



COMPENDIUM OF RECOMMENDATIONS OF THE UN HUMAN RIGHTS MECHANISMS TO THE KYRGYZ REPUBLIC 2010 – 2015

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ABBREVIATIONS

Action Plan against Torture: National Action Plan against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment

AUCA: American University of Central Asia

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

CCPR: International Covenant on Civil and Political Rights

CEDAW: Convention on the Elimination of All Forms of Discrimination against Women

CERD: Convention on the Elimination of All Forms of Racial Discrimination

CESCR: International Covenant on Economic, Social, and Cultural Rights

CMW: International Convention on the Protection of All Migrant workers and Members of their Families

CPED: International Convention on the Protection of All Persons from Enforced Disappearance

CRC: Convention on the Rights of the Child

CRPD: Convention on the Rights of Persons with Disabilities

Education Strategy: Education Development Strategy 2012 – 2020

ESCR: economic, social, and cultural rights

GPO: Office of the General Prosecutor

HRC: Human Rights Council

ILO: International Labour Organisation

Kyrgyzstan: Kyrgyz Republic

LGBT: Lesbian, Gay, Bisexual, and Transgender

MGDs: Millennium Development Goals

MoH: Ministry of Health

NPM: National Preventive Mechanism on Torture

NGOs: non-governmental organizations

NHRIs: National Human Rights Institutions

OHCHR ROCA: Regional Office for Central Asia of the United Nations High Commissioner for Human Rights

Parliamentary Committee on Human Rights: Committee on Human Rights, Constitutional Legislation, and State Structure

Penitentiary Services: State Service for Execution of Punishment

SCCPCP: Special Rapporteur on the sale of children, child prostitution and child pornography

SPT: Sub-Committee on Prevention of Torture

SR: Special Rapporteur

SR-T: Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

SR-TDW: Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

SR-VAW: Special Rapporteur on violence against women, its causes and consequences,

State Strategy on anti-corruption: State Strategy on anti-corruption policy in Kyrgyzstan

The Constitution: Constitution of the Kyrgyz Republic

TSPC: Tian Shan Policy Center

UN Human Rights mechanisms: UN Treaty-based and Charter-based bodies

UN: United Nations

UPR: Universal Periodic Review

INTRODUCTION

❖ *Summary of recommendations*

Treaty Bodies	CCPR	CESCR	CAT	CEDAW	CERD	CRC	CMW	SPT
Date ¹	Apr 14	Jun 15	Nov 13	Mar 15	Apr 13	Jul 14	Apr 15	Sep 12
Issued ²	36	47	47	58	46	88	31	45
By topic ³	67	89	98	139	84	175	54	70

Charter Bodies	UPR	SR-TDW	SR-VAW	SR-T	SR-SCCPCP
Date	Jan 15	Jun 10	May 10	Feb 12	Dec 13
Issued	149	24	32	26	35
By topic	253	43	63	52	54

❖ *Background*

Between 2010 and 2015, the Kyrgyz Republic (hereinafter Kyrgyzstan) has had its human rights record reviewed by the seven United Nations (UN) Treaty Bodies⁴ to which it is party, and the Sub-Committee on Prevention of Torture⁵ (SPT). Additionally, within the framework of the UN Charter-based bodies, the Human Rights Council (HRC) held the first and second cycles of the Universal Periodic Review (UPR) of Kyrgyzstan and four Special Rapporteurs⁶ visited the country in the period under analysis. In relation to the UPR, this *Compendium* analyses only the recommendations from the second cycle.⁷

This resulted in the issuance of 664 human rights recommendations that the Government of Kyrgyzstan will have to implement and subsequently report on during the next round of reviews.⁸

❖ *Scope of the Compendium*

¹ The date refers to the moment of the review or the issuance of the report of the visits of the Special Rapporteurs.

² This refers to the effective number of recommendations issued by the UN human rights mechanisms.

³ Each recommendation was assigned to one or more thematic area depending on its content. For example the Universal Periodic Review (UPR) recommendation 5.99 "Investigate all allegations of torture and sexual violence committed in the context of the June 2010 conflict" was included under the thematic areas of Administration of Justice, Torture, and Women. Hence, the figures refer to the number of times recommendations have been mentioned by various topic as analysed by the Tian Shan Policy Center (TSPC) of the American University of Central Asia (AUCA).

⁴ The seven core UN Human Rights Treaties monitored by the respective UN Treaty Bodies Committees are: the International Covenant on Civil and Political Rights (CCPR), the International Covenant on Economic, Social, and Cultural Rights (CESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the International Convention on the Protection of All Migrant workers and Members of their Families (CMW).

⁵ The SPT was established based on the Optional Protocol to the UN Convention against Torture.

⁶ The four Special Rapporteurs (SR) are: the Special Rapporteur on the sale of children, child prostitution and child pornography (SCCPCP), the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (SR-T), the Special Rapporteur on violence against women, its causes and consequences (SR-VAW), and the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (SR-TDW).

⁷ For the 2010 UPR review of Kyrgyzstan, the National, UN, stakeholders, and outcome reports are available at the following link: <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/KGSession8.aspx>.

⁸ For information on the UN Human Rights system: <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

This *Compendium* aims at consolidating the numerous recommendations made by all UN Treaty-based and UN Charter-based bodies (UN human rights mechanisms) to facilitate access to information, to strengthen the human rights analysis, to promote dialogue, and to support the implementation of the recommendations through policy making, the identification of specific areas for urgent interventions, the coordination between State and non-State actors, and an efficient use of financial and human resources to advance the overall human rights situation in Kyrgyzstan.

The legal obligations of Kyrgyzstan deriving from the recommendations of the UN human rights mechanisms represent an important challenge for the years to come. This challenge can only be adequately and satisfactorily addressed through a clear and structured vision of the actions required to address them. This *Compendium* also intends to become a key instrument for advocacy and technical support in relation to the development of a comprehensive and inclusive National Action Plan on Human Rights.

This *Compendium* is primarily designed for representatives of State authorities, civil society organizations, including human rights defenders and non-governmental organizations (NGOs). Furthermore, this *Compendium* is designed to support UN Agencies, Funds, and Programs, international organizations, Embassies, and other donors to streamline human rights and ensuring the incorporation of a rights-based approach into all future projects and activities to support sustainability of the results and long-term positive changes.

❖ **Methodology**

The Tian Shan Policy Center (TSPC) of the American University of Central Asia (AUCA) with the support of the Regional Office for Central Asia of the United Nations High Commissioner for Human Rights (OHCHR ROCA) under its UN Peacebuilding Fund Project "Peace and reconciliation through strengthening the rule of law and protection of human rights" carried out a comprehensive analysis of the outcomes of UN Human Rights mechanisms reviews. As part of this analysis, the TSPC identified a number of relevant thematic areas, compiled and analysed the recommendations in these areas, and listed the institutions responsible for their implementation for increased accountability. Since the vast majority of the recommendations have financial implications, the Ministry of Finance and the Parliamentary Committee on Budget and Finance have responsibilities in all thematic areas. Hence, the names of these two institutions will not be repeated under each chapter.

OHCHR ROCA and the TSPC considered the analysis of the recommendations by topic to be more effective than by human rights mechanisms. However, a complementary electronic database to search recommendations both by mechanism and topic was created.

The topics identified are presented in alphabetical order. These are: Administration of Justice, Anti-Discrimination, Children, Corruption, Education, Environment, Economic, social, and cultural rights (ESCR), Freedom of Expression, Freedom of Religion, Freedoms of Peaceful Assembly and Association, Gender, Health, Housing, Human Rights Defenders, Human Trafficking, Institutions building, International Obligations, Legislation, Migrants, Minority Communities, National Human Rights Institutions, Participation in Public Life, Persons with Disabilities, Torture, and Women.

Each recommendation was thoroughly analysed and assigned to one or more topics in accordance with its content. Consequently, recommendations were clustered in the above mentioned 25 topics according to rights-based criteria. Some issues, e.g. alleviation of poverty, have been included in broader categories such as ESCR.

Each topic is separately analysed in this *Compendium* also indicating relevant national laws, policies, institutions, and other bodies and mechanisms accountable for their implementation. Annexes with the recommendations of all UN human rights mechanisms are also included for direct consultations at the end of the *Compendium*. The contents of the *Compendium* should not be considered as a substitute of the full text of the recommendations. Reference should always be made to their full text, which constitutes the only valid source for official use.

ADMINISTRATION OF JUSTICE

❖ *Summary of recommendations*

CCPR	CESCR	CAT	CEDAW	CERD	CRC	CMW	SPT
16	4	33	9	11	19	3	21
UPR	SR-TDW		SR-VAW	SR-T		SR-SCCPCP	
33	1		8	17		5	

❖ *Analysis of the recommendations*

Administration of justice received the highest number of recommendations in comparison to the other thematic areas, with a total of 180. It was also among the three thematic areas mentioned by all the UN human rights mechanisms.⁹ Therefore, improvements in the administration of justice through the implementation of these recommendations are critical to ensure compliance with Kyrgyzstan's human rights obligations.

The UN human rights mechanisms covered a wide range of issues related to the administration of justice. Numerous recommendations called for thorough and impartial investigation of allegations of torture and prosecution of the perpetrators. Other recommendations focused on increasing access to justice, the respect of the right to a fair trial and of judicial guarantees, the necessity to ensure the independence of the judiciary, and the investigation of crimes against women and children.

Several recommendations stressed the need to improve the national legal system to promote compliance with international standards. The UN human rights mechanisms requested to continue the implementation of judicial reform to achieve a fully independent and impartial judiciary, to establish a system of juvenile courts with specialized staff to ensure separation between minors and adults, and to introduce alternative methods of detention such as temporary and protection orders.¹⁰ Particular attention was given to persons belonging to ethnic minorities and the need to address possible discrimination on ethnic grounds, including by ensuring the representation of all communities in institutions dealing with the administration of justice.¹¹

Kyrgyzstan should also amend its legislation to bring the definition of torture in line with CAT, to clearly identify the moment of actual arrest and ensure that judicial guarantees and safeguards are provided, and to explicitly prohibit the use of evidence obtained under torture.¹² Legislation should also protect the rights of everyone without any form of discrimination, including on the basis of sexual orientation or minority status, should increase penalties for bride kidnapping, forced marriages, and polygamy, and should establish an effective and independent public defence system.¹³

In terms of policies, Kyrgyzstan should adopt a National Action Plan to combat violence against women, carry out research and gather accurate data for the development of appropriate remedial actions to adequately support victims of human rights violations, establish effective and independent mechanisms for the submission of complaints by victims, properly train judges, prosecutors, law enforcement officials, and professionals dealing with children on gender-sensitive and restorative approaches, and establish a

⁹ The other two thematic areas that have received recommendations from all UN human rights mechanisms are Legislation and International Obligations.

¹⁰ UPR recommendations 5.86, 5.87, 5.96; CCPR 18; CRC 67 and 67(a); SR-VAW 92.

¹¹ UPR 5.50; CAT 8(c); CERD 6(e), 8(a), and (b), 19, and 20; CCPR 14; SPT 18, 26, and 35.

¹² UPR 5.50; CAT 13(a); CESCR 17; SR-T 80(a), (b), (c), and (d), and 81(b).

¹³ UPR 5.106 and 7.24; SR-VAW 93; SPT 50.

supervisory body of the Office of the General Prosecutor (GPO) to assess compliance with international and national legislation on torture.¹⁴

The UN human rights mechanisms consistently stressed the need to investigate allegations of violence, torture, inhumane and degrading treatment of detainees and prisoners, women, children, members of the Lesbian, Gay, Bisexual, and Transgender (LGBT) communities, journalists, human rights defenders, migrants, religious communities, and victims of trafficking¹⁵ and to bring perpetrators to justice.¹⁶ On 13 occasions, references were made to the 2010 events requesting Kyrgyzstan to investigate allegations of torture, including the Askarov case, human rights violations in a thorough and impartial manner to ensure accountability of those responsible, end impunity, and provide compensation to victims.¹⁷

The impartiality and independence of the judiciary were also highlighted as one of the main areas in need of improvement. The UN human rights mechanisms emphasized that an independent judiciary is critical to strengthen democratic institutions and increase the level of trust and confidence of citizens towards State institutions. It was highlighted that this objective is closely connected with the establishment of a system that is free from corruption. Therefore, all actors of the judicial system should receive adequate remuneration as a measure to fight and prevent corruption.¹⁸

In addition, nine recommendations requested that Kyrgyzstan continues to work on the judicial reform to ensure, in law and practice, full independence of the judiciary. Guaranteeing security of tenure for judges and establishing objective criteria for their selection and dismissal were among the measures explicitly mentioned.¹⁹ One recommendation also encouraged the strengthening of the role and independence of the Constitutional Chamber as the body mandated to ensure the respect of human rights and fundamental freedoms enshrined in the Constitution.²⁰

The UN human rights mechanisms considered improvements in access to justice another main area of focus. A number of recommendations focused on the right of persons deprived of liberty and victims of human rights violations to have access to independent, free, and quality legal and medical assistance. Detainees, victims of torture, domestic, and sexual violence, and persons subject to extradition have to be able to obtain timely and effective legal counselling. Lawyers have to be guaranteed procedural independence and be enabled to collect evidence and depose witnesses and experts directly before a judge, and should be provided with the power to challenge the legality of detention if pre-trial detention terms have been violated. Furthermore, free legal aid clinics have to be established throughout the country, especially in rural areas, to facilitate access to justice and submission of complains by women.²¹

The standardization of procedures of law enforcement agencies for reporting cases of domestic violence and bride kidnapping was also one of the measures recommended to enhance women's access to justice. Kyrgyzstan furthermore has to take actions to sensitize law enforcement officers to promote de-stigmatization of victims and ensure their protection from reprisal for the submission of complaints.²² The same level of protection has to be provided to children victims or witnesses of violence.²³

¹⁴ **UPR** 5.60; **CEDAW** 20(a) and (b); **CAT** 6(b); **CRC** 9, 21, and 33; **CMW** 43(b); **SR-T** 83(a); **SR-SCCPCP** 109(a); **SPT** 36, 37, 38, 68, and 87.

¹⁵ **UPR** 5.42, 5.48, 5.49, 5.50, 5.51, 5.52, 5.53, 5.54, 5.67, 5.68, 5.76, and 5.114; **CEDAW** 20(a); **CAT** 6, 6(a) and (d), 8, 8(a), (b), and (c), 13(b) and (c), 16(a) and (b), 17(a) and (b), 19, and 22; **CERD** 6(a), (b), and (e), 7(b) and (c), 8 (a) and (b), and 18; **CCPR** 11(b), 12, 14, 15, 22, and 24; **CRC** 23, 29(a), 36(a), 35(d), 38, and 46(e); **CMW** 41; **SR-TDW** 96; **SR-VAW** 92; **SR-T** 81(a), (c), and (i); **SPT** 26.

¹⁶ **UPR** 5.42, 5.50, 5.53, 5.60, 5.64, 5.67, 5.68, 5.93, 5.98, and 5.110; **CEDAW** 18(a), and 20(a); **CAT** 6, 6(a) and (d), 8, 8(a), (b), and (c), 9(c), 13(b), and (c), 17(a), and 19; **CERD** 6(b), 7(c), and 18; **CCPR** 9, 11(b), 13, 14, 15, 22, and 24; **CRC** 29(a), 36(a) and (d), 38, and 46(e); **CMW** 41; **SR-TDW** 96; **SR-VAW** 92; **SR-T** 80(a), 80(b), 81(a), and (d); **SR-SCCPCP** 109(a); **SPT** 24.

¹⁷ **UPR** 5.48, 5.53, 5.97, 5.98, and 5.99; **CAT** 7, 8, and 8(a); **CERD** 6(a) and (b); **CCPR** 14; **CRC** 23; **SPT** 26.

¹⁸ **SR-SCCPCP** 101(g); **SPT** 126.

¹⁹ **UPR** 5.87, 5.88, 5.89, 5.90, 5.91, and 5.92; **CAT** 12 and 17(b); **CCPR** 18.

²⁰ **UPR** 5.94.

²¹ **CAT** 22 and 23; **CCPR** 16; **SR-VAW** 92; **SRT** 81(b), (c), and (g); **SPT** 51, 56, and 61.

²² **CEDAW** 18(c), 20(b) and (d); **CESCR** 16; **SR-VAW** 92;

²³ **CRC** 69.

