



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Concluding observations on the third periodic report of Kyrgyzstan\*

1. The Committee considered the third periodic report of Kyrgyzstan<sup>1</sup> at its 3921st and 3922nd meetings,<sup>2</sup> held on 11 and 12 October 2022. At its 3945th meeting, held on 28 October 2022, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the third periodic report of Kyrgyzstan and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies<sup>3</sup> to the list of issues,<sup>4</sup> which were supplemented by the oral responses provided by the delegation, and for the additional information provided to it in writing.

#### B. Positive aspects

3. The Committee welcomes the following legislative and institutional measures taken by the State party:

(a) The adoption of the new law on amendments to the Law on State-Guaranteed Legal Aid, in 2022;

(b) The adoption of the Constitution, on 5 May 2021, which contains provisions on the protection of human rights and fundamental freedoms, including rights stipulated in the Covenant, and on the place of international law, including international human rights law, in the domestic legal system (arts. 6 (3) and 55 of the Constitution);

(c) The adoption of the Presidential Decree on the State Strategy for Combating Corruption and Elimination of the Consequences Thereof for the period 2021–2024, in 2020;

(d) The adoption of the Concept for the Development of the Civil Identity of the Kyrgyz Jarany in Kyrgyzstan for the period 2021–2026, in 2020;

(e) The adoption of the Anti-Corruption Plan for the Judiciary for 2021–2024, in 2020;

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\* Adopted by the Committee at its 136th session (10 October–4 November 2022).

<sup>1</sup> [CCPR/C/KGZ/3](#).

<sup>2</sup> See [CCPR/C/SR.3921](#) and [CCPR/C/SR.3922](#).

<sup>3</sup> [CCPR/C/KGZ/RQ/3](#).

<sup>4</sup> [CCPR/C/KGZ/Q/3](#).



(f) The establishment of the National Referral Mechanism for Victims of Trafficking in Persons, in 2019.

4. The Committee welcomes the ratification by the State party of the Convention on the Rights of Persons with Disabilities, in 2019.

## C. Principal matters of concern and recommendations

### Implementation of the Covenant and its Optional Protocol

5. While noting the implementation of the National Human Rights Action Plan for the period 2019–2021, the Committee remains concerned about the delay in finalizing the action plan for 2022–2024 and the lack of meaningful and open consultations with relevant stakeholders, including civil society. The Committee is also concerned that the bill on legal acts provides a short timeline for public consultation on draft laws in specific cases. The Committee welcomes the information provided by the State party that, under the Criminal Procedure Code of 2021, victims can apply to national courts for the reopening of cases in relation to which the Committee found a violation of the Covenant by the State party. However, the Committee is concerned about the delays in implementing and the failure to implement the Views adopted by the Committee, and about the low number of direct applications of the provisions of the Covenant by domestic courts. While welcoming the significant progress that the State party has made in addressing statelessness, the Committee remains concerned about the bill on deprivation of citizenship. This bill provides for the possibility of deprivation of citizenship on the grounds of participation in acts related to terrorism, funding of terrorist activities, treason, espionage, separatism, extremism, and fighting as a mercenary, and does not guarantee the right to a fair trial and adequate due process safeguards.

6. **The State party should:**

(a) **Expedite the adoption of the National Human Rights Action Plan for the period 2022–2024 with open and meaningful consultations with civil society;**

(b) **Review the draft law on legal acts, with a view to ensuring the possibility of open and meaningful engagement by all relevant actors, including civil society, in the law-making process;**

(c) **Take all measures necessary to ensure the implementation of all pending Views adopted by the Committee, through appropriate and effective mechanisms, so as to guarantee the right of victims to an effective remedy when there has been a violation of the Covenant, in accordance with article 2 (3) of the Covenant, including through training programmes for the judiciary, prosecutors and lawyers;**

(d) **Disseminate the Views adopted by the Committee with a view to raising awareness among the judicial, legislative and administrative authorities, civil society, and the general public, including by translating the Committee's Views into the languages used in the State party and posting them on official websites;**

(e) **Ensure the compliance of the bill governing deprivation of citizenship with the Covenant and international human rights standards.**

### National human rights institution

7. The Committee is concerned about the lack of progress in ensuring full independence of the Office of the Ombudsperson (Akyikatchy). The Committee also regrets the State party's failure to amend the Law on the Ombudsperson to ensure its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Committee further regrets not having received information on financial and technical resources allocated to the Office of the Ombudsperson (art. 2).

