



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

Distr.: General  
4 December 2024

Original: English  
English, French, Russian and  
Spanish only

## Committee against Torture

### List of issues prior to submission of the fourth periodic report of Kyrgyzstan\*

#### Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee's previous recommendations

1. In its previous concluding observations,<sup>1</sup> the Committee requested the State party to provide information on the follow-up to the Committee's recommendations on the national preventive mechanism, violence against women, including bride kidnapping, and the investigation of acts of torture and ill-treatment (paras. 13, 19 and 25 respectively). Noting that a reply concerning the information sought by the Committee was provided on 17 March 2023,<sup>2</sup> and with reference to the letter dated 26 October 2023 from the Committee's Rapporteur for follow-up to concluding observations,<sup>3</sup> the Committee considers that the recommendations included in paragraphs 13, 19 and 25 have not yet been fully implemented.

#### Articles 1 and 4

2. With reference to the Committee's previous concluding observations,<sup>4</sup> please indicate the measures taken by the State party to ensure that its criminal legislation encompasses a definition of torture that covers all the elements contained in article 1 of the Convention. Please also explain any steps taken to eliminate the possibility of granting presidential pardons to persons found guilty of committing acts of torture.

#### Article 2<sup>5</sup>

3. With reference to the Committee's previous concluding observations<sup>6</sup> and in view of the amendments to the Criminal Code and the Criminal Procedure Code, please provide information on any new measures taken by the State party during the reporting period to

\* Adopted by the Committee at its eighty-first session (28 October–22 November 2024).

<sup>1</sup> CAT/C/KGZ/CO/3, para. 38.

<sup>2</sup> See CAT/C/KGZ/FCO/3.

<sup>3</sup> See [tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFU L%2FKGZ%2F56484&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFU L%2FKGZ%2F56484&Lang=en).

<sup>4</sup> CAT/C/KGZ/CO/3, paras. 8 and 9.

<sup>5</sup> The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also section V of the same general comment.

<sup>6</sup> CAT/C/KGZ/CO/3, paras. 14 and 15. See also CCPR/C/KGZ/CO/3, paras. 29 and 30.



ensure that all detainees are afforded, in law and in practice, all fundamental legal safeguards against torture and ill-treatment from the outset of their deprivation of liberty. In particular, please provide information on any new measures:

(a) To ensure the rights of detainees to be informed of the reasons for their arrest, the nature of the charges against them and their rights, to have access to and to consult with a lawyer of their choosing and to have the confidentiality of private meetings guaranteed, and, if necessary and applicable, to access free legal aid services, to request and receive a timely examination by an independent medical doctor free of charge, or by a medical doctor of their choice, to have their detention recorded in a register, and to be brought promptly before a judge, regardless of the reasons for their arrest;

(b) To ensure that custody facilities are equipped with closed-circuit television cameras and that audio or video recordings of interviews are systematically used in criminal investigations as a basic safeguard and as part of efforts to prevent torture and ill-treatment, and that such recordings are kept in centralized secure facilities;

(c) To monitor the provision of fundamental safeguards by public officials. Please provide information on any cases in which the authorities were alleged to have failed to comply with the safeguards, including any cases in which disciplinary or other measures were taken against officials found responsible for violations.

4. With reference to the Committee's previous concluding observations,<sup>7</sup> please provide information on the steps taken by the State party to strengthen the mandate and independence of the Office of the Ombudsman in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to ensure sufficient financial and human resources to enable it to carry out its mandate independently and effectively. Please provide information on the status and content of the draft constitutional law on the Ombudsperson (Akyikatchy) of Kyrgyzstan. Please indicate how this bill will impact on existing laws, especially the Law on the National Centre for the Prevention of Torture.

5. Further to the Committee's previous concluding observations,<sup>8</sup> please provide information on the efforts made to ensure that the National Centre for the Prevention of Torture has the necessary financial, human and material resources to carry out its mandate effectively throughout the country and in all places of detention. Please indicate the measures taken to ensure that any obstruction of or interference in the work of the National Centre is investigated. Additionally, please report on the measures taken by the State party in response to the recommendations made by the national preventive mechanism during the period under review.

