and 12 younger children are being raised at home in accordance with their guardians’ wishes.

46. The competent authorities of Kyrgyzstan are currently considering the merits of concluding an agreement with Iraq on the transfer of convicted persons.

H. Replies to the issues raised in paragraph 8 of the list of issues

47. In accordance with the Constitution, human rights and freedoms belong to everyone from birth and are among the highest values; they are recognized as absolute, inalienable and protected by law and the courts from violation by anyone whatsoever. They have direct effect and determine the purpose and content of the activities of all central and local government bodies and their officials. The adoption of secondary legislation that restricts human and civil rights and freedoms is prohibited. Kyrgyzstan ensures the protection of the rights and freedoms of all persons within its territory and subject to its jurisdiction.

48. Violation of the right to equality is an offence under the Criminal Code (art. 185). The Code of Criminal Procedure states that criminal justice is administered in accordance with the rule of law, under which the individual and his or her rights and freedoms are recognized as the highest values. Judges, procurators, investigators and bodies conducting initial inquiries must provide victims of criminal offences with access to justice and reparation for harm caused, in the cases and in line with the procedure determined by law (Code of Criminal Procedure, arts. 7 and 10).

49. National law thus contains sufficient provisions to provide full and effective protection against direct, indirect and multiple discrimination in all spheres and on all grounds prohibited under the Covenant, including on grounds of sexual orientation and gender identity, sex, race, language, disability and ethnic origin, and to guarantee all persons equal and effective protection in court proceedings.

50. The Higher School of the Judiciary regularly organizes various seminars and round tables for civil servants on the principle of non-discrimination; such issues are extensively discussed at these events.

I. Replies to the issues raised in paragraph 9 of the list of issues

51. The national referral mechanism for victims of trafficking in persons was introduced in 2019. In this context, an official policy has been developed on victim identification, referral assistance, social service delivery and protection of victims' personal data; it states that victims are not required to participate in a criminal case in order to receive support. The policy also includes provisions on working with children and providing them with appropriate assistance.

52. Educational materials on the topic have been developed and used to provide training for law enforcement and court officials.

53. The Ministry of Labour, Social Security and Migration supports crisis centres through a competitive social-sector procurement process held each year. All crisis centres that provide services for women and girls who are victims of domestic violence are eligible to participate. Kyrgyzstan has 18 crisis centres for women and girls; they provide legal assistance, information, rehabilitation services and psychological support to those who have been subjected to domestic violence and also accept victims of trafficking in persons.

54. To prevent and suppress offences involving the sexual exploitation of children and the production and distribution of pornography, the necessary investigative and preventive measures are taken on an ongoing basis, as are measures to raise awareness via the media – through television and radio, print publications, social networks and the websites of provincial media centres – of the fact that sexual violence against children is not tolerated.

55. In 2020, the Government approved a list of prohibited occupations for persons aged under 18 years. Every year, labour inspectors from the State Inspectorate for Environmental and Technical Safety visit all enterprises and organizations, regardless of their form of ownership, to ensure compliance with the legislation on youth and child labour; carry out activities to raise awareness among relatives and parents of the labour rights of minors and the dangers of child labour; and organize and deliver training on child labour issues for managers and professionals of enterprises and organizations, farmers and members of peasant holdings.

56. In this context, the Ministry of Internal Affairs has developed an inter-agency schedule of operational activities to prevent homelessness, neglect and delinquency among minors. In accordance with the schedule, regular “teenage labour” raids are carried out in the country together with relevant State bodies. Information regarding any minors found to be working is referred to social development bodies for appropriate action and to the State Inspectorate for Environmental and Technical Safety under the Government for the purpose of labour legislation monitoring. Individual child protection plans are drawn up for all the children; under these plans, children are provided with social services at rehabilitation centres.

J. Replies to the issues raised in paragraph 10 of the list of issues

57. The process of setting up local committees on protection and defence against domestic violence in every district of the country began in early 2020. These are standing collegial bodies established on a voluntary basis from among representatives of central and local government bodies (those responsible for implementing legislation on protection against domestic violence), members of the local community and representatives of civil society to support engagement and cooperation with regard to preventing domestic violence and violations of the rights of women, children, older persons and persons recognized as legally incompetent. The local committees are set up by local government bodies.

58. Since 2016, the 112 emergency call service operated by the Ministry of Emergency Situations has been taking calls regarding incidents of domestic and gender-based violence against women, men and children. The combined 112 number can be called from any mobile

telephone, and calls are free of charge. All incoming calls are registered by 112 emergency call service dispatchers and, depending on the nature of the call, are forwarded to the relevant emergency services, mainly 102 and 103. The 112 emergency call service monitors the organization of responses to incidents.

59. In 2021, the Public Safety Service of the Ministry of Internal Affairs established a new department for the prevention of domestic violence and coordination of the activities of mobile police units. The main tasks of these units are to protect the constitutional rights, freedoms and legitimate interests of women against unlawful acts; to organize and carry out work to prevent domestic violence; to collect all data and carry out qualitative analysis; to plan the activities of the internal affairs agencies in connection with the prevention of domestic violence; to organize and deliver seminars and training sessions to improve the work of police officers in preventing domestic violence; to provide methodological assistance to internal affairs units on preventing domestic violence; to ensure comprehensive engagement with social services and local government bodies regarding the prevention of domestic violence; and to provide legal education and cultivate legal literacy among the public in connection with respect for the individual and security of the person.

60. In 2020, article 504 of the Code of Criminal Procedure was amended to establish that a person suspected of committing a domestic violence offence may be detained on the following grounds: (1) if there is a real threat to the life or health of the victim, other family members or persons of similar status; (2) if the suspect is under the influence of alcohol or another intoxicating substance and poses a threat to the victim, other family members or persons of similar status; and (3) if there is reason to believe that the suspect will continue to harass, threaten, beat, insult or humiliate the victim, other family members or persons of similar status. Since the entry into force of these amendments, 46 suspects have been detained for up to 48 hours as a preventive measure.

61. In 2019, a procedure for cooperation among the State bodies that ensure protection against domestic violence, a procedure for the provision of assistance to victims of domestic violence and a model re-education programme aimed at changing the violent behaviour of perpetrators of domestic violence were approved. In 2020, instructions on providing assistance to victims of domestic violence and model regulations on the local committees on protection and defence against domestic violence were approved; amendments were introduced to the government decision approving the protection order template; a practical manual on the collection of data on gender-based and domestic violence was developed for employees of health-care organizations; and reporting forms were revised. The National Mental Health Centre has approved a form for registering victims of violence and collecting data on victims of domestic violence. Every case is immediately brought to the attention of the local law enforcement bodies.

62. In accordance with the Protection against Domestic Violence Act, as updated in 2020, the procuratorial authorities oversee the implementation of legislation on protection against domestic violence and apply to the courts to protect the rights and interests of victims of domestic violence who, for whatever reason, are unable to assert their rights and freedoms in court themselves.