Other measures aimed at increasing access to justice focused on facilitating the submission of appeals to seek redress for violations of the law, including in cases of torture, restriction of fundamental freedoms, dismissal from public offices on ethnic grounds, forced evictions of minority communities, abuses against migrant workers even if in an irregular situation, independent review of decision of placement of children in rehabilitation centers, and access for women to property and inheritance rights. The UN human rights mechanisms also recommended removing jurisdiction of military courts over civilians. Moreover, all judicial officials should become aware of the provision of UN core human rights instruments and of their direct applicability in judgments by courts.²⁴

The full respect of the right to a fair trial and the provision of legal guarantees without any discrimination are obligations that Kyrgyzstan has to immediately fulfil. The UN human rights mechanisms urged the State to review all criminal cases related to the 2010 events and to reopen those in which violations of the due process occurred.²⁵ In addition, Kyrgyzstan should review all cases where allegations of torture have been made and immediately release those who have been convicted on the basis of forced confessions or confessions signed in absence of lawyers.²⁶

The UN human rights mechanisms reiterated that no evidence obtained under torture can be allowed in court and that the burden of proof has to be shifted to the prosecution to prove beyond reasonable doubt that a confession or other evidence has not been obtained under any kind of duress. Judges should carry out ex officio investigations when there are reasonable grounds for believing that torture took place and reports by independent experts and independent forensic examinations, particularly in cases of death in custody, should be allowed in court and equally considered as the evidence provided by the prosecutors.²⁷

Recommendations also called for the establishment of and adherence to registers for persons deprived of liberty, including children, women, and members of minority communities, in which relevant information about fundamental safeguards is immediately recorded. These include the rights to prompt access to a lawyer of their choice, to request a medical examination by an independent doctor, to contact family members, to be informed promptly of their rights, including about the charges against them, and to be brought before a judge within 48 hours of their deprivation of liberty. Furthermore, recommendations requested that Kyrgyzstan ensures that any public official who denies fundamental legal safeguards is disciplined or prosecuted and that police station chiefs, and investigating and operative officers, are held criminally accountable for any unacknowledged detention.²⁸

Another critical aspect in the field of administration of justice is the acknowledgment and fulfilment of the victims' right to remedy and reparation. The UN human rights mechanisms repeatedly requested Kyrgyzstan to ensure access to medical and legal assistance in cases of torture, gender-based violence, and bride kidnapping. Additionally, the ability of victims, including children, women, and their family members, to avail themselves of protection and support services, such as shelters, counselling, rehabilitation, recovery, reintegration, and compensation, must be guaranteed without any discrimination. Access to these services should not be dependant upon the victim pursuing judicial remedies.²⁹

The UN Human Rights mechanisms also asked Kyrgyzstan to seek the support of the international community to organize and deliver training to judges, prosecutors, law enforcement officials, including the Penitentiary Services, medical staff and healthcare providers, lawyers, and members of the informal justice system on a wide range of issues.

Training should be provided on human rights principles and obligations of Kyrgyzstan and on the direct applicability of international human rights law into the national legal system. A

²⁴ **UPR** 5.95 and 5.139; **CEDAW** 32(a); **CAT** 6(b), 22, and 23; **CERD** 8(a), and (b); **CCPR** 19 and 20; **CRC** 7(e), 9, 21, and 67(c); **CESCR** 8(c); **CMW** 27; **SPT** 36.

²⁵ **UPR** 5.48 and 5.89; **CAT** 7 and 8(a); **CERD** 6(a) and (e), and 15; **SPT** 26.

²⁶ **CAT** 13(b); **SR-T** 81(h) and (i); **SPT** 39.

²⁷ **UPR** 5.93; **CAT** 13(b) and (c), 17(b), and 29; **CCPR** 15; **SR-T** 80(b) and 81(f); **SPT** 25 and 26.

²⁸ **CAT** 6(c), 9(a) and (c), and 29; **CCPR** 16; **CRC** 67(b); **CERD** 6(e); **SR-T** 80(c) and (d), 81(a), (c), and (n); **SPT** 43, 46, 56, and 67.

²⁹ **UPR** 5.68; **CEDAW** 18(a) and 20(a); **CAT** 6(b), 7, 18(b), 22(b) and (c), and 23; **CRC** 31(b), 38, and 69; **CESCR** 13; **CMW** 41; **SR-T** 81(c); **SR-SCCPCP** 101(b) and (c); **SPT** 12.

request for inclusion in future reports of examples on how provisions of UN human rights instruments have been taken into account in domestic courts represented one specific recommendation.³⁰ Moreover, mandatory and systematic training should be provided on effective management of cases of gender-based violence, bride kidnapping, violence against women, and human trafficking. Training on gender-sensitive procedures to deal with victims of these crimes should also be envisaged.³¹

With regard to torture and administration of justice, recommendations called for training to enhance understanding of the provisions of the relevant UN human rights instruments, to document violations, and to improve medical investigations of torture and ill treatment.³² Other training should address issues related to non-discrimination, especially in relation to racial discrimination and environmental crimes.³³

❖ **National legislation**

Since the administration of justice is a pillar of any democratic system, Kyrgyzstan has codified many of its aspects in domestic law. The Constitution lays down the principles for the functioning of the justice system, while the “Criminal Code”, the “Civil Code”, and the criminal and civil procedure codes specifically regulate its administration practice.

Moreover, the Constitutional laws “On the Supreme Court and local courts”, “On the Constitutional Chamber”, and “On the status of judges” are extremely relevant for this thematic area. The “Children’s Code”, the “Code on Administrative Responsibility”, the law “On Aksakals courts”, the law “On Council of selection of the judges”, the law “On judicial self-governance bodies”, the law “On civil service”, the law “On the Bar Association and advocacy”, and the law “On social and legal protection against domestic violence”, the law “On legal practice and advocacy”, the law “On prosecution office”, the law “On State guaranteed legal aid” are among the most relevant laws requiring implementation or revision in view of the recommendations received from the UN human rights mechanisms.

With regard to policies, the second chapter of the National Strategy on Sustainable Development 2013 – 2017 on “Establishing a State governed by the rule of law and ensuring supremacy of law”, the Presidential decree “On measures on advancing justice system”, the State Target Program on Development of Justice System 2014 – 2017, the State Program for the Development of Juvenile Justice 2014 – 2018, the National Strategy for the Achievement of Gender Equality by 2020 in the objective aimed at increasing access to justice, the National Action Plan against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment (National Action Plan against Torture), and the National Action Plan 2015 – 2016 on implementing UN Security Council Resolution 1325 are the most relevant documents in relation to the administration of justice.

❖ **Responsible institutions for implementation**

The Office of the Prime Minister, including the Vice Prime Minister for Security, Rule of Law, and Border Issues and the Vice Prime Minister Adviser on justice for children, the Ministries of Justice, Interior, Finance, and Health, are the main institutions responsible for the implementation of the recommendations.

In addition, the Legal Department of the Office of the President, the Office of the General Prosecutor (GPO), the Supreme Court and its Constitutional Chamber, the Judicial Council, Council on Selection of Judges, the Judicial Department under the Supreme Court, local courts, the working group on the implementation of the State Target Program on Development of Justice System 2014 – 2017, the Judicial Training Center, the State Service for Execution of Punishment (Penitentiary Services), and the State Committee for National Security are accountable for the implementation of the actions indicated by the UN human rights mechanisms.

³⁰ CCPR 5.

³¹ UPR 5.68; CEDAW 18(b) and 20(c); CCPR 11(a) and 12; CESCR 16.

³² CAT 11; CCPR 5; SR-T 81(e), 83(d), and 84.

³³ CERD 18 and 20; CCPR 19; SR-TDW 96.

ANTI-DISCRIMINATION

❖ *Summary of recommendations*

UPR	CESCR	CEDAW	CERD	CAT	CCPR	CRC	CMW	SPT
9	5	10	16	2	9	5	3	2

❖ *Analysis of the recommendations*

The UN human rights mechanisms paid significant attention to the topic of freedom from discrimination on any ground, including on race, ethnicity, gender, sex, sexual orientation, language, religion, or social origin, issuing 61 recommendations. However, 17 UPR recommendations on non-discrimination, mostly regarding the LGBT communities, were not accepted by Kyrgyzstan and therefore will not be considered in this *Compendium*.

The largest number of recommendations referred to measures, policies, and legislation that Kyrgyzstan will have to design, approve, and implement with regard to racial and ethnic discrimination. Some of the recommendations called for full compliance of national laws with international obligations and the implementation of international standards, recalling that the absence of complaints or legal proceedings brought by victims of racial discrimination can be indicative of insufficiently specific legislation, a lack of awareness of available remedies, fear of social censure or reprisals, or an unwillingness on the part of the authorities to initiate proceedings.³⁴ For these reasons, the establishment of an institution with a special mandate on racial discrimination was recommended.³⁵

Several recommendations focused on the need to ensure unhindered access to fundamental services, such as education, health, and employment without any discrimination on the base of ethnicity.³⁶ The UN human rights mechanisms emphasized that it is particularly relevant for minority communities to express themselves, study, participate in public life, access media and information, and enjoy judicial guarantees in case of detention in their native language, with specific emphasis on the Uzbek language.³⁷

Furthermore, due to an increasing number of incidents against the LGBT communities and the on-going attempts by the Parliament to limit dialogue on sexual orientation and gender identity by criminalizing related actions, the UN human rights mechanisms strongly encouraged Kyrgyzstan to take all necessary measures to prevent discrimination against LGBT persons, ensure full compliance of national legislation with international obligations, promptly and efficiently investigate all allegations of violence, torture, inhuman, or degrading treatments both by government and non-government actors, and that perpetrators are brought to justice.³⁸

Another significant area of focus was discrimination against women. To fulfil its obligations, Kyrgyzstan has to adopt comprehensive legislation, policies, and strategies aimed at fighting all forms of discrimination, violence, and abuse against women, and eliminating patriarchal attitudes and stereotypes on the roles and responsibilities of women and men in the family and in society, and sexual harassment in the workplace. Additionally, measures should improve access to services, including health, justice, education, and employment, promoting awareness raising campaigns on gender equality, the rights of women, and harmful traditional practices, such as early and forced marriages, bride kidnapping, and all social and economic disadvantages deriving from the dissolution of customary marriages.³⁹

³⁴ UPR 5.39, 5.40, 5.106, and 5.137; CEDAW 10(a) and (b), 28(b), 34(c), and 36(b); CESCR 5; CERD 5(d), 7, 15, 19, 22, and 23; CCPR 8, 19, and 23; CRC 46; SPT 100.

³⁵ CERD 5(d).

³⁶ CESCR 22(a), 23; CEDAW 28(a), 34(b), and (d); CERD 6(b), (c), and (e), 8(c), and 20; CAT 22(b); CRC 58; CMW 25(a).

³⁷ CERD 12; CCPR 27; CRC 56(f) and 60; SPT 43.

³⁸ UPR 5.40, 5.41, 5.42, 5.43, and 5.106; CESCR 5(c); CEDAW 34(d); CAT 19; CCPR 9; CRC 19.

³⁹ UPR 5.38; CEDAW 10(b), 16(a), 28(a), and (b), 34(a), (b), and (c), 36(b); CESCR 22(a) and 23; CERD 7.

The media have a critical role in promoting non-discrimination, tolerance, and reconciliation among communities. Therefore, the UN human rights mechanisms recommended that Kyrgyzstan provides training to journalists and media actors in human rights, including on the prohibition of incitement to racial discrimination, and combatting racial and discriminatory stereotypes and attitudes. Furthermore, they urged authorities to refrain from and condemn discriminatory statements and hate speech by politicians and media based on nationalistic discourses and cease harassment of religious communities under the pretext of combating extremism.⁴⁰ It was stressed that awareness-raising campaigns, including public statements condemning any acts of religious intolerance, can positively contribute to promote religious tolerance. On the topic of religion, one recommendation asked for the removal of legislative obstacles to the registration process of religious organizations.⁴¹

Finally, recommendations were issued to protect the rights of other groups at risks such as persons with disabilities, and migrant workers and members of their families. For this last group, Kyrgyzstan was requested to implement measures to ensure that their needs are adequately met, including by having immediate access to proper documentation, health care, and education regardless of their residency status.⁴²

❖ **National legislation**

The legal framework of Kyrgyzstan is generally compliant with international obligations on non-discrimination. In its preamble, the Constitution states that the respect of the principles of equality and non-discrimination is a necessity for a democratic State. The Constitution also bans in law and in fact any discourse aimed at supporting national, ethnic, racial and religious hatred, gender as well as other social supremacy calling to discrimination.

Additionally, the commitment to ensure equality before the law and equal treatment of all citizens is reiterated in a number of laws. These include the “Criminal Code” and the “Criminal Procedure Code”, the law “On Presidential and Jogorku Kenesh elections”, the “Labour Code”, the “Family Code”, the law “On local self-government”, the “Code on Administrative Responsibility”, the law “On citizenship”, the law “On State guarantee of equal rights and equal opportunities for men and women”, the law “On rights and guarantees of individuals with disabilities, the law “On peaceful assembly”, the law “On personal data”, and the law “On the Ombudsman”.

Despite the existence of strong equality guarantees in national legislation, there are currently no policies or mechanisms expressly addressing issues of concern in this area.

❖ **Responsible institutions for implementation**

Non-discrimination is a crosscutting issue requiring all institutions at all levels to respect, protect, and promote the obligations deriving from this principle. The primary responsibility for the implementation of the recommendations lies with the Presidential Administration and specifically with the Department of ethnic, religious policies, and interaction with civil society, the Government, the Parliament, and the Parliamentary Committees such as the Committee on Human Rights, Constitutional Legislation, and State Structure (Parliamentary Committee on Human Rights). These institutions have to ensure that the principle of non-discrimination is effectively incorporated in all laws, policies, and strategies constituting the Kyrgyz legislative system.

The Supreme Court and its Constitutional Chamber, judges, police and law enforcement agencies, public departments of education, health, migration, the Civil Registry Office, local authorities at the oblast, rayon, and Ayil Okrugs levels, city councils, and all civil servants are among the institutions responsible for the implementation of the recommendations.

⁴⁰ UPR 7.28; CERD 13, 14, and 18; CESCR 5(a); CCPR 27; CRC 60.

⁴¹ UPR 5.137; CCPR 22 and 23.

⁴² CRC 19, 46, and 58; CMW 25(a) and (b), and 41.

CHILDREN

❖ *Summary of recommendations*

CCPR	CESCR	CAT	CEDAW	CRC	CMW	SPT
2	5	2	11	76	3	3
UPR		SR-T		SR-VAW		SR-SCCPCP
26		1		2		25

❖ *Analysis of the recommendations*

The protection and promotion of children's rights is the second most relevant thematic area per number of recommendations, with 156 in total. Almost all UN human rights mechanisms requested the implementation of concrete policies and legislation to address concerns related to the justice system, violence, education, health, access to documents, mechanisms for the care of children without families, and conditions in care institutions.

Some recommendations asked to establish mechanisms to enhance the general protection system with a focus on violence against boys and girls, and children victims or witnesses of crimes. Other recommended measures referred to the development of child-sensitive justice procedures allowing for the direct submission of complaints by children without parents or guardians and the methodical collection of data for policy development.

Additionally, Kyrgyzstan was requested to adopt a comprehensive and inclusive approach on the rights of children through the involvement of relevant NGOs working on child protection, the systematic training of professional groups working for and with children, facilitation of birth registration processes, and the allocation of sufficient financial resources for institutions dealing with children's rights, including the Deputy Ombudsman for Children, to adequately carry out their mandates.⁴³

Similarly, recommendations urged the strengthening of family and child support departments at the local level by providing sufficient financial resources and specialization courses for social workers, inspectors of children's affairs, and teachers, and by lightening the bureaucratic workload prioritizing direct and sustainable activities targeting children, families, and communities.⁴⁴ These measures should be accompanied by the development of clear child protection indicators to regularly monitor and evaluate the impact of the actions implemented and accountability mechanisms with an emphasis on shelters and residential institutions.⁴⁵

Moreover, the UN human rights mechanisms strongly encouraged reform of the justice system to ensure a full separation of the juvenile and adult systems in courts, prisons, and detention centres, the abolition of the use of solitary confinement for children, and the use of deprivation of liberty as a measure of last resort.⁴⁶ Furthermore, all deaths and allegations of torture and ill-treatment against children in places of deprivation of liberty, abuses within the family, in alternative care settings, and in schools have to be timely, independently, and thoroughly investigated through the establishment of effective complaint and data collection systems.⁴⁷ Kyrgyzstan should also ensure independent monitoring of prisons and detention centres, the full respect of judicial guarantees, including prompt

⁴³ UPR 5.21, 5.22, 5.23, 5.24, 5.25, 5.100, 5.101; CCPR 26; CEDAW 18(a) and 20(a); CRC 7(a), (b), (c), (d), and (e), 9, 11, 13, 15, 17, 19, 21, 25, 27, 29(b) and (d), 33, 34(a), (b), and (d), 36(c), (d), and (e), 42, 69, 70, and 71; CMW 33; SR-VAW 91 and 94; SR-SCCPCP 101(b), (c), and (d), 102(a), 103(a) and (e), 106(a), 107, and 109.

⁴⁴ SR-SCCPCP 102(e) and 104(f).

⁴⁵ SR-SCCPCP 107(b) and (c).

⁴⁶ UPR 5.57 and 5.96; CRC 67, 67(a), and (d); SPT 108.