6. With reference to the Committee's previous concluding observations,<sup>9</sup> and the State party's follow-up replies,<sup>10</sup> please discuss any steps taken to ensure that all cases of violence against women, especially those involving actions or omissions by State authorities or other entities that engage the international responsibility of the State party under the Convention, are thoroughly investigated. Please include statistical data, disaggregated by the age, sex, and ethnicity or nationality of the victims, on the number of complaints of gender-based violence and on the investigations, prosecutions, convictions and sentences resulting from those complaints during the reporting period. Please comment on reports according to which a high number of criminal court cases relating to domestic violence are terminated as a result of reconciliation.<sup>11</sup> Please also provide updated information on the protection and support services available to victims of gender-based violence in the State party, including access to medical and legal services, State-funded social rehabilitation services and shelters.<sup>12</sup> In

<sup>7</sup> CAT/C/KGZ/CO/3, paras. 10 and 11.

<sup>8</sup> Ibid., paras. 12 and 13.

<sup>9</sup> Ibid., para. 19.

<sup>10</sup> Ibid., paras. 19–83. See also the letter dated 26 October 2023 from the Rapporteur for follow-up to concluding observations, available from [tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFU%2FKGZ%2F56484&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFU%2FKGZ%2F56484&Lang=en).

<sup>11</sup> See the letter dated 26 October 2023 from the Rapporteur for follow-up to concluding observations.

<sup>12</sup> CEDAW/C/KGZ/CO/5, para. 22.

addition, please provide information with regard to initiatives designed specifically to combat bride kidnapping.<sup>13</sup> Lastly, please provide updated information on any training programmes aimed at preventing and investigating gender-based violence for judges, lawyers, law enforcement officers, social workers, healthcare professionals and others who interact with victims.

7. With reference to the Committee's previous concluding observations,<sup>14</sup> please provide information on the efforts made to promptly, effectively and impartially investigate, prosecute and punish the crime of trafficking in persons, while ensuring that victims are provided with adequate assistance regardless of whether they cooperate with law enforcement authorities in investigations and criminal proceedings.<sup>15</sup> Please also indicate the steps taken to ensure that child victims of trafficking are provided with appropriate assistance and protection, with full account taken of their special rights and needs.<sup>16</sup> Please provide information on the implementation of the Cabinet of Ministers programme and its action plan to combat trafficking in persons for 2022–2025,<sup>17</sup> which is aimed at prosecuting perpetrators, providing protection and assistance to victims, and preventing human trafficking, and on the allocated funding. Additionally, please include statistical data, disaggregated by the age, sex, and ethnicity or nationality of the victims, on the number of complaints of trafficking in persons and on the investigations, prosecutions, convictions and sentences resulting from those complaints, since the consideration of the State party's previous periodic report. Please also provide information on the provision of redress to victims of trafficking, including data on the number of persons who benefited from protection and legal, medical and psychological aid and rehabilitation, as well as the provision of adequate shelters. Furthermore, please indicate the measures taken to enhance the training of the national referral mechanism's personnel, and of law enforcement officers, prosecutors, judges, border staff, personnel in detention centres for migrants, and other first responders, including social and medical workers, on the effective identification of potential victims of trafficking in persons, particularly child victims, and on prevention.<sup>18</sup>

### Article 3

8. Bearing in mind the Committee's previous concluding observations,<sup>19</sup> please provide information on measures taken during the reporting period to ensure that no one is returned to a country where he or she would be at risk of torture. Please provide information, disaggregated by sex, age and country of origin, on the number of persons who have been returned, extradited, or expelled from the State party during the period under review. Please provide details of the grounds on which these persons were sent back and the list of the countries to which individuals were returned. Please provide updated information on the type of appeal mechanisms that may exist, on any appeals that have been made and on the outcome of those appeals. Please outline the measures taken to ensure that effective remedies are available during removal proceedings, in particular, review by an independent judicial body, especially at the appeal stage. Please state whether persons threatened with expulsion, return or extradition are informed of their rights to request asylum and to appeal against a deportation order. If so, please indicate whether such a remedy has a suspensive effect. Please provide information on the measures taken to identify vulnerable persons seeking asylum in the State party, including victims of torture or trauma, and to ensure that their specific needs are taken into consideration and addressed in a timely manner. Furthermore, please provide disaggregated data on the number of accompanied and unaccompanied children detained or accommodated in immigration detention centres since 2021.