63. As a result of the adoption of the Civil Defence Act, No. 54 of 24 May 2018, gender-specific and demographic needs are now – for the first time – taken into account in the definition of safety in emergency and crisis situations, and gender aspects have been incorporated into relevant articles of the Act with a view to reducing the risks of violence against women and children in emergency and crisis situations (arts. 2 (8), 3 (2), 5 (2.1) and (2.17) and 7 (10)). In addition, the Ministry of Emergency Situations introduced draft regulations on the procedure for cooperation among central and local government bodies, other organizations and citizens to reduce the risks of violence against women and children in emergency and crisis situations, which were approved by Government Decision No. 418 of 22 August 2019. This is the first such document to receive government approval in the countries of the former Soviet Union.

64. To ensure that internal affairs officers receive training on the use of gender-sensitive investigation and interrogation methods when dealing with cases of gender-based violence against women, instructions on organizing and improving the work carried out by the internal

affairs agencies to ensure protection against domestic violence, which set out in detail all the provisions and principles relating to police support for victims of domestic violence, were approved. Staff members of the internal affairs agencies have all studied and taken tests on these instructions as part of their official professional and in-service training. Accordingly, every serving internal affairs officer knows how to respond to incidents of domestic violence and is aware that temporary protection orders must immediately be issued, both to the victim and in respect of the perpetrator in such cases, and that temporary protection orders may be renewed for a period of 30 days.

65. All persons convicted under articles 75 and 76 of the Code of Infractions who are placed on probation are also registered with the relevant bodies of the Ministry of Internal Affairs. The Department of Social Support and Rehabilitation and officers of local probation agencies work to identify incidents of domestic violence perpetrated by persons placed on probation and to raise awareness of the fact that domestic violence is unacceptable.

66. In the first five months of 2022, the internal affairs agencies issued 3,693 temporary protection orders in respect of perpetrators of domestic violence (3,490 in respect of men and 203 in respect of women); 126 of these protection orders were renewals. Temporary protection orders were issued to 3,693 victims of domestic violence (121 male victims and 3,482 female victims); of these, 90 were minors (43 boys and 47 girls).

67. In 2020, 8,577 temporary protection orders were issued in respect of perpetrators of domestic violence (7,954 in respect of men and 623 in respect of women); 157 of these protection orders were renewals. Temporary protection orders were issued to 8,577 victims of domestic violence (363 male victims and 7,891 female victims); of these, 323 were minors (154 boys and 169 girls).

68. In 2021, 8,322 temporary protection orders were issued in respect of perpetrators of domestic violence (7,910 in respect of men and 412 in respect of women); 101 of these protection orders were renewals. Temporary protection orders were issued to 8,322 victims of domestic violence (7,807 female victims and 278 male victims); of these, 237 were minors (124 boys and 113 girls).

69. With regard to cases of infractions in 2020, 287 guilty verdicts were handed down, proceedings were terminated in 723 cases, and 290 persons, including 39 women, were convicted. There were 947 female victims of domestic violence infractions, including 19 minors.

70. Judicial statistics on criminal cases involving domestic violence show that the courts considered 84 criminal cases, proceedings were terminated in 28 cases, and 84 persons, including 12 women, were convicted. Moreover, 117 persons were recognized as victims; of these, 84 (including 22 minors) were female.

71. Currently, 248 convicted women prisoners are held at Penal Correction Service institution No. 2. Of these, 23 committed offences in a domestic violence context and were convicted under articles 130 or 138 of the Criminal Code.

72. It should also be noted that, since 24 June 2021, a woman who had been subjected to domestic violence during her marriage, which ultimately led to the murder of the perpetrator, her husband, has been registered with the probation agency of Kemin District, Chüy Province. The woman had been sentenced by the Kemin District Court to 5 years' imprisonment under article 131 (1) of the Criminal Code (Manslaughter committed under a loss of self-control). In application of article 83 of the Criminal Code, she was placed under probation supervision for two years.

73. In October 2021, standard operating procedures on the provision of basic services in the context of law enforcement and the justice system to women and children who have been subjected to violence were approved in order to strengthen efforts to suppress and prevent domestic violence and eliminate secondary victimization during the initial inquiry and investigation stages. These standard operating procedures serve as a guide for neighbourhood police officers, inspectors for minors' affairs, operational and investigative officers and educational institutions that are part of the Ministry of Internal Affairs system and provide staff training.

74. The Ministry of Internal Affairs has developed standard operating procedures on the provision of basic services for the benefit of officials investigating gender-related offences against women and children. The resource covers the fundamental international principles and standards relating to basic services and assistance for women and children who have been subjected to violence with a view to ensuring that justice services are accessible and effective during the investigation phase of a criminal case. The possibility of introducing an institutional-level practice of entrusting the investigation of criminal cases involving gender-based offences to female officers is also under consideration.

75. The Higher School of the Judiciary has supplemented its training programmes with lectures for judges on the specific characteristics of hearing cases involving offences against women and girls, including such lectures as “Criminal law aspects of domestic violence” and “Hearing of criminal cases involving gender-related offences in the light of the new Criminal Code and Code of Criminal Procedure” and a training seminar for court personnel entitled “Capacity-building with regard to the collection, analysis and quality of statistical data on gender-based discrimination and violence”. In 2021, the Supreme Court produced a compilation of case law on the application by local courts of substantive and procedural legislation in criminal cases involving the offences against sexual integrity and sexual freedom set out in article 161 (Rape), article 162 (Violent acts of a sexual nature), article 163 (Coercion to engage in acts of a sexual nature) and article 164 (Acts of a sexual nature with a person aged under 16 years) of the Criminal Code.

76. As part of a project entitled “Multisectoral cooperation for inter-ethnic peace in Kyrgyzstan”, outreach activities were carried out to make religious officials aware of the provisions of the Act on State Guarantees of Equal Rights and Opportunities for Men and Women and the Social and Legal Protection against Domestic Violence Act and the need to perform the religious rite of *nikah* only after a marriage has been officially registered. The new Criminal Code has a dedicated chapter on offences against family relations and the interests of minors, including forced and early marriages. In addition, 40 madrasas across the country have introduced a course on health basics and the prevention of domestic and gender-based violence, which covers legislation relating to the family and the age of marriage.

77. The country currently has six crisis centres providing legal assistance, information, rehabilitation services and reintegration support to victims of gender-based and domestic violence and trafficking in persons: Sezim and Shans in Bishkek; Ak-Zhurok and Akyl Karachach in the city of Osh and Osh Province; Kaniyet in Jalalabad Province; and Zhanylmyrza in Batken Province.

K. Replies to the issues raised in paragraph 11 of the list of issues

78. The Constitution establishes that human rights and freedoms are among the highest values and that no one may be subjected to torture or other cruel, inhuman or degrading treatment or punishment. The prohibition on the use of torture is also enshrined in laws and regulations setting out the procedure for the conduct of criminal proceedings, the procedure for remanding a person in custody and the conditions of such custody, placement in specialized institutions and so forth.

79. In the overwhelming majority of cases, it is difficult to prove that the offence of torture has been committed because the evidence is based largely on the testimony of the victims. Expert examinations, and the findings thereof, are therefore especially important.

80. Consequently, in accordance with national criminal procedure legislation and the principles of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), whenever an incident of torture is investigated, forensic medical, psychiatric and other types of examination must be conducted to document the torture and ill-treatment.

81. It should be noted that compliance with the rules and principles of the Istanbul Protocol is mandatory, and Kyrgyzstan has implemented the standards for which the Protocol provides.

