



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture Seventy-second session

Summary record of the 1844th meeting*

Held at the Palais Wilson, Geneva, on Wednesday, 10 November 2021, at 10 a.m.

Chair: Mr. Heller

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* No summary record was issued for the 1843rd meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Third periodic report of Kyrgyzstan (CAT/C/KGZ/3; CAT/C/KGZ/QPR/3)

1. *At the invitation of the Chair, the delegation of Kyrgyzstan joined the meeting.*
2. **Mr. Smanaliev** (Kyrgyzstan) said he wished to update the Committee on some major developments which had taken place in his country since the third periodic report had been drafted. Most notably, the amended Constitution had been approved in a referendum in April 2021; it was focused on achieving an all-round improvement in all spheres of the life of the community.
3. Article 56 of the Constitution made it clear that no one could be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Torture was qualified as a crime. Torture and cruel treatment entailed criminal liability. The Criminal Code, the Code of Criminal Procedure, the Penal Enforcement Code and the Code of Offences had all been amended accordingly. The fundamental requirements of the Convention and the suggestions of civil society and non-governmental organizations (NGOs) had been taken into consideration when drafting the Criminal Code. For example, under article 137 of the Criminal Code, a person found guilty of torture could face a prison sentence of between 5 and 12 years. Furthermore, torture of children had been made a specific crime. In order to implement the Convention, the crime of torture had been moved from section 9 (Official misconduct) of the Criminal Code to section 6 (Offences against a person) of the Code of Criminal Procedure, and the circle of persons who could be prosecuted for the crime had been widened. Any person found guilty of torture was not eligible for pardon or a reduction of their sentence, and they could not rely on the statute of limitations.
4. In response to comments from several sources about the undue length of investigations into torture, under the new Criminal Code and Code of Criminal Procedure, as from 1 December 2021, investigators from the procurator's office and investigators from the national security agencies would be authorized to investigate criminal cases related to torture. A special department to guarantee State protection had been set up in November 2014 in the Ministry of Internal Affairs. It was responsible for ensuring the safety of persons, including victims of torture, who took part in criminal proceedings. In addition, the Ministry of Health provided free medical and psychological assistance to victims of torture. Combating torture was the responsibility not only of the law enforcement agencies but also of the National Centre for the Prevention of Torture, the Ombudsman and NGOs. Procuratorial authorities and representatives of the Ombudsman had jointly carried out over 600 spot checks in detention and temporary detention facilities. Procuratorial authorities on their own had conducted more than 34,000 spot checks in administrative facilities of internal affairs authorities and in detention and temporary detention facilities and closed institutions between 2012 and 2020 and over 2,000 checks in the first six months of 2021.
5. As stated in paragraph 68 of the report, every complaint of torture or of other cruel, inhuman or degrading treatment or punishment was thoroughly investigated. A provision introduced into the Code of Criminal Procedure to guarantee the prohibition of torture in accordance with the Constitution required the registration and investigation of every crime reported. The recording of all complaints in a single digital register of crimes and offences had made it possible to attend more rapidly to crimes, including torture. Victims of torture could submit a written application to the competent authorities in person or by post, fax, email or the Internet. Between 2012 and the first six months of 2021, courts had found 18 officials guilty of torture, 14 of whom worked for internal affairs agencies and 4 of whom were prison officers. Prison sentences had been handed down to 12 of them.
6. Digitalization had also been extended to the Penal Correction Service. Currently, the recordings of 903 closed-circuit cameras were monitored and analysed by the Service. They covered the service's administrative buildings, citizens' reception centres, hospitals and clinics. Closed-circuit cameras also permitted surveillance of the entrances to institutions and of visitors' areas. In all, 154 body cameras had been issued to guards escorting suspects or prisoners and to other officers in penal institutions.

