



International Covenant on Civil and Political Rights

Distr.: General
18 October 2022

Original: English

Human Rights Committee 136th session

Summary record of the 3922nd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 12 October 2022, at 10 a.m.

Chair: Ms. Pazartzis

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant
(*continued*)

Third periodic report of Kyrgyzstan (continued)

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

*Third periodic report of Kyrgyzstan (continued) (CCPR/C/KGZ/3;
CCPR/C/KGZ/Q/3; CCPR/C/KGZ/RQ/3)*

1. *At the invitation of the Chair, the delegation of Kyrgyzstan joined the meeting.*
2. **Ms. Tigroudja** said that she would welcome replies to the questions she had asked during the previous meeting (CCPR/C/SR.3922) about discrimination against persons of Uzbek, Turkish, Uyghur and Tajik origin, efforts to locate the bodily remains of persons who had disappeared during the inter-ethnic conflict of 2010 and the future of the National Centre for the Prevention of Torture. She would also like to know how the reform of pretrial investigation procedures helped to protect the rights of persons suspected of committing an offence, particularly in the light of reports that suspects could be held in custody for up to seven days while such investigations were carried out.
3. She wished to know what steps the State party was taking to ensure that effective judicial safeguards, including access to a lawyer, a professional medical examination and the opportunity to challenge the lawfulness of one's detention, were provided from the moment of arrest, and that children in conflict with the law benefitted from adequate protection. Information on the average duration of pretrial detention, the procedures in place to ensure that pretrial detention did not exceed the legally prescribed maximum period of one year, and the use of non-custodial alternatives would also be useful. She wondered whether the State party would consider taking legislative steps to end the practice of placing suspects in administrative detention without judicial safeguards.
4. Information on the outcome of investigations into deaths in custody, including deaths by suicide and, in particular, the deaths of the prisoners Marat Kazakpayev, Bakyt Asanbayev, Murasbek Zapparov, I.K. and Azimjan Askarov would be welcome. She would also like to receive information on the application of alternatives to imprisonment for convicts whose state of health was incompatible with deprivation of liberty, and on the situation of prisoners with disabilities, including clarification as to whether they were accorded special status within prisons and were eligible to apply for adjustments to their sentences. Details of State protocols for the use of force and firearms by police officers and the steps taken to ensure their compliance with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials would likewise be helpful.
5. **Ms. Kran** said that she would welcome replies to her previous questions about the merger of the Office of the Ombudsperson and the National Centre for the Prevention of Torture. She would also like clarification as to the time frame for the adoption of the draft law on the Office of the Ombudsperson. Also in follow-up to her previous questions, she would be interested to receive further details about the mechanisms in place for monitoring compliance with the terms of extradition agreed with requesting States, as well as on the estimated time frame for the completion of investigations into the abduction of Mr. Orhan Inandi.
6. In view of the Supreme Court's decision to overturn the conviction of the current President, Mr. Sadyr Japarov, for the kidnapping of a local government official, and in the light of allegations by the European Commission for Democracy through Law (Venice Commission) that presidential power was eroding judicial independence in Kyrgyzstan, she would like to know what was being done to ensure that the judiciary was not influenced by political pressure, including in high-profile cases, and maintain the separation of powers between the executive and judicial branches, in particular in the appointment of judges.
7. Noting that, according to information received by the Committee, the majority of Kyrgyz lawyers felt unsafe and found institutional safeguards to be insufficient, she asked how the State party ensured that lawyers were protected in accordance with article 9 of the Covenant, which recognized the right to freedom from arbitrary arrest, how the harassment of lawyers was addressed in practice, and what was being done to spread the message that threatening behaviour towards lawyers was unacceptable. She would be particularly

interested to hear the delegation's comments about the situation of the defence lawyers Kamil Ruziev, Sergei Slesarenko and Zamir Zhooshev, who had reportedly been threatened by the police many times during their work representing political prisoners.

8. The State party indicated in its replies to the list of issues (CCPR/C/KGZ/RQ/3) that more than 3,000 cases of corruption had been investigated in 2019 and 2020 and 435 cases were being tried. She would be grateful for a breakdown of the types of corruption involved in those cases and the specific offences with which the perpetrators had been charged, as well as information on the number of public officials who had been convicted as a result and the penalties imposed upon them. Information on how the State party ensured that the criminal prohibition of corruption was effectively enforced would be helpful.