82. With regard to the investigation of cases relating to the events of 2010, 83 criminal cases against a total of 199 persons were referred to the courts of Jalalabad Province; 102 criminal cases involving a total of 235 persons were considered, and 83 of them – involving a total of 199 persons (87 Kyrgyz, 103 Uzbeks, 1 Tatar and 2 Russians) – were considered on the merits.

83. The consideration of 62 cases resulted in guilty verdicts against a total of 159 persons (103 Uzbeks, 87 Kyrgyz, 1 Tatar and 2 Russians). Of these persons, 36 (23 Uzbeks, 11 Kyrgyz, 1 Tatar and 1 Russian) were sentenced to a term of imprisonment, including 27 (all Uzbek) who were sentenced to life imprisonment, 90 (39 Uzbeks and 51 Kyrgyz) received suspended sentences and 3 (2 Kyrgyz and 1 Russian) were fined.

84. The consideration of one criminal case involving a total of 13 persons (10 Kyrgyz and 3 Uzbeks) resulted in acquittals.

85. The consideration of six cases involving a total of 8 persons resulted in decisions to terminate criminal proceedings under articles 65 and 66 of the Criminal Code.

86. Three criminal cases involving a total of 4 persons (1 Kyrgyz and 3 Uzbeks) were returned to the procurator's office for further investigation.

87. Six criminal cases involving a total of 7 persons (3 Kyrgyz and 4 Uzbek) were returned to the procurator's office for other reasons.

88. Four criminal cases involving a total of 10 persons (6 Kyrgyz and 4 Uzbeks) were referred to other courts that had the necessary jurisdiction.

89. Of the criminal cases considered by courts of first instance, 27 cases involving 98 persons resulted in appeals: the judgments in respect of 43 persons were amended; the judgments in respect of 18 persons were overturned; and the judgments in respect of 37 persons were left unchanged.

90. Of the cases considered by courts of second instance under the supervisory procedure, 13 cases involving 54 persons led to appeals: the judgment in respect of 1 person was amended; the judgments in respect of 2 persons were overturned and the case referred for a new trial; and the judgments in respect of 51 persons were upheld.

91. Following consideration of these cases, 31,417,340 soms was awarded to victims and 20,000 soms to the State.

92. Most of the convictions were under the following articles of the Criminal Code: article 233 (Mass disturbances), article 241 (Illegal acquisition, transfer, sale, storage, transport or carrying of firearms, ammunition, explosives or explosive devices), article 299 (Incitement to ethnic, racial, religious or interregional hostility), article 97 (Murder), article 174 (Malicious destruction or damage to property) and article 167 (Robbery).

93. Overall, 180 criminal cases involving a total of 344 persons were brought before the courts of Osh Province.

94. The consideration of 119 cases resulted in guilty verdicts against a total of 231 persons (207 Uzbeks, 19 Kyrgyz, 3 Uighurs, 1 Tajik and 1 Tatar). Of these persons, 136 (125 Uzbeks, 7 Kyrgyz, 3 Uighurs and 1 Tajik) were sentenced to a term of imprisonment, including 15 (13 Uzbeks and 2 Kyrgyz) who were sentenced to life imprisonment, 78 (67 Uzbeks, 9 Kyrgyz, 1 Tatar and 1 Tajik) received suspended sentences and 9 (6 Uzbeks and 3 Kyrgyz) were fined.

95. The consideration of five criminal cases involving a total of 7 persons (5 Uzbeks and 2 Kyrgyz) resulted in acquittals.

96. The consideration of seven cases involving a total of 13 persons resulted in decisions to terminate proceedings under articles 65 and 66 of the Criminal Code. The criminal proceedings against one person were terminated on the basis of the Amnesty Act of 19 July 2011.

97. In addition, 21 cases involving a total of 48 persons were returned to the procurator's office for further investigation, and 9 cases involving a total of 14 persons were returned to the procurator's office for other reasons.

98. Of the criminal cases considered by courts of first instance, 92 cases involving 161 persons resulted in appeals: the judgments in respect of 53 persons were amended; the judgments in respect of 36 persons were overturned; and the judgments in respect of 36 persons were left unchanged.

99. Of the cases considered by courts of second instance under the supervisory procedure, 44 cases involving 96 persons led to appeals: the judgments in respect of 3 persons were amended; the judgments in respect of 30 persons were overturned; and the judgments in respect of 42 persons were upheld.

100. Following consideration of these cases, 26,506,336 soms was awarded to victims, 2,600,000 soms as moral damages and 63,760,417 soms to the State.

101. Most of the convictions were under the following articles of the Criminal Code: article 233 (Mass disturbances), article 241 (Illegal acquisition, transfer, sale, storage, transport or carrying of firearms, ammunition, explosives or explosive devices), article 97 (Murder), article 174 (Malicious destruction or damage to property), article 167 (Robbery) and article 172 (Unlawful taking of an automobile or other means of transport).

L. Replies to the issues raised in paragraph 12 of the list of issues

102. In accordance with article 105 of the Constitution of 2021, investigative functions have been restored to the procuratorial authorities. Under the new Code of Criminal Procedure, which entered into force on 1 December 2021, investigations into offences involving torture are carried out by investigators attached to the procuratorial authorities or national security bodies. Article 137 of the new Criminal Code states that torture is punishable by imprisonment for a term of from 5 to 12 years with forfeiture of the right to hold certain posts or engage in certain activities for up to three years.

103. The Higher School of the Judiciary holds regular training events on the topic. For example, the seminars organized for local court judges over the period 2019–2021 included the following: “Specific characteristics of the hearing by the courts of criminal cases of torture”, “The right to freedom from torture and other cruel, inhuman or degrading treatment or punishment”, “Specific characteristics of the hearing by the courts of cases involving the use of torture” and “Guidance for judges on lawful, sound and fair decision-making in compliance with international human rights standards on torture”. Over 80 judges participated in these seminars.

104. In accordance with article 43 of the Penalties Enforcement Code, for the purpose of monitoring respect for the constitutional rights and freedoms of convicted prisoners, the Ombudsman and his or her deputies, authorized employees of the Office of the Ombudsman, authorized members of the United Nations Committee against Torture and their representatives, members of the Coordinating Council on Human Rights and officials of the National Centre for the Prevention of Torture may visit correctional institutions without any special authorization.

105. In discharging their mandates, the National Centre for the Prevention of Torture and the Office of the Ombudsman conduct scheduled and unscheduled monitoring visits to all correctional institutions. In the first five months of 2022, 156 preventive visits to temporary holding facilities of the internal affairs agencies were conducted by oversight bodies, including 117 by senior internal affairs officers, 28 by representatives of procurator’s offices, 4 by representatives of the Ombudsman, 6 by the National Centre for the Prevention of Torture and 1 by a non-governmental organization (NGO). In 2021, 8,461 preventive visits were made to internal affairs temporary holding facilities, including 5,953 visits by senior internal affairs officers, 2,001 by representatives of procurator’s offices, 204 by representatives of the Ombudsman, 265 by the National Centre for the Prevention of Torture and 38 by NGOs.

106. Over the period 2020–2021, seven complaints regarding corrections officers were received from persons detained at correctional institutions. The claims made regarding the use of physical force or the exertion of psychological pressure could not be substantiated through internal investigations.