7. In order to meet the State party's obligations to prevent all forms of domestic violence, the Code of Offences provided for a sentence of up to seven days' administrative arrest; if the offender was ordered to attend a corrective programme and failed to do so, he or she would receive a warning or be required to do 40 hours of community service. With the support of the Organization for Security and Cooperation in Europe, a project involving 49 mobile police units was being implemented to provide legal advice throughout the country, including in areas where the presence of officials of internal affairs agencies and local authorities was limited. One of their main objectives was to prevent domestic violence.

8. The Government provided regular training to make members of the judiciary and law enforcement agencies better qualified to defend and protect human rights. Subjects on the curricula of the various training institutions included the prevention of violence, torture and other cruel treatment, the prevention and ending of human trafficking, legal and social protection from domestic violence, working with children, the rights of minors and combating bride theft. In addition, almost 6,000 law enforcement and judicial officers had attended workshops and seminars given by experts from international and non-governmental organizations.

9. With a view to implementing the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol), the Ministry of Health had approved a form for the medical examination of persons held in temporary detention facilities. Training for this examination had been introduced in the programme of the State Medical Institute for Retraining and Professional Development. Almost 6,000 medical workers had received such training since 2016. The State party had been one of the first Central Asian countries to give effect to the Protocol.

10. **Ms. Racu** (Country Rapporteur) said that, while some of the changes described in the opening statement and the State party's report were positive, a number of the Committee's recommendations in its concluding observations on the second periodic report of Kyrgyzstan ([CAT/C/KGZ/CO/2](#)) had not been fully implemented.

11. First, the definition of torture in the Criminal Code was still not consistent with that of article 1 of the Convention, as it limited criminal liability for torture to State officials and made no provision for the criminal liability of other persons acting in an official capacity. She therefore asked whether the State party planned to update the Criminal Code to bring the definition fully into line with article 1 and whether crimes related to torture were punishable by appropriate penalties which took account of their grave nature, as required by article 4 (2) of the Convention. Secondly, under the Ombudsman Act, the Ombudsman could be removed from office if parliament disapproved of his or her annual report on the observance of human rights and freedoms. That possibility hampered the Ombudsman's effective performance of his or her duties. The Committee would appreciate details of the new bill on the Ombudsman being drawn up by the State party, and of the procedure for electing and dismissing the Ombudsman and the legal status of the Office of the Ombudsman and its powers.

12. The Committee understood that there were many obstacles to the efficient functioning of the National Centre for the Prevention of Torture and the fulfilment of its mandate. As the information provided in the report was rather general, the Committee would be grateful for an explanation of how unlawful interference hampered the Centre's work, especially as article 146-2, which punished such interference, had been deleted from the new Criminal Code. Another concern was the lack of human resources in the Centre's regional offices, which made it difficult to carry out monitoring visits to places of detention in the Naryn, Talas and Batken regions. The Committee had been informed that the Centre's budget had been reduced and that, owing to restrictions due to the coronavirus disease (COVID-19) pandemic, it had limited or no access to places of detention. She therefore wished to know what budgetary or logistical resources had been allocated to the Centre so that it could fulfil its mandate under the Optional Protocol to the Convention against Torture. She was curious to know how many recommendations related to the prevention of torture and the protection of persons deprived of their liberty had been issued by the Centre and how many of those had been fully or partially implemented. As the State party's report said nothing about the access of civil society organizations to places of deprivation of liberty for monitoring purposes, any information on that subject would be welcome.