8. **Recalling the Committee's previous recommendations,<sup>5</sup> the State party should:**

(a) **Consult with civil society on bringing the mandate of the Ombudsperson (Akyikatchy) into full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by ensuring its full independence from executive authorities;**

(b) **Provide the Office of the Ombudsperson with sufficient human and financial resources to carry out its mandate effectively and independently.**

#### **Anti-corruption measures**

9. While welcoming the anti-corruption reforms and measures undertaken by the State party, the Committee remains concerned at the reports indicating a steep increase in corruption, including among judges. It also regrets the lack of detailed information on the investigations, prosecutions and convictions in corruption cases, especially against high-level public officials. The Committee is concerned about the draft law on voluntary legalization and amnesty for property and income of individuals, which suggests removing asset declarations by public officials from public access. In addition, the Committee is concerned that the Law on Public Procurement of 14 April 2022 removed a third of all government procurements from the publicly available data (arts. 2 and 14).

10. **The State party should:**

(a) **Ensure that all acts of corruption are investigated promptly and thoroughly and that those responsible for corruption, including high-level corruption and corruption in the judiciary, are prosecuted and sanctioned in accordance with the gravity of the offence;**

(b) **Ensure the recovery of assets, where appropriate;**

(c) **Provide training to law enforcement agencies, prosecutors and judges on detecting, investigating and prosecuting corruption, particularly high-level corruption;**

(d) **Review the draft law on voluntary legalization and amnesty for property and income of individuals, with broad engagement by civil society, and refrain from removing asset declarations by public officials from public access;**

(e) **Review the Law on Procurement to ensure transparency and accountability in public procurement, including through public access to information and by establishing an independent oversight mechanism.**

#### **Non-discrimination**

11. The Committee welcomes the information provided by the State party that the draft National Human Rights Action Plan for 2022–2024 includes the proposals for the adoption of comprehensive anti-discrimination legislation. However, the Committee remains concerned that the existing legal framework does not afford full and effective protection against direct, indirect and multiple discrimination in the public and private sectors and on all the grounds prohibited under the Covenant. Particularly, it is concerned that article 24 of the Constitution does not explicitly mention sexual orientation and gender identity as grounds of discrimination, and its applicability to discrimination in the private sphere, including education and health care. The Committee is also concerned that article 330 of the Criminal Code, while penalizing incitement to racial, ethnic, religious or interregional hostility or hatred, does not include sexual orientation and gender identity (arts. 2 and 26).

12. **In line with the Committee's previous recommendations,<sup>6</sup> the State party should:**

(a) **Adopt comprehensive anti-discrimination legislation that provides full and effective protection against discrimination in all spheres and that contains a**

<sup>5</sup> CCPR/C/KGZ/CO/2, para. 7.

<sup>6</sup> CCPR/C/KGZ/CO/2, para. 8.

**comprehensive list of prohibited grounds for discrimination, including sexual orientation and gender identity, and provides for effective remedies in cases of violation;**

**(b) Adopt concrete measures, including the provision of training and awareness-raising programmes for civil servants, law enforcement officers and the judiciary, including the public prosecution, to effectively prevent acts of discrimination;**

**(c) Encourage the reporting of hate crimes and hate speech, including online hate speech, and ensure that all cases are thoroughly investigated, perpetrators are prosecuted and punished, and victims are provided with full reparation.**

#### **Discrimination on the grounds of sexual orientation and gender identity**

13. The Committee remains concerned about continued reports of hate crimes and hate speech based on sexual orientation and gender identity. It is further concerned by reports of stigmatization, harassment, violence and discrimination against individuals conducted with impunity by politicians and State officials on the grounds of sexual orientation and gender identity, particularly during the parliamentary elections in 2020. While taking note of the information on training courses, which are regularly organized for the benefit of civil servants, the Committee is concerned about the lack of comprehensive training programmes for all State officials and of awareness-raising campaigns for the entire population (arts. 2, 7, 17, 21 and 26).