9. Please provide the number of asylum applications received during the period under review, the number of successful applications and the number of asylum-seekers whose applications were accepted because they had been tortured or might be tortured if returned to

<sup>13</sup> See the letter dated 26 October 2023 from the Rapporteur for follow-up to concluding observations.

<sup>14</sup> CAT/C/KGZ/CO/3, paras. 20 and 21.

<sup>15</sup> CCPR/C/KGZ/CO/3, para. 22.

<sup>16</sup> CMW/C/KGZ/CO/2, para. 52.

<sup>17</sup> Ibid., para. 52.

<sup>18</sup> CAT/C/KGZ/CO/3, para. 21; and CMW/C/KGZ/CO/2, para. 52.

<sup>19</sup> CAT/C/KGZ/CO/3, paras. 30 and 31.

their country of origin. Please include information, disaggregated by sex, age and country of origin or receiving country, on the number of persons who have been returned, extradited or expelled since the consideration of the State party's previous periodic report. Please provide details of the grounds on which they were sent back, including the list of countries to which individuals were returned. Please also provide updated information on the type of appeal mechanisms that may exist, and on any appeals that have been made and their outcome.

10. Please indicate the number of returns, extraditions and expulsions carried out by the State party during the reporting period on the basis of the acceptance of diplomatic assurances or the equivalent thereof, as well as any instances in which the State party has offered such diplomatic assurances or guarantees. What are the minimum contents of any such assurances or guarantees, whether given or received, and what measures have been taken in such cases with regard to subsequent monitoring?<sup>20</sup>

#### Articles 5–9

11. Please provide information on any new legislation or measures that have been adopted to implement article 5 of the Convention. Please inform the Committee of any extradition treaties concluded with other States parties and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such treaties. Please indicate what measures have been adopted by the State party during the period under review to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*). In particular, please provide information on cases in which the State party has agreed to extradite a person for torture or related offences since the adoption of the previous concluding observations. Please also indicate whether the State party has rejected, for any reason, the request of a State party for the extradition of an individual suspected of having committed torture and whether it has started prosecution proceedings against such an individual as a result. If so, please provide information on the status and outcome of such proceedings. Please clarify what treaties or agreements on mutual legal and judicial assistance the State party has entered into, and whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment. Please provide examples.

#### Article 10

12. Please provide information about training programmes delivered during the reporting period, indicating whether they were mandatory or optional, how often they were given and how many officials have already completed them in relation to the total number of such officials, in particular information on:

(a) Training for law enforcement personnel, security and prison personnel, judges, medical personnel, immigration and border control officers and other persons involved in the custody, interrogation or treatment of detainees on the provisions of the Convention and the absolute prohibition of torture, as well as on rules, instructions and methods of interrogation, non-coercive investigation techniques, and child-sensitive investigation and interrogation methods,<sup>21</sup> and ensure that they are fully aware that violations will not be tolerated and will be investigated and that those responsible will be prosecuted and, on conviction, appropriately punished;<sup>22</sup>

(b) Training for immigration and border control officers and other public officials on the principle of non-refoulement and the practices that make it possible to identify asylum-seekers who may be victims of torture, gender-based violence or trafficking in persons;

(c) Training for law enforcement personnel on the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

<sup>20</sup> CCPR/C/KGZ/CO/3, para. 30.

<sup>21</sup> Ibid., para. 32.

<sup>22</sup> CAT/C/KGZ/CO/3, para. 33.

(d) Training for all relevant personnel, in particular medical professionals, judges, prosecutors, members of the national preventive mechanism and other public officials working with persons deprived of their liberty, on accurately recording and describing injuries upon admission to and during the stay in the places of deprivation of liberty and on detecting and documenting the physical and psychological sequelae of torture to enable personnel to enhance the quality of investigations or monitoring activities; please indicate whether all programmes contain specific training with regard to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised;

(e) The development and implementation of a regular assessment of the effectiveness and impact of such training and educational programmes on the reduction of cases of torture and ill-treatment; please provide information about the methodology used to assess the effectiveness of those programmes in reducing cases of torture and ill-treatment.

## Article 11

13. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on any interrogation rules, instructions, methods and practices, or arrangements for custody, in particular those that may have been introduced or updated since the consideration of the State party's previous periodic report. Please indicate the frequency with which they are reviewed. Please comment on reports according to which individuals brought to district internal affairs bodies as witnesses or for questioning may have been interrogated for four to six hours without food and water.