13. Another concern was that some fundamental legal safeguards, such as access to a lawyer, timely registration of prisoners and notification of prisoners of their rights, were not being provided. National laws did not clearly stipulate that law enforcement authorities must register the first contact with the detainee at the time of arrest. The absence of the notions of “detained” and “moment of detention” from the Code of Criminal Procedure made it possible for a law enforcement authority to abuse its authority by not properly registering a person’s detention. It was, however, a known fact that the most significant human rights abuses, including torture, took place in the first hours of detention. Although article 45 of the Code of Criminal Procedure established that a suspect was entitled to one free, supervised telephone call, in practice that right was often not granted until several hours had elapsed since the moment of detention. In many cases, the accused did not meet their lawyer until their trial, despite the fact that a person arrested or charged with an offence had the right to consult with a public defence counsel as soon as they were detained. Unfortunately, the practice of providing legal aid had some shortcomings due to the fact that State-appointed lawyers did not always supply a high-quality, independent defence. The shortage of lawyers on the legal aid roster meant that they had a heavy workload, which detracted from the quality of their legal assistance. It seemed that the legal aid system lacked effective internal and external quality controls. The shortage of rooms in temporary detention facilities and detention centres where lawyers could meet their clients led to long waiting lists for such visits. In view of those shortcomings, she asked whether the delegation could provide information on how the State party intended to ensure the right of access to a lawyer for all persons deprived of their liberty, including those held in administrative arrest and minors, who were apparently the most disadvantaged when it came to legal aid. She wished to know what steps the State party would take to ensure the effectiveness of the system of free legal representation throughout criminal proceedings, including at the initial stage of police custody.

14. While detainees’ right to be brought before a court within 48 hours of being detained was enshrined in the Constitution and their right to challenge the lawfulness of their detention was provided for in the Code of Criminal Procedure, those safeguards seemed to have little practical effect, in particular because a judge only verified the lawfulness of the detention when asked to do so by the prosecutor. Over 400 cases had been identified of detainees being unlawfully held in temporary holding facilities in Jalal-Abad Province after they should have been transferred to a remand centre; the explanation that the province lacked a remand centre was no justification for such a gross violation of the law, which potentially amounted to cruel, inhuman and degrading treatment. She hoped to hear the delegation’s comments on the absence, in Kyrgyz legislation, of a time limit for detention for the entire duration of judicial proceedings.

15. Further details of the Rules on Medical Documentation of Violence, Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and of the Action Plan on Implementation of the Principles of the Istanbul Protocol – both referred to the Government for approval in January 2021 – would be useful; she wondered whether they had already been approved and implemented. She would also appreciate any relevant information about the State party’s efforts to ensure that detainees underwent a medical examination upon their admission to temporary holding facilities. It would be useful to hear about any recent initiatives intended to improve the clinical assessment and physical inspection of detainees by medical personnel. She wished to know whether those personnel reported to a specific health authority. It would be helpful to hear about any mechanisms for reporting cases of possible torture and ill-treatment, in particular any specific registers for injuries or violent incidents. How many such cases had been reported during the reporting period, how had they been investigated and had any prosecutions and punishments resulted from such investigations?

16. Turning to gender-based violence and domestic violence, she said that she would welcome any information on State-funded shelters for victims of domestic abuse, other than the Sezim crisis centre in Bishkek. In view of the prevalence of violence against women, the lack of statistical information on violence against women and its causes, the underreporting of cases of violence against women and the apparent lack of State-funded crisis centres outside Bishkek, she would appreciate details of measures taken to comply with the Protection against Domestic Violence Act, including through the provision of medical and

psychological support, shelters and legal assistance for victims, almost all of which were currently provided by NGOs. Moreover, the Government had not yet set up a body to oversee the coordination and implementation of domestic violence prevention and protection measures, which was a key requirement of the Act.

17. Given that only 944 of the 9,025 cases of domestic violence reported in 2020 had been brought before a court, she wished to know what steps the State party was taking to address that discrepancy. An account of the measures taken to increase police willingness to act in response to domestic violence and treat it as a human rights violation would be useful, as would exact figures for the number of prosecutions and convictions for gender-based violence and domestic violence during the reporting period. She wondered how the courts ensured adequate enforcement of protection orders in cases of domestic abuse, how many temporary banning orders had been issued and how many individuals had been convicted of failure to comply with them. She would also appreciate an update on the measures taken to combat abductions of young girls for marriage – such as cooperation agreements between the police and crisis centres – and on their effectiveness.