**14. The State party should adopt a comprehensive approach to prevent and address all forms of discrimination on the grounds of sexual orientation and gender identity, and:**

**(a) Provide effective protection against all forms of discrimination and violence based on sexual orientation and gender identity, both in law and in practice, and ensure that such acts are promptly and thoroughly investigated;**

**(b) Reinforce training of State officials, including the judiciary, the public prosecution service and the police, on preventing and combating violence based on sexual orientation and gender identity.**

#### **Gender equality**

15. The Committee appreciates the measures taken by the State party to increase the representation of women in political life, particularly in national and local parliaments. However, the Committee remains concerned that the proportion of female members in the national Parliament is still only 21 per cent. Furthermore, according to the information received, only one woman won a seat, out of the 36 single-member constituencies, in the 2021 election. While noting the information from the State party's delegation, the Committee is concerned at the continued low level of representation of women in the judiciary, and the legislative and executive bodies, especially in high-level decision-making positions (arts. 2–3 and 25–26).

**16. The State party should strengthen measures to ensure the full and equal participation of women in political and public life, including in executive, judicial and legislative bodies at the national, regional and local levels, particularly in decision-making positions.**

#### **State of emergency and COVID-19 response**

17. The Committee is concerned that, while most restrictions relating to the coronavirus disease (COVID-19) pandemic have been lifted, in July 2022 the Government extended the state of emergency. The Committee expresses concern about the failure of State officials to provide relevant COVID-19 information, including official orders and regulations, in the languages of ethnic minorities. While welcoming the adoption of the Civil Defence Act in 2018, the Committee is concerned that article 2 (4) of the Act defines emergency situations more broadly than article 4 of the Covenant by including accidents, catastrophes and human-made disasters. Furthermore, the Committee is concerned that the State party has used the state of emergency to pass approximately 50 laws unrelated to the COVID-19 pandemic in an accelerated manner, circumventing parliamentary procedure. While noting the State

party's efforts, the Committee is still concerned at the low rate of vaccination among the population (arts. 4, 9, 12, 14, 17 and 21).

18. **The State party should ensure that its national legal framework on emergencies is fully compatible with all provisions of the Covenant and with the Committee's general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency. Bearing in mind that the State party has lifted most measures related to COVID-19, it should also consider ending the state of emergency. It should refrain from adopting laws in an accelerated manner circumventing parliamentary procedure and ensure effective consultation with relevant parties, including civil society. The State party should conduct awareness-raising campaigns to increase the rate of COVID-19 vaccination among the population. The State party should ensure that all regulations on health emergencies are available in all languages used in the State party.**

#### Counter-terrorism measures

19. The Committee regrets the lack of information on the content and application of the State party's legislation to combat terrorism and extremism. The Committee is concerned at the overly broad and vague definitions contained in the national counter-terrorism legislation, in particular those of "extremism", and the lack of sufficient safeguards to prevent the arbitrary use of counter-terrorism measures to restrict the legitimate exercise of rights and freedoms guaranteed under the Covenant, including freedom of religion, expression and association. While welcoming the efforts made by the State party in cooperation with the United Nations Children's Fund (UNICEF) in repatriating 79 children from Iraq in 2021, the Committee notes with regret the lack of further efforts to repatriate remaining Kyrgyz nationals from the conflict zones in Afghanistan, Iraq and the Syrian Arab Republic (arts. 2, 18–19 and 21–22).