⁴⁷ CRC 29(a), (c), and (d), 31(b), and 46(e); SR-SCCPCP 101(d); SPT 77 and 108.

registration of cases, access to lawyers, avoidance of unlawful detention, access to family visits, and compliance of conditions of detention with international standards.⁴⁸

Protection from violence in all settings was another main concern raised during the reviews. The UN Human Rights mechanisms requested increased efforts to prevent and prosecute crimes against children, harmful traditional practices such as bride kidnapping, early and forced marriages, corporal punishments, and sexual violence and abuses.⁴⁹

Seven recommendations also addressed concerns related to child labour and the exploitation of children. Kyrgyzstan has to intensify its efforts to prohibit all forms of child labour while providing access to free and compulsory education. Furthermore, Kyrgyzstan has to change the current legislation requiring 10 days prior notice for labour inspections and allow unannounced visits especially in the agricultural sector and in informal worksettings. Employers who violate the norms aimed at protecting children should be held accountable. The UN human rights mechanisms also demanded the establishment of policies and mechanisms for public food distribution systems, including strengthening of the school feeding programs, to combat poverty and avoid recruitment of children in the labour market. Finally, awareness raising campaigns to eradicate socially accepted forms of child labour should be organized and carried out.⁵⁰

Specific recommendations were made for girls on access to education, elimination of socio-economic barriers, access to health care services and employment, and provision of childcare. The UN human rights mechanisms explicitly requested that the next report to CEDAW incorporates disaggregated data on educational choices of women and girls to evaluate the effectiveness of the measures undertaken to implement the recommendations.⁵¹

The UN human rights mechanisms also expressed concerns on the current level of access to fundamental services for all children, including children with disabilities, from minority communities, and children of migrant workers. It was recommended that children in care institutions receive free and regular medical, psychological, and social support. Also, the UN human rights mechanisms requested that children are provided with adequate access to complaint mechanisms and are protected from reprisals.⁵² It was also recommended to implement policies to reduce the institutionalization of children with disabilities and support their families by providing community-based care options and sufficient social benefits to cover the basic needs of the children.⁵³

Children from minority communities should enjoy all rights free from discrimination, including full access to education.⁵⁴ The latter was recommended also for children of migrant workers in an irregular situation in addition to facilitation of registration in the place of employment, provision of adequate living conditions, and immediate access to health care.⁵⁵ The recommendations also covered concerns related to children who migrated abroad by inviting Kyrgyzstan to sign bilateral agreements with the receiving countries to ensure children obtain residence permits to access fundamental services. Recommendations advised training for consular staff on the specific challenges faced by children of migrant workers as an essential element to strengthen child protection.⁵⁶

On education, measures should ensure the provision of free and compulsory education without any discrimination, promotion of human rights, career counselling for girls in non-traditional occupational fields, child safety, sex education, and education on reproductive

⁴⁸ CAT 9(c); CRC 29(a), (b), (c), and (d), 31, 42(h), 46(e), and 67(b); SR-SCPCP 101(c); SPT 77 and 108.

⁴⁹ UPR 5.65, 5.70, 5.71, 5.72, 5.73, 5.74, 5.75, 5.76, 5.77, 5.78, 5.79, and 5.80; CESCR 13, 17; CEDAW 16(b), 18(a), 20(a) and (b); CAT 21; CRC 31, 33, 34(a), (b), and (d), 36(a), (b), and (c), 38, 62, and 64; SR-VAW 91 and 94; SR-SCPCP 101(f), 102 (b), 103(c), 105(c), 108(a) and (b), and 109(a).

⁵⁰ UPR 5.81 and 5.82; CRC 56(a) and 62; CESCR 14 and 21; SR-SCPCP 103(b).

⁵¹ UPR 5.129; CEDAW 26(a) and (c), 28(a), and 30(b); CRC 42(i) and 56(a), and 62; CMW 43(b); SR-VAW 91 and 94; SR-SCPCP 103(a) and (b).

⁵² CRC 31(b) and (c), 42 (c), (d), (e), SR-SCPCP 102(a).

⁵³ CRC 46, 46(a), (c), (d), and (f).

⁵⁴ CRC 19 and 56(a).

⁵⁵ UPR 5.101; CRC 19 and 58.

⁵⁶ CESCR 13; CMW 29 and 33.

health.⁵⁷ The latter was mentioned also in relation to an increased access to affordable and safe contraceptives and information on family planning and HIV/AIDS as tools to promote the highest attainable standards of health for children and parents.⁵⁸ Moreover, recommendations called for strengthening programmes for the reduction of maternal and child mortality, ensuring free access to health care in urban and rural areas, providing quality and sufficient nutrition to eliminate undernourishment, preventing deaths from curable diseases, and improving sanitation and hygiene conditions in care institutions.⁵⁹

The UN human rights mechanisms considered essential for an adequate protection of children's rights the implementation of awareness raising and information campaigns. Topics to be covered included the unacceptability of early and forced marriages, the prohibition of corporal punishments, the immediate registration of new-borns, establishment of protection mechanisms for cases of sexual violence and exploitation, and rights of children with disabilities.⁶⁰

❖ *National legislation*

Kyrgyzstan has several laws and policies on the rights of the child. The Constitution considers the best interest of the child as a key principle. In addition, Kyrgyzstan has a "Children's Code", "Family Code" and "Labour Code". Other provisions on the protection of children can be found in the "Criminal Code" and the "Criminal Procedure Code", the law "On social and legal protection against domestic violence", the laws "On education" and "On pre-school education", the law "On the State minimum guarantees of social benefits", the law "On basics of youth policy", and the law "On health protection".

Numerous policies and programs aim at promoting and protecting the rights of children. Among the main documents, the the State Program for the Development of Juvenile Justice 2014 – 2018, the Strategy on Education Development 2012 – 2020, the National Strategy on Sustainable Development 2013 – 2017, the Plan of Activities to End Violence Against Children, the State Program on Stabilization of the epidemic of HIV infection 2012 – 2016, the Program of the Ministry of Health "Gulazyk" on improving nutrition for mother and child, and National Health Reform Program 2012- 2016 (Den Sooluk), the Program on Social Development and Protection of the Population 2015 -2017, and the Program by the Ministry of Education and Science "School without Violence".

❖ *Responsible institutions for implementation*

Within the Government, responsible institutions consist of the Ministry of Social Development, which has a child protection mandate, and the Ministries of Interior, Justice, Education, Health, the Ministry of Youth, Labour and Migration, and the Vice Prime Minister Adviser on justice for children. Within the Parliament, the Committee on Human Rights, the Committee on Judicial and Legal Affairs, and the Rule of Law, the Committee on Education, Science, Culture and Sport, and the Committee on Social Policy are those mandated to ensure the adequate protection of the rights of the child.

Other relevant institutions include the Department on Child's Rights Protection and Control of the GPO, the Department of Crime Executive Inspection of the State agency on the execution of punishments, the Ombudsman, the Inspectorate on Juveniles' Affairs, the Department of Family Support and Children, the Commission on Children's Affairs, the Coordination Council on Child Labour issues, the National Preventive Mechanism on Torture (NPM), and responsible local self-government authorities, including the Social Protection Department.

⁵⁷ UPR 5.82, 5.127, and 5.129; CEDAW 16(a) and (c), and 28(a); CRC 7(a), 33, 38, 42(i), 46(d), 56(a) and (c), and 58; CMW 33; SR-SCPCP 103(d).

⁵⁸ CEDAW 30(b) and (c); CRC 50 and 52; SR-SCPCP 103(d).

⁵⁹ CESC 21; CEDAW 30(a) and (b); CRC 7(a), 31(c), 42(c), (d), (e), and (f), 48, and 58; SR-T 82; SPT 77 and 109.

⁶⁰ UPR 5.74; CAT 21; CCPR 26; CRC 7(a), 31(a), 33, 36(b), 38, 46(b) and (d); SR-SCPCP 101(f), 102(c), 103(b) and (d), 106(c).

CORRUPTION

❖ *Summary of recommendations*

UPR	CESCR	CRC	CMW	SR-SCCP	SPT
3	1	2	1	1	6

❖ *Analysis of the recommendations*

Corruption in Kyrgyzstan is considered to be among the main drivers of human rights violations and one of the main barriers to the sustainable development of the country. Several sources indicated that the phenomenon of corruption is widespread and affects all aspects of life in Kyrgyzstan.⁶¹

The UN human rights mechanisms highlighted this aspect. In fact, six UN human rights mechanisms issued 14 recommendations on this thematic area. Although the number of recommendations is relatively low, their formulation covers multiple issues of concern.

The recommendations referred to reforms of the judicial system, including through the provision of quality legal services to persons deprived of liberty, thorough and effective investigations of cases of corruption, training of civil servants, adequate policy development, awareness raising campaigns, and measures in the field of education and drug trafficking. Efforts should prioritize the analysis of the root causes of corruption in those areas where it hampers the full enjoyment of economic, social, and cultural rights.⁶²

The largest number of recommendations issued concerned the steps that Kyrgyzstan must take in investigating cases of corruption and in prosecuting those responsible for violations of the law. The UN human rights mechanisms stressed that accountability and end of impunity are essential in order to obtain systemic changes.

Specifically, recommendations demanded the investigation of all instances of corruption in a number of fields, including in places of detention and within the judicial system, the availability of functioning reporting and referral mechanisms, provision of services to migrant workers and members of their families, and transparency in the adoption process of children.⁶³

With regard to the civil service, recommendations stressed the importance of strengthening the oversight over public servants and law enforcement officials in particular by establishing mechanisms to declare additional incomes to prevent any conflict of interest. Moreover, it was suggested to provide adequate remuneration to police, prison, judicial, and health staff members as a measure to fight corruption and support the establishment of fully functioning and corruption-free law enforcement, judiciary, prison and health systems.⁶⁴

The UN human rights mechanisms also demanded substantial reforms with regard to defence lawyers with the objective of creating an independent and quality-oriented public defence system. To achieve this, it is necessary that free legal aid is provided to all persons deprived of liberty from the moment of arrest and that lawyers are adequately remunerated for their services.⁶⁵

Other legislative and policy interventions focused on the development of programs and mechanisms to alleviate poverty paying particular attention to the most vulnerable groups of

⁶¹ For reference see Transparency International, <http://www.transparency.org/country#KGZ>, Business Anti-Corruption Portal, <http://www.business-anti-corruption.com/country-profiles/europe-central-asia/kyrgyzstan/initiatives/public-anti-corruption-initiatives.aspx>, and U4 Anti-Corruption Resource Center <http://www.u4.no/publications/overview-of-corruption-and-anti-corruption-in-kyrgyzstan/>.

⁶² CESCR 7.

⁶³ CESCR 7; CRC 44; CMW 23; SR-SCCP 101(g); SPT 50 and 130.

⁶⁴ SPT 126 and 128.

⁶⁵ SPT 50 and 129.

the society since they are the most affected by instances of corruption. Recommendations requested the establishment of an independent investigative body, support to the Anti-Corruption Agency, and the continuation of initiatives such as the State Programs and Action Plans to Combat Corruption.⁶⁶

Other recommendations included the organization of awareness raising campaigns on the risks and impact of corruption on society as a whole, the provision of training to civil servants on human rights in general and anti-corruption, specifically the elimination of practices of extorting money and fees from parents of children attending compulsory education, and the continuation of efforts aimed at combating drug trafficking.⁶⁷

❖ **National legislation**

The importance of addressing corruption is reflected in the number of laws and policies in force in Kyrgyzstan. Corruption is considered in the “Criminal Code” as a particularly severe crime with the punishment ranging up to 15 years or even 20 if committed in the interest of an organized group.

Additional measures to prevent and fight corruption are foreseen by the law “On counteracting the terrorism financing and legalization of proceeds from crime”, the law “On combatting corruption”, the law “On the civil service”, the law “On declaring and publication of data on revenues, obligations and property of persons occupying political and other special state positions, and close relatives thereof”, the law “On the accounts chamber”, and the law “On public councils within the State institutions”. Furthermore, there are two main Presidential decrees on the issue “The State Strategy on Anticorruption Policy and measures to undertake” and “Measures to Eliminate the Causes of Political and Systematic Corruption in state institutions”.

In terms of policies, the State Strategy on Anti-corruption Policy in Kyrgyzstan (State Strategy on Anti-corruption) indicates that each Ministry should develop, adopt, and implement its own plan to prevent corruption. Other anti-corruption measures are included in the National Strategy on Sustainable Development 2013 – 2017 and its Action Plan, the State Program and Action Plan to Combat Corruption 2015 – 2017 that follows the previous Program for the period 2012 – 2014, and the charter on Business in the Kyrgyz Republic against Corruption that has been adopted in December 2014 by the Chamber of Commerce and leading business association of the country.

❖ **Responsible institutions for implementation**

The main institutions responsible for the implementation of the laws are all Ministries, the State Financial Intelligence Service under the Government, the Special Corruption Prevention Division within the Ministry of Economy, the Parliament and its committees with the Committee to Combat Corruption as the main actor, the Commission for Revision of Legislation and the Council for Simplification of Regulations, the GPO, the Supreme Court and the Constitutional Chamber, authorities at the local level, the Police and the Financial Police, the National Security Service and the Anti-Corruption Service within this institution, the State Tax Service, the State Customs Committee, and the Chamber of Accounts.

In addition, the Secretariat of the Defence Council and its working groups are responsible for the monitoring of the implementation of the State Strategy on Anti-corruption along with the Public Councils of Ministries and State Agencies, and the Anti-Corruption Commissions within the state bodies.

Finally, other relevant national stakeholders in the field of anti-corruption are the Ombudsman, the Chamber of Commerce, the Anti-Corruption Business Council, and the newly established Evaluation and Development Centre under the State Personnel Service.

⁶⁶ UPR 122; SPT 130.

⁶⁷ UPR 5.19; CRC 56(c); CMW 23; SPT 127;

EDUCATION

❖ *Summary of recommendations*

UPR	CESCR	CCPR	CEDAW	CERD	CRC	CMW	SR-TDW	SR-VAW
7	2	1	8	3	11	1	2	1

❖ *Analysis of the recommendations*

Eight UN human rights mechanisms issued 36 recommendations on the right to education with an emphasis on improving access to education for all.

Access to free and compulsory primary and secondary education was the basis on which all the other thematic recommendations, on women, girls, boys, minority communities, persons with disabilities, and migrants, were made.⁶⁸ The outcomes of the reviews suggest that a developed, pluralistic, and democratic society cannot be built unless the respect of the right to education is adequately protected. In the view of the UN human rights mechanisms, access to education, both formal and informal, relates to physical accessibility, and promotion, and inclusiveness of the system. For this reason, Kyrgyzstan should take immediate actions to increase the allocation of resources to the education system, including by ensuring that infrastructures and physical conditions of schools are adequate and meet high safety standards.⁶⁹

Within this thematic area, specific attention was given to women and girls. The UN human rights mechanisms considered that the most effective way of combating gender-based violence is to empower women and girls. The UN human rights mechanisms suggested to achieving this goal by enhancing access to and improving levels of education, including by eliminating stereotypes and barriers facilitating their enrolment in substantive areas that traditionally are not dedicated to women and girls also through the provision of vocational and technical training. This would also contribute to addressing poverty and economic dependence of women and girls from their male family members. Kyrgyzstan was explicitly requested to collect information and disaggregated data on education choices of women and girls and report on the findings during the next CEDAW review.⁷⁰

The UN human rights mechanisms also requested that Kyrgyzstan reviews school textbooks and curricula with a view to eliminating gender stereotypes and promoting gender equality and non-violence.⁷¹ In connection with these efforts, public education and awareness raising campaigns as well as training should be implemented to sensitize teachers, school personnel, community and religious leaders, and private sector employers.⁷²

An issue of concern highlighted during the review was the level of access to free and compulsory quality education for children from minority communities due to language barriers. In particular, UN human rights mechanisms recommended that Kyrgyzstan strengthens its efforts to foster community reconciliation through multi-lingual education and promotion of cultural diversity of minority communities.⁷³ Additionally, the unrestricted provision of education in minority languages, specifically the Uzbek language in the regions of Osh and Jalal-Abad, and the inclusion of history and culture of the diverse communities in schoolbooks and curricula were strongly recommended.⁷⁴ One recommendation also

⁶⁸ UPR 5.59, 5.82, 5.128, and 5.129; CESCR 27; CEDAW 26(a) and (c), 28(a), and 32(a); CCPR 27; CRC 38, 42(i), 46(d), 56(a), (d), and (f), 58, and 60; CMW 33; SR-TDW 84 and 98.

⁶⁹ UPR 6.126 and 5.128; CESCR 28; CRC 56(d).

⁷⁰ UPR 5.59 and 5.129; CEDAW 16(b) and (c), 26(a) and (c), 28(a), and 32(a).

⁷¹ CEDAW 26(a) and (b); SR-VAW 91.

⁷² UPR 5.59; CEDAW 28(a); CRC 38 and 46(d); SR-VAW 91.

⁷³ CESCR 28.

⁷⁴ CERD 12.

called for reconsidering the decision of introducing high school testing in official languages only and for taking appropriate measures to ensure that children from minority communities are tested in languages in which they were mainly educated.⁷⁵

Finally, measures have to be undertaken to ensure that all children, including children with disabilities,⁷⁶ and children of migrant workers regardless of their residency or economic status,⁷⁷ have access to free and compulsory education without discrimination.

❖ **National legislation**

In accordance with international obligations, the right to free compulsory education is enshrined in the Constitution and the “Children’s Code”. Furthermore, numerous laws regulate the education system in Kyrgyzstan. Among the most relevant are the law “On education”, the law “On teacher’s status”, the law “On preschool education”, the law “On the primary professional education”, the law “On science and State technical policy”, the law “On innovative work”, the law “On the State minimum guarantees of social benefits”, and the law “On basics of youth policy”. The recommendations repeatedly highlighted that the issue of language is relevant to the sphere of education. In Kyrgyzstan, this topic is regulated by the law “On State language” and the law “On official language”. Moreover, the Presidential decree “On the State Program on the Development of State Language and Advancement of Language Policy 2014 – 2020” identified priority measures and priorities for the development of language policy.

Critical for the advancement of the education system are the Education Development Strategy 2012 – 2020 (Education Strategy) which aims at achieving the relevant Millennium Development Goals (MGDs) and the objectives of the Education for All movement under the auspices of UNESCO. The Education Strategy, which has as main priorities education management, financing, and monitoring of the system, also provides a data-based in-depth overview of the current situation of the education system, challenges, and opportunities for development, and clearly sets benchmarks and timelines for its implementation. However, it does not attribute clear responsibilities to national authorities for carrying out the actions included in the policy document.

Other policy documents relevant in this area are the State standards on Pre-school Education and Care, School Education, and Secondary Education, and the National Strategy on Sustainable Development 2013 – 2017.