107. In 2020, 275 reports of torture or ill-treatment were recorded in the consolidated register of offences, an automated information system (compared with 370 in 2019). Following the inquiry stage, proceedings were terminated in 155 cases (compared with 185 in 2019), 5 cases were combined with others (compared with 1 in 2019), 12 cases were referred to the courts (compared with 11 in 2019) and 103 cases remained under investigation (compared with 172 in 2019).

108. On 10 November 2021, the Committee against Torture considered the third periodic report of Kyrgyzstan (see https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2455&Lang=en).

M. Replies to the issues raised in paragraph 13 of the list of issues

109. In accordance with article 532 of the Code of Criminal Procedure, a person may not be extradited if there are grounds for believing that he or she is at risk of being subjected to torture in the requesting State.

110. One of the measures set out in the draft human rights plan for the period 2022–2024 is the development and introduction of a mechanism to monitor extraditions and the possibility of appealing against the extradition decisions of relevant State bodies.

111. The detention and extradition of B. Abdullaev took place in accordance with national law and the relevant international treaties to which Kyrgyzstan is a party.

112. On 27 July 2020, the State Committee on National Security received a request from the State Security Service of Uzbekistan under the Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 22 January 1993 regarding criminal case No. 170008/2020-45IQ involving Abdullaev Bobomurod Kodirovich, an Uzbek national born on 1 April 1973, who had been charged in absentia under articles 158 and 159 of the Criminal Code of Uzbekistan.

113. According to the documentation provided by Uzbekistan, on 23 July 2020, the Mirzo Ulugbek District Criminal Court in Tashkent had decided that the accused, Mr. Abdullaev, should be remanded in custody as a preventive measure, and he had been declared a wanted person. It emerged from the information contained in the request that Mr. Abdullaev was in hiding in Kyrgyzstan and, in accordance with the Minsk Convention, was subject to extradition to Uzbekistan.

114. On 9 August 2020, Mr. Abdullaev was detained under article 525 of the Code of Criminal Procedure and, pursuant to a decision of the Pervomaisky District Court in Bishkek of 10 August 2020, was remanded in custody for 30 days – until 8 September 2020 – as a preventive measure in a State Committee on National Security remand centre.

115. On 11 August 2020, the Office of the Procurator General of Kyrgyzstan decided to grant the request of the Office of the Procurator General of Uzbekistan for Mr. Abdullaev's extradition to face criminal prosecution, and a decision was issued to that effect. In accordance with the requirements of article 523 of the Code of Criminal Procedure, this decision was served to Mr. Abdullaev together with an explanation of his right to appeal it before the country's judicial authorities.

116. According to a note verbale from the Office of the United Nations High Commissioner for Human Rights of 11 August 2020, Mr. Abdullaev applied – through his lawyer – to the State Migration Service under the Government of Kyrgyzstan for refugee status. However, the application submitted by his lawyer was not accepted for consideration and was returned because it had not been properly filed. As at 21 August 2020, therefore, Mr. Abdullaev did not have the status of an asylum-seeker in Kyrgyzstan.

117. On 21 August 2020, the aforementioned decision of the Office of the Procurator General of Kyrgyzstan regarding Mr. Abdullaev's extradition to the competent authorities of Uzbekistan – which had not been appealed before the judicial authorities – became enforceable. Consequently, on 22 August 2020, Mr. Abdullaev was handed over to officers of the State Security Service of Uzbekistan at the Manas Airport checkpoint in Bishkek.

N. Replies to the issues raised in paragraph 14 of the list of issues

118. The Constitution states that, from the outset of the actual deprivation of liberty, the safety of detained persons is ensured, and they are afforded the opportunity to defend themselves in person, obtain professional legal assistance from a lawyer or be defended by counsel.

119. In accordance with article 44 of the Code of Criminal Procedure, suspects have the right to defend themselves either in person or with the assistance of counsel of their choosing and to be assisted by counsel as soon as they have been notified that they are suspected of having committed an offence. At the time of actual detention, the suspect must be told what he or she is suspected of and informed of the rights to have the assistance of a lawyer and to make use of State legal aid. Judges, procurators, investigators and bodies conducting initial inquiries must ensure the protection of the rights and freedoms of citizens participating in criminal proceedings, create conditions for the exercise of those rights and freedoms and take timely measures to satisfy the legitimate requests of participants in proceedings. Meetings between accused or convicted persons and their counsel are permitted in all cases if the latter can produce a warrant, an identity document or a letter from the person or body dealing with the criminal case authorizing him or her to participate in the proceedings.

120. In 2020, the law enforcement agencies detained 2,803 persons under article 98 of the Code of Criminal Procedure (compared with 4,376 in 2019). In this connection, 1,948 persons were remanded in custody as a preventive measure (compared with 3,011 in 2019), of whom 133 were women (compared with 172 in 2019) and 33 minors (compared with 57 in 2019); 761 persons were placed under house arrest (compared with 1,045 in 2019); travel restrictions were imposed on 76 persons (compared with 294 in 2019); 5 persons were bailed (compared with 10 in 2019); and 14 minors were transferred to the supervision of their parents or persons or organizations in loco parentis (compared with 17 in 2019).

121. There are 278 persons under investigation who are currently being held at State Penal Correction Service institutions. Of these persons:

- 172 persons have been detained for up to 2 months
- 86 persons have been detained for up to 3 months
- 12 persons have been detained for up to 4 or 5 months
- 4 persons have been detained for over 6 months

122. The draft human rights plan for the period 2022–2024 includes a number of measures to strengthen the efforts being made in this regard. One such measure is ensuring that legal safeguards relating to notification and registration of detention are systematically applied in practice, including by: conducting educational outreach activities for lawyers, law enforcement officials and the public on the granting of safeguards; informing all law enforcement officials that delaying notification and falsifying registration records are not tolerated; and systematically investigating all cases in which families are not notified or where registration records are falsified and punishing those responsible.

O. Replies to the issues raised in paragraph 15 of the list of issues

123. On 9 July 2020, A. Askarov, a convicted prisoner, reported to the medical unit of Penal Correction Service institution No. 19, complaining of generalized weakness, a high temperature and a lack of appetite. On the basis of his complaints and the results of an examination, he was diagnosed with an acute respiratory infection and it was recommended that he undergo inpatient treatment at the central hospital of Penal Correction Service institution No. 47. As documented in his medical record, Mr. Askarov categorically refused to do so.

124. From 12 July, Mr. Askarov's overall health status was assessed as being moderately severe as a result of symptoms of intoxication. He was treated symptomatically and was given antibiotics.

125. On 21 July, despite Mr. Askarov's refusal to undergo inpatient treatment, an application was prepared for his transfer to the aforementioned central hospital. On 24 July, owing to a deterioration of his health, it was decided that he should be forcibly transferred to the hospital.

126. Mr. Askarov was admitted to the central hospital with a preliminary diagnosis of community-acquired right-sided pneumonia and a saturation level of 80–83 per cent. He was put on an oxygen concentrator but categorically refused the treatment and removed the oxygen concentrator mask himself, as was documented.

127. At 10.30 a.m. on 25 July, medical workers pronounced Mr. Askarov dead.

128. A Penal Correction Service investigative team and a representative of the specialized procurator's office were dispatched to the scene. The discovery of a body without obvious signs of criminal activity was recorded in the consolidated register of offences on 25 July 2020 and the necessary examinations were ordered.