20. **The State party should:**

(a) **Clarify and narrow the broad definitions contained in national counter-terrorism legislation, including by adding an element of direct incitement or resort to violence to the definition of terrorism and extremism and by ensuring the conformity of the provisions of counter-terrorism law with the principles of legal certainty, predictability and proportionality;**

(b) **Provide appropriate safeguards, including judicial oversight, for any limitations of human rights for national security purposes and ensure that the application of such limitations serves legitimate aims, is necessary and is proportionate;**

(c) **Pursue its efforts in repatriating all Kyrgyz nationals from Afghanistan, Iraq and the Syrian Arab Republic and provide them with support, rehabilitation, reintegration and family reunification.**

#### Trafficking in persons

21. The Committee welcomes the establishment of the National Referral Mechanism for Victims of Trafficking in Persons, in 2019. However, it is concerned that according to information provided, as of October 2022, no cases had been referred through the National Referral Mechanism. The Committee remains concerned about the lack of State-supported shelters for the victims of human trafficking. In addition, the Committee is deeply concerned at the low number of investigations, prosecutions and convictions in cases of human trafficking and forced labour, including child labour and sexual exploitation of children. Furthermore, it is concerned about the contradictions between articles 166 (4) and 167 of the Criminal Code, relating to human trafficking and child trafficking (arts. 3, 8 and 24).

22. **The State party should:**

(a) **Ensure that allegations of human trafficking, including child labour and sexual exploitation of children, are thoroughly investigated, and that alleged perpetrators are prosecuted and are punished with appropriate sanctions;**

(b) **Ensure that victims of human trafficking are provided with adequate assistance regardless of whether they cooperate with law enforcement authorities in**

**investigations and criminal proceedings, including by establishing State-supported shelters;**

**(c) Revise article 166 (4) of the Criminal Code to ensure appropriate sanctions for child trafficking.**

#### **Violence against women and domestic violence**

23. Noting with satisfaction the efforts made by the State party in combating violence against women and domestic violence, the Committee remains concerned about the increased number of reported cases of domestic violence, especially during the COVID-19 pandemic. The Committee is also concerned about the persistence of harmful practices such as early and forced marriage. The Committee regrets not having received clear information on the role and the capacity of local committees on protection and defence against domestic violence. The Committee is also concerned about the lack of detailed information about the 112 emergency call service, set up to assist victims. Furthermore, the Committee remains deeply concerned at the high number of suspended investigations into sexual and gender-based violence and at the low number of corresponding convictions. In addition, the Committee is concerned about the lack of State-supported shelters for victims of domestic violence (arts. 2–3, 7, 23 and 26).

24. **The State party should:**

**(a) Take effective measures to prevent domestic violence, and to investigate it and to prosecute and adequately punish the perpetrators;**

**(b) Strengthen its efforts to combat forced marriage and early marriage;**

**(c) Increase and strengthen support services and protection for women and girls who have experienced violence, through the provision of shelters, non-judgmental medical treatment, psychosocial counselling and all other support services in line with best practices such as those detailed in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention);**

**(d) Strengthen civil society engagement, public participation and oversight related to the implementation of the legislation and policies to prevent and combat violence against women and domestic violence, and improve civil society interaction with State bodies and criminal justice actors;**

**(e) Strengthen awareness-raising among women and girls, including in rural areas, about the legal remedies available to ensure protection of their rights;**

**(f) Sensitize religious and community leaders in order to address stigmatization of women claiming their rights, and provide training on women's rights and gender equality to the judiciary and law enforcement officials to address gender stereotypes and judicial bias against women challenging patriarchy.**

#### **Inter-ethnic violence**

25. The Committee reiterates its previous concern<sup>7</sup> about the lack of a full, independent and effective investigation into the human rights violations committed during and in the aftermath of the June 2010 ethnic conflict in the south of Kyrgyzstan and regrets the State party's failure to provide victims with compensation without any discrimination based on ethnicity. Furthermore, the Committee remains concerned that the State party has not fully addressed the root causes of this conflict and that they may continue to persist. In addition, the Committee is concerned that, despite continued allegations of stigmatization and hate speech based on ethnicity, no complaints have been recorded during the reporting period (arts. 2, 7, 9, 14, 26 and 27).