❖ **Responsible institutions for implementation**

The Ministry of Education and Science is the main institution responsible for the management and advancement of the education system in Kyrgyzstan. The Ministries of Youth, Labour and Migration, and Social Development, also have a role in promoting and ensuring access to education for all. With regard to persons deprived of liberty, and children in particular, the Ministries of Justice, and Interior, along with the Penitentiary Services, have the responsibility to ensure that education and vocational training are provided in prisons and other closed institutions.

Other bodies responsible for fulfilling Kyrgyzstan’s obligations on the right to education are the Presidential Commission on Education, the Parliamentary Committee on Education, Science, Culture and Sport, the Kyrgyz Education Academy, the National Institute for Raising the Qualifications of Teachers and Teacher Training, the National Center for Testing, the Agency of Professional-technical education within the Ministry of Youth, Labour and Migration, Central and Regional bodies of State Management on Education including the Departments of Education at the district level.

⁷⁵ CESCR 27 and 28; CERD 12; CCPR 27; CRC 56(a) and (f), and 60.

⁷⁶ UPR 5.127; CRC 46(d).

⁷⁷ UPR 5.123; CRC 58; CESCR 27; CMW 33.

ENVIRONMENT

❖ *Summary of recommendations*

UPR	CESCR	SR-TDW
1	5	12

❖ *Analysis of the recommendations*

The protection and preservation of the environment should be considered a priority for Kyrgyz institutions since it represents one of the major resources of the country. The UN human rights mechanisms issued 18 recommendations and the vast majority of these focused on the management of radioactive and toxic waste.

The recommendations urged for improvements of the legal and policy frameworks to strengthen compliance with international standards on chemicals management to promote increased safety from hazards of radioactive and toxic waste and ensure the ability of the enjoyment of human rights for people living near toxic waste sites.⁷⁸

Recommended legislative measures included the adoption of the draft environmental code, a comprehensive law on chemicals' management to rationalize the existing norms, the establishment of a normative framework on radiation and nuclear safety, and the elimination of restrictions on access to industrial sites allowing competent authorities to carry out unannounced inspections.⁷⁹

In terms of policies, the UN human rights mechanisms called on Kyrgyzstan to establish an independent regulatory body with overall responsibility for radioactive waste management and radiation safety, to develop a strategy for the implementation of the Aarhus Convention. Kyrgyzstan should provide the body with sufficient technical and financial resources to carry out an assessment to clearly identify priorities in the areas of radioactive waste and chemicals management. Additionally, it should immediately and fully implement the action plan on primary mercury mining.⁸⁰ Furthermore, a recommendation called for the implementation, in close cooperation with the affected communities, of programmes aimed at improving the socio-economic conditions in villages and towns that once relied heavily on uranium and mercury or mining and processing industries.⁸¹

These programmes are one of the proposed measures to protect the right to health, including access to safe drinking water, education, and employment. Other measures recommended a structured approach to management, use, transport and disposal of hazardous chemical products, adequately fencing off facilities for the storage of hazardous materials, and awareness raising campaigns on the risks related to the exposure to radioactive materials or hazardous substances such as uranium tailings, toxic waste dumps, obsolete or banned pesticides and mercury waste. Moreover, Kyrgyzstan should close down the mine in Khaidarkan, relocate uranium tailings, radioactive and hazardous waste, and prohibit the use of certain pesticides. All these measures should be complemented by efforts aimed at providing current and former workers in this industry with alternative income generating activities.⁸²

Additionally, the delivery of appropriate training to officials, workers, and the general public on matters of toxic waste and chemicals management is paramount to increasing health and safety in the country. The recommendations included calling for information campaigns

⁷⁸ CESCR 26(e); SR-TDW 78, 83, 84, 85, 87, 93, 95, 99, and 100.

⁷⁹ CESCR 26(e); SR-TDW 83, 85, 87, and 95.

⁸⁰ SR-TDW 83, 93, 99, and 100.

⁸¹ SR-TDW 84.

⁸² UPR 5.123; CERD 26(a), (b), and (d); SR-TDW 78, 80, 83, 84, 87, and 97.

to educate the public on the hazardous effects of exposure to radioactive and toxic materials, as well as the status of waste dumps, and how to minimize associated risks.⁸³

❖ **National legislation**

The number of existing laws and policies in force highlights the importance attached to protection of the environment in Kyrgyzstan. The Constitution acknowledges the right for all to enjoyment of the environment and places a duty for all citizens to protect the environment. The "Criminal Code" envisages a section for environmental crimes, while the "Land Code", "Water Code", "Forestry Code", and the "Code on Administrative Responsibility" regulate in detail other relevant issues related to environment.

In terms of its legal framework, Kyrgyzstan has adopted numerous legislative acts to ensure an adequate protection of the environment. Among the most relevant are the law "On water", the law "On air protection", the law "On protection and use of flora", the law "On the application of chemicals and plant protection", the law "On specially protected natural territories", the law "On the sustainable development of eco-economic system - Issyk-Kul", the law "On the mountain territories", the law "On Biosphere Territories", the law "On pastures", the law "On the prohibition of felling, transportation, purchasing and sales, procurement and use, export and import of precious (walnut and juniper) tree species", and the law "On the prohibition of the production, transportation, purchase, sale and export of valuable and endemic species of fish in the Lake Issyk-Kul and Son-Kul".

With regard to pollution and disposal of waste and hazardous materials, Kyrgyzstan has adopted the law "On production and consumption waste", the law "On the tailings and waste dumps", the law "On radiation safety of the population", the law "On the protection of the Ozone layer", and the law "On the procedure for conducting inspections of businesses". the law "On internal migration", the law "On external migration"

Regarding policy documents, chapter 5 of the National Strategy on Sustainable Development 2013 – 2017 addresses the issue of environmental protection in view of ensuring sustainable development. In addition, the Concept for the Sustainable Development of the Kyrgyz Republic Forestry until 2025 and its Action Plan, the Concept of Ecological Safety until 2020, and the Complex of Measures on Provision of Ecological Safety 2011 – 2015 provide further indications for adequately protecting the environment.

❖ **Responsible institutions for implementation**

The Government is the main institution responsible for implementing these laws and policies and the Ministries of Agriculture and Land Reclamation, of Interior, and of Emergencies in particular. Additionally, the State Agency for Environment and Forest Protection under the Government, the State Agency on Geology and Mineral resources, and the National Committee on Water Management and Land Reclamation also have responsibilities for environmental protection.

Within the Parliament, the Committee on Agricultural Policy, Ecology and Regional Development and the Committee on Fuel and Energy Industry and Subsoil Management are the main bodies to develop adequate policies on the environment.

Finally, the State Inspectorate for Environmental and Technical Safety and, in particular, its Environmental Safety Department plays an important role in terms of oversight and monitoring the implementation of laws, regulations, and policies.

⁸³ SR-TDW 87, 97, and 99; CESCR 26(f)

ESCR

❖ *Summary of recommendations*

UPR	CESCR	CEDAW	CERD	CRC	SR-VAW
9	16	6	1	2	1

❖ *Analysis of the recommendations*

The UN human rights mechanisms issued 35 recommendations⁸⁴ with a view to ensuring the progressive realization, adequate protection, and enjoyment of economic, social, and cultural rights. At the international level, it was recommended to extend a standing invitation to the Special Rapporteurs with mandates relevant to economic, social and cultural rights, and ratify the Optional Protocol to CESCR and the ILO Convention on domestic work.⁸⁵

At the national level, a high degree of attention was given to the development, adoption, and implementation of legislation and policies aimed at improving social protection with the scope of eliminating poverty and ensuring the respect of the rights of women, children, and other vulnerable categories.

To adequately implement the recommendations, Kyrgyz authorities have to adopt a holistic approach due to the complementarity of these rights with several other thematic areas. Steps have to be taken to strengthen legislation, national procedures, programs, strategies, policies, action plans, and protective measures to eliminate disparities, alleviate and eradicate poverty, facilitate access to fundamental services, and enable people to enjoy the right to development as a precondition for the full enjoyment of other rights.⁸⁶ Supporting the role of NGOs active on these rights and discarding the draft law on “foreign agents” were also included among the recommendations.⁸⁷ Gender mainstreaming, including in the budgeting process, is considered paramount to achieve the expected results.⁸⁸

Protecting the rights of women in rural and urban areas was central to the reviews. Recommended steps included increasing the economic independence and empowerment of women through vocational and professional training, the provision of alternative income generating activities and microcredits, the adoption of measures to address the root causes of unemployment, the recognition of land’s ownership titles, an improved access to justice, education, housing, safe drinking water and sanitation, measures aimed at addressing the economic concerns related to the dissolution of religious or customary marriages including allowing its administration only after formal registration, and the creation of shelters, crisis centres and reintegration programmes for women who wish to leave prostitution.⁸⁹

The UN human rights mechanisms stressed that freedom from discrimination is critical to the implementation of these measures. The same level of protection has to be guaranteed to other vulnerable categories, such as members of the LGBT communities, elders, minorities, persons with disabilities, and migrants. In particular, it is necessary to address the socio-economic disparities among communities and between rural and urban areas to guarantee equal opportunities for all. Kyrgyzstan will have to specifically report on the measures adopted in the next review by CERD.⁹⁰

⁸⁴ Some of the topics relevant to ESCR, including housing and health, have been analyzed in separate chapters of this *Compendium*. Therefore, the number of recommendations on ESCR may be higher if all the relevant chapters are counted together.

⁸⁵ CEDAW 28(d); CRC 70; CESCR 31.

⁸⁶ UPR 5.21, 5.116, 5.117, 5.118, 5.120, 5.121, and 5.122; CEDAW 32(a); CERD 10; CESCR 15.

⁸⁷ CESCR 6.

⁸⁸ UPR 5.118; CEDAW 41; SR-VAW 91.

⁸⁹ UPR 5.21; CEDAW 22(d), 28(a), and (d), and 36(b); CESCR 8(b), 9, 20, and 21; SR-VAW 91.

⁹⁰ UPR 5.21; CESCR 5(b), 9, and 15; CRC 46; CERD 10.

A large number of recommendations were also issued regarding the exploitation of child labour. Kyrgyzstan has to intensify its efforts to combat these concerns, including by criminalizing the exploitation of children and making employers accountable by increasing the number of inspections particularly in the agricultural field and the informal sector.⁹¹

Kyrgyzstan should implement strategies to alleviate poverty which leads to chronic food insecurity and malnutrition of children and pregnant women. It was recommended to establish a public food distribution system for disadvantaged and marginalized individuals and groups and to significantly strengthen the school feeding programs in remote regions.⁹²

Other recommended social protection and poverty reduction measures focused on the increase of the minimum wage threshold, the full respect of labour and trade union rights, the provision of compensation to victims of work-related incidents and diseases, the issuance of adequate child benefits for families living in poverty, and the implementation of the strategy on poverty reduction, and on national sustainable development.⁹³

❖ **National legislation**

The Kyrgyz Constitution contains guarantees for the protection and promotion of economic, social, and cultural rights of all citizens of Kyrgyzstan. According to the Supreme law of the country, the State should elaborate programs for social and personal development, assistance to employment, and support to socially vulnerable categories by guaranteeing minimum levels of labour remuneration and protection of the rights of workers. Additionally, Kyrgyzstan should develop effective safeguards within the social service system, including State pensions and benefits for elders, and creating the conditions to ensure the necessary physical, mental, spiritual, moral, and social development of all children.

The Constitution also stipulates that the Government, with the approval of the Parliament, is responsible for developing and implementing a unified state policy in the socio-economic and cultural areas, and for adopting and realizing nation-wide programs of economic, social, scientific, technical, and cultural development. Furthermore, the Constitution guarantees the rights to economic freedom and the right of everyone to choose a profession, including through the establishment of organizations to pursue the realization of the political, economic, social, labor, cultural rights.

Significant provisions on this thematic area can be found in the “Civil Code”, and the “Civil Procedure Code”, the “Children’s Code”, the “Code on Administrative Responsibility”, the “Family Code”, the “Labour Code”, and the “Housing Code”. Other relevant laws include the law “On combatting corruption”, the law “On municipal services”, the law “On the civil service”, the law “On water”, the law “On public health”, the law “On education”, the law “On the primary professional education”, the law “On science and State technical policy”, law “On promotion of employment”, the law “On innovative work”, the law “On the State minimum guarantees of social benefits”, the law “On accumulative pension funds”, and the law “On social and legal protection against domestic violence”.

Regarding policies, the most relevant are the National Strategy on Sustainable Development 2013 – 2017, the National Strategy for the Achievement of Gender Equality by 2020, the National Health Reform Program 2012 – 2016, the Education Strategy, the Program of the Ministry of Health “Gulazyk” on improving nutrition for mother and child, the Program for Combating Trafficking in Persons 2013 – 2016 and its Action Plan.

❖ **Responsible institutions for implementation**

The Ministries of Social Development, of Economy, of Labour, Migration, and Youth, of Education and Science, of Health, of Culture, Information, and Tourism, of Interior, and the Parliament, including the Committees on Social Policy, on Anti-Corruption, and on Education, Science, Culture and Sport, are the main authorities responsible for the implementation of the recommendations.

⁹¹ CESCR 9 and 14.

⁹² CESCR 21.

⁹³ UPR 5.117, 5.118, 5.119, 5.120, and 5.121; CESCR 10, 11, 12, 15, and 20.

FREEDOM OF EXPRESSION

❖ *Summary of recommendations*

UPR	CEDAW	CERD	CCPR	SR-VAW	SR-SCCPCP
8	1	4	4	2	1

❖ *Analysis of the recommendations*

Freedom of expression is a cornerstone of any democracy. It is also intimately interlinked with other fundamental principles, including freedoms of association and of peaceful assembly, and it belongs to all people and groups in Kyrgyzstan. It is not surprising, therefore, that the UN human rights mechanisms issued 20 recommendations covering legislation, justice, human rights defenders, journalists and media, NGOs, LGBT, minority communities, women, and children.

Specific emphasis was given to the necessity to ensure that the legal framework adequately guarantees the right to freedom of expression without imposing unlawful limitations. In particular, it was also requested that all groups in Kyrgyzstan, irrespective of their sexual orientation, gender identity, and ethnic background, can fully enjoy their rights to freely express themselves.⁹⁴

Moreover, the UN human rights mechanisms recommended that Kyrgyzstan increases its efforts to protect human rights defenders, journalists, and civil society at large, and that they can seek, receive and impart information, including to the relevant UN human rights mechanisms, and carry out their legitimate peaceful activities without hindrance, intimidation, harassment or pressure.⁹⁵ Cases of threats and violence against human rights defenders and journalists should be promptly investigated, perpetrators prosecuted and punished, and victims compensated.⁹⁶

Prosecution was also recommended for politicians and media promoting hate speech and discriminatory statements and Kyrgyzstan was explicitly asked to report on the actions taken to address this issue during the next CERD review.⁹⁷ Under international law, hate speech is considered as any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility, or violence.⁹⁸

While freedom of expression is of paramount importance for any democracy, the principle can be limited based on a number of very specific exceptions, including the obligation to respect the rights and reputation of others. The jurisprudence of the UN Human Rights Committee clearly indicates that these restrictions must be the exception and, in any case, must not jeopardize the right itself.⁹⁹ Incitement to discrimination, hostility, or violence on any ground obviously represents a violation of this principle and should therefore be adequately and effectively prosecuted.

The UN human rights mechanisms encouraged the use of media to foster tolerance and promote education on human rights and freedom of expression.¹⁰⁰ Media could also support information sharing on a wide range of issues, such as campaigns on women's rights, violence against women, including bride-kidnapping, early marriage, and polygamy, gender stereotypes, unregistered marriages, and on ending taboos about child victims of sexual crimes and sexual offences against children.¹⁰¹ Promoting freedom of expression through

⁹⁴ UPR 5.102, 5.104, 5.106, and 5.109.

⁹⁵ UPR 5.102, 5.107, 5.109, 5.111, and 5.112; CCPR 24;

⁹⁶ CCPR 24.

⁹⁷ CERD 13, 14, and 18.

⁹⁸ Art. 20.2, ICCPR.

⁹⁹ Human Rights Committee, General Comment No. 34, Freedom of opinion and expression, CCPR/C/GC/34, para. 21

¹⁰⁰ CEDAW 16(c); CERD 14 and 18; SR-VAW 91.

¹⁰¹ SR-VAW 91 and 93; SR-SCCPCP 103(c).

the use of media was also recommended in relation to education in minority languages, including by restoring Uzbek-language television stations.¹⁰²

The indivisibility, interdependence, and interrelatedness of human rights create significant synergies between freedom of expression and the other fundamental freedoms of association and peaceful assembly.¹⁰³ The UN human rights mechanisms called on Kyrgyz institutions to uphold these rights and their free exercise by all groups who intend to carry out their activities in a legitimate and peaceful manner.¹⁰⁴

❖ **National legislation**

The right to freedom of expression is given due recognition and protection in the legal system of Kyrgyzstan. The Constitution clearly indicates freedoms of opinion, expression, thought, speech, and press as fundamental freedoms at the core of the Kyrgyz democracy and prohibits, in compliance with international standards, the propagation of national, ethnic, racial and religious hatred, gender as well as other forms of social supremacy which calls to discrimination, hostility and violence.