18. Despite evidence of trafficking of Kyrgyz nationals and foreigners in and outside the country, she was concerned about the lack of information on the number of complaints, investigations, prosecutions and convictions related to trafficking in women and girls; she hoped to be provided with those figures and with information on support and rehabilitation programmes for victims. She was also concerned about the incomplete implementation of legislation and strategies, the lack of measures to address the root causes of trafficking and the scarcity of shelters for women victims. She would appreciate additional information – including any relevant figures – on protection, redress and compensation measures for victims of trafficking or on legislative changes intended to improve their situation.

19. Recalling that, in its previous concluding observations, the Committee had recommended that the State party should take all necessary measures to ensure the principle of non-refoulement, she said that reported cases showed that the recommendation had been ignored. She wished to know what steps the State party was taking to investigate the cases of the Uzbek journalist Bobomurod Abdullayev, who had been extradited to Uzbekistan, where he had faced torture; the Kazakh blogger Murat Tungishbaev, who had been extradited to Kazakhstan, where he had also faced torture; and the Turkish-born Kyrgyz citizen Orhan İnandı, who had disappeared from Bishkek and reappeared in custody in Turkey, probably after being tortured. She wondered whether the Government was continuing to deny legal residency to some individuals classed as refugees by the Office of the United Nations High Commissioner for Refugees, thereby barring them from working, accessing medical services or receiving identity documents. She would appreciate an update on any measures taken to improve the situation of migrants and asylum seekers, including unaccompanied children. She also wished to know how many complaints had been submitted by migrants and how many had been investigated.

20. Turning to health care in prisons, she said that, while the information on tuberculosis screening on admission in the period 2012–2016 was welcome, figures for the years 2017 and later would also be useful. She hoped for clarification of the Government's views on decriminalizing the use of narcotics, in the light of the large proportion of convictions that were for narcotics-related offences, and on the protection of prisoners undergoing opioid substitution treatment, since a bill passed in 2020 had restricted the activities of NGOs that funded such treatment. She wondered what measures had been taken in prisons to remedy the acute shortage of qualified health-care professionals, including female doctors and psychiatric specialists; the low level of qualifications among health-care professionals; the poor quality of medical care; the shortages of equipment and medicines; and the lack of an effective system for interaction with health-care institutions in local communities. Details of measures taken in prisons during the COVID-19 pandemic – including testing, prevention and treatment – would be appreciated, as would figures for the number of COVID-19 cases and the vaccination rate among prisoners.

21. She wondered whether, since the consideration of the previous report, the State party had rejected, for any reason, any request by another State for extradition of an individual suspected of having committed an offence of torture and had started criminal proceedings as a result. If so, she would welcome information on the status and outcome of such proceedings.

22. Lastly, she wished to encourage the State party to make a statement under article 22 of the Convention recognizing the Committee's competence to consider individual communications.

23. **Ms. Pūce** (Country Rapporteur), noting that training on the prevention of torture seemed to be available for judges, prosecutors and investigators and that powers to investigate acts of torture had, on 1 January 2019, been transferred to the State Committee on National Security, said that she would welcome information about the training on prevention of torture offered to the State Committee's investigators in the period 2019–2021, since there had been reports that it lacked adequately trained investigators. She would also appreciate details of the organizations that had provided that training, along with statistics on which staff had participated in the sessions.

24. Law enforcement officials, who were responsible for implementing human rights in practice, were often accused of violence or of inhuman or degrading treatment; clearly, they lacked the relevant training, particularly when they worked in environments where methods based on violence had become the norm. She therefore wished to receive details of any training given to those officials in the period 2019–2021 on human rights and the prevention of torture, including on how to handle various situations in a non-violent manner.

25. She had been pleased to hear of the guide produced in 2014 by the Ministry of Health on the documentation of torture and other cruel, inhuman or degrading treatment, in line with the Istanbul Protocol, and wished to know more about its implementation in practice, including any training given to medical staff in that regard in the period 2019–2021. Similarly, information on any COVID-19 training given to the medical staff of law enforcement agencies would be appreciated.