<sup>7</sup> CCPR/C/KGZ/CO/2, para. 14.

26. **The State party should:**

(a) **Conduct an independent, impartial, thorough and effective investigation into all alleged human rights violations related to the 2010 ethnic conflict, ensure that those responsible are prosecuted, and provide victims with remedies without any discrimination based on ethnicity;**

(b) **Establish an impartial complaint mechanism and ensure effective and accessible remedies for all forms of discrimination, including based on ethnicity, and collect disaggregated data on complaints of discrimination and their outcomes.**

**Right to life and protection of population**

27. The Committee commends the State party on the measures taken with regard to the protection of the population in the Batken Region. However, it is concerned about reports that views of the affected population and of civil society are not adequately taken into consideration by State officials responsible for the protection of the population and for restoration of the damaged or destroyed property (art. 6).

28. **The State party should continue its efforts to ensure the protection of the population in the Batken Region and adopt a relevant national strategy for the protection of the affected population, including internally displaced persons, in broad and open consultation with all relevant actors.**

**Torture and ill-treatment and non-refoulement**

29. While noting the explanation provided by the State party about its decision to merge the National Centre for the Prevention of Torture with the Office of the Ombudsperson, the Committee remains concerned about the failure to ensure sufficient funding for the National Centre for the Prevention of Torture to carry out its mandate effectively and independently. The Committee is also deeply concerned at amendments to the Criminal Code and the Criminal Procedure Code, particularly the re-establishment of the pre-investigative stage, which limits the rights of the victim and the defendant. Furthermore, the Committee remains concerned about the high level of impunity that exists in cases of torture and ill-treatment of persons deprived of their liberty, including in boarding schools, and military and psychiatric facilities, and about the inadequate compensation provided to victims. In addition, the Committee is concerned about continued reports of extradition of individuals despite credible reports of risk of torture. The Committee is also concerned at the State party's failure to conduct a thorough and effective investigation into the enforced disappearance of Orhan Inandi (arts. 2, 6–7 and 14).

30. **The State party should:**

(a) **Provide the National Centre for the Prevention of Torture with the necessary financial resources to enable it to carry out its mandate effectively and independently, including by ensuring unhindered access to all places of deprivation of liberty for its staff members and introducing administrative and criminal responsibility for unlawful interference in the work of the National Centre for the Prevention of Torture;**

(b) **Revise the Criminal Procedure Code and ensure its full compliance with the Covenant and international standards related to fair trial and the administration of justice. In particular, consider abolishing pre-investigative inquiry, as a concept and practice that violates fair trial standards as it circumvents human rights safeguards that should be afforded to the victims of crime and to suspects;**

(c) **Ensure that all allegations of torture and ill-treatment are promptly, impartially, thoroughly and effectively investigated, that perpetrators are prosecuted and that victims are provided with full reparation, including rehabilitation and adequate compensation;**

(d) **Strictly enforce the absolute prohibition of refoulement under articles 6 and 7 of the Covenant and exercise utmost care in evaluating diplomatic assurances; ensure that appropriate, effective and independent post-transfer monitoring of**

**individuals who are transferred pursuant to diplomatic assurances is in place; and refrain from relying on such assurances when the State party is not in a position to monitor effectively the treatment of such persons after their extradition, expulsion, transfer or return to other countries;**

**(e) Conduct a prompt, thorough, effective and impartial investigation into the enforced disappearance of Orhan Inandi and make public its results.**

#### **Liberty and security of person**

31. While taking note of the information provided by the delegation, the Committee is concerned that the fundamental legal safeguards are not afforded, in practice, to all persons deprived of liberty, in particular with regard to access to a lawyer guaranteed by State Legal Aid. The Committee is also concerned about reports that medical examinations carried out are very superficial. Furthermore, it is deeply concerned that in some cases the arrest, interrogation and detention of children in conflict with the law is carried out without the presence of parents or a guardian (arts. 9 and 14).

