



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the third periodic report of Kyrgyzstan*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. With reference to the Committee's previous concluding observations (para. 3 (b)),¹ please explain how the amendments to the 2016 Constitution and the amendments proposed to the Constitution in October 2020 comply with the State party's obligations under the Covenant. Please also explain how draft amendments to the Code of Criminal Procedure that exclude decisions of international human rights bodies as grounds for reopening a case (arts. 442 and 444, part 4, para. 3) are consistent with the State party's obligations under the Covenant and the Optional Protocol. Please further explain how the amendments to the 2016 Constitution regarding deprivation of citizenship and the draft constitutional law on deprivation of citizenship are consistent with Covenant obligations and international human rights standards.

2. With reference to the Committee's previous concluding observations (para. 5) and the information supplied by the State party in its periodic report,² please provide information on: (a) examples of cases in national courts where Covenant provisions have been invoked or referred to; (b) the number of judges and prosecutors who have received specific training on the Covenant and the Optional Protocol; and (c) procedures in place for the implementation of the Committee's concluding observations and Views under the Optional Protocol. Please report on measures taken to implement the Views previously adopted by the Committee regarding the State party's violations of the Covenant and provide implementation statistics for the reporting period under review.

3. With reference to the Committee's previous concluding observations (para. 7) and the information provided in the State party's report,³ please explain the reasons for the delay in adopting the draft law on the Office of the Ombudsman (*Akyikatchy*). Please report on the specific steps taken, in addition to the drafting of a new law, to ensure that the Office of the Ombudsman fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including with regard to its independence, the conditions for the Ombudsman's dismissal, interactions with international human rights bodies and the provision of financial and human resources necessary to fulfil its mandate effectively.

Non-discrimination and equality (arts. 2–3, 19–20 and 26)

4. With reference to the Committee's previous concluding observations (para. 8), please clarify whether there are any plans to adopt comprehensive anti-discrimination and hate speech legislation. Please report on measures taken to ensure that domestic legislation: (a)

* Adopted by the Committee at its 130th session (12 October–6 November 2020).

¹ Unless otherwise indicated, paragraph numbers in parentheses refer to CCPR/C/KGZ/CO/2.

² CCPR/C/KGZ/3, paras. 10–19.

³ Ibid., paras. 32–33.



provides 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 (b) provides for access to effective remedies in judicial and administrative proceedings for victims of discrimination.

5. Please provide information about the results of the National Strategy for the Achievement of Gender Equality and the related action plan. Please report on measures taken to develop a new national strategy and a corresponding plan of action and on progress in adopting and implementing legislation on gender equality. Please provide information on the measures taken to increase the representation of women in political and public life, including in decision-making positions, and the fulfilment of gender quotas in upcoming parliamentary and local council elections. Please report on the progress achieved in this regard, providing up-to-date statistics.

State of emergency and counter-terrorism measures (arts. 4, 9, 14 and 18–19)

6. With reference to the Committee's previous concluding observations (para. 10), please provide information on the conformity of the Civil Defence Act with article 4 of the Covenant. Please clarify whether derogations from non-derogable provisions of the Covenant during states of emergency are explicitly prohibited.

7. Please provide up-to-date information on the application of counter-terrorism legislation in practice, including relevant statistics disaggregated by sex, ethnicity, disability and age regarding prosecutions and convictions for terrorism or extremism in 2019–2020. Please explain how the proposed amendments to the law on countering terrorism comply with international human rights standards. Please indicate whether there are 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. Please provide details of measures taken to repatriate citizens of Kyrgyzstan detained in Iraq and the Syrian Arab Republic as suspected family members of Islamic State in Iraq and the Levant foreign fighters.