129. Once the investigative measures had been carried out with the participation of a forensic medical expert, Mr. Askarov's body was taken to the National Anatomical Pathology Office for an autopsy, which was performed in the presence of his lawyer and a representative of the Office of the Ombudsman.

130. On 14 August, a petition for an additional forensic medical examination was received from Mr. Askarov's lawyer; approval was given on 18 August by means of a decision stating that the examination was to provide answers to such questions as: what illnesses Mr. Askarov had had while serving his sentence in places of detention and when they had begun; how they had developed while he was incarcerated in a special-regime colony; what medical care had been provided and during which periods; whether adequate medical treatment had been provided in places of deprivation of liberty subject to the special regime; whether there is a direct causal link between Mr. Askarov's illnesses and his detention under the special regime for prisoners serving life sentences; and whether there is a direct causal link between Mr. Askarov's untimely death and the illnesses that he acquired while serving his sentence in places of deprivation of liberty.

131. According to forensic medical report No. 959 of 2 September 2020, Mr. Askarov died from respiratory failure caused by double pneumonia associated with ischemic heart disease. The examination of Mr. Askarov's body did not reveal any injuries other than injection marks.

132. However, the experts noted in their conclusion that, to answer the questions set out in the decision ordering the additional forensic medical examination, they would need access to additional medical documentation relating to Mr. Askarov and input from highly skilled physicians in the fields of pulmonology and cardiology. In this connection, the State Penal Correction Service issued a decision ordering an examination by a forensic medical panel, for which responsibility was assigned to experts from the National Psychiatric Medical Examination Centre of the Ministry of Health. At the same time, a letter was sent to the Ministry of Health regarding the participation in the examination of highly skilled physicians in the areas of pulmonology and cardiology.

133. According to forensic medical panel report No. 426 of 10 December 2020, there was no direct causal link between Mr. Askarov's illnesses and his detention under the special regime for prisoners sentenced to life imprisonment. In the light of the information contained in case history No. 210/414, namely the course of the disease and his very low blood oxygen saturation, and the forensic medical report, death resulted from respiratory failure, accompanied by a severe form of viral tachycardia (a heart rate of 120 beats per minute) caused by the coronavirus disease (COVID-19), which was not confirmed by laboratory tests, and double pneumonia. There is thus no direct link with the other chronic illnesses that he developed while serving his sentence in places of deprivation of liberty.

134. Pretrial proceedings in connection with Mr. Askarov's death were entrusted to the central department of the State Committee on National Security in Bishkek, which is currently carrying out investigative measures. Once they have been completed, a decision will be taken in accordance with the requirements set out in the Code of Criminal Procedure.

135. With regard to the release of prisoners with life-threatening diseases, for example AIDS or COVID-19, it should be noted that convicted prisoners who become unwell while serving a sentence in a place of deprivation of liberty or before being convicted must undergo a medical examination if, while they are serving their sentence, their condition worsens to the point where it falls within the list of diseases that may serve as the basis for releasing a prisoner from serving a sentence, which was approved by Government Decision No. 745 of 29 November 2011 (as amended by Government Decision No. 488 of 19 October 2018). The medical service carries out annual mass screening campaigns at all Penal Correction Service institutions to ensure that persons with serious physical illnesses are identified in a timely manner. In 2021, 6,183 prisoners were screened in total. To date, there have been no documented deaths attributable to a lack of proper medical care in correctional institutions.

136. In 2020, a total of 51 prisoners died (compared with 4 in 2021), including 2 from tuberculosis (compared with 1 in 2021), 0 from tuberculosis and HIV/AIDS (compared with 2 in 2021), 33 from non-specific physical illnesses (compared with 27 in 2021), 6 from COVID-19/pneumonia (compared with 0 in 2021) and 6 from cancer (compared with 1 in 2021).

137. To ensure respect for legitimate rights to State social benefits, compensation and services and enhance social protection for persons sentenced to imprisonment, the Penal Correction Service is working on a draft decision of the Cabinet of Ministers to amend Government Decision No. 68 of 31 December 2012 on medical and social examinations.

138. There are currently 88 convicted prisoners with disabilities in Penal Correction Service institutions; 9 with category I disabilities; 40 with category II disabilities; and 39 with category III disabilities. The Amnesty Act applies equally to persons with special needs.

139. According to article 1 of the Penalties Enforcement Code, the recommendations of international organizations relating to the enforcement of penalties and the treatment of convicted prisoners are implemented through penalties enforcement legislation where the necessary socioeconomic conditions are in place.

140. To date, 10 internal affairs temporary holding facilities have been overhauled, and new buildings have been built at the temporary holding facilities in Batken and Kadamjay Districts, Batken Province, and in Kochkor District, Naryn Province. In accordance with international standards, remand centre cells are ventilated, equipped with toilets and have natural light, detainees have access to weekly showers and the medical personnel of the facility make regular rounds to check sanitary conditions. The reconstruction of institution No. 27, where convicted former court and law enforcement officials can be held separately, has been completed. In the city of Jalalabad, institution No. 53 for minors and women who are suspected or accused of committing offences has become operational. A psychoneurological unit for the detention of prisoners with psychiatric disorders has been opened at institution No. 47. To improve conditions of detention in the short term for those sentenced to life imprisonment, there are plans to complete the construction of a second prisoner block at the special complex for the detention of prisoners sentenced to life imprisonment located at institution No. 19 (in the village of Jangy-Jer), since the first prisoner block that became operational has only partially solved the problem of ensuring that such prisoners are held separately (approximately 30 per cent). Work is under way to relocate individual State Penal Correction Service institutions (No. 10, No. 21, No. 23, No. 25 and No. 47). At institution No. 31, work has begun on the conversion of an industrial building into a hospital. It was decided that institution No. 21 should be relocated to a site adjacent to institution No. 50, in the village of Nizhniy Norus, Ysyk-Ata District, and work has been carried out to develop the terms of reference and initial designs for a remand centre on the site of institution No. 50.

P. Replies to the issues raised in paragraph 16 of the list of issues

141. In 2019, an updated version of the Conditions of Service in Law Enforcement Agencies Act was adopted. The Act directs the activities of the law enforcement bodies towards protecting individual rights and freedoms and the interests of society. It establishes a consolidated legal and organizational framework with regard to procedures and conditions

of service in the law enforcement bodies of Kyrgyzstan and sets out clear requirements for law enforcement officials with regard to the procedure for the use of physical force, special means, weapons, armaments and military equipment in view of the specific characteristics of service (arts. 36–58). Oversight of the lawfulness of their use is carried out by the procuratorial authorities in accordance with the procedure established by the Conditions of Service in Law Enforcement Agencies Act and the Procurator’s Office Act. If it is established that an official violated the procedure for the use of these methods, depending on the consequences of this violation, he or she is liable in accordance with the disciplinary regulations of the law enforcement bodies and national legislation on violations, infractions and crimes.

Q. Reply to the questions raised in paragraph 17 of the list of issues

142. Article 95 of the Constitution provides that judges are independent and subordinate only to the Constitution and laws of Kyrgyzstan. The President appoints local court judges at the proposal of the Judicial Board for an initial five-year term and a subsequent term that expires when they reach the age limit for judges. The procedure for proposing and appointing local court judges is defined in a constitutional law. In addition, in accordance with the aforementioned provision, presidents of local courts and their deputies are appointed by the President of the Supreme Court from among the judges of those courts.