Other provisions to ensure the enjoyment of the right to freedom of expression can be found in the “Criminal Code”, which considers responses to actions aimed at violently overthrowing the constitutional order as admissible limitations, publicly affirming superiority of a race, religion, or nationality over others, or for those directed to the humiliation of national dignity. The law “On emergency”, states that in extreme situations the State can impose limitations on mass media and communication. The Ministry of Foreign Affairs has to report within three days to the UN Secretary-General on the restrictions of citizens' rights.

Additional legal provisions are included in the “Civil Code”, the “Code on Administrative Responsibility”, the law “On public broadcasting corporation”, the law “On peaceful assembly”, the law “On non-commercial organizations”, the law “On protection of professional activities of journalists”, the law “On guarantees and freedoms of access to information”, the law “On access to information held by public bodies and local authorities”, the law “On the protections of State's secrets”, the law “On commercial secrets”, the law “On advertisement”, the law “On copyright and related rights”, the law “On mass media”, and the law “On television and radio”.

Ensuring freedom of expression is also an obligation under the National Strategy on Sustainable Development 2013 – 2017.

❖ **Responsible institutions for implementation**

All institutions of Kyrgyzstan have to respect, protect, and promote the right to freedom of expression. The President, the Government and all Ministries, all Parliamentary Committees, local self-government authorities, the State Communication Agency, the Licensing Commission within the State Communication Agency, the judiciary, and law enforcement agencies have the obligation to ensure that no undue limitations are imposed on citizens.

To oversee the respect of this right and report on specific concerns, the Ombudsman has a critical role to ensure checks and balances within the national system.

¹⁰² CCPR 27.

¹⁰³ For references to the recommendations made by the UN Human Rights mechanisms on these issues, see the chapter “Freedoms of Peaceful Assembly and Association” of this Compendium.

¹⁰⁴ UPR 5.107, 5.109, 5.111, 5.112.

FREEDOM OF RELIGION

❖ *Summary of recommendations*

UPR	CCPR	CESCR
7	2	1

❖ *Analysis of the recommendations*

The right to freedom of religion received 10 recommendations during all the reviews. Some recommendations relevant to freedom of religion are analysed in this *Compendium* under the chapters on anti-discrimination, freedom of expression, and freedom of peaceful assembly and association.

The UN human rights mechanisms recommended that Kyrgyzstan fulfils its international obligations with regard to the protection of the rights of all religious communities with particular focus on preventing discrimination of religious, cultural, and ethnic minorities, and religious intolerance.¹⁰⁵ In particular, changes in legislation should respect and uphold fundamental freedoms in compliance with human rights standards.¹⁰⁶ Another recommended legislative amendment was to ensure that religious marriages are administered only after the registration of a formal marriage to protect women from the adverse effects of the dissolution of informal marriages.¹⁰⁷

Kyrgyzstan should also ensure that legislation does not impose unnecessary burdens on the registration process of religious organizations but rather foresees fair and transparent policies to ensure equality before the law for all communities. Additionally, public statements and awareness raising campaigns on religious tolerance could also help in building a tolerant and pluralistic environment. Finally, it was also requested that incidents or episodes of violence based on religious beliefs are promptly investigated, perpetrators prosecuted, and victims compensated.¹⁰⁸

One recommendation demanded that instances of harassment and discrimination by the police against members of ethnic minorities and peaceful religious adherents under the pretext of combating violent extremism cease immediately.¹⁰⁹

The issue of extremism and counter terrorism were also considered during the reviews with a focus on the limitations that actions on these topics may bring to the right to freedom of religion. While the UN human rights mechanisms acknowledged the need to take measures to ensure public security, they also demanded that Kyrgyzstan takes appropriate measures to ensure that anti-terrorism legislation is in line with international standards and that its implementation, especially with regard to the use of force, protects fundamental rights, including the right to life.¹¹⁰

❖ *National legislation*

In compliance with international obligations and standards, the Constitution guarantees freedom of conscience and belief, the right to manifest individually or in group religious beliefs and practices, the right not to be forced to declare their belief or religion. The Constitution states that Kyrgyzstan is a secular State with no official or mandatory religion. It also prohibits the involvement of religious organizations in the activities of State authorities.

¹⁰⁵ UPR 5.4, 5.136, and 5.137.

¹⁰⁶ UPR 7.12 and 7.18.

¹⁰⁷ CESCR 8(b).

¹⁰⁸ UPR 7.28; CCPR 13.

¹⁰⁹ UPR 7.28.

¹¹⁰ UPR 5.18 and 7.28; CCPR 13.

The “Criminal Code” punishes the unlawful prevention of religious activities and the incitement of religious hatred. Other legislative acts regulating the right to freedom of religion are the law “On freedom of religion and religious organizations”, the law “On non-commercial organizations”, and the law “On countering extremist activities”. The State Commission on Religious Affairs Order No. 4 on “Forms and terms of religious organizations report on their activities”, the law “On universal military duty”, and the law “On education” are also of relevance.

With regard to policies, the Concept of National Policy on Religion 2014 – 2020 and its Action Plan are the main documents to refer to when dealing with the right to freedom of religion. Additionally, the National Strategy on Sustainable Development 2013 – 2017 foresees measures aimed at strengthening inter-religious dialogue and maintaining the full separation between State and religion while promoting the respect of the right to freedom of religion.

❖ ***Responsible institutions for implementation***

Several authorities are responsible for the implementation of the international and national obligations connected to freedom of religion. The Government, and in particular the Ministries of Justice, Interior, including the Department 10 on terrorism issues and radicalization, Defense, Emergencies, and Education and Science, are mainly responsible for the implementation of the laws and policies. Additionally, the Frontier Service, the State Security Service, and the Financial Intelligence Service are competent in matters of counter terrorism.

A key actor is the State Commission on Religious Affairs for its role in implementing State policies in the religious sphere. Its powers include restraining the activities of religious organizations and developing state programs on prevention and combating the spread of religious extremism and terrorism.

Within the Parliament, the Committee on Human Rights, the Committee on Defense and Security, and the Committee on Education, Science, Culture and Sport are the main authorities on issues related to religion.

Under the Presidential apparatus, the State Committee for National Security, Defense Council and its working group on the reform of the State policy on the religious sphere, and the Department of ethnic, religious policies, and interaction with civil society are the institutions dealing with this thematic area.

Other relevant institutions are the GPO, the Supreme Court, the State Agency on Local Self-government and Interethnic relations, and the Public Expert Council on Ethnic, Inter-religious Development.

FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION

❖ *Summary of recommendations*

UPR	CCPR
10	1

❖ *Analysis of the recommendations*

Similar to other fundamental freedoms analysed above, the adequate protection and promotion of the freedoms of peaceful assembly and association are essential elements for the democratic development of Kyrgyzstan. In total, the UN human rights mechanisms issued 11 recommendations on this topic.

Compliance of national legislation with international standards was the main concern highlighted during the reviews. On one side, this included the need to take positive steps and legislate where gaps exist in order to protect and guarantee the rights of all people. On the other side, Kyrgyzstan was asked to refrain from adopting legislation and policies that would hamper the enjoyment of these freedoms, such as the draft law “On foreign agents”.¹¹¹ In addition, it was recommended to increase compliance with international standards by enhancing cooperation with international human rights bodies, mechanisms, and principles, including the Special Rapporteur on freedom of peaceful assembly and of association.¹¹²

The recommendations specifically referenced NGOs, human rights defenders, LGBT, and journalists as the main categories in need of protection by State institutions.¹¹³ Kyrgyzstan has to grant the right to freedom of peaceful assembly and of association to all people upholding the principle of equality before the law. Furthermore, additional efforts have to be directed to ensure that all citizens without any form of discrimination have access to judicial remedies in case of unlawful restrictions of the enjoyment of these freedoms.¹¹⁴

❖ *National legislation*

The Constitution guarantees both the right to peaceful assembly and the right to association for all citizens, in particular the right to seek the authorization of the State to organize and hold peaceful assemblies. The Supreme law of the country also recognizes the right of all citizens to create political parties, professional unions, and other public associations for the enjoyment and protection of their rights and freedoms, as well as satisfying political, economic, social, labour, cultural and other interests.

Several laws were adopted to ensure the implementation of constitutional rights. Among the most relevant are the “Civil Code” and the “Labour Code”. Of further relevance are the law “On non-commercial organizations”, the law “On registration of legal entities”, the law “On peaceful assembly”, the law “On cooperatives”, the law “On credit unions”, the law “On employers’ association”, the law “On trade unions”, the law “On jaamats (communities) and their associations”, the law “On freedom of religion and religious organizations”, the law “On political parties”, and the law “On mass media”.

Other significant laws are the law “On water users’ associations”, the law “On security market, the part on stock exchange”, the law “On the State regulation of foreign trade activities”, and the law “On philanthropy and charitable activities”.

¹¹¹ UPR 5.102, 5.103, 5.104, 5.105, 5.106, and 5.111; CCPR 25.

¹¹² UPR 5.27, 5.104, and 5.108.

¹¹³ UPR 5.102, 5.104, 5.105, 5.106, 5.107, and 5.111.

¹¹⁴ UPR 5.95.

❖ ***Responsible institutions for implementation***

The Presidential Administration, along with the Constitutional Chamber of the Supreme Court, are the main institutions responsible for ensuring that proposed legislation and policies restricting the fundamental freedoms of association and peaceful assembly are in compliance with national and international human rights obligations.

Within the Government, the Office of the Prime Minister, the Ministry of Justice and the empowered State body for Registration, the Ministry of Interior, including Department 10 and law enforcement bodies at the central, oblast, and rayon levels, the Ministry of Transport and Communication, the Ministry of Foreign Affairs, and the State Committee for National Security are the main authorities relevant for this area.

Other institutions responsible for ensuring the enjoyment of fundamental freedoms are the Parliamentary Committee on Human Rights, the Parliamentary Committee on Education, Science, Culture and Sports, the Parliamentary Committee on Transport, Communication, Architecture, and Building, the State Communication Agency and its licensing commission, local self-government authorities, and the State Service of Regulation and Supervision over the Financial Market.

GENDER

❖ *Summary of recommendations*

UPR	CESCR	CERD	CEDAW	CAT	CRC	CMW	SR-VAW
12	2	1	18	2	1	1	10

❖ *Analysis of the recommendations*

The 47 recommendations on this thematic area show that Kyrgyzstan needs to take significant measures to ensure that gender mainstreaming is satisfactorily reflected in national policies and legislation and that the rights of men, women, boys, and girls are equally and adequately protected and promoted. Particular attention has to be given to the development and implementation of measures fostering substantial equality in all fields.

In terms of legislation, the UN human rights mechanisms requested Kyrgyzstan to amend those provisions which fail to comply with international human rights standards on gender equality and non-discrimination. Specific references were made to ensure the effective implementation of criminal and civil laws, the principle of equality before the law, and the adoption of provisions aimed at improving the situation of women, girls, members of the LGBT communities, and ethnic minorities.¹¹⁵

Recommendations also focused on the adoption of policies to support the legislative framework on gender equality. It was recommended to further strengthen the National Council on Gender Issues and continue to implement the National Strategy for Gender Equality also through the adoption of a National Action Plan on Gender Development and the establishment of an independent mechanism for women's rights and gender equality.¹¹⁶ Also, measures should be taken to strengthen mechanisms to detect, investigate, and punish cases of gender-based violence, to increase participation of women in public life through the introduction of quotas, and to provide clear terms of reference on gender equality for the Parliamentary Committee on Social Policy. Efforts should be directed to eliminate stereotypes and attitudes regarding traditional roles and responsibilities of men and women, to develop efficient data gathering mechanisms for the adequate monitoring and implementation of gender sensitive legislation, policies, and programs, and to adopt a gender perspective in the implementation of the MDGs and the post-2015 framework.¹¹⁷

Since women and girls are generally the most affected by gender disparities in society, a large number of recommendations were issued with the goal of eliminating these disparities. Several recommendations addressed the concerns related to gender-based and domestic violence, including harmful traditional practices. The UN human rights mechanisms called for concrete actions to identify and prosecute perpetrators of violence against women in all settings, including the abduction of women, and to provide adequate support to victims.¹¹⁸ Other recommendations focused on the socio-economic dimension of gender and demanded measures aimed at facilitating access to the labour market even in fields that are not perceived as traditional for women, acknowledging domestic work as a professional category, and reducing and eventually eliminating wage gaps to promote equal pay for men and women. Additionally, Kyrgyzstan was requested to enhance participation of women in fields in which they are underrepresented or disadvantaged, including in

¹¹⁵ UPR 5.31, 5.33, 5.40, and 5.106; CEDAW 18(b), 28(c), 34(a), and 41; CRC 34(c); SR-VAW 91, 93, and 95.

¹¹⁶ UPR 5.9 and 5.32; CESCR 8; SR-VAW 91.

¹¹⁷ UPR 5.9, 5.20, 5.31, 5.32, 5.68, and 5.118; CEDAW 12(a), 12(b), 14(a), 16 (a) and (c), 34(a) and (d), 38, and 41; CESCR 8(d); CERD 7; CRC 34(c); CMW 29; SR-VAW 91;

¹¹⁸ UPR 5.31, 5.33, 5.68, and 5.69; CEDAW 16(a), 18(a) and (b), and 20(b); CERD 7; CRC 34(c); SR-VAW 91 and 95.

political life and decision making, and to introduce guarantees, such as the right to maternity leave, which are expected to promote positive changes.¹¹⁹

To pursue these goals it is necessary that Kyrgyzstan allocates sufficient financial resources to the mechanisms responsible for the implementation of the recommendations, considers a gender-sensitive budgeting approach in all aspects of public life, and adequately trains officials on gender principles to sensitize them and enhance their ability to respond to concerns.¹²⁰ Additionally, measures have to be taken to raise awareness among the public about equal rights of men and women through the use of media, to support access to education for all, to review textbooks and curricula to eliminate gender stereotypes, and to provide age appropriate education on sexual and reproductive health.¹²¹

Recommendations also addressed the concerns related to non-discrimination in relation to members of the LGBT communities¹²² and women from minority communities.¹²³ The UN human rights mechanisms also asked for the investigation of all incidents and prosecution of perpetrators, including in cases of allegations of torture, and to ensure that judicial guarantees and fair trial principles are respected without any discrimination.¹²⁴

❖ **National legislation**

The principle of equality before the law is enshrined in the Constitution where it is explicitly stated that men and women enjoy equal rights and freedoms and equal opportunities for their realization without discrimination. The Constitutional laws “On the Government of the Kyrgyz Republic” and the law “On Presidential and Jogorku Kenesh elections”, also incorporate gender mainstreaming principles.

Since gender equality is a founding principle of democratic systems, all laws of Kyrgyzstan should incorporate a gender perspective. Relevant provisions can be found in the “Criminal Code”, the “Criminal Procedure Code”, the “Civil Code”, the “Code on Administrative Responsibility”, the “Family Code”, and the “Labour Code”.

Specific laws addressing gender issues are the law “On State guarantees of equal rights and equal opportunities for men and women”, the law “On social and legal protection against domestic violence”, the law “On reproductive rights of citizens and guarantees of their realization”, and the law “On local self-government”.

With regard to policy documents, gender mainstreaming is enshrined in the National Strategy for the Achievement of Gender Equality by 2020. Following the implementation of the Action Plan 2012 – 2014, a new Action Plan for the period 2015 – 2017 is currently under development. The National Strategy on Sustainable Development 2013 – 2017 contains a section on gender development.

❖ **Responsible institutions for implementation**

All institutions of Kyrgyzstan are obliged to mainstream gender in laws, policies, and actions. The Government is primarily responsible for the implementation of the recommendations together with the Parliament and its committees, including the Committee on Human Rights and the Committee on Social Policies. Local self-government authorities have also to ensure the adoption of gender sensitive policies at the oblast and rayon levels.

Other authorities specifically responsible for gender promotion and protection are the Supreme Court and its Constitutional Chamber, the GPO, law enforcement agencies, the Ombudsman, the National Council on Gender Policy, the empowered body on gender issues, the Electoral Commission, and the National Statistical Committee.

¹¹⁹ CEDAW 12(a), 14(a), 24(b), 28(c) and (d), and 34(a); SR-VAW 91;

¹²⁰ UPR 5.68; CEDAW 12(a) and (b), 14(a), 18(b), 20(b), and 24(b); CMW 29; SR-VAW 91.

¹²¹ CEDAW 16(c), 26(a) and (b), and 30 (c); SR-VAW 91.

¹²² UPR 5.40, 5.41, and 5.106; CEDAW 16(a) and 34(d); CAT 19.

¹²³ UPR 5.40 and 5.106; CERD 7.

¹²⁴ UPR 5.67; CEDAW 18(a); CAT 19 and 24.

HEALTH

❖ *Summary of recommendations*

UPR	CESCR	CRC	CEDAW	CMW	SPT	SR-SCCP	SR-TDW
1	12	16	6	2	7	1	11

❖ *Analysis of the recommendations*

Since the enjoyment of the highest attainable standards of health is a necessary precondition for the enjoyment of other human rights, the UN human rights mechanisms issued 56 recommendations on this thematic area.