Discrimination on the grounds of sexual orientation and gender identity (arts. 2, 7, 9, 17, 19, 21 and 26)

8. Please report on measures taken or planned to: (a) prevent and combat all forms of discrimination based on sexual orientation and gender identity, including in employment, housing, health and family law; (b) address harassment and violence against lesbian, gay, bisexual, transsexual and intersex persons; and (c) raise awareness about principles of non-discrimination among State officials and the population at large. Please respond to reports of social stigmatization, harassment, violence and discrimination against lesbian, gay, bisexual, transsexual and intersex persons by State officials and private individuals, including extortion and arbitrary arrest and detention by law enforcement officials. Please report on measures taken to investigate interference in the private life of, and hate speech and discrimination against, representatives of lesbian, gay, bisexual, transsexual and intersex persons in connection with the 2020 parliamentary elections.

Trafficking in persons (arts. 2, 7–8 and 26)

9. With reference to the Committee's previous concluding observations (para. 12), please provide additional information on: (a) the mandate and the human and financial resources allocated to the national referral mechanism for victims of trafficking in persons; (b) specific training provided to relevant professionals on identifying and assisting victims of trafficking; and (c) the availability and accessibility of shelters and other protection services for victims of trafficking. Please describe the efforts made to prevent and combat child labour and sexual exploitation of children, including efforts to improve labour inspection standards with regard to child labour.

Violence against women and domestic violence (arts. 2–3, 6–7 and 26)

10. With reference to the Committee's previous concluding observations (para. 11), please provide additional information on measures taken to: (a) eradicate gender-based violence, including domestic violence, and sexual violence and to strengthen the legal framework in this regard; (b) effectively address the reported persistence of forced and early marriages, despite their prohibition by law; (c) strengthen due diligence and gender-sensitivity by law enforcement officers in registering and investigating allegations of violence against women; and (d) investigate, prosecute and impose sanctions commensurate with the crime in cases of gender-based violence. Please include specific information on the outcome of criminal proceedings, namely, the ensuing convictions, the sentences imposed on the perpetrators and the compensation awarded to the victims. With reference to the information provided by the State party,⁴ please provide detailed information on the financial and human resources allocated from the State budget to provide adequate and sufficient psychological, social, legal and rehabilitative services for victims of gender-based violence and their families since 2014, including during the coronavirus disease (COVID-19) pandemic. Please provide detailed information on the number of women prosecuted for acting in self-defence and on the outcomes of their trials. Please explain whether the State party is considering a review of the legal provisions addressing rape, marital rape and statutory rape (arts. 161 and 163 of the Criminal Code) in light of concerns about their conformity with international standards.

Inter-ethnic violence (arts. 2, 7, 9, 14 and 26–27)

11. With reference to the Committee's previous concluding observations (para. 14) and the information provided by the State party relating to the events of 2010,⁵ please provide information on: (a) steps taken to conduct an independent and effective investigation to identify, prosecute and punish perpetrators and provide remedies for victims or their families; (b) the ethnic origin of convicted persons, including persons who received life sentences; and (c) how the State party's decision not to launch criminal investigations into allegations of torture⁶ complies with the Covenant. Please provide information on measures taken to strengthen the capacity of the State Agency for Local Self-Government and Inter-ethnic Relations, including by ensuring its independence and the provision of the financial and human resources necessary to fulfil its mandate effectively.

Torture and ill-treatment (arts. 2, 6–7 and 14)

12. Notwithstanding the prohibition on torture in the Constitution, please comment on reports of the persistent practice of torture and ill-treatment, including as a means of intimidation or for the purpose of extracting confessions. Please report on measures taken to ensure that all acts of torture and ill-treatment are promptly, thoroughly and independently investigated, that perpetrators are prosecuted and sanctioned, and that victims are provided with full reparation. Please provide up-to-date statistics on complaints of torture and the response to such complaints for the period under review. Please provide information on measures taken to strengthen the capacity of the National Centre for the Prevention of Torture,⁷ including the provision of the financial and human resources necessary to fulfil its mandate effectively. Please respond to reports that the staff of the Centre were hindered in their monitoring visits by restrictions on access to facilities, including military units. Please provide information on efforts to ensure that allegations of torture are received and evaluated by the judiciary when raised in criminal proceedings.

13. Please provide information on safeguards against refoulement of individuals to countries where they may face a real risk of serious human rights violations and respond to allegations of the refoulement of the journalist Bobomurod Abdullaev to Uzbekistan in 2020, in violation of the Covenant.