143. In October 2021, the Zhogorku Kenesh adopted a number of bills (the Constitutional Act on the Supreme Court and Local Courts, the Constitutional Act on the Status of Judges, the Constitutional Act on the Judicial Board and the Judicial Self-Governance Bodies Act) on the regulation of the work of the Supreme Court and local courts, the principles for the administration of justice, the powers of courts and judges, the status of judges, the work of the judicial self-governance bodies to ensure the independence of the judicial system and steps for making judges more accountable for the quality of the administration of justice.

144. The rules concerning the composition of the Judicial Board play an important role in safeguarding the independence of judges. Thus, according to the Constitutional Act on the Judicial Board, the Board is composed of judges, who constitute at least two-thirds of its members, while one third are representatives of the President, the Zhogorku Kenesh, the People’s Assembly (Kurultai) and the legal community; eight judges are elected to the Board by the Council of Judges.

145. To date, there have been no recorded instances of intimidation or threats against judges by defendants or victims.

R. Reply to the questions raised in paragraph 18 of the list of issues

146. In accordance with article 94 (3) of the Constitution, the judicial system is established by the Constitution and laws of Kyrgyzstan, and consists of the Constitutional Court, the Supreme Court and the local courts.

147. The aforementioned constitutional provision states that the local elders’ (*aksakal*) courts are not part of the judicial system. Elders’ courts are community bodies, created on a voluntary basis, and are elected and self-governing.

S. Reply to the questions raised in paragraph 19 of the list of issues

148. At present, 57 mobile police units are in operation in the Republic. They are used to hold meetings at which members of the public are informed of the laws and regulations governing issues relating to minors; applications, communications and petitions are received from citizens.

149. Videos on suicide prevention, protection of minors from domestic violence and early marriage have been created and posted on the Ministry of Internal Affairs website. Videos entitled “Violence in the family destroys the child’s future”, “Do not quarrel” and “The toughest opponent is your own weakness and aggression” have been posted on social media.

Booklets have been developed, entitled “How to prevent child cruelty” and “Advice for children and parents when children become victims of violence”. Seminars on the prevention of violence against children are held at higher education establishments and secondary schools in the towns and regions, and articles on this topic are placed in the media.

150. Information about crisis centres is posted on the official website of the National Centre for Health Promotion under the Ministry of Health and on social networks, along with details of the 102, 111 and 112 telephone services, which should be contacted in cases of violence. The Children’s Helpline Centre receives calls daily, around the clock, to the 111 number; the Centre’s staff counsel callers, make recommendations and log and record calls. Posters, booklets, plans and operational algorithms for the social support of children in difficult circumstances have been produced for specialists in local social development departments and executive bodies of local authorities working in the field of child and parent protection. In addition, informational and educational bulletins on the proper performance of parental duties have been prepared and distributed to parents. Live television and radio broadcasts are organized with the participation of the director and staff of the Children’s Helpline Centre.

151. Media appearances by senior officials and staff of the Ministry of Labour and Social Development have been regularly organized. Between 2019 and 2021, 60 pieces were produced for television and 53 for radio, while 140 articles were published on news websites. In addition, press conferences were held by senior officials, at which the aforementioned issues were raised.

152. The Code of Infractions provides for liability for battery and for the commission of other violent acts (article 65: Battery), as well as for infractions against the interests of minors and family relations (article 75: Domestic violence), which are deemed to be any intentional actions committed by one family member against another family member or person of similar status that violate the constitutional and other rights and freedoms of the victim and cause him or her physical or mental suffering or harm his or her physical or psychological development. The penalties for these infractions have been increased.

153. Provisions outlawing the diminution of children’s dignity and the corporal punishment of children are also contained in other laws and regulations, including: the Education Act and the Act on the Status of Teachers; the model regulations on general education schools and the model regulations on the Commission on Children’s Affairs; the qualification requirements for teachers and managers of general education and preschool establishments; and the model instructions on cooperation among participants in the educational process, employees and students of general education establishments, parents and persons in loco parentis in ensuring protection against violence in those establishments.

154. A separate position of Ombudsman for Children’s Rights, reporting to the President, was introduced pursuant to Presidential Decree No. 134 of 7 May 2021. There are two coordinating councils under the Cabinet of Ministers: the Coordinating Council on the Social Protection and Rights of Children and the Inter-Agency Coordinating Council on Juvenile Justice. At the local level, there are commissions on children’s affairs in local State administrations and mayor’s offices. When families and children in difficult circumstances are identified, employees of the family and child protection units of the State’s district social development departments prepare draft individual child protection plans or plans for individual work with families to help them emerge from the crises in which they find themselves.

155. In order to develop family-based forms of care and support for families and children in difficult circumstances, a manual for coaches on positive parenting was approved pursuant to Order No. 818 of the Ministry of Health of 18 June 2021. Twenty resource trainers trained on the basis of this manual conducted training for 350 parents in Issyk-Kul Province, Kochkor District in Naryn Province and Bishkek.

156. In the period 2019–2020, procurator’s offices issued 2,444 instruments of procuratorial action to eliminate violations of the laws on the protection of the rights of minors that had come to light, and 61 cases were recorded in the consolidated register of offences. On the basis of the instruments, disciplinary action was taken against 2,815 persons.

T. Reply to the questions raised in paragraph 20 of the list of issues

157. In the context of the review of Kyrgyz legislation and in implementation of the Outline of State Policy on Religion for the period 2022–2026, a new version of the bill on freedom of religion and religious associations has been prepared.

158. The bill on freedom of religion and religious associations is intended to provide guarantees for the exercise of freedom of religion in Kyrgyzstan, in keeping with the Constitution, the generally recognized principles and rules of international law and the international treaties that have entered into force in accordance with national law. It establishes the status, rights and duties of religious associations and regulates relations arising from their activities.

159. From 4 to 28 November 2021, public consultations on the aforementioned bill were held in all regions of the country, with the participation of representatives of local State authorities, religious organizations, civil society and academia.

160. On 14 December 2021, the bill was posted on the website of the Cabinet of Ministers and on the website <http://koomtalkuu.gov.kg> for public consultation.

161. In order to ensure conditions conducive to the full functioning of organizations engaged in religious activities and minimize restrictions on religious freedom, Act No. 63 of 22 May 2021 and Act No. 140 of 21 December 2021 amending the Freedom of Religion and Religious Organizations Act removed the requirement for religious organizations, missions and religious education establishments to submit a list of citizens verified by a notary and approved by the local council upon registering with the State agency for religious affairs.

162. Religious organizations may distribute religious materials on premises belonging to them, as well as in places designated for that purpose by local State administrations under the established procedure. In addition, religious materials must be marked with the full name and affiliation of the religious organization that produced them.

163. Kyrgyz legislation provides for liability for unlawful obstruction of the activities of religious organizations or religious rites (Code of Infractions, art. 141).

164. Under the Constitution, everyone is guaranteed the right to a dignified burial after death, regardless of ethnicity, religion or other differences. The deceased's right to burial is connected with the protection of personal dignity and the right to liberty and security of the person. These rights derive from the relevant generally recognized principles and rules of international law, which, in accordance with the Constitution of Kyrgyzstan, form an integral part of the country's legal system. Everyone has the right to be buried according to his or her wishes, with the observance of customs and traditions and religious and ceremonial rites.