14. Recalling the Committee's previous concluding observations,<sup>23</sup> please describe measures taken by the State party in order to make further progress in reducing and managing the prison population, to ensure adequate material and hygiene conditions, which would include sufficient natural and artificial light, adequate personal space, adequate sewerage systems and sanitary installations, including toilets and showers, heated cells, sufficient ventilation, an adequate quality and quantity of food, bedding, blankets and items for personal hygiene, outdoor activities, and family visits in all places of detention, including women's detention facilities, in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). Please provide information on the State party's efforts to meet the specific needs of women and minors in detention, including those in pretrial detention and temporary detention facilities. Please also indicate whether protocols are in place to meet the requirements of other groups of prisoners with particular needs, such as persons with disabilities, older persons and lesbian, gay, bisexual, transgender and intersex persons. Please describe what measures have been taken to eliminate the practice of placing detainees and convicts in detention facilities located in basement and semi-basement premises. Please clarify whether any steps have been taken to address the shortage of medical doctors and psychiatrists in all places of deprivation of liberty, and of female staff in detention facilities for women, and concerns about deficiencies in access to appropriate healthcare services, including mental healthcare, in places of detention.<sup>24</sup> Please elaborate on specific rehabilitation and reintegration programmes and services specifically tailored for prisoners with drug addiction.

15. Please provide statistical data, disaggregated by place of detention, sex, age group (minor/adult) and ethnicity or nationality of detainees, on the capacity and occupancy rates of all places of detention, the number of pretrial detainees and the number of convicted prisoners. In this regard, and bearing in mind the Committee's previous concluding observations,<sup>25</sup> please include information relating to the average length of pretrial detention in the State party and the existence of alternative, non-custodial measures in the State party. Please assess the impact of initiatives aimed at promoting the use of alternatives to pretrial

<sup>23</sup> Ibid., paras. 22 and 23.

<sup>24</sup> Ibid., paras. 22 and 23.

<sup>25</sup> Ibid., paras. 16 and 17.

detention and imprisonment, particularly for inmates requiring in-patient medical treatment that is unavailable in penitentiary hospitals.<sup>26</sup>

16. Please provide information regarding the deaths in custody that have occurred during the period under consideration, including data disaggregated by place of detention, sex, age, ethnic origin or nationality, and cause of death. Please provide information on the manner in which those deaths were investigated, and the measures taken to prevent similar cases in the future. Please indicate whether relatives of the deceased received compensation in any of the cases. Please inform the Committee as to whether forensic examinations in cases of death in custody are carried out by an independent body, along with information regarding any steps taken to incorporate the Minnesota Protocol on the Investigation of Potentially Unlawful Death into the State party's investigatory procedures. Please also provide information on the status and results of the investigation into the death of Azimjan Askarov.<sup>27</sup> Please inform the Committee as to whether, in cases of suicide, or attempted suicide, independent investigations into the causes of death are carried out which examine, inter alia, the causal links that may exist between the application of restraints and/or solitary confinement and the death under investigation. In this regard, please include data on the use of solitary confinement and other isolation or segregation regimes, as well as on the use of methods of restraint in detention centres during the period under review and indicate their duration.

17. Please provide information on the number of persons deprived of their liberty in psychiatric hospitals and other institutions for persons with psychosocial disabilities, including care homes. Please provide updated information regarding procedures relating to involuntary hospitalization in the State party, along with procedures for review and appeal of decisions in this regard. Please provide information on any existing independent complaint mechanism in psychiatric and social institutions, as well as data on complaints of torture and ill-treatment, including sexual and gender-based violence, and the results of the investigations into such allegations. Please provide updated information on any legislation relating to the use of physical and chemical restraints in institutional settings, along with information on steps taken to prohibit the use of coercion and restrictive practices and the application of electroconvulsive therapy and medical treatments without consent for children and adults with disabilities and in psychiatric settings. Furthermore, please indicate what steps have been taken to improve conditions in psychiatric hospitals, social care homes and institutions for children.