9. A new draft bill on voluntary legalization and amnesty in respect of property and income would apparently allow for the asset declarations of public officials to remain private. She wondered how asset declarations could be monitored and corruption uncovered without that information being publicly available. Moreover, under the law on public procurement adopted in 2022, information on one third of all public procurement was now hidden from public view. Was the State party planning to undo that backwards step in order to ensure the transparency of all government spending? She would likewise appreciate information on the measures being taken to address corruption among judges, to facilitate the anonymous reporting of acts of corruption and to protect whistle-blowers. According to information available to the Committee, at least one Kyrgyz resident had been charged with corruption by the United States of America under the Global Magnitsky Act of 2016. Noting in that connection that a failure to ensure accountability in such a prominent case could undermine all of the State party's other efforts to combat corruption, she asked what steps were being taken to address the case in question.

10. Lastly, she would be grateful if the delegation could indicate whether the State party would consider taking legislative steps to bring the 2011 Constitutional Act on Presidential Elections and Elections, which deprived all convicted prisoners of the right to vote, into line with article 25 of the Covenant, which recognized the right to take part in the conduct of public affairs. In particular, she wished to know whether the State party would consider allowing certain convicted prisoners to vote, depending on the gravity of their crime or crimes.

11. **Mr. Furuya** said that it would be interesting to receive further information about the activities of the local elders' (*aksakal*) courts, including the number, nature and outcome of the disputes on which they had ruled in the reporting period, in addition to information on the measures the State party had taken to ensure that all proceedings before the elders' courts were conducted in accordance with fair trial standards and the principle of non-discrimination. Information on the training provided to members of the elders' courts would also be welcome.

12. He would be grateful for data on the prevalence of corporal punishment in family settings, schools and care facilities, on the number of perpetrators of domestic violence against children who had been investigated, prosecuted and convicted since 2014, and on the penalties imposed upon them. The delegation's comments on whether the application of criminal penalties had been effective in discouraging the use of corporal punishment would be welcome, as would clarification of the content and purpose of a reported new bill that would allow for the imposition of fines on the parents and guardians of children who insulted teachers. He also invited the delegation to comment on information received by the Committee which indicated that the Government had failed to respond appropriately to reports of students being physically assaulted by their teachers.

13. It would be useful to receive information on the steps taken to ensure that the amended Non-Profit Organizations Act, which imposed financial reporting requirements on non-profit organizations, was applied in a manner compatible with the Covenant. In particular, he wished to know what measures had been taken to ensure that civil society organizations could seek, receive and use funding and other resources from domestic, foreign or international sources without prior authorization or other undue obstacles, and whether and to what extent the State party had consulted with civil society and other stakeholders in the process of amending the Act. He would be grateful for clarification of the State party's position on

initiatives aimed at the adoption of a so-called “foreign agents” law pursuant to which non-profit organizations that received funding from abroad would be labelled “foreign agents”.

14. Lastly, he would be interested to learn more about the status and scope of the proposed amendment to the Trade Unions Act. In particular, he wished to know whether trade unions had been consulted on the proposed changes, whether the State party still planned to amend the Act, and whether steps had been taken to ensure that any proposed changes were compatible with article 22 of the Covenant.

15. **Mr. Zyberi** asked whether the Supreme Court took due account of the views issued by treaty bodies and whether it offered clarification of the legal implications of those views for the benefit of lower courts in order to ensure the unified application of international human rights law. He also wished to know whether any measures had been taken in follow-up to the Committee’s views beyond the payment of compensation, why the amount of compensation paid to victims of serious human rights violations was much lower than that paid to victims of defamation, and how the State party disseminated views among the general public. He was particularly interested to know whether views were translated into the Kyrgyz language and posted on government websites.

16. He would appreciate more information about the steps being taken to repatriate Kyrgyz women and children detained in the Syrian Arab Republic and other conflict zones, as it appeared that little was being done to assist them. He would like to know how the Government involved civil society in the development of human rights legislation, strategies and programmes, and what steps would be taken to reverse the trend towards reduced engagement with civil society. Noting that the bill on legal acts would apparently allow for the period of public consultations on some draft legislation to be reduced to one week, he asked whether the Government considered one week to be sufficient time for consultations on important human rights issues.