32. **The State party should:**

**(a) Ensure that all legal safeguards are guaranteed in practice to all persons deprived of their liberty from the very outset of their detention, including by ensuring legal assistance and a medical examination immediately following the apprehension;**

**(b) Train law enforcement officials, judges and prosecutors on child-sensitive investigations and interrogations;**

**(c) Prioritize the use of non-custodial alternatives to pretrial detention and imprisonment.**

#### **Administrative detention**

33. The Committee is concerned by the reintroduction of administrative arrest of up to five days in the Code of Legal Offences and by the lack of sufficient safeguards guaranteed to administrative detainees, as well as by the absence of a meaningful right to appeal against detention decisions (arts. 9–10 and 14).

**34. The State party should review the Code of Legal Offences and bring it into line with articles 9, 10 and 14 of the Covenant, in particular with regard to the above-mentioned shortcomings, with a view to ensuring fair and impartial proceedings. The State party should ensure, in law and in practice, that administrative detainees have the right to appeal against detention decisions.**

#### **Conditions of detention and deaths in custody**

35. The Committee is deeply concerned about reports of deaths in custody, reportedly caused by torture and ill-treatment. While noting the information provided by the State party, the Committee is concerned at the lack of proper and impartial investigations into all cases of death in custody. The Committee welcomes the State party's efforts to modernize the penitentiary system and improve conditions of detention. However, the Committee remains concerned about poor conditions of detention, in particular for those sentenced to life imprisonment. Furthermore, the Committee is concerned about the situation in psychiatric facilities, which has worsened during the COVID-19 pandemic. The Committee is concerned about the lack of results of the investigation into the death of Azimjan Askarov (arts. 7 and 10).

36. **The State party should:**

**(a) Take urgent measures to ensure that all deaths in custody are thoroughly and impartially investigated, that those responsible are held accountable and that victims' families obtain redress;**

**(b) Strengthen its efforts to improve conditions of detention, including in psychiatric facilities, and ensure respect for the dignity of persons deprived of their liberty in line with article 10 of the Covenant and with the United Nations Standard**



**Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), by allocating sufficient financial and human resources;**

(c) **Ensure that adequate health care is provided to all detainees promptly and that specialized treatment is afforded to those in need of such treatment. In case the required in-patient treatment is not available in a penitentiary facility, use of public health institutions and alternative non-custodial measures of restraint should be considered;**

(d) **Ensure that all detention facilities where persons serve short-term arrests are managed by the State Penitentiary Service;**

(e) **Complete in a timely manner an impartial and objective investigation into the death of Azimjan Askarov.**

#### **Independence of the judiciary**

37. The Committee is concerned about reports of the lack of independence and impartiality in the judiciary of the State party, in particular due to the President's involvement in selecting and appointing judges, as well as allegations of political pressure, including in high-profile political cases. In addition, the Committee is concerned about the allegations of pressure and threats against defence lawyers representing political prisoners, from law enforcement officials (art. 14).

38. **The State party should:**

(a) **Ensure that the procedures for the selection, appointment, promotion and removal of judges are in compliance with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary;**

(b) **Eradicate all forms of undue interference and guarantee the independence of lawyers in law and in practice, including by conducting impartial investigations into all allegations of pressure and threats against lawyers.**

#### **Elders' court**

39. While noting the assertion of the State party that the Elders' courts (*aksakal* courts) are not part of the judicial system and are elective and autonomous public bodies formed on a voluntary basis, the Committee remains concerned that they actually perform judicial functions to decide disputes between citizens. The Committee is also concerned that members of the Elders' courts (*aksakal* courts) do not have legal knowledge including on the protection of human rights that they can apply in their proceedings, and decide cases on the basis of traditional cultural and moral norms, which may adversely affect vulnerable groups, particularly women and children (arts. 2–3 and 14).