26. It would also be useful to be provided with details of any training given to law enforcement officials – including police, prosecutors and judges – on how to provide effective protection to women who had been subjected to violence, including domestic violence or rape. Similarly, information on any training they received in dealing with the lesbian, gay, bisexual, transgender and non-binary (LGBT+) community would be welcome.

27. She asked whether medical staff who had been asked to document signs of violence or ill-treatment, via the recently introduced forms for use in medical examinations, had a legal obligation to do so, even in cases where the victim asked them not to, for fear of reprisals, for example.

28. The transfer of the power to investigate cases of torture from the prosecution authorities to the State Committee on National Security raised a number of concerns. First, investigations could thereby be rendered less effective. Second, the State Committee's power to detain people undermined the requirement for investigations into cases of torture to be impartial and independent. Third, the secret, closed nature of the institution and its work not only made it difficult for lawyers to see their clients but also meant that the investigations themselves, and the corresponding working methods, were shrouded in secrecy. The investigations could not be scrutinized by the prosecution authorities; they apparently had no fixed time limits; and when decisions by the State Committee to close cases were successfully appealed before the courts or prosecution authorities, the original investigator was often reassigned to the case. She would therefore like to receive more information on how the State Committee on National Security worked, including on who could submit a complaint or allegation of torture – did it have to be a physical person, for example, or could it be an institution such as the Office of the Ombudsman? Recalling that detainees at a pretrial detention centre overseen by the internal affairs agency in Bishkek had allegedly been beaten during a search by the administration, which they had reported to the Ombudsman on 24 March 2021, she asked what the outcome had been in that case, and what procedures were followed in general in such situations, given that the Office of the Ombudsman itself had no investigative powers.

29. The information on the workings of the State Committee on National Security should include details of the institution's structure and working methods, the number of staff tasked with finding out about allegations of torture, any internal supervision of investigators' work, any participation by forensic experts and how witnesses were questioned.

30. In contrast to the information provided by the delegation on the outcome of a number of complaints of torture, which had included penalties such as imprisonment, another source had stated that the number of complaints by victims of torture to the prosecution authorities had decreased, standing at approximately 93 in 2020; the source had indicated that one reason for the decrease in the number of complaints was the lack of trust that allegations of torture would be examined promptly and objectively and the perpetrators duly punished. In that regard, she wished to receive information on the number of complaints received by the State Committee on National Security in 2019, 2020 and, if possible, 2021. The information provided should include details on, for example, whether the alleged perpetrators had been police staff or prison officials; the number of complaints received from women, juveniles, the LGBT+ community and persons with disabilities; how many criminal cases had been initiated; how many had been rejected; how many had been closed on grounds related to a statute of limitations or lack of evidence; how many had been closed by investigators, including cases that had been returned for further investigation; and, of the latter, those that had actually gone to trial and what the outcome of those trials had been, including any suspended sentences handed down.

31. Despite the measures taken to improve conditions in places of detention, they did not meet the minimum requirements of either national standards or international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Noting with concern the overcrowding in places of pretrial detention in particular, and the alleged mistreatment and problems that occurred there, including detainees being denied visits, she asked the delegation to provide the Committee with a list of all pretrial detention facilities and prisons. Details should be provided of the official capacity of each facility and prison, and the actual number of detainees, and should be disaggregated to show the number of pretrial detainees, convicted prisoners, life prisoners, women, juveniles, members of the LGBT+ community and persons with disabilities. Staff numbers at the different facilities and prisons should also be provided, disaggregated by profession – perimeter guards, custodial staff, medical staff, social workers, psychologists and teachers.