17. He would be interested to know whether the bill on freedom of religion and religious associations would eliminate legal uncertainty in that area and contribute to the effective implementation of article 18 of the Covenant and the relevant provisions of the Constitution. Since groups of believers were currently unable to exercise their freedom of religion collectively unless they were registered as a legal entity, he would like to know whether the bill would facilitate collective worship and remove obstacles to the registration of organizations representing religious minorities such as Jehovah’s Witnesses. It would be helpful if the delegation could indicate which institution was responsible for registering religious associations and how long it generally took for registration requests to be processed. He would also welcome information on steps taken to ensure that Christians were given dignified burials in local cemeteries and on efforts made to prevent and address religious xenophobia.

18. He would appreciate an update on measures taken to promote the participation of Uzbeks and other ethnic minorities in political life, and on progress made towards increasing their representation in political bodies and decision-making positions, including in the context of the quota system. Disaggregated data on the representation of ethnic minorities in the judiciary, the prosecution service and the police force would be useful in that connection. Details of measures being taken to promote the use of minority languages in the public sphere and facilitate access to education in minority languages, including vocational and university education, for members of ethnic minorities would also be appreciated, as well as information on efforts to ensure that language requirements did not constitute an obstacle to recruitment into the civil service for members of ethnic minorities.

19. Lastly, he wished to know what efforts were being made to increase the rate of vaccination against the coronavirus disease (COVID-19) and to ensure that information about the COVID-19 pandemic was made available in minority languages. He wondered whether the State party planned to lift the state of emergency, given that the health situation had improved.

20. **Mr. El Haiba** said that he had not yet received answers to his questions regarding the publication of articles inciting discrimination against the lesbian, gay, bisexual and transgender community during the 2020 legislative election and the funding and operation of the crisis centres for victims of domestic violence and trafficking in persons.

21. He invited the delegation to comment on reports that journalists, human rights defenders, lawyers and politicians had been subjected to intimidation, harassment, persecution and attacks, including by senior government officials, and to provide information on steps taken to investigate such incidents, prosecute the perpetrators and provide redress to the victims. He would also welcome the delegation's comments on reports that journalists and activists received threats online on a regular basis and were under continuous surveillance. He wished to know how many journalists had been prosecuted in connection with content posted on social media and what the legal basis for those prosecutions was. He wondered what was meant by the term "incitement" in article 330 of the Criminal Code and what stage had been reached in the preparation and adoption of the bill on access to information. He would also appreciate information on the efforts made to ensure that the Media Act was in line with article 19 (3) of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, and on measures taken under the Act to ensure the freedom of the media and the independence, transparency and accountability of the Public Broadcasting Corporation.

22. He would appreciate the delegation's comments on allegations that the authorities adopted a discriminatory approach to the dispersal of protesters. It had been reported, for example, that gay and bisexual protesters had been attacked by police officers both physically and online. He would like to know how many protesters had been placed in detention between 2020 and 2022. He would also appreciate information on measures taken to ensure that civil society organizations could carry out their work without interference. Lastly, he would be interested to know whether the draft human rights plan for 2022–2024 had been adopted and, if so, what benefits it would bring.

The meeting was suspended at 11 a.m. and resumed at 11.30 a.m.

23. **Mr. Baisalov** (Kyrgyzstan) said that the National Centre for the Prevention of Torture remained fully functional and there were no plans to close it. On the contrary, a discussion on stepping up the Centre's operations and bringing the Office of the Ombudsperson under its umbrella was under way.

24. A special presidential commission had been set up to investigate the recent death of two inmates in the detention centre of the State Committee on National Security. The commission had included relatives of the victims, members of parliament, human rights defenders and law enforcement officials. It had held around eight meetings and had reviewed thousands of hours of security camera footage. After concluding that one of the inmates had died by suicide, the commission had called for conditions in the detention centre to be brought into line with the relevant security and medical standards. In the coming years, the Government would invest a considerable amount of money in the renovation of prisons, alongside other key priorities such as education and health care.