⁴ Ibid., para. 53.

⁵ Ibid., paras. 442–458.

⁶ Ibid., para. 448.

⁷ Ibid., para. 136.

Liberty and security of person and treatment of persons deprived of their liberty (arts. 6–7 and 9–10)

14. With reference to the Committee's previous concluding observations (para. 16), please comment on persistent allegations that the State party fails to register all detainees immediately upon apprehension and violates fundamental procedural safeguards against arbitrary and incommunicado detention, including detainees' rights to have prompt access to a lawyer, to have access to a medical assessment and to be brought before a judge within a prescribed time frame. Please provide data on pretrial detention (the number of detained persons and the period of detention) and information on non-custodial alternatives to pretrial detention and the application of these alternatives in practice.

15. With reference to the Committee's previous concluding observations (paras. 13 and 17) and the information provided by the State party,⁸ please respond to reports of deaths in custody, including as a result of suicide, ill-treatment and a lack of adequate medical care, and explain why there is no effective investigation into these deaths. In connection with the information in the State party's report, please provide details on: (a) the causes of death that were determined and the injuries reported; and (b) measures taken to prevent such incidents, including the State party's policy on releasing prisoners who have contracted life-threatening diseases such as AIDS and COVID-19. Please also provide information on the investigation into the death of Azimjan Askarov. Please report on measures taken to address overcrowding and improve the material conditions of detention, including for persons sentenced to life imprisonment. Please provide information on the obstacles faced by incarcerated individuals with disabilities in securing confirmation of their disability status and thus the right to benefit from the 2020 Amnesty Law.

16. With reference to the case of Altynbek Itibaev, in which two civilians were killed during a law enforcement operation,⁹ please outline the measures taken to prevent such incidents, including the specific measures taken to comply with the standards set out in the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.

Independence of the judiciary, fair trial and local elders' courts (arts. 2–3 and 14)

17. With reference to the Committee's previous concluding observations (para. 18) and the information provided by the State party,¹⁰ please provide information on the specific measures taken to limit the President's power in appointing judges of the first and appellate instances. Please respond to reports of threats and acts of violence against defendants and defence attorneys in and outside the courtroom, and of intimidation of trial judges by victims' relatives and friends.

18. With reference to the Committee's previous concluding observations (para. 19), please provide additional information on: (a) safeguards to guarantee fair trials and non-discrimination, as set out in the Covenant, during proceedings in local elders' (*aksakals*) courts; (b) special training on the rights protected under the Covenant provided to members of the local elders' courts; and (c) the number, nature and outcomes of cases tried by the local elders' courts for the period under review.

Corporal punishment (arts. 7 and 24)

19. With reference to the Committee's previous concluding observations (para. 21), please provide additional information on measures taken and the progress achieved in: (a) eradicating corporal punishment and violence against children in all settings, including up-to-date statistics on the investigation into such practices and sanctioning of perpetrators; and (b) conducting public information campaigns to raise awareness about the harmful effect of violence against children.

⁸ Ibid., paras. 92–96 and 109–113.

⁹ Ibid., paras. 102–108.

¹⁰ Ibid., paras. 298 and 300.

Freedom of conscience and religious belief (art. 18)

20. With reference to the Committee's previous concluding observations (para. 22) and the information supplied by the State party,¹¹ please comment on: (a) the status of the draft law to amend the Freedom of Religion and Religious Organizations Act; (b) the process of public consultations on the draft legislation and the extent to which the draft law addresses concerns about current limitations on freedom of religion; (c) the burdensome registration requirements for religious associations; (d) the censorship of religious materials and restrictions on their use; and (e) measures taken to combat religious persecution and sanction perpetrators. Please respond to allegations of the State's failure to ensure dignified burials for the Christian community in local cemeteries and of persistent arbitrary refusals to register local religious organizations of Jehovah's Witnesses.