40. **Reiterating its previous recommendations,<sup>8</sup> the Committee urges the State party to ensure that the Elders' courts function in full compliance with provisions of the Covenant, in particular the safeguarding of fair trial guarantees, and non-discrimination, and that their members are provided with training on the rights protected under the Covenant.**

#### **Corporal punishment**

41. The Committee remains concerned about the reports of increased corporal punishment, especially in the education system. The Committee is also concerned about the failure of the State party to address this type of violence. Furthermore, the Committee is concerned that the recent draft law on protecting schoolteachers may have a negative effect on the protection of children (arts. 7 and 24).

42. **The State party should develop and implement a comprehensive national agenda for public awareness and social behavioural change in the areas of child health and development, child mental health, and violence against children, and take practical**

<sup>8</sup> CCPR/C/KGZ/CO/2, para. 19.

steps, including legislative measures, where appropriate, to put an end to corporal punishment in all settings. It should also support a review of procedures to address violence against children, including in all education institutions, and develop and implement child safeguarding policies for institutions.

#### **Freedom of conscience and religious belief**

43. While welcoming the planned amendments to the Freedom of Religion and Religious Organizations Act, which remove 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 for the purposes of registration, the Committee is concerned about the existing burdensome registration requirements for the registration of religious organizations representing smaller religious minorities in Kyrgyzstan, such as Baha'is, Protestants, Ahmadiyya Muslims, Jehovah's Witnesses, Tengrists and Zoroastrians. In addition, the Committee is concerned about the excessive censorship of religious materials and restrictions on their use imposed by the State party. Furthermore, the Committee is concerned at the reports that members of the Christian community have not been allowed to be buried in local cemeteries (arts. 18–19 and 26–27).

#### **44. The State party should:**

(a) **Expedite the adoption of the legislative amendments to the Freedom of Religion and Religious Organizations Act and ensure that all limitations that are incompatible with article 18 of the Covenant are removed, providing for a transparent and fair registration process for religious organizations and decriminalizing any religious activity by unregistered religious organizations;**

(b) **Regulate the allocation of places for burials and the administration of cemeteries, preventing discrimination on religious grounds.**

#### **Freedom of expression**

45. The Committee remains concerned about reports of undue government pressure on human rights defenders, lawyers, politicians, journalists and other individuals for expressing their opinion, in particular opinions that are critical of the Government's initiatives, including the initiation of criminal proceedings against bloggers and journalists. The Committee is deeply concerned that widely reported online and offline cases of harassment and intimidation of human rights defenders and journalists have remained without any response from the State party. The Committee also expresses concerns about the provisions of the Law on Protection from Unreliable (False) Information, which allow executive bodies to block any Internet resource without due process and without any preceding judicial oversight. Furthermore, the Committee regrets the State party's assertion that these provisions do not require any amendments. The Committee is also concerned about the Law on the National Television and Radio Broadcasting Corporation of the Kyrgyz Republic, which excludes public oversight of the work of the national broadcasting corporation. In addition, the Committee is concerned about the bill regulating the media, in particular its provisions requiring the re-registration of all media outlets (art. 19).

#### **46. The State party should:**

(a) **Refrain from the use of criminal prosecution as a tool to suppress critical reporting on matters of public interest;**

(b) **Strengthen the protection of bloggers, journalists, human rights defenders and government critics against any kind of threat, pressure, intimidation or attack, and ensure that all cases of undue interference committed against bloggers, journalists, government critics and other activists are thoroughly and independently investigated, prosecuted and sanctioned and that victims are provided with effective remedies;**

(c) **Review the Law on Protection from Unreliable (False) Information and ensure effective safeguards and judicial overview of all decisions on blocking media resources;**

(d) **Review the national legal and institutional framework that may unduly restrict media freedom, including the Law on the National Television and Radio Broadcasting Corporation of the Kyrgyz Republic, and the bill on the media, to ensure their compliance with the provisions of article 19 of the Covenant as expounded by the Committee in its general comment No. 34 (2011) on the freedoms of opinion and expression.**

#### **Right of peaceful assembly**

47. The Committee expresses concern at the undue restrictions on the right of peaceful assembly in law and in practice, including reports of arrests, detention and sanctioning of activists for organizing and/or participating in peaceful assemblies. Furthermore, the Committee is concerned about the blanket ban imposed on peaceful assemblies in the centre of Bishkek (arts. 9, 19 and 21).