25. Incidents of corporal punishment in schools sparked a public debate and were generally considered shocking. It was clear, therefore, that Kyrgyz society was no longer accepting of corporal punishment. In the cases mentioned by Mr. Furuya, the teachers concerned had been removed from their posts. Nevertheless, the issue remained at the centre of a culture war, as some people, including some parents, wished to preserve old norms and believed that teachers should be allowed to exercise their authority through physical punishment. Class sizes had increased in recent years, as the average age of the population had fallen. Teachers were therefore under significant pressure. Moreover, they had been badly underpaid until April 2022, when the Government had increased their salaries by at least 80 per cent. Steps were being taken to expand schools in order to reduce the number of children per class. The new law under which parents could be fined for their child's misbehaviour had been adopted in the context of the shift towards inclusive education, which had put pressure on the school system.

26. The legislative amendments that imposed additional reporting requirements on non-profit organizations had not yet entered into force. The new requirements were neither excessive nor discriminatory and were comparable to requirements that existed in other countries. Organizations would simply have to complete and submit a particular form once a year. While certain parliamentary discussions had sparked concern among civil society regarding the possible adoption of a so-called "foreign agents" law, no such law had been

adopted. There were, however, plans to further amend the Non-Profit Organizations Act. It was not unreasonable for the Government to require non-governmental organizations (NGOs), especially religious organizations, to reveal their sources of funding given that external interference and religious extremism posed a threat to democracy, national security and the well-being of Kyrgyz citizens.

27. The relatively low rate of vaccination against COVID-19 was mainly due to the fact that children and young persons, who were less likely to develop a severe form of COVID-19 than older persons, accounted for two thirds of the population. Nevertheless, the Government would continue its efforts to increase the vaccination rate and to ensure that information about COVID-19 was accessible to members of ethnic minorities.

28. The large number of articles published online on topics such as sexual orientation were evidence that civil society and the press were engaging actively and freely in a debate on changing social norms and that the taboos surrounding such topics were being broken down. A shift towards greater public acceptance of sexual and gender minorities was under way, but the Government did not intend to impose a change in norms and would not introduce new legislation in that area until society was ready to accept it. As the situation stood, those minorities were protected against violence, hate speech and discrimination by law and in practice by law enforcement officers.

29. Women's crisis centres and shelters had been established in the 1990s and the first decade of the twenty-first century by international organizations and partner countries, and a number of shelters had been funded by foreign groups and organizations, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). The Kyrgyz State had allocated 2.5 million soms (about US\$ 30,000) to the shelters in 2021 and 20 million soms (about US\$ 250,000) in 2022. Additional information would be provided in writing.

30. Violent acts had indeed been perpetrated against journalists but in most cases the police had intervened on their behalf and the attackers had been prosecuted pursuant to the Media Act. Details concerning the number of journalists who were being prosecuted would be provided in writing. Some of them had violated the right to free speech by instigating hate speech, inter-ethnic strife and violence through newspaper articles or television broadcasts. It was the State's duty to preserve law and order and to raise awareness of the importance of opposing inter-ethnic conflict and maintaining peace and stability.

31. **A representative of Kyrgyzstan** said that all rulings handed down by the country's courts were impartial and underpinned by the Constitution and domestic legislation. Steps were currently being taken to assess and improve the quality and effectiveness of the judiciary, to simplify legal proceedings, to surmount linguistic barriers, and to improve access to justice and enhance its transparency. The procedure for the appointment of the President of the Supreme Court was based on the principle of impartiality and international norms. Mr. Bazarbekov had been appointed by the Council for the Selection of Judges, which was composed of judges, members of parliament and the President. The proposal had been submitted to the Zhogorku Kenesh, the parliament of Kyrgyzstan, following its adoption by the Council. Mr. Bazarbekov's professional qualities and independence were beyond doubt; he had served as a judge for more than 17 years and had also worked as a lawyer and a procurator. With regard to gender equality in the country's courts, 38 per cent of judges in the higher courts and 34 per cent of judges in the lower courts were women.