### Articles 12 and 13

18. In light of the Committee's previous concluding observations,<sup>28</sup> please provide updated, disaggregated information on the number of complaints relating to acts of torture or ill-treatment in the period under review. Please include information on investigations, disciplinary and criminal proceedings and convictions, the criminal or disciplinary sanctions applied, and redress received by the victims or their families. Please provide examples of relevant cases and judicial decisions.

19. Please provide information regarding the measures taken to ensure that any individual who alleges that they have been subjected to torture or cruel, inhuman or degrading treatment or punishment has the right to complain and to have their case promptly and impartially investigated. In this regard, please inform the Committee about specific complaints mechanisms available to individuals alleging torture and ill-treatment in the State party, about the body or bodies responsible for the investigation and prosecution of such allegations, and about the measures taken to ensure the independence of such body or bodies. Please comment on reports that pre-investigative checks on complaints of acts of torture and ill-treatment can take up to 30 days, which may have a detrimental impact on the alleged victim's procedural status. Please also clarify what steps have been taken to ensure that in practice, the Ministry of Interior, as well as the State Committee of National Security, and their respective territorial divisions, are excluded from conducting pre-investigative checks and pretrial investigations of torture allegations committed by their own officers. Furthermore, please provide

<sup>26</sup> CCPR/C/KGZ/CO/3, para. 36.

<sup>27</sup> Ibid., paras. 35 and 36.

<sup>28</sup> CAT/C/KGZ/CO/3, paras. 24 and 25.



information on steps taken to ensure that, in cases of alleged torture or ill-treatment, suspected perpetrators are suspended from duty immediately and for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, commit reprisals against the alleged victim or obstruct the investigation.<sup>29</sup>

#### Article 14

20. Please provide information on redress and compensation measures, including means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture or ill-treatment or their families during the period under review. Please include the number of requests for compensation that have been made, the number granted and the amounts ordered and actually provided in each case. Please also provide updated information on any ongoing reparation programmes, including the treatment of trauma and other forms of rehabilitation, provided to victims of torture or ill-treatment, and on the material, human and budgetary resources allocated for their effective functioning.

#### Article 15

21. Please provide updated information on specific measures that have been adopted to ensure that the principle of inadmissibility of evidence obtained through torture or ill-treatment is observed in law and in practice. Please provide examples of any recent cases that have been dismissed by the courts owing to the introduction of evidence or testimony obtained through torture or ill-treatment.

#### Article 16

22. With reference to the Committee's previous concluding observations,<sup>30</sup> please respond to the allegations of harassment, intimidation and arbitrary detention of human rights defenders, journalists and bloggers.<sup>31</sup> Please indicate the measures taken to ensure the effective protection of such individuals and groups to enable them to carry out their work.<sup>32</sup> Please provide statistical data for the reporting period on the number of related complaints, the outcome of any investigations opened following those complaints and the sentences and penalties handed down. In this connection and with regard to the law on amendments to the law of Kyrgyzstan on non-commercial organizations, adopted on 2 April 2024, please share information on the existing mechanisms for protecting civil society organizations from stigmatization as "foreign agents", violations of their operational autonomy and harassment and intimidation of their staff.

#### Other issues

23. Please provide updated information on the measures taken by the State party to respond to threats of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State party has ensured that counter-terrorism measures are compatible with all its obligations under international law, especially the Convention. Furthermore, please indicate what training is given to law enforcement officers in this area; the number of persons who have been convicted under legislation adopted to combat terrorism; the legal remedies and safeguards available in law and in practice to persons subjected to counter-terrorism measures; and whether there have been complaints of non-observance of international standards in applying measures to combat terrorism and, if so, what the outcome was.

24. Please indicate the concrete measures that have been taken to widely disseminate the Convention as well as the Committee's previous concluding observations in all appropriate languages in the State party, including through the media and non-governmental organizations.

<sup>29</sup> Ibid., paras. 24 and 25.

<sup>30</sup> Ibid., paras. 26 and 27.

<sup>31</sup> CCPR/C/KGZ/CO/3, paras. 45 and 46.

<sup>32</sup> CAT/C/KGZ/CO/3, paras. 26 and 27.

**General information on other measures and developments relating to the implementation of the Convention in the State party**

25. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the State party's previous periodic report to implement the provisions of the Convention or the Committee's recommendations. Such measures may include institutional developments, plans or programmes. Please indicate the resources allocated and provide statistical data. Please also provide any other information that the State party considers relevant.

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