The main issue highlighted during the reviews was access to adequate health care. To ensure the implementation of the recommendations, Kyrgyzstan will have to take concrete steps to ensure that women, men, boys, and girls of all ages in rural and urban areas can receive treatment whenever necessary. The recommendations indicated that this access has to be provided to all persons without discrimination and health professionals violating this principle should be adequately sanctioned.¹²⁵ In particular, the UN human rights mechanisms emphasized that regular and irregular migrants, victims of human trafficking, drug addicts, refugees, and asylum seekers are groups exposed to serious risks and their right to health has to be respected, protected, and promoted. In this context, Kyrgyzstan has to carry out, as a matter of urgency, a country-wide audit of the needs of all health institutions, in order to facilitate the provision of sufficient and adequate medical supplies.¹²⁶

Concerns on the rights of children and women were central during the reviews. It was recommended that Kyrgyzstan regularly monitors conditions of children in care institutions, including the hygienic conditions of such places, and provides preventive and timely free-of-charge treatments to prevent deaths due to curable diseases. The State should also ensure sufficient quality food based on the needs of their ages to avoid undernourishment.¹²⁷

Furthermore, Kyrgyzstan will have to promote online and in schools age appropriate education on sexual and reproductive health and rights, and ensure that adolescents have access to affordable and safe contraceptives as a mean to fight early pregnancies and sexually transmissible diseases.¹²⁸ This would also contribute to raise awareness about HIV/AIDS, about means of transmission, ensure that adequate health care is provided to those who need it, decrease the possibility of mother to child transmission, and prevent mass infections.¹²⁹

Finally, it was recommended to develop measures to halt abuse of children in all settings, including early marriages and abuses in families, alternative care facilities, and schools, by raising awareness about the negative impacts on health and development and by effectively prosecuting those responsible. Kyrgyzstan was also asked to establish temporary foster families and centers to refer children and provide them with medical, psychological, and social support.¹³⁰ Shelters should also be established for women victims of violence, and medical staff trained on issues of violence against women should be hired to provide necessary care.¹³¹

¹²⁵ CEDAW 34(b); CESCR 22(a) and 23.

¹²⁶ CEDAW 30(b); CESCR 15, 22(a), and 23; CMW 31 and 43(c); SR-TDW 84; SPT 93.

¹²⁷ CRC 31(c), 42(c), (d), (e), and (f), and 48.

¹²⁸ CEDAW 30(c) and 34(b); CRC 50 and 52; CESCR 22(b); SR-SCCP 103(b).

¹²⁹ UPR 5.125; CEDAW 22(c); CRC 50 and 52.

¹³⁰ CRC 31(a), (b), and (c), and 38.

¹³¹ CEDAW 18(d), 30(a), (b), and 34(b); CESCR 16;

Programmes to address the root causes of maternal and child mortality and reduce their occurrence, including the establishment of community-based maternal health-care systems and referral systems for obstetric emergencies, allocation of adequate funds, and training for medical personnel, should be treated as a priority.¹³²

The UN human rights mechanisms issued 11 recommendations to address concerns related to environmental pollution to ensure that the risks for adverse health consequences are minimized. First, Kyrgyzstan should align its normative framework on pollution, nuclear safety, and chemicals management with international standards. Then, it should implement awareness raising campaigns to inform people on the adverse health effects of unsafe handling of hazardous substances especially targeting farmers and employees in the chemical and energy sectors. Also, information materials should be available, appropriate, and user-friendly.¹³³ One recommendation also urged to ensure that residential areas are not built on or the in proximity of contaminated ground.¹³⁴

Finally, other recommendations called for the implementation of legislation promoting breastfeeding practices, the review of the conditions of mental health institutes and the allocation of sufficient funds to hire skilled personnel, the regular re-examination of patients in psychiatric or psycho-neurological centers to prevent referral of individuals who are mentally fit, the separation between healthy detainees from those with tuberculosis, and appropriate training for medical personnel dealing with cases of torture in accordance with the provisions of the Istanbul Protocol.¹³⁵

❖ **National legislation**

The Constitution recognizes the right to health and imposes obligations on the State to create conditions for access to medical services, either public or private, for all. The law should also establish which services can be provided free of charge.

Relevant provisions on health can be found in the “Code of Medical Workers”, the “Criminal Code”, the “Code on Administrative Responsibility”, the “Family Code”, the “Labour Code”, and the “Children’s Code”. Other significant legislative documents include the law "On public health", the law "On public health protection", the law “On healthcare organizations”, the law “On health insurance”, the law "On the fundamental principles of budgetary code”, the law “On reproductive rights and the guarantees of their realization”, the law “On HIV/AIDS”, the law “On social service”, the law “On the agency on drug control”, and the law “On protection of the population against tuberculosis”.

Kyrgyzstan has also adopted a National Health Reform Program 2012 – 2016 (Den Sooluk) and the National Strategy on Sustainable Development 2013 – 2017 foresees specific measures for improvements in the field of health care services.

❖ **Responsible institutions for implementation**

The main authority responsible for the implementation of the recommendations is the Ministry of Health (MoH) and all its departments. The MoH has a leading role within the Government in developing, implementing, and monitoring health-related reforms. Other relevant stakeholders are the health institutions at the oblast level and the coordinators responsible for the implementation of the Den Sooluk.

Within the Parliament, the Committee on Social Policy is the main actor. Responsibilities for the implementation of the recommendations also lie with the National Center for Maternal and Child Health, the National Center for Tuberculosis, the HIV/AIDS Center, and the Directors and personnel of healthcare centers. The Ministry of Interior and the Penitentiary Services are responsible for access to healthcare in places of deprivation of liberty.

¹³² CEDAW 30(a); CESCR 24.

¹³³ CESCR 26(e) and (f); SR-TDW 78, 80, 83, 86, 87, 88 97, 98, and 101;

¹³⁴ CESCR 26(c).

¹³⁵ CRC 54; SPT 94, 96, 113, 114, and 120.

HOUSING

❖ *Summary of recommendations*

UPR	CERD	CESCR
1	1	3

❖ *Analysis of the recommendations*

The UN human rights mechanisms issued five recommendations on the right to adequate housing to strengthen Kyrgyzstan's compliance with international human rights standards. The UN human rights mechanisms called for the drafting and adoption of a national strategy to ensure the full realization of the right to adequate housing, incorporating also social housing, and for the reduction of homelessness.¹³⁶ The strategy should be goal oriented, include actionable measures, and foster accountability by clearly indicating timelines for their implementation.

Recommendations also demanded the reconstruction of the areas destroyed during the 2010 events¹³⁷ and the provision of full assistance and support to internally displaced persons who have returned to Osh and Jalal-Abad. Kyrgyzstan is responsible for their reintegration, and access to housing has to be considered a priority.¹³⁸ Regarding reconstruction, it was also recommended that all possible measures should be taken to ensure that residential areas are not built on or in proximity of contaminated ground.¹³⁹

The UN human rights mechanisms urged Kyrgyzstan to ensure full compliance with international obligations and national laws in instances of eviction and relocation. Reference was made to the fact that these measures have to be taken only when their implementation is justified.¹⁴⁰

❖ *National legislation*

The right to housing is recognized and protected by the Constitution. Its provisions indicate that everyone is entitled to its enjoyment and no one can be arbitrarily deprived of housing. The Constitution places an obligation on the State authorities, both at the central and local levels, to create conditions for the implementation of the right to housing, including by providing housing free of charge or for affordable payment to low income persons. In addition, the Constitution acknowledges the right of the inviolability of housing by allowing searches, seizures, inspections, and penetrations by public agents in housing only on the basis of a court order unless differently specified by the law.

The "Housing Code" and the "Land Code", in addition to the "Criminal Code", the "Criminal Procedure Code", the "Civil Code", and the "Civil Procedure Code", and the "Code on Administrative Responsibility" regulate all the necessary aspects related to the enjoyment of the right to housing.

Other relevant legal provisions are in the law "On local self-government", the law "On State registration of rights to immovable property and transactions involving such property", the law "On urban planning legislation", the law "On population and housing censuses", the law "On individual housing construction", law "On privatization of governmental property", the law "On urban development and architecture", the law "On status of the capital city", the law "On status of Osh city", and the law "On mortgage".

¹³⁶ UPR 5.124; CESCR 19.

¹³⁷ UPR 5.124.

¹³⁸ CERD 11.

¹³⁹ CESCR 26(c).

¹⁴⁰ CESCR 19(a).

With regard to policies, the Ministry of Economy developed a Plan for Affordable Housing till 2030 and a Development Strategy of Mortgage Housing credit till 2030.

❖ ***Responsible institutions for implementation***

Within the Government, the Ministries of Interior, Social Development, Justice, and Economy are the main institutions responsible for fulfilling the obligations related to the right to housing. In the Parliament, the Committee on Transport, Communication, Architecture and Building and the Committee on Irrigation Policy, Water resources, Ecology and Regional Development are the competent bodies.

In addition, municipal authorities, the State Registration Agency, including its Department of cadaster of registration of rights for immovable property, the State Agency on Architecture, Construction and Housing and Utility Services are among the most relevant authorities mandated to ensure the respect of the right to housing for all citizens.

HUMAN RIGHTS DEFENDERS

❖ *Summary of recommendations*

UPR	CAT	CERD	CCPR
7	5	2	3

❖ *Analysis of the recommendations*

The protection of human rights defenders has been considered by the UN Human Rights mechanisms as a topic of significant relevance for the democratic development of Kyrgyzstan. For this reason, four UN human rights mechanisms made 17 recommendations.

To ensure compliance with international human rights principles, Kyrgyzstan should increase cooperation with international mechanisms and in particular extend an invitation to the Special Rapporteur on the situation of human rights defenders.¹⁴¹ Also, Kyrgyzstan should enact legislation that guarantees the exercise of fundamental rights and freedoms and refrain from adopting laws limiting the ability of human rights defenders to carry out their activities, such as the draft law "On foreign agents".¹⁴²

Particular relevance was given to the obligation of protecting all human rights defenders, including those from minority communities, journalists, NGOs, and lawyers from threats, intimidation, harassment, and violence.¹⁴³ Among the activities that should be protected, the UN human rights mechanisms mentioned the right to freedom of expression, including seeking, receiving, and imparting information, carrying out legislative work, peaceful activities, demonstrations, and promoting dialogue.

Specific recommendations addressed the concerns related to cases and allegations of torture of human rights defenders, including the cases of Askarov, Tomina, and Usmanov, with the explicit request to ensure prompt, independent, impartial, and thorough investigations, to identify the perpetrators, and to prosecute and punish them with appropriate sanctions.¹⁴⁴ These processes should be carried out in full accordance with fair trial principles, ensuring that no evidence obtained under torture can be used in court and reviewing all the cases in which allegations of violations were raised.¹⁴⁵

The UN human rights mechanisms also requested Kyrgyzstan to put in place effective measures to ensure that victims of violence and torture are provided with adequate medical care and compensation in accordance with international standards.¹⁴⁶

❖ *National legislation*

Although no specific legal provisions or policy documents exist on human rights defenders, the Constitution guarantees the rights to equality before the law, to direct participation in public life, to security, to freedom from torture, to a fair trial, to freedom of expression, speech, press, association, peaceful assembly, to privacy and inviolability of housing, and to freely seek, receive, keep, use, and disseminate information.

¹⁴¹ UPR 5.26; CAT 16(c).

¹⁴² UPR 5.102; CAT 16(d).

¹⁴³ UPR 5.111, 5.112, 5.113, 5.114, and 7.24; CAT 16(a) and (b); CERD 6(e) and 24; CCPR 24.

¹⁴⁴ UPR 5.114; CAT 7 and 16(b); CCPR 15 and 24.

¹⁴⁵ CAT 7; CERD 6(e); CCPR 15.

¹⁴⁶ CAT 7; CCPR 15 and 24.

These rights are also protected under national legislation, including as the “Criminal Code”, the “Criminal Procedure Code”, the law “On non-commercial organizations”, the law “On registration of legal entities”, the law “On peaceful assembly”, the law “On protection of professional activities of journalists”, the law “On guarantees and freedoms of access to information”, the law “On access to information held by public bodies and local authorities”, the law “On mass media”, the law “On television and radio”, and the law “On public councils within the State institutions”.

❖ ***Responsible institutions for implementation***

Similar to other thematic areas, all institutions of Kyrgyzstan have an obligation to respect, protect, and promote the rights of human rights defenders by avoiding the imposition of actions that would unduly limit their ability to operate and by protecting them from any form of discrimination.

Therefore, the President, the Government and all Ministries, the Parliamentary Committees on Human Rights, on Defense and Security, on Judicial and Legal Affairs, and the Rule of Law, on Foreign Affairs, on Education, Science, Culture and Sport, on Law and Order and Fight against Crime, and on Anti-Corruption, the Supreme Court and the Constitutional Chamber, the judiciary, the GPO, the Penitentiary Services, the Ombudsman, the NPM, and local self-government authorities, are all responsible in accordance with their mandates to fulfill their national and international human rights obligations.

HUMAN TRAFFICKING

❖ *Summary of recommendations*

UPR	CEDAW	CCPR	CMW	SR-VAW
3	1	2	4	2

❖ *Analysis of the recommendations*

The 12 recommendations on human trafficking aim at protecting some of the most vulnerable segments of the population, such as women, children, and migrants, through the provision of practical and action-oriented guidance to Kyrgyzstan for an increased compliance with its human rights obligations.

The human rights mechanisms encouraged Kyrgyzstan to continue its efforts in fighting trafficking, to carry out comprehensive and comparative studies by collecting data, disaggregated by sex, ethnicity and age, to identify and address patterns, dynamics, methods, and root causes of trafficking and exploitation of prostitution.¹⁴⁷ These studies should then be used to harmonize and effectively implement policies and legislation, such as the child adoption legislation and the Programme to Combat Trafficking in Persons 2013-2016.¹⁴⁸

In parallel, Kyrgyzstan should implement awareness raising and educational campaigns to widely inform the public about the negative effects of trafficking and the relevant legal aspects connected to it.¹⁴⁹ Similarly, training should be delivered to law enforcement officials, judges, prosecutors, labour inspectors, teachers, health care workers and the staff of the State party's embassies and consulates on identification and assistance to victims of trafficking.¹⁵⁰

Among these, women and children are the most exposed to violations and several actions are needed to ensure adequate protection and remedies. The recommendations requested the development of legal and social mechanisms to combat trafficking and sexual exploitation, bring perpetrators to justice, and ensure that victims are provided with all the necessary assistance.¹⁵¹

The UN human rights mechanisms indicated a number of urgent measures to implement the recommendations. These included establishing systems for the identification of victims and strengthening the efficacy of public services by providing shelters, medical care, and psycho-social support for their immediate rehabilitation and reintegration into the society.¹⁵²

❖ *National legislation*

The Constitution explicitly indicates that the prohibition of slavery and human trafficking is absolute and no law can derogate from this provision.

In line with the Constitution, the "Criminal Code" criminalizes human trafficking and any correlated action, including recruiting, transport, harboring, reception, transfer, purchase and sale of a person with or without such person's consent. Additional provisions can be found in the "Code on Administrative Responsibility", the law "On prevention and control of

¹⁴⁷ UPR 5.83; CEDAW 22(b); CMW 43(b); SR-VAW 94.

¹⁴⁸ CCPR 12; CMW 43(a).

¹⁴⁹ UPR 5.85; CMW 43(d).

¹⁵⁰ CCPR 12; CMW 43(d).

¹⁵¹ CCPR 12; CMW 43(b); SR-VAW 92.

¹⁵² UPR 5.84; CCPR 12; CMW 43(c); SR-VAW 92.

human trafficking”, the law “On the diplomatic service”, and the law “On biometrical registration”.

Additionally, Kyrgyzstan has adopted a Program for Combating Trafficking in Persons 2013 – 2016 and an Action Plan for its implementation.

❖ ***Responsible institutions for implementation***

The decision issued for the adoption of the Program for Combating Trafficking in Persons indicates that Ministries, State committees, administrative departments, authorized representatives of the Government in the areas, local State administrations, and local governments are responsible for the implementation of the plan. Additionally, it gives the Ministry of Youth, Labour and Migration monitoring and coordination powers and responsibilities.

The Ministry of Interior, the Police, and law enforcement agencies are responsible for investigating violation while the GPO and the Ministry of Justice are responsible for the prosecution of the perpetrators. The Ministry of Social Development, the MoH, the Ministry of Foreign Affairs, the Ministry of Education and Science, the Supreme Court, the State Committee for National Security, the Border Control Service, the State Registration Service, the local State administrations and the empowered State bodies at the oblast level also have responsibilities under the law and the Program for Combating Trafficking in Persons 2013 – 2016.

INSTITUTIONS BUILDING

❖ *Summary of recommendations*

UPR	CEDAW	CESCR	CAT	SR-TDW	SR-VAW	SR-T	SR-SCCPCP	SPT
4	2	4	2	8	4	7	13	5

❖ *Analysis of the recommendations*

Kyrgyzstan must strive to strengthen democracy and enhance compliance with human rights principles by adapting and modifying the legislative and policy systems to ensure fulfilment of obligations. Therefore, the UN human rights mechanisms issued 49 recommendations after identifying concerns on a number of thematic areas.