32. **A representative of Kyrgyzstan** said that the allegation that suspects were denied access to lawyers during pretrial investigations was false. All persons were entitled to the assistance of a lawyer if they so wished. Furthermore, pursuant to the Criminal Code, all arrested persons were required to undergo a medical examination in a specialized medical institution in accordance with the Istanbul Protocol. The 48-hour period of custody before being brought before a judge could not be extended. If the judge concluded that there were no grounds for prosecution or penalty, the arrested person must be released immediately. The allegation that suspects or witnesses who were minors could be questioned in the absence of their parents and guardians was also false, and the presence of a lawyer in such cases was also mandatory. An electronic format had been established for pretrial investigations, and all procedures were registered in a central database if a person remained in custody for more

than 48 hours. The resulting report could only be adopted in the presence of a lawyer. The law that permitted administrative detention for up to seven days had been amended so that no person could be placed in such detention without a judicial order.

33. Police were entitled to use firearms solely in order to protect citizens from an attack or in self-defence. They were not permitted to use firearms against pregnant women or minors except in the context of an attack on the police by an armed group. Internal inquiries were conducted in order to assess whether the use of firearms had been justified, and the cases were then referred to the Procurator's Office for a judicial assessment.

34. **A representative of Kyrgyzstan** said that the Criminal Code and the Code of Criminal Procedure had been drafted by a 68-member working group, 80 per cent of whom had been lawyers, academics or representatives of civil society. The Codes were based on the Constitution, international legal norms and international treaties ratified by Kyrgyzstan. The provisions governing pretrial proceedings contained in the previous Code of Criminal Procedure adopted in 2017 had permitted the detention of persons summoned for interrogation for a considerable length of time, the freezing of their bank accounts and their placement under surveillance. Many citizens and members of the business community had complained that their rights had been violated in such circumstances. The new Code ensured that their rights were duly protected. For instance, persons could only be questioned, including as witnesses, if their lawyer was present. If the investigators concluded within a period of 10 days that further action was required, the Procurator's Office would institute proceedings. Coercive measures such as arrest, detention and freezing of bank accounts were only permissible in criminal cases. Once the existence of a criminal offence had been verified, there were three alternatives to detention. A person could be mandated to remain within the country, offered bail or placed under house arrest. Military staff could be held in custody in a military base.

35. On receiving a report of the death in custody of Murasbek Zaparov, law enforcement agencies had undertaken investigations and had found on the basis of medical and legal evidence that the guilty party was his cellmate, who had therefore been charged. Prison staff would also be required to respond to criminal charges of negligence. Foreign citizens were extradited only on receipt of guarantees from the requesting State that their rights would not be violated, that they would have access to a lawyer and that they would not be subjected to torture. Mr. Orhan Inandi had not been extradited but abducted, and the competent border security staff were being investigated in criminal proceedings. With regard to the allegation that Mr. Ruziev, Mr. Slesarenko and other lawyers had been threatened by the police, he assured the Committee that lawyers' statements and complaints were carefully investigated by the Procurator's Office. If their rights were found to have been violated, criminal proceedings were instituted against the alleged perpetrators.

36. A court could rule that a person should be held in pretrial detention for a period of two months, and that period could be extended. However, the new Code of Criminal Procedure prohibited pretrial detention for more than a year if there was no evidence of a person's guilt. All statements made during the interrogation of suspects were recorded and entered in the central database. The use of facial scanning was currently being piloted in police custody facilities in Bishkek, which housed the largest number of detainees. When suspects were admitted, their faces were scanned for the database and the time at which they were placed in a cell was recorded. No person could unlawfully enter a cell. The Procurator's Office had a special section working to combat corruption and there were similar units in other law enforcement agencies. Anti-corruption laws were fully in keeping with treaties of the Council of Europe and the Organization for Security and Co-operation in Europe and with international norms.

37. **A representative of Kyrgyzstan** said that the Constitution guaranteed qualified legal aid for all detainees, if necessary at the expense of the State. They were also entitled to a medical examination and assistance from a physician. Under the system of free legal aid, suspects were entitled to the services of a duty lawyer immediately upon their arrest. The Centre for Coordination of State-Guaranteed Legal Aid cooperated with local authorities, the Bar Association and civil society, and, since its establishment in 2017, had provided qualified legal aid to more than 70,000 persons, with the number of lawyers providing it having increased to 469. A new law on State-guaranteed legal aid that had entered into force on 10

August 2022 guaranteed legal aid to victims of domestic violence and human trafficking and introduced procedures for providing such aid in civil and administrative proceedings. It also established a special register of lawyers who provided qualified legal aid in cases relating to domestic violence. Provision had been made for the coordination of legal assistance and for effective analysis and monitoring at the regional level, including on issues relating to gender-based and domestic violence. A recent decision taken by the Cabinet of Ministers enhanced the powers of local self-governing bodies to guarantee access to free legal aid at the regional level and had led to a fivefold increase in the number of local units and coordinators.