32. She wished to know what measures had been taken to address the important problem of persistent overcrowding in places of detention, which was at the root of many human rights violations. Given that there were approximately 300–400 inmates sentenced to life imprisonment and that the facility specifically designed to house life inmates – No. 19 – had capacity for just over 100, many life inmates were being detained in non-specialized facilities and correctional colonies, where they were often subjected to particularly stringent conditions. In that regard, she would like the delegation to provide details of the exact number of inmates sentenced to life imprisonment. How many of them were detained somewhere other than at facility No. 19, and how did conditions in those places of detention differ from those at facility No. 19? In particular, she wished to know more about the use of security measures such as those involving handcuffing or strip searches, and whether an individualized approach was used in their imposition in relation to those sentenced to life imprisonment. She would also like to know more about the entitlement of life inmates to have contact with the outside world, particularly through visits, and about their access to doctors and the possibility of engaging in work, education and other purposeful activities, including association with other life inmates.

33. She asked if the delegation could provide information on solitary confinement in places of detention, including the maximum time limits. She would also like to know whether periods of solitary confinement could be imposed consecutively, whether juveniles could still be placed in solitary confinement and, if so, how often they were allowed to have contact with the outside world, including medical staff.

34. A significant number of reports had been received about journalists facing threats of intimidation and violence in Kyrgyzstan, beyond the two cases of journalists subjected to ill-treatment described by the State party in its periodic report. For example, in its *World Report 2021*, Human Rights Watch had reported that, on 5 October 2020, journalists had been attacked, including by police, during political unrest. Aibol Kozhomuratov, a social video producer at Current Time TV, had tweeted a clip showing a law enforcement officer shooting a weapon at him while he was reporting. She wished to know about any investigation that

had arisen from Mr. Kozhomuratov's claim, and whether law enforcement officials received any training on how to interact with journalists at demonstrations. The Committee had also been informed of journalists being harassed by wealthy and politically well-connected non-State actors for reporting on alleged corruption. Radio 3 Europe, for example, had been obliged to relocate some of its journalists to Prague because of serious threats made to their lives following their reporting on the corruption of former senior public officials. She wished to know whether the allegations of intimidation and violence by non-State actors had been investigated and whether a mechanism existed for journalists to report intimidation.

35. Noting that human rights defender Azimjan Askarov had died in prison of pneumonia in July 2020, she asked the delegation to provide details of the steps that had been taken to ensure that his allegations of torture were thoroughly and impartially investigated. She also wished to have details of any investigation into his death, his medical reports and details of any medical care he had received, and the nature of his detention in the weeks leading up to his death. Information should also be provided on what redress had been granted to his family.

36. Another area that remained of concern was that of violence against children, in both family and institutional care settings. Monitoring of residential children's institutions carried out in 2019–2020 had revealed the ineffectiveness of the system for the prevention of violence, ill-treatment and torture. Children were generally not aware of the prohibition of violence against them and there appeared to be no mechanisms in residential children's institutions for them to report it. She asked the delegation to provide information on the existence of any mechanism for registering complaints in residential children's institutions; any external supervision of those institutions; whether any investigations had been carried out into the use of violence in such establishments and, if so, their outcome; and what measures were planned to prevent such violence.

37. The State party had committed to prohibiting corporal punishment in all settings during its universal periodic reviews in 2015 and 2020 and had drafted a new children's code, which had yet to be signed into law. She would like to know when the new code would be signed, whether it would contain explicit provisions on the prohibition of corporal punishment in the home and in institutions and how the State party planned to ensure the practical application of those provisions.

38. The State party had informed the Committee that it provided medical and psychological rehabilitation services for victims of torture. However, the Committee understood that all such services in Kyrgyzstan were privately funded. She would be grateful if the delegation could clarify specifically which rehabilitation services were State-funded.