On women's rights, it was recommended to establish a coordination body responsible for the implementation of programmes and action plans to combat human trafficking and sexual exploitation, an oversight mechanism monitoring cases of violence by the police against women involved in prostitution, as well as an independent State body responsible for women's rights and gender equality. In addition, a recommendation focused on the creation of specialized female law enforcement units both at the urban and rural levels.¹⁵³

The reviews prioritized interventions in the field of torture. The UN human rights mechanisms recommended a wide range of actions to ensure that torture is eliminated and perpetrators are brought to justice. Measures included improved access for health personnel to places of deprivation of liberty and capacities for reporting on the findings of the examinations, training for law enforcement officials, judges, and prosecutors on prohibition of torture, proper investigation and accountability for perpetrators, transferring the authority over temporary detention facilities from the Ministry of the Interior to the Penitentiary Services, and reform of the duty lawyers' system to ensure detainees' and prisoners' effective access to legal support.¹⁵⁴

Furthermore, it was recommended to create, in addition to the NPM, an independent and effective mechanism with a mandate for detention monitoring to facilitate the submission of complaints by victims of torture. The UN human rights mechanisms also recommended to create mechanisms to facilitate the submission of complaints by detainees without fear of reprisal, a specialized unit within the GPO to investigate cases of torture, an independent investigative body on allegations of corruption in places of detention, a specialized oversight mechanism for judicial review and due process, and mechanisms to provide victims with effective remedy and redress.¹⁵⁵

In general terms, efforts should aim at strengthening coordination and capacities of the already existing mechanisms and their staff, including through appropriate training. The National Council on Gender Issues, the National Statistic Committee, the Family and Child Support Department, the Anti-Corruption Agency, and the State Agency for Environmental Protection and Forestry were the bodies explicitly identified by the UN human rights mechanisms.¹⁵⁶

Moreover, other recommended measures should aim at clarifying roles and responsibilities of staff of different bodies, establishing a standardized, computerized and centralized

¹⁵³ UPR 7.17; CEDAW 22(c); SR-VAW 91 and 92.

¹⁵⁴ CAT 6(c); SR-T 83(b) and (c), and 84; SPT 35, 50, and 56.

¹⁵⁵ CAT 6(b); SR-T 81(k) and (m), 82, and 84; SPT 35, 37, 50, 56, and 130.

¹⁵⁶ UPR 5.9, 5.10; CEDAW 22(a); SR-SCCPCP 102(d), 103(e), 104(b) and (e), and 105(a); SR-TDW 89, 92, and 94; SPT 130; SR-SCCPCP 102(e).

information-gathering system capable of disaggregating data by sex, age, type of violations and measures taken, as well as harmonizing data collection and processing methods on several thematic areas, including child protection, and conducting surveys to develop tailored and efficient policies attributing clear responsibilities to the competent institutions. Surveys and studies should be based on clear indicators, and monitoring and evaluating mechanisms should be in place to assess the effectiveness of the actions implemented.¹⁵⁷

The UN human rights mechanisms concluded that improvements at the institutional levels are necessary to reduce poverty, unemployment, and homelessness especially among women, youth, and persons with disabilities. Kyrgyzstan should establish mechanisms to address chronic food insecurity, including by strengthening the food distribution system in schools, to provide adequate child benefits to families living in poverty, and to address the root causes of unemployment.¹⁵⁸

On the issues of right to health and the right to a safe environment, a recommendation indicated the necessity to establish an independent regulatory body with overall responsibility for radioactive waste management and radiation safety.¹⁵⁹ It was stressed that all these bodies and mechanisms should be provided with sufficient and adequate financial and technical resources to be able to fully carry out their mandates.

Several recommendations demanded improving the capacities of institutions aimed at protecting the environment, in particular in order to prevent soil and water contamination, and securing the enjoyment of human rights for people living close to toxic waste dumps and in areas exposed to high levels of chemical pollution. Kyrgyzstan should consider establishing an independent regulatory body with overall responsibility for radioactive waste management and radiation safety, review the status of the State Agency for Environmental Protection and Forestry, provide technical and financial support to institutions mandated to implement legislation on the management of hazardous substances, including by furnishing laboratories with state-of-the-art equipment. Additionally, measures to increase coordination and communication among the responsible institutions should be established.¹⁶⁰

❖ **National legislation**

No specific legislation on institution building exists. However, the principles of rationalization of the activities of State institution, efficiency, efficacy, and optimization of the use of financial and human resources to enhance the performances of each State body should represent the base of any draft law or policy document.

❖ **Responsible institutions for implementation**

Responsible institutions for this thematic area include the Presidential Administration, the Government and the Parliament in their entirety, all the thematically relevant State agencies and empowered bodies, the management of public supervisory boards within each ministry and State agency, and authorities at the oblast and rayon levels.

The Ombudsman and the NPM as NHRIs have the obligation to ensure that legislation and policies comply with the international human rights provisions relevant for their respective mandates.

¹⁵⁷ SR-SCCPCP 103(e), 104(f), 105(a), (b), and (c), 107(b), and 109(b); SR-TDW 82; SPT 35.

¹⁵⁸ CESCR 9, 19, 20, and 21.

¹⁵⁹ SR-TDW 90.

¹⁶⁰ SR-TDW 78, 82, 90, 91, and 94 .

INTERNATIONAL OBLIGATIONS

❖ *Summary of recommendations*

CCPR	CESCR	CAT	CEDAW	CERD	CRC	CMW	SPT
7	7	10	8	7	10	14	2
UPR	SR-TDW		SR-VAW	SR-T		SR-SCCPCP	
9	5		1	4		1	

❖ *Analysis of the recommendations*

The UN human rights mechanisms issued 85 recommendations on compliance with international legal standards. Half of these were directed to encourage Kyrgyzstan to fulfil its obligations and commitments with regard to the implementation of the provisions of the ratified instruments and of the recommendations received as well as the harmonization of the national legal system with international requirements.¹⁶¹

Numerous recommendations also focused on reporting obligations, requesting Kyrgyzstan to submit the reports to the various UN human rights mechanisms within the prescribed deadlines and respecting the formal requirements of the submissions. Additionally, explicit follow-up information in response to issues directly mentioned in the recommendations was requested. Among these, the UN human rights mechanisms demanded specific reports on the respect of legal safeguards and impartial investigations into allegations of torture including of persons from minority communities, measures to fight sexual abuse and prevent illegal blood testing of sex workers, procedures to be adopted to ensure representation and participation of minority communities in political life and bodies, actions undertaken to enhance the protection of the rights of the child, and improvements of the human rights situation of migrant workers and members of their families.¹⁶²

In terms of cooperation with UN and other international mechanisms, Kyrgyzstan was invited to extend its cooperation with the UN Special Rapporteurs on human rights defenders, on the rights to peaceful assembly and of association, on economic, social, and cultural rights, and the Special Representative of the Secretary-General on violence against children. Moreover, Kyrgyzstan should avail itself of the presence and technical knowledge and expertise of the UN and other representatives of the international community on its territory to develop a comprehensive programme for the implementation of the recommendations received during the reviews.¹⁶³

The UN human rights mechanisms requested Kyrgyzstan to ratify the core international human rights instruments that are still missing, namely the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol, the International Convention on the Protection of All Persons from Enforced Disappearance (CPED), the Optional Protocol to the CRC on communications procedure, and the Optional Protocol to the CESCR. Other requests for ratification included issues related to stateless persons, child protection, use of

¹⁶¹ **UPR** 5.4, 5.30, and 5.44; **CEDAW** 40, 42, 43, 44, 45, and 46; **CAT** 12, 20, 22(d), 24(b), 26, 29, and 30; **CERD** 23, 30, and 31; **CCPR** 6, 29, and 30; **CRC** 70 and 71; **CMW** 9, 11, 44, 45, and 50; **SR-TDW** 86, 89, and 99; **SR-VAW** 93; **SR-T** 80(a) and (d), and 81(c); **SR-SCCPCP** 101(a).

¹⁶² **CEDAW** 44, 45, and 46; **CAT** 29 and 30; **CERD** 23, 27, 28, 30, and 31; **CESCR** 32 and 34; **CCPR** 29 and 30; **CRC** 19, 73, and 74; **CMW** 46, 49, 50, 51, and 52; **SPT** 6 and 8.

¹⁶³ **UPR** 5.26 and 5.27; **CAT** 12 and 16(c); **CESCR** 31; **CRC** 34(d); **CMW** 48.

chemicals, declarations to specific articles of the conventions ratified to authorize individual communications, and International Labour Organisation (ILO) instruments.¹⁶⁴

Kyrgyzstan is also obliged to ensure a systematic and timely dissemination of the concluding observations and recommendations of the UN human rights mechanisms to state institutions at all levels (national, regional, local), in particular to the Government, the Parliament, and to the judiciary. Moreover, steps have to be taken to translate them into all appropriate languages and ensure the widest possible distribution among all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organisations, civil society, universities, and research institutions. To accomplish this, information should be made available through media, websites, and public awareness raising campaigns and open consultations.¹⁶⁵

Specific thematic recommendations related to international obligations deriving from the ratification of the core international human rights instruments addressed issues related to the independence of the judiciary, freedom from torture, conditions of detention,¹⁶⁶ and the rights of women,¹⁶⁷ children,¹⁶⁸ migrant workers,¹⁶⁹ persons with disabilities,¹⁷⁰ refugees, and stateless persons.¹⁷¹

❖ **National legislation**

The Constitution recognizes that international treaties to which Kyrgyzstan is a party that have entered into force together with universally recognized principles and norms of international law are a constituent part of the national legal system. In particular, the Constitution expressly provides that the provisions of international treaties on human rights shall have priority over the provisions of other international treaties. It further states that only traditions that do not infringe upon international human rights principles will be supported. Most of the international human rights obligations deriving from the treaties ratified by Kyrgyzstan are then incorporated into the second section of the Constitution. Moreover, the "Criminal Procedure Code" includes among the grounds for the resumption of proceedings due to new circumstances the ascertainment of human rights violations by international bodies.

Therefore, all national laws have to ensure full compliance with international human rights principles and obligations in order to be considered as valid.

❖ **Responsible institutions for implementation**

The Presidential Administration, the Government and all Ministries, every member of the Parliament, and the Parliamentary Committees are responsible for ensuring that all laws and policies are in full compliance with international human rights norms and the Constitution. In addition, under the Government, the Coordination Council on Human Rights bears responsibilities to support State institutions in implementing the recommendation of UN human rights mechanisms.

The Supreme Court, the Constitutional Chamber, and all courts have the obligation to uphold these principles in their decisions.

¹⁶⁴ CEDAW 28(d) and 43; CAT 27; CESCR 5(d), 29, 30, and 31; CERD 22; CRC 27, 44, and 70; CMW 13 and 15; SR-TDW 88 and 98.

¹⁶⁵ UPR 5.29; CEDAW 8(a) and 42; CAT 28; CESCR 32; CERD 27; CCPR 28 and 30; CRC 72; CMW 45 and 47.

¹⁶⁶ UPR 5.104; CAT 12, 20, 22(d), 24(b), and 29; SR-T 80(a), (b), and (d), and 81 (c).

¹⁶⁷ CEDAW 8(a), 28(d), and 42;

¹⁶⁸ CRC 44 and 70.

¹⁶⁹ CMW 9, 15, and 39.

¹⁷⁰ CEDAW 43; CAT 27; CRC 70.

¹⁷¹ UPR 5.138; CERD 22.

LEGISLATION

❖ *Summary of recommendations*

CCPR	CESCR	CAT	CEDAW	CERD	CRC	CMW	SPT
7	6	5	11	10	11	3	1
UPR	SR-TDW		SR-VAW	SR-T		SR-SCCPCP	
22	3		5	6		3	

❖ *Analysis of the recommendations*

The compliance of national legislation with international human rights standards received 93 recommendations. This thematic area, along with administration of justice and international obligations, is among those that have received recommendations from all the UN human rights mechanisms. The focus was mainly on the adoption of laws necessary to ensure adequate protection and promotion of human rights¹⁷² and on amendments to existing laws that lack full compliance with international obligations.¹⁷³ Moreover, some recommendations asked to refrain from adopting or removing from legislative acts provisions that would endanger the enjoyment of rights, such as the draft laws “On foreign agents” and “on anti-LGBT propaganda”. Among the restrictions, the UN human rights mechanisms specifically mentioned the unnecessary imposition of limitations on the work of human rights defenders, fundamental freedoms, restrictions on access by lawyers to defendants, and issues related to corporal punishments and labour inspections’ regulations affecting children.¹⁷⁴ Additionally, recommendations were made to align legislation with principles of non-discrimination on any ground.¹⁷⁵

Thematically, a significant number of recommendations were issued regarding the protection of the rights of women. While recommending carrying out studies on the gender dimension of new legislation, the UN human rights mechanisms urged the implementation of measures aimed at fighting violence against women and girls, including abductions and early marriages, and addressing concerns related to the registration and dissolution of religious marriages. Other recommendations focused on the economic and social aspects of the rights of women called for tackling discrimination and sexual harassment in the workplace and guaranteeing equal pay for work of equal value.¹⁷⁶

The UN human rights mechanisms identified the shrinking of democratic space and the restrictions on fundamental freedoms, including of expression, association, and peaceful assembly, of civil society, human rights defenders, LGBT, and religious organizations as major concerns. It was also recommended to strengthen the position of the Constitutional Chamber as the institution mandated to ensure the full respect of the Constitution.¹⁷⁷

Adoption and amendments of legislative initiatives and acts should also aim at ensuring that the best interest of the child is consistently taken into the highest consideration. Measures

¹⁷² UPR 5.31, 5.61, 5.62, 5.65, 5.94; CEDAW 10(b), 14(b), 28(c), 34(a) and (c), and 36(b); CAT 13(a) and 22(a); CERD 5(d); CCPR 23; CRC 7(e), 9, 21, 54, 67(a); CMW 9 and 27; SR-TDW 87 and 96; SR-VAW 91 and 93; SR-T 81(a), (c), and (m).

¹⁷³ UPR 5.1, 5.2, 5.3, 5.5, 5.6, 5.50, 5.63, 5.100, 5.104, 5.105; CEDAW 36(a) and 39; CAT 10; CESCR 5; CERD 6(d), 15, 16, and 26; CCPR 8, 10, 12, 13, and 22; CRC 9, 46, and 64; SR-VAW 92 and 93; SR-T 80(c) and (d), and 83 (a); SR-SCCPCP 108(b).

¹⁷⁴ UPR 5.103; CESCR 6 and 12; CAT 16(d); CRC 33 and 62; SR-T 81(a).

¹⁷⁵ UPR 5.40, 7.12, and 7.24; CESCR 5; CEDAW 10(a) and (b), 28(b) and (c), 34(a) and (c); CESCR 5; CERD 5(d), 6(d), and 19; CCPR 8, 22, and 23; CRC 46; CMW 25(a) and 27; SR-SCCPCP 101(f).

¹⁷⁶ UPR 5.31, 5.61, 5.62, 5.63, and 5.65; CEDAW 6, 10(a) and (b), 14(b), 28(b), 34(a) and (c), 36(a) and (b), and 39; CESCR 16; CRC 54; SR-VAW 91 and 93.

¹⁷⁷ UPR 5.102, 5.103, 5.104, 5.105, and 5.106; CAT 16(d); CCPR 22 and 23; SR-VAW 93.

to be implemented have to concretely address issues related to trafficking, violence against children including sexual exploitation, access to documents and birth certificates in particular, needs of children with disabilities, and forced labour.¹⁷⁸ To achieve the related goals, it was also recommended to establish a system of juvenile courts with specialized staff and with a restorative justice approach.¹⁷⁹

Regarding the justice system, amendments were also required to the Criminal Code and Criminal Procedure Code to undertake reforms on the implementation of temporary court protection orders, and on the accurate definition of the moment of arrest to ensure the timely enjoyment of all legal guarantees foreseen for detainees, including access to impartial medical examinations.¹⁸⁰ Other recommendations demanded the full compliance of the definition of torture in national legislation with international standards, including its absolute prohibition and the inapplicability of statute of limitations, the inadmissibility of evidence obtained under torture, the full and impartial investigations of all allegations of torture including from members of minority communities, the adoption and implementation of legislation aimed at providing victims of torture with remedies and reparation, and the development of measures to increase access to justice for minority communities.¹⁸¹

Kyrgyzstan should amend its legislation to enhance compliance with international standards of prohibition of racial discrimination by adopting a special law and establishing a mechanism mandated to monitor and address racial discrimination issues. Reforms of the police and judiciary should also be carried out to ensure the representation of all communities.¹⁸²

❖ **National legislation**

The Constitution is the supreme law of the country followed in hierarchical order by international treaties ratified by Kyrgyzstan, with human rights treaties enjoying a higher level of consideration in comparison with other laws and regulations that need to be officially published to be considered as valid. A specific provision reaffirms that laws, by-laws, and regulatory acts denying or derogating human and civil rights and freedoms will not be adopted.

The Constitution also grants power to the President to sign and promulgate laws or to return them to the Parliament, which is the highest authority exercising legislative power. This includes, among others, adopting laws, ratifying international treaties, and modifying the Constitution. Legislative initiatives can be promoted by 10,000 voters, any member of the Parliament, or the Government. Specific procedures for the consideration, drafting, voting, and approval of the laws are incorporated in the law "On normative legal acts" and in Parliamentary regulations.

❖ **Responsible institutions for implementation**

The main authorities responsible are the President, the Parliament and each of its members, the Office of the Prime Minister, and the Government with all its Ministries. The Supreme Court and the Constitutional Chamber are the main judicial authorities mandated to ensure the compliance of legislation with international human rights and constitutional obligations. Every court has the obligation to issue decisions in full respect of these principles. The Ombudsman and the NPM have the responsibility to review legislation and advise on compliance of legislative acts with human rights norms.

¹⁷⁸ UPR 5.65 and 5.100; CCPR 12; CRC 7(e), 9, 17, 21, 33, 44, 46, 54, 62, 64; SR-VAW 93; SR-SCPCP 101(f) and 108(b).

¹⁷⁹ CRC 67(a).

¹⁸⁰ CEDAW 34(a); SR-VAW 92; SR-T 80(c) and (d), 81(a) and (c), and 83(a).

¹⁸¹ UPR 5.50; CEDAW 34(a); CAT 10, 13(a), and 22(a); CCPR 21; CERD 19; CRC 33; SR-T 81(a) and (c).