Freedom of expression, peaceful assembly and privacy (arts. 17, 19 and 21)

21. With reference to the Committee's previous concluding observations (para. 24), please respond to reports of intimidation, harassment and persecution of, and attacks against, journalists, human rights defenders, lawyers and politicians in the State party and provide information about measures taken to investigate such incidents, prosecute perpetrators and provide redress to victims. Please provide detailed information on the closure of the Aprel television channel in Bishkek. Please comment on concerns regarding: (a) an increased number of defamation lawsuits against journalists and media outlets; (b) the negative impact on freedom of expression and privacy that will result from the information law adopted by the parliament on 25 June 2020 strengthening State control of the media and requiring online identification; and (c) the effects of measures taken in response to COVID-19 on the ability of journalists, lawyers and human rights defenders to carry out their work.

22. With reference to the information provided by the State party,¹² please respond to reports of: (a) unjustifiable interference by the authorities in peaceful demonstrations, including broad restrictions on the time and place at which they can occur and a disproportionate police presence at such events; (b) arbitrary detention of assembly participants without ensuring fundamental legal safeguards, including their right to qualified legal assistance; and (c) the continued failure to promptly investigate violations by police and extreme right-wing groups or individuals allegedly affiliated with such groups of the right to peaceful assembly and to bring perpetrators to justice. Please respond to alleged violations of the right to peaceful assembly during the mass gathering of demonstrators on 5 and 6 October 2020 in Bishkek and provide detailed information about investigations into the alleged use of excessive force by law enforcement officers resulting in the death and injury of demonstrators.

Freedom of association and participation in public affairs (arts. 22 and 25–27)

23. Please report on the content of draft law No. 6-28018/19 amending the Law on Non-Commercial Organizations, imposing strict control over international financing of non-governmental organizations, and that of draft law No. 6-8263/19 amending the Law on Trade Unions, imposing additional restrictions on independent trade unions. Please comment on the compatibility of those draft laws with the Covenant and provide information on the progress of their adoption and the participation of civil society in this process.

24. Please describe the measures adopted or envisaged to ensure the full and effective participation of persons with disabilities in public and political life, including measures adopted or envisaged to ensure full accessibility of polling stations for persons with disabilities. Please explain the withdrawal of prisoners' right to vote, irrespective of the gravity of the crime committed, and its compatibility with the Covenant. Please respond to allegations of widespread corruption among public officials, including judges, and report on the specific measures taken to address it.

¹¹ Ibid., para. 332.

¹² Ibid., paras. 360–365.

Minority rights (arts. 2 (1) and 26–27)

25. With reference to the Committee's previous concluding observations (para. 27), please report on the measures taken to promote the participation of ethnic minorities in political life and the progress achieved in increasing their representation in political bodies and decision-making positions, including in relation to the fulfilment of minority quotas in upcoming parliamentary and local council elections. Please provide data disaggregated by ethnicity on the representation of ethnic minorities in the judiciary and law enforcement agencies. Please respond to reports of a significant decrease in the number of Uzbek schools and inform the Committee of the measures taken to facilitate education in minority languages for children belonging to minority ethnic groups, including vocational or university education, and to promote the use of minority languages in different spheres. Please also respond to concerns that the language requirements for all civil servants hamper the nomination of ethnic minority candidates.

Measures taken in the context of the coronavirus disease pandemic (arts. 4, 10 and 18)

26. Please provide information on the measures adopted to ensure compliance with the requirements set out in the Committee's general comment No. 29 (2001) and its statement on derogations from the Covenant in connection with the COVID-19 pandemic.¹³ Please describe the measures taken to prevent the spread of COVID-19 in detention facilities, including to indigent persons in need of legal assistance to challenge their detention, and among other vulnerable groups, such as migrant workers and shelter dwellers. Please respond to reports that the Commandants of Osh city, Nookat and Kara-Suu districts, Jalalabad city and Suzak district have failed to provide relevant COVID-19 information, including official orders and regulations, in Russian, an official language of the State party and often the most understandable language for the ethnic minorities living in these territories. Please explain how the restrictions imposed on freedom of expression and of assembly in the State party in response to COVID-19 are consistent with the obligations under the Covenant and the Optional Protocol.

¹³ CCPR/C/128/2.