48. **In accordance with article 21 of the Covenant and in the light of the Committee's general comment No. 37 (2020) on the right of peaceful assembly, the State party should:**

(a) **Refrain from undue interference on the right of peaceful assembly, in particular by not imposing blanket restrictions on peaceful assemblies and selective and discriminatory dispersal of peaceful assemblies;**

(b) **Ensure prompt and impartial investigation of all cases of violence, arbitrary arrest and detention of peaceful protesters and bring those responsible to account;**

(c) **Provide training to law enforcement officers, prosecutors and judges to raise their understanding of the principles that should guide the imposition of any type of restrictions on peaceful assemblies.**

#### **Freedom of association and participation in public affairs**

49. The Committee expresses deep concerns about the Law on Non-Profit Organizations, adopted in 2021, which imposes unreasonable and burdensome reporting requirements on non-governmental organizations (NGOs) by obliging them to post consolidated information on their sources of funds, the directions of their expenditure, as well as information on property acquired, property in use and property that has been disposed of. The Committee notes with concern that the State party did not consider numerous appeals from international human rights mechanisms and civil society regarding the disproportionality of the obligations imposed. Furthermore, the Committee has concerns that Members of Parliament have attempted several times to adopt the so-called "foreign agents" law, under which the authorities are granted broad power to interfere in the internal affairs of non-profit organizations stigmatized as "foreign agents" due to their receipt of foreign funding. The Committee is also concerned about participation in public affairs and the right to vote being denied for convicted prisoners (arts. 19, 22 and 25).

50. **The State party should revise the provisions of the Law on Non-Profit Organizations to bring it into full compliance with the provisions of articles 19, 22 and 25 of the Covenant. It should ensure that any legislation governing public associations and NGOs does not lead in practice to undue control over or interference in the activities of NGOs. In the light of the Committee's general comment No. 25 (1996), the State party should revise the national legal framework and ensure prisoners' right to vote.**

#### **Minority rights**

51. The Committee remains concerned about the low level of progress achieved in increasing ethnic minorities' representation in political bodies and decision-making positions. The Committee regrets not having data disaggregated by ethnicity on the representation of ethnic minorities in the judiciary and the public prosecution service. Furthermore, the Committee notes with concern information provided by the delegation on the low level of representation of ethnic minorities in the police and its decrease since 2018. The Committee is concerned about the reduction in the number of Uzbek schools and the lack of effective

guarantees and concrete measures to facilitate education, including vocational or university education, in minority languages. Furthermore, the Committee is concerned that the existing State language requirements for all civil servants hamper the nomination of ethnic minority candidates (arts. 2 (1) and 26–27).

52. **The State party should:**

(a) **Ensure that ethnic minorities are adequately represented in government bodies and public administration, including the judiciary, the public prosecution service and law enforcement bodies, if necessary by introducing appropriate positive measures;**

(b) **Reconsider the provisions of the draft law on education and explicitly secure the right to education, including vocational or university education, in minority languages for persons belonging to minority ethnic groups with a view to promoting their access to public services and education and their social integration;**

(c) **Reintroduce national testing in minority languages for school graduates to ensure equal access to higher education regardless of ethnic background and language.**

#### **D. Dissemination and follow-up**

53. **The State party should widely disseminate the Covenant, its two Optional Protocols, its third periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into the official language of the State party.**

54. **In accordance with rule 75 (1) of the Committee’s rules of procedure, the State party is requested to provide, by 4 November 2025, information on the implementation of the recommendations made by the Committee in paragraphs 20 (counter-terrorism measures), 44 (freedom of conscience and religious belief) and 46 (freedom of expression) above.**

55. **In line with the Committee’s predictable review cycle, the State party will receive in 2028 the Committee’s list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its fourth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2030.**

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