¹⁸² UPR 5.40, 5.50, and 5.94; CERD 5, and 5(d), 6(d), 15, and 19.

MIGRANTS

❖ *Summary of recommendations*

UPR	CESCR	CRC	CMW
1	1	2	15

❖ *Analysis of the recommendations*

The protection and promotion of fundamental rights of migrant workers and their families received 19 recommendations by the UN human rights mechanisms. Emphasis was placed on the rights of women and children and legal and policy reforms to strengthen national institutions and compliance of the legal framework with the Convention in order to achieve protection of and ensure the enjoyment of human rights for all migrant workers, regular and irregular, internal and external.¹⁸³

The recommendations highlighted the need to increase the scope and effectiveness of the State party in assessing migration trends by expanding the collection of qualitative and quantitative migration data disaggregated by sex, age, reasons for migration, and type of work performed.¹⁸⁴ This would positively impact on the ability of authorities to fully inform migrants and their families about their rights and what governmental and public services, judicial and non-judicial organs, are in a position to assist with.¹⁸⁵ In addition, information campaigns should also address the issue of corruption. Kyrgyzstan has to widely disseminate information on which services can be accessed free-of-charge and to enable migrant worker victims of corruption to report their cases to the competent authorities. Proper follow up and investigation into allegations of corruption have to be promptly carried out.¹⁸⁶

Particular significance was given to ensuring access for migrant workers to civil and birth registration, health, and education services.¹⁸⁷ The UN human rights mechanisms urged Kyrgyzstan to implement measures aimed at fulfilling its obligations without any form of discrimination.¹⁸⁸ It was recommended that these objectives are achieved also through an increased level of coordination among competent ministries and authorities, the systematic dissemination of information on the rights of migrant workers, and effective training of officials and civil society organizations engaged in migrants-related work, to increase the effectiveness of the responses and assistance.¹⁸⁹

Recommendations also explicitly identified the Ombudsman as a key authority to protect and promote the rights of migrants. A call was made to extend the mandate and operational capability of this institution, including by ensuring adequate financial support.¹⁹⁰ The highest level of protection should also be ensured not only to nationals but also to foreign, frontier, and seasonal workers. The UN human rights mechanisms stressed that any person on the territory of Kyrgyzstan should enjoy the same rights as national workers. Moreover, the Committee on migrant workers specifically requested Kyrgyzstan to report on the measures adopted to implement the recommendations during the next review.¹⁹¹

¹⁸³ CMW 9, 17, 19, 29, and 37.

¹⁸⁴ CMW 9.

¹⁸⁵ CMW 27.

¹⁸⁶ CMW 23.

¹⁸⁷ UPR 5.101; CRC 58; CMW 19, 31, 33, and 35.

¹⁸⁸ CRC 19; CMW 25(a) and (b), and 41.

¹⁸⁹ CMW 9, 21, 23, 25(b), 29, and 35.

¹⁹⁰ CMW 17.

¹⁹¹ CMW 39.

Since migration is both an internal and external process, recommendations covered also concerns related to Kyrgyz citizens working abroad. One of the main areas of focus was on consular services. Kyrgyzstan has to increase its efforts to ensure that consular staff are trained and aware of the challenges posed by migration, including through gender and children's sensitization training, in order to provide migrants and members of their families with adequate protection and support based on their individual needs, including protection from violence and exploitation, promoting investigations and prosecutions of the alleged perpetrators by authorities of the hosting countries, access to personal documentation especially for women and children, and support in realizing their political rights such as the right to vote during national electoral consultations.¹⁹²

❖ **National legislation**

While the Constitution does not make explicit reference to migrant workers, several provisions, including those on freedom of movement and choice of residence, as well as on the rights to work, to education, to health, to equality before the law, and to freedom from discrimination, apply to migrants and members of their families.

Due to the relevance of the migration issue for Kyrgyzstan, numerous laws regulate this area. The "Criminal Code" and the "Criminal Procedure Code", the "Labour Code", and the "Code on Administrative Responsibility" are the main legal resources. Other laws, such as the law "On internal migration", the law "On external migration", the law "On external labor migration", the law "On prevention and control of human trafficking", the law "On refugees", specifically regulate the issue. Moreover, other provisions can be found in the law "On employment promotion", the law "On citizenship", and the law "On the legal status of foreign citizens and stateless persons", complemented by the regulation "On procedure for issuing temporary and permanent residence permits to foreign nationals and stateless persons".

Other situations are regulated by protocols and bilateral agreements with countries of the Eurasian Economic Community, especially on matters related to the simplification of procedures for border crossing, social protection, access to pensions, and readmission.

Relevant policies include the State Program on Employment Promotion and Regulation of External Labor Migration till 2020 and its Action Plan, the State Program on Medical and Sanitary Supplies, the Program for Combating Trafficking in Persons, and the Regional Program on Migration in Central Asia.

❖ **Responsible institutions for implementation**

The main authority responsible for migration issues is the Ministry of Youth, Labour, and Migration. In addition, Ministries of Health, Education, Interior, Justice, Social Development, and Foreign Affairs have a central role in ensuring that the rights of migrant workers and members of their families are respected and promoted.

Within the Parliament, the Human Rights Committee, the Committee on Judicial and Legal Affairs, and the Rule of Law, the Committee on Foreign Affairs, and the Committee on Education, Science, Culture and Sport, have responsibilities under various pieces of domestic legislation.

Finally, the Department of Financial Economic Analysis and Developmental Monitoring under the Presidential Administration, the Border Control Service, the State Committee for National Security, and the National Statistics Committee share obligations of various degrees in this area.

¹⁹² CMW 29, 35, 37, and 41; CESCR 13.

MINORITY COMMUNITIES

❖ *Summary of recommendations*

UPR	CAT	CCPR	CERD	CESCR	CRC	SPT
13	1	3	20	1	5	1

❖ *Analysis of the recommendations*

The protection and promotion of the rights of minority communities received 44 recommendations. The analysis of the outcomes of the reviews indicates that non-discrimination and inter-ethnic dialogue aimed at strengthening tolerance and reconciliation are the main areas of focus. The UN human rights mechanisms requested the adoption of measures to ensure equal treatment for all religious, cultural, and ethnic communities in legislation, policies, and activities' implementation.¹⁹³ A recommendation called specifically for the adoption of a law on the rights of people from minority communities and the establishment of an institution mandated to address issues of racial discrimination.¹⁹⁴

The UN human rights mechanisms also stressed that dialogue, tolerance, and inter-ethnic reconciliation are critical for the continuous democratic development of the country. For this reason, Kyrgyzstan was called upon to promote and recognize, including through the allocation of specific budgetary resources, ethnic and cultural diversities, to include information on history and culture of ethnic groups in textbooks for primary and secondary school, to combat inter-ethnic strife, to address root causes of obstacles to peaceful coexistence, and to continue the effective implementation of the Policy Framework on Strengthening National Unity and Inter-Ethnic Relations.¹⁹⁵

Key to reconciliation and dialogue is an increased level of trust among communities. The actions recommended to achieve this objective include a reform of the judicial and security systems with integration and proportional representation of minority communities in the public service, law enforcement, the judiciary, and the NPM, the collection of weapons from people especially in Osh and Jalal-Abad regions, and public awareness campaigns to promote tolerance. The latter should include the dissemination of legislation relating to racial discrimination with the aim of informing the communities about existing remedies and facilitating access to justice.¹⁹⁶

The provision of justice and remedies, such as compensation and restitution, for victims of human rights violations was also considered a critical area in need of improvement. One recommendation indicated that the Constitutional Chamber has a fundamental role in promoting the respect of minority rights. However, Kyrgyzstan has to strengthen this body and guarantee its full independence.¹⁹⁷ The UN human rights mechanisms urged to investigate and take appropriate measures for cases of torture, especially in relation to the 2010 events and the Askarov case, forced evictions, and arbitrary dismissal of members of minority communities from public offices.¹⁹⁸ On torture in particular, it was requested to investigate any allegations of public officials' infliction of, ordering of, or acquiescence to torture against ethnic Uzbek, and to prosecute those responsible. Additionally, Kyrgyzstan

¹⁹³ UPR 5.106; 5.137 and 7.12; CERD 5(a); CRC 19.

¹⁹⁴ CERD 5(d).

¹⁹⁵ UPR 5.131, 5.132, 5.133, 5.134, and 5.136; CCPR 14; CERD 12; CRC 60; CESCR 28.

¹⁹⁶ UPR 5.135; CERD 5(e), 6(d), 9 and 19; CRC 60; CCPR 19; SPT 18.

¹⁹⁷ UPR 5.94.

¹⁹⁸ CERD 6(e), 8(a) and (b), and 11; CCPR 14.

should work to increase the capacities of competent authorities to identify and investigate allegations of torture of persons from minority communities and women in particular.¹⁹⁹

Kyrgyzstan was also encouraged to immediately adopt and implement the National Action Plan to combat violence against women and incorporate into it provisions addressing the gender-related dimensions of racial discrimination.²⁰⁰

Another critical area requiring intervention is education. Recommendations stressed the need to ensure access to free and compulsory education for all children, including those from minority communities. In addition, Kyrgyzstan should promote education in minority languages, in particular in Uzbek language, without any restriction to enable all groups to express and develop their culture, language, traditions and customs.²⁰¹ The promotion of minority languages was also highlighted with regard to media and access to information. The UN human rights mechanisms strongly advised that support be given to the use of minority languages in radio and television to increase access to information. Kyrgyzstan was also encouraged to restore Uzbek-language television stations and private ownership of media by members of minority communities.²⁰²

In particular, recommendations called for initiatives and policies to improve the human rights situation of minority communities and address issues of inter-ethnic reconciliation in Kyrgyzstan, with emphasis on the tensions stemming from the 2010 event in Osh and Jalal-Abad.²⁰³ Recommendations stressed the importance of trust building as a means to further work towards achieving reconciliation between the majority and other ethnic groups, especially in the Osh and Jalal-Abad regions. Furthermore, recommendations noted increasing efforts were needed to collect weapons still held by persons in these regions, integrating ethnic minorities into positions in government offices, civil services, executive bodies, judiciary, and law enforcement agencies, and ensuring those who were internally displaced are able to receive assistance with reintegrating back into the Osh and Jalal-Abad regions. Recommendations called for support of education in minority languages, support of Uzbek language media, and the dissemination of governmental and legal information in the Uzbek language.²⁰⁴

❖ *National legislation*

The Constitution clearly states that everyone is equal before the law and that everyone is entitled to enjoy human rights and fundamental freedoms without any discrimination, in particular on the basis of ethnic or religious backgrounds. Furthermore, the Constitution recognizes the need to complement the principle of equality with the one of equity through the adoption of special measures promoting the rights of minority communities to ensure that everyone has equal opportunities.

A specific clause of the Constitution requires the promotion of representation of various social groups, including minority communities, in State authorities and local self-governance bodies, including at the decision-making level. The Constitution also indicates that Kyrgyz and Russian are, respectively, the State and official languages. It further states that ethnic minorities have the right to preserve their native language and that the State has to create the conditions for its learning and development.

The most relevant provisions protecting the rights of minority communities are enshrined in the Constitutional law "On Presidential and Jogorku Kenesh elections", in the "Criminal Code", the "Criminal Procedure Code", the "Code on Administrative Responsibility", and the "Labour Code", the law "On election of deputies of the local Kenesh", the law "On civil service", the law "On the NPM", and the law "On languages".

¹⁹⁹ UPR 5.50; CAT 8(c); CERD 7(a); SPT 18.

²⁰⁰ CERD 7.

²⁰¹ CERD 12; CCPR 27; CRC 56(f) and 60; CESC 28.

²⁰² CERD 13; CCPR 27; CRC 72.

²⁰³ UPR 5.106, 5.131, 5.132, 5.133, 5.135, 5.137; CERD 5(a), (b), (c), (d), (e), 6(d), 7, 9, 11, 13, 19; CCPR 14, 72; CESC 28, SPT 18

²⁰⁴ CAT 8(c); CERD 13, CCPR 27; CRC 56(a), and (f)

With regard to policies, Kyrgyzstan has adopted the Policy framework on Strengthening National Unity and Inter-ethnic Relations and the Concept of National Policy on Religion 2014 – 2020 and its action plan. The National Strategy on Sustainable Development 2013 – 2017 considers linguistic and cultural diversity a source of enrichment of the society.

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❖ ***Responsible institutions for implementation***

All authorities of Kyrgyzstan have obligations to uphold the principles of non-discrimination and equality before the law. Specifically, of particular importance under the Presidential Administration are the Department of Ethnic, Religious policy and Cooperation with civil society and the National Commission on State language.

Within the Government, the Ministries of Education and Science, Interior, Justice, Health, Social Development, Ministry of Culture, Information, and Tourism, as well as Youth, Labour and Migration are the main authorities responsible for the protection and promotion of the rights of minority communities. The judiciary, the GPO, and law enforcement authorities are also relevant in this context to ensure the full respect of the law.

The Parliament has the responsibility to adopt legislation that is in compliance with international standards and obligations. In addition, the Parliamentary Committees on Human Rights, on Education, Science, Culture, and Sport, on Social Policy, on Judicial and Legal Affairs and the Rule of Law have an important role in ensuring these obligations are upheld.

Other important institutions include local self-government authorities, the State Agency on Local Self-government Affairs and Inter-ethnic Relation, which encompasses the Association of the Assembly of People, the Ombudsman Office, the NPM, and the National Statistics Committee.

NATIONAL HUMAN RIGHTS INSTITUTIONS

❖ *Summary of recommendations*

UPR	CAT	CERD	CCPR	CMW	CRC	SR-VAW	SR-T	SR-SCCPCP	SPT
9	2	1	2	1	1	1	1	1	1

❖ *Analysis of the recommendations*

The importance of effective National Human Rights Institutions (NHRIs) in pursuing compliance with human rights obligations is reflected in the fact that nine out of 13 UN human rights mechanisms issued 20 recommendations on this topic.

The analysis of the outcomes of the reviews clearly indicates that Kyrgyzstan needs to take concrete actions to ensure the financial and operational independence of the Ombudsman Institute and the National Preventive Mechanism on Torture (NPM). The vast majority of the recommendations advised that the Government and the Parliament ensure full compliance of the Ombudsman Institute with the Paris Principles, with particular emphasis on the principle of independence, and allocate adequate financial and human resources to carry out its mandate.²⁰⁵ The concept of independence is not only related to budgetary allocations. It also requires freedom from any political influence or interference, security of tenure for the office holder, and representation of all components of the society.

Similarly, the UN human rights mechanisms demanded the same guarantees for the NPM.²⁰⁶ One recommendation indicated that the provision of budget to the NPM should not affect the budget of the Ombudsman Institute and the two NHRIs should complement rather than replace each other.²⁰⁷ Due to the specific mandate of the NPM, recommendations also focused on the necessity to guarantee full access to places of deprivation of liberty, to inform all officials of the rights of the NPM members with regard to visits and confidential interviews in accordance with the law and in view of the implementation of the national anti-torture action plan, to allow the receipt of complaints by victims, and not to hamper the necessary follow up activities.²⁰⁸

Specific thematic recommendations were also issued on children, gender, and migrant workers. The UN human rights mechanisms requested to strengthen the role of the Deputy Ombudsman on Children, including by giving the power to deal with individual complaints in child and timely sensitive manners and by providing remedies for victims,²⁰⁹ and to support the work of the gender unit to carry out education, advocacy, and legal research activities.²¹⁰ Also, they urged Kyrgyz authorities to expand the mandate of the Ombudsman Institute to effectively carry out activities for the protection and promotion of the rights of migrants and members of their families.²¹¹

❖ *National legislation*

The Constitution mentions the institution of the Ombudsman in relation to the powers and duties of the Parliament. It does not regulate it specifically. No reference is made in the Constitution to the NPM.

²⁰⁵ UPR 5.8, 5.11, 5.12, 5.13, 5.14, and 5.15; CAT 14; CERD 21; CCPR 7 and 15; CRC 7(c); CMW 17; SR-VAW 91; SPT 17.

²⁰⁶ UPR 5.16, 5.17, and 5.47; CAT 15; CCPR 15; SR-T 81(l); SPT 17.

²⁰⁷ SPT 17.

²⁰⁸ UPR 5.47; CAT 15.

²⁰⁹ CRC 7(c); SR-SCCPCP 107(a).

²¹⁰ SR-VAW 91.

²¹¹ CMW 17.

However, the principles for election and dismissal of the Ombudsman, the mandate, responsibilities, and activities of the National Human Rights Institution are included in the law "On the Ombudsman". Similarly, the law "On the National Center on Prevention of Torture and other cruel, inhuman or degrading treatment or punishment" regulates all aspects of the existence of this institution, the legitimacy of which derives from the ratification by Kyrgyzstan of the Optional Protocol to the UN Convention against Torture.

The law "On the National Center on Prevention of Torture and other cruel, inhuman or degrading treatment or punishment" also establishes parameters for the interactions between the Ombudsman and this other National Human Rights Institution. The Ombudsman is ex-officio a member of the NPM coordination council in addition to two members of the Parliament and eight representatives of the civil society. Moreover, the NPM and the Ombudsman have to coordinate their activities, can conduct joint visits and investigations, and issue joint media statements on issues related to torture and conditions of detention.

Other relevant laws for the National Human Rights Institutions of Kyrgyzstan are the law "On main principles of the budgetary right" and the law "On the republican budget for 2015, and the prognosis for 2016 – 2017".

The relevant policy is the recently adopted National Action Plan against Torture.