165. The State agency for religious affairs developed temporary instructions on the procedure for the burial of citizens, one of the main requirements of which was that burial must be in accordance with religious affiliation.

166. At present, the State agency for religious affairs is developing a bill on matters relating to burials and funerals, which will take into account the right to a burial that is in keeping with one's religion.

167. Religious activities must be conducted in accordance with the requirements of national legislation; the registration requirements are the same for religious organizations of all denominations.

168. More than 3,000 religious organizations, including 41 communities of Jehovah's Witnesses, are currently active. However, if such organizations fail to comply with the requirements of national legislation, the authorized body for religious affairs may refuse to register them.

169. In May 2021, amendments were made to the Freedom of Religion and Religious Organizations Act removing the requirement for the registration of religious organizations to be coordinated with local councils. The registration procedure for such organizations has thus been simplified.

170. Religious organizations may distribute their materials on premises belonging to them, as well as in places designated for that purpose by local State administrations under the established procedure, provided that such materials are marked with the full name and affiliation of the religious organization in question. At the same time, Kyrgyz legislation prohibits the import, manufacture, production, transportation and distribution of religious materials that call for changes to the constitutional order, promote religious intolerance or undermine the moral foundations of society.

171. Article 141 of the Code of Infractions provides for liability for unlawful obstruction of the activities of religious organizations or religious rites. To date, no instances of religious persecution have been recorded.

172. On the issue of providing dignified burials for citizens of the Christian community in local cemeteries, we wish to report that, under the Constitution, everyone is guaranteed the right to a dignified burial after death, regardless of ethnicity, religion or other differences. In Kyrgyzstan, everyone has the right to be buried according to his or her wishes, with the observance of customs and traditions and religious and ceremonial rites. In order to prevent individual and local conflicts over the burial of members of Christian communities, the State Commission for Religious Affairs constantly carries out awareness-raising to counter intolerance and discrimination on grounds of religion or belief. During the period under consideration, the procuratorial authorities of the Republic have not recorded any cases of members of the Christian community being refused burials in local cemeteries.

173. Religious activities must be conducted in accordance with the requirements of national legislation; the registration requirements are the same for religious organizations of all denominations. To date, 41 branches of the Jehovah's Witnesses organization have been registered and are active in the Republic. However, in a number of cases, registration of branches of this organization has been refused, with reasons given, and the refusal has been confirmed by decisions of the courts.

174. A new draft of the Outline of State Policy on Religion, covering the period up to 2026, is currently being developed. In addition, preparation of a draft new version of the Freedom of Religion and Religious Organizations Act is under way. This bill, which has been discussed in the regions, is posted on the website of the Cabinet of Ministers and the portal for public consultation on draft laws and regulations. It has also been sent to government agencies for coordination.

U. Reply to the questions raised in paragraph 21 of the list of issues

175. Today, freedom of expression and freedom of information are among the fundamental human rights guaranteed by both the country's basic law and a number of international human rights treaties, and they play a key role in the development of a democratic society in Kyrgyzstan. The Constitution gives everyone the right freely to seek, receive, store, use and impart information either orally or in writing or through any other media. At the same time, it obliges citizens to respect the rights, freedoms, honour and dignity of others. Any citizen against whom an accusation is made, in public or otherwise, has the right to protect his or her honour, dignity, professional reputation and rights.

176. In accordance with Act No. 75 of 4 May 2017 amending certain legislative acts of Kyrgyzstan (the Electronic and Postal Communications Act, the Licensing System Act and the Television and Radio Broadcasting Act), the Ministry of Culture, Information, Sport and Youth Policy, as the authorized State body in the field of information policy, is empowered to issue permits for the broadcasting of analogue and/or digital television and radio channels, irrespective of the technologies used. Cases in the Republic's courts are considered in accordance with the requirements of the Code of Criminal Procedure, the Code of Civil Procedure and the Code of Administrative Procedure. Proceedings in all courts are conducted in public (except in the cases provided for by law), with the possibility for any interested person to be present, including journalists, who have the right to make a record of the proceedings in writing or with the assistance of audio recording equipment.

177. The draft outline of State policy on information for the period up to 2025 is currently under consultation at the regional level. In addition, the draft human rights plan for the period 2022–2024 includes relevant measures, inter alia, to strengthen the protection of media freedom, reinforce guarantees of the rights and safety of journalists and protect human rights defenders and journalists from unwarranted criminal or civil prosecution in cases related to their professional activities.

V. Reply to the questions raised in paragraph 22 of the list of issues

178. In accordance with article 14 of the Peaceful Assembly Act, a decision to restrict the time, location or route of an assembly, or to prohibit it, must be made by a court.

179. When assemblies are taking place in the areas under their jurisdiction, local units of the internal affairs agencies and local authorities also have the right to decide to impose restrictions with regard to timing, location or route, or to impose bans, but only in the case of assemblies that are under way and provided there are legal grounds for so doing. Furthermore, the lawfulness and validity of decisions to restrict or ban an assembly are subject to review by the courts, to which the body that took the decision must apply within 24 hours of the date of issuance.

180. In the first five months of 2022, there were 499 rallies and protests, including 144 of a political nature and 355 of a socioeconomic nature.

181. In 2021, 1,280 rallies and protests were held, including 294 of a political nature and 986 of a socioeconomic nature.

182. In 2020, there were 880 rallies and protests, including 326 of a political nature and 554 of a socioeconomic nature.

183. When these gatherings took place, the internal affairs agencies adhered to the provisions of article 6 of the aforementioned Act, according to which their duties include protecting individuals and maintaining public order during social or political events and authorized or unauthorized rallies and marches.

184. The draft human rights plan for the period 2022–2024 provides for measures including the avoidance of a selective approach in authorizing peaceful assemblies and specifying their location.

W. Reply to the questions raised in paragraph 23 of the list of issues

185. Currently, the number of non-profit organizations registered in Kyrgyzstan is about 25,000.

186. On 26 June 2021, amendments were made to the Non-Profit Organizations Act with a view to ensuring transparency. The amendments envisage financial reporting on the activities of non-profit organizations that receive donations, in order to strengthen public trust in such organizations.

187. In accordance with the new amendments, all non-profit organizations are required to publish reports on their activities, which must include the accounting documents of the organization in question, its accounts and a record of its assets, along with details of its employees. Previously, the law also obliged organizations to submit reports to the tax authorities, the National Statistics Committee and other government agencies. Pursuant to the amendments, all this information is made available to the general public.

188. Violations of these requirements are punishable by law. In particular, the tax authority has the right to apply to the courts for a legal person to be forcibly wound up if it fails to submit reports to the authority within one year (art.14).

189. Amendments were also made with regard to the liability of government agencies and non-profit organizations – government agencies that allow the creation of conditions contributing to the restriction of the activities of non-profit organizations are liable to the penalties provided by law (art. 15).

X. Reply to the questions raised in paragraph 24 of the list of issues

190. There are 195,900 persons with disabilities in the Republic. The Council for Persons with Disabilities, which reports to the Government of Kyrgyzstan, was established in 2020. Its tasks include developing recommendations to the Government on: building an inclusive society; creating an enabling environment in which persons with disabilities can exercise their right to work and secure employment; improving social, legal and communal services for persons with disabilities; creating conditions for persons with disabilities to enjoy leisure, develop their creative potential, receive vocational training, practise sport and become familiar with the achievements of national and world culture; contributing to the development of a policy of tolerance towards persons with disabilities; and raising awareness of the need to create a barrier-free environment for those persons.