38. With regard to conditions of detention and the infrastructure of the State Penal Correction Service, the prison population currently amounted to some 7,500 persons, of whom 4,500 were in correctional institutions, 1,500 were in remand custody and 1,500 were in open prisons. There were 22 women and 13 minors in remand custody awaiting trial. In line with legislation on pretrial detention, women suspects were held in separate remand facilities to men and minors were grouped according to their age, held separately from adults, and provided with educational materials and good quality nutrition. Pursuant to the Code of Criminal Procedure, convicted women and their children were detained separately from men. Currently detention capacity was 12,700 in prisons, 2,300 in remand centres and 1,700 in open prisons. Thus, in total, the Penal Correction Service could accommodate 16,700 inmates. The system was therefore operating at below 50 per cent capacity, and there was no problem with overcrowding.

39. With regard to measures taken by the State to improve conditions in prison institutions, a plan to relocate four detention facilities, moving them outside major cities to new premises, and to build three new high-security prisons in the south of the country was under way. Two of the facilities had already been relocated, with an investment of 130 million soms. With a view to increasing security and improving infrastructure in Bishkek, one detention facility was being relocated and incorporated into a secure, specialist hospital. Thus far, 240 million soms had been invested in that project. A dedicated secure wing of the hospital was being established that would have four wards – a general ward, a surgical ward, a drug rehabilitation ward and a psychiatric ward – and a total of 265 beds. In another Bishkek prison, a special facility was being built for prisoners serving life sentences. The Government was working closely with the International Committee of the Red Cross to ensure that conditions of detention were acceptable. The building work had been completed recently; the facility would house up to 208 prisoners and was due to be opened officially in the near future.

40. For many years, facilities had not been upgraded or modernized owing to a lack of financial resources but the budget for the refurbishment and modernization of prison institutions had been increased by 300 million soms since 2020. The State was paying particular attention to the matter and dedicating significant resources to improving the quality of detention facilities and conditions within them.

41. Turning to the question on trade unions, he said that the draft law amending the Trade Unions Act had been initiated by a group of parliamentarians, approved by the Zhogorku Kenesh and submitted to the President of the Republic for signature. The President, however, had used his constitutional right to return the draft to the Zhogorku Kenesh for revision in order to make it mutually acceptable for the Federation of Trade Unions of Kyrgyzstan, employers' organizations and the State. The President had insisted on the need for consultations with technical experts from the International Labour Office (ILO) with a view to improving national legislation and aligning it with international agreements. The Trade Unions Act was thus being revised by an interdepartmental working group comprising representatives of the Government, trade unions, employers' organizations and ILO. The new draft law had been through a public consultation process, with the agreement of State bodies and the social partners, and was currently being prepared for consideration by the President. The draft was therefore still in an administrative phase.

42. **A representative of Kyrgyzstan** said that prisoners did not have the right to vote or to stand for election. An interdepartmental working group had been established and had submitted a proposal to change the relevant legislation to the Zhogorku Kenesh but the proposal had not been accepted. There were currently 39 inmates with disabilities in correctional facilities, all of whom had regular access to medical care and individual

psychological and social support. A new hospital was being built that would include a high-security wing for prisoners with disabilities and would have capacity for 255 patients, in line with current needs. With regard to illness in prisons, over the course of the pandemic some 99 prisoners had been affected by COVID-19.

43. The draft bill to amend the Freedom of Religion and Religious Organizations Act remained under discussion in the Zhogorku Kenesh and in consultation with civil society. There were many differing views on the draft, which would undergo further revision to take them into account. Freedom of religion and belief was enshrined in the Constitution and more than 3,000 religious organizations were currently registered in Kyrgyzstan.

44. With regard to legislation on media freedom, there were over 1,000 media outlets registered in Kyrgyzstan, which were entitled to print or broadcast information without any restrictions or any form of State censorship. In consultations on legislation related to the media held with civil society and independent experts, journalists had raised concerns about their safety and protection when reporting, and their concerns had been taken into account in the revision of that legislation.