39. **Mr. Rodríguez-Pinzón** said that, according to information received by the Committee, following the sudden death in custody of Mr. Askarov in July 2020, the domestic courts had denied his widow the status of successor and the right to adequate compensation. He noted that, in the vast majority of cases where the human rights treaty bodies had requested the due and proper reparation of victims and their families, the State party had failed to comply. He would be interested to hear why those requests had gone unheeded, what measures the State party would be taking to adequately compensate those victims, and whether victims of torture could still seek civil remedies where alleged perpetrators had not been identified or convicted by the criminal courts.

40. **Mr. İşcan**, noting that the State party had acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, said that he wondered whether it also planned to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. The grounds for denying the lodging of asylum applications provided for in the most recent amendment of the Refugees Act appeared to breach the principle of non-refoulement under the Convention against Torture and the 1951 Convention. He would be grateful for the State party's comments in that regard and for statistics on the practical implementation of the Refugees Act. Lastly, when compared with data provided by the Office of the United Nations High Commissioner for Refugees, the number of refugees cited in the State party report seemed very low indeed, particularly given the extent of population movement in Central Asia. He would appreciate current data on the

number of refugees in the country and the number of appeals lodged against denials of refugee status.

41. **Ms. Belmir** said that in the past, according to information received by the Committee, migrants in the State party had been subjected to forced labour and trafficking and had had limited access to justice; moreover, the quota system used to regularize the status of migrants was reportedly disconnected from reality. Had that situation improved at all?

42. **Mr. Liu** said he was concerned that the minimum sentence of five years' imprisonment provided for in the Criminal Code for crimes amounting to torture might discourage authorities from launching criminal investigations in certain cases. While the establishment of hotlines for reporting violence against children was commendable, the number of calls received by those hotlines, according to the State party's report, was very low. He would like to know what steps the Government was taking to promote and increase the use of those hotlines.

The meeting was suspended at 12.25 p.m. and resumed at 12.40 p.m.

43. **Mr. Samidin uulu** (Kyrgyzstan) said that article 137 of the Criminal Code, governing torture, applied to any person, whether or not they were an official, who had committed a crime of torture alongside an official. As noted by the Committee, the investigation of torture crimes by the State Committee on National Security had been problematic. Under imminent amendments to the Criminal Code and Code of Criminal Procedure, responsibility for investigating such crimes would be transferred to State and provincial prosecutors' offices. Moreover, measures would be put in place to ensure the smooth handover of that responsibility.

44. Under Kyrgyz criminal and constitutional law, pardons for any crime, including torture, could be granted only by the President. Requests for pardons were examined on an individual basis by a special commission. Over the past year, no pardons had been granted to perpetrators of torture.

45. **Mr. Ismailov** (Kyrgyzstan) said that the definition of torture in the Criminal Code had been brought into line with the Convention. In addition, since articles of the Criminal Code other than the one governing torture provided for criminal liability for serious crimes, in practice, the authorities would not distinguish between officials and other persons when arresting, investigating and prosecuting alleged perpetrators of torture. Prosecutors' offices had been restructured and provided with additional staff to examine crimes of torture and other serious offences.

46. **Ms. Altymysheva** (Kyrgyzstan) said that human rights were safeguarded by a range of institutions in Kyrgyzstan, including the Coordinating Council on Human Rights, the Office of the Ombudsman, the National Centre for the Prevention of Torture and more than 25 NGOs. The full compliance of the Office of the Ombudsman with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) had been identified as a national development priority and was the subject of a draft constitutional law.

47. **Mr. Rakhmatulaev** (Kyrgyzstan) said that Kyrgyzstan prioritized the effective documentation of cases of violence, torture and cruel, inhuman or degrading treatment or punishment and had been one of the first countries in Central Asia to introduce a specific form to that end. Between 2016 and 2021, around 6,000 health professionals had received training in that regard, and around 1,000 doctors had been trained specifically on the Istanbul Protocol. The Cabinet of Ministers had yet to approve the action plan on the implementation of the principles of the Istanbul Protocol owing to the disruption caused by the COVID-19 pandemic, but was due to do so in the near future.

The meeting rose at 1 p.m.