191. To date, several meetings of the Council have been held, at which, among other things, the accessibility of infrastructure and transportation for persons with disabilities and the impact of the COVID-19 pandemic on the lives and development of persons with disabilities have been discussed.

192. The Outline of Policy on the Development of Inclusive Education for the period 2019–2023 and the related programme were approved pursuant to Government Decision No. 360 of 19 July 2019. Pursuant to Government Decision No. 718 of 30 December 2019, amendments were made to the model State educational standards for higher and secondary vocational education, including with regard to the specific aspects of providing educational services for persons with special needs. In particular, it is stipulated that educational establishments must provide persons with disabilities (at their request) with the opportunity to study according to a basic educational programme that takes into account the specific features of their psychological and physical development and their individual capabilities while ensuring that they receive treatment for developmental defects and social adaptation training. In addition, educational establishments have the right to educate persons with disabilities according to an individual study plan and, if necessary, to extend the length of their studies compared with the period established for the form of education in question.

193. In order to expand the accessibility of higher education, the minimum scores for the enrolment in higher education of persons with category I and category II disabilities have been reduced, except in the medical and pharmaceutical specialisms, and a quota has been set for the admission of citizens with disabilities to elementary, secondary and higher vocational education establishments.

194. Since 2018, efforts have been under way to integrate persons with disabilities into the State and municipal civil service. This involves the following measures: piloting rooms for the testing of persons with disabilities in State institutions; assisting in the development of vacancies suitable for persons with disabilities; working together to improve the skills of employees of government agencies in dealing with candidates with disabilities; providing expert support for the review of legislation on persons with disabilities; and refining testing tools. Work is being done to equip the Testing Centre with software enabling persons with visual impairments to sit computer-based tests, as well as desks with lifting mechanisms, assistive systems for persons with hearing impairments and brochures containing legislation in Braille.

195. In this context, a bill to amend the State and Municipal Civil Service Act has been submitted for public consultation. Pursuant to the amendments, if a vacancy exists, the head of the government agency or municipal department concerned will have the right to appoint a person with a disability to fill the vacancy upon referral by the State employment service, without holding a competitive selection process, provided that the person has the required qualifications.

196. The draft “Accessible Country” programme for the period up to 2040 was developed to address the issues facing persons with disabilities and other groups with reduced mobility. It contains eight priority areas: refinement of the legal and regulatory framework; accessibility of infrastructure and all types of service in all spheres of life; optimization of medical and social assessment of disability; rehabilitation and habilitation; accessible education; accessible labour markets; modernization of prosthetic and orthopaedic services;

and persons with disabilities and other groups with reduced mobility in emergencies, epidemics and pandemics. At present, the draft programme, related action plan (phase 1), financial plan and matrix of indicators and the proposals regarding the monitoring and evaluation mechanism are with the relevant ministries and agencies for further coordination.

197. In addition, a large package of measures in this area is envisaged in the draft human rights plan for the period 2022–2024.

198. The State Strategy for Combating Corruption and Eliminating its Causes for the period 2021–2024 was approved pursuant to a presidential decree of 25 September 2020. Pursuant to Government Decision No. 128 of 4 March 2020, amendments were made to the Outline of Policy on Enhancing the Legal Literacy of the Population for the period 2016–2020, and its implementation plan, stipulating that activities to expand and disseminate knowledge of corruption prevention among the general public should be carried out on an ongoing basis. In this context, in order to raise awareness of anti-corruption laws, the relevant local agencies organized lectures, round tables and presentations and published online resources for the public at large, workforces, employees of government agencies and local government bodies, and students at higher and secondary education establishments and general education institutions. Videos were posted on social networks and display panels devoted to the issue were set up in reception areas, indicating the numbers of telephone hotlines. Various video recording equipment has been installed in premises under the jurisdiction of the Ministry of Internal Affairs, the Penal Correction Service and the Supreme Court.

199. In 2019, the Republic's law enforcement agencies recorded 2,545 cases of malfeasance and corruption in the consolidated register of offences. As a result of the investigations conducted, proceedings were terminated in 45 cases and suspended in 4 cases, while 210 cases were sent for trial; 2,286 cases remained under investigation.

200. In 2020, 1,694 such cases were recorded. Following investigations, proceedings were terminated in 91 cases and suspended in 1 case, while 225 cases were sent for trial; 1,377 cases remained under investigation.

Y. Reply to the questions raised in paragraph 25 of the list of issues

201. At present, representatives of 13 ethnicities serve in the penal correction system of Kyrgyzstan, including: Russians, who constitute 3 per cent of penal correction staff; Kazakhs, 1 per cent; Uzbeks, 0.8 per cent; Kurds, 0.1 per cent; Azerbaijanis, Tajiks, Koreans and Ukrainians, 0.09 per cent each; and other ethnicities, 0.2 per cent.

202. The competitive selection process for persons being recruited to posts in the penal correction system for the first time, as well as competitions to fill managerial positions, may be conducted in the State language or in one of the official languages, at the request of the candidate. Information about competitive selection processes, as well as the results, is published on the official website of the Penal Correction Service.

203. A large package of measures in this area is envisaged in the draft human rights plan for the period 2022–2024.

Z. Reply to the questions raised in paragraph 26 of the list of issues

204. The medical service of the Penal Correction Service is responsible for 13 medical wings, 4 health units and 2 inpatient treatment facilities with a total of 535 beds. Quarantine wards with a capacity of 230 beds were prepared in these facilities for the observation of persons with suspected COVID-19. In inpatient facilities, there are machines for artificial lung ventilation (ventilators).

205. To ensure early detection and prevent outbreaks of COVID-19 and tuberculosis, mass screening for diseases, including infectious diseases, has been carried out in correctional institutions since 19 April 2021. A total of 6,115 people have undergone preventive medical examinations. The operational headquarters of the Penal Correction Service has developed

an appropriate action plan, issued a number of departmental acts and conducted information and awareness-raising efforts among employees and prisoners. In addition, all living spaces and work areas (checkpoints, canteens, dormitories and offices) in institutions are disinfected, and sanitizer dispensers are installed everywhere.

206. The number of prisoners who have become infected is 66 (compared with 54 in 2021). Of these, 63 have recovered (compared with 54 in 2021), 2 have died and 1 has been released. The number of persons vaccinated as at the end of 2021 was 442.

207. In addition, to prevent COVID-19 from entering the penal correction system, preliminary polymerase chain reaction (PCR) tests are conducted on persons detained in temporary holding facilities of the internal affairs agencies prior to their transfer to remand centres of the State Penal Correction Service. Thus, in 2021, 99 cases were detected among persons detained in internal affairs temporary holding facilities, and 19 cases have been detected in 2022. On the basis of the 2020 joint order of the Ministry of Internal Affairs and the Ministry of Health on hospitalization of persons with community-acquired pneumonia of unspecified aetiology (suspected COVID-19), those who fall ill are transferred to the inpatient facility of the National Drug Treatment Centre of the Ministry of Health.