45. **Mr. Baisalov** (Kyrgyzstan) said that local elders' (*aksakal*) courts had been established in the early 1990s to provide relief to the judicial system by allowing community courts to hear cases relating to minor misdemeanours. The number of cases tried in such courts would be provided to the Committee in writing. The *aksakal* courts were enshrined in the Constitution as community-based institutions but their role was currently under government review and discussions regarding the types of cases that they should be authorized to handle were ongoing. The consideration given to how to strengthen and support them, and define the scope of their work, would take due account of the Committee's recommendations.

46. On the issue of corruption and revisions to legislation that slackened the requirement for public officials to publish information about their property and income, strict legislation on transparency had been in place since 2005, the provisions of which had been much harsher than those of equivalent laws in many high-income countries. Under those provisions, Kyrgyz government officials had been required to report their exact income and the specific address and size of their property. The law had not, however, prevented corruption; government ministers who had not wished to share such information had simply refused to report it, claiming the reporting requirements to be a breach of their right to privacy. The purpose of the legislative review was to ensure that the legislation functioned and served its purpose. The new President and his administration, who had taken office only two years previously, believed firmly in the need to abandon repressive policies under which the success of the fight against corruption had been measured by the number of criminal cases instituted and the number of officials imprisoned. Improved tax administration and collection under the new Government had already resulted in a 54 per cent increase in tax revenue in the first eight months of 2022. Officials accused of corruption had been required to contribute to the treasury, rather than serving prison sentences.

47. The guarantees provided prior to extradition would be reviewed. Kyrgyzstan was bound by bilateral treaties in that area but the Committee's concerns had been noted and further consideration would be given to the dangers faced by those subject to extradition.

48. With regard to the right of ethnic minorities to receive education in their native language, reports on the reduction in the number of schools providing education in Uzbek were unfounded. Those schools had introduced teaching programmes in additional languages, including Russian and Tajik, in line with the needs of graduates on the professional market, and therefore no longer taught exclusively in Uzbek. Education was tailored to labour market needs, the reality of which was that many school-leavers from Kyrgyzstan would seek jobs in the Russian Federation.

49. Lastly, regarding burials, he acknowledged that the guarantee of a dignified burial was an important public and political issue. Urbanization had resulted in many people in large cities, who had low incomes, not being able to afford a burial plot for their loved ones. Legislation was being prepared to guarantee burial plots in State-run public cemeteries for those who could not afford private plots.

50. **Mr. Al Haiba** requested the delegation's views on a statement in which the Chief Justice of the Supreme Court, when asked during a round table with civil society why persons accused of raping a minor had been released under surveillance while bloggers and journalists had been imprisoned for sharing their political views, had admitted that judges had committed errors in sentencing.

51. **Mr. Furuya** asked whether the activities of NGOs that declared receipt of foreign funds would be restricted or prohibited under the new legislation on civil society organizations.

52. **Mr. Zyberi** said, with regard to the conflict on the border with Tajikistan, that the Committee took note of the peace agreement but wished to receive further information on measures taken to protect the right to life and other Covenant rights of those affected.

53. **Ms. Kran** said that she wished to receive follow-up information on action taken to prevent threats to lawyers and human rights defenders and particularly wished to know what was being done in the case of Mr. Kamil Ruziyev, a human rights lawyer whose acquittal had recently been overturned.

54. **Mr. Baisalov** (Kyrgyzstan) said that NGOs receiving foreign funds would be able to work freely; the reporting of sources of funding was simply a question of transparency. The attacks against civilian villages by unidentified militants in Tajikistan constituted a violation of the right to life. Details on the damages would be provided in writing. He wished to thank the Committee for its attention and professionalism during the dialogue with his delegation and to thank the representatives of civil society and the human rights community for their detailed alternative reports. He hoped that the reforms under way in Kyrgyzstan would lead to significant progress.

55. **The Chair** said that the Committee had welcomed the opportunity to discuss the State party's legislative reforms and consider their compatibility with the provisions of the Covenant. She commended the State party's engagement with civil society in that process. She reminded the delegation that the Committee would expect to receive any further submissions in writing within 48 hours.

The meeting rose at 1.10 p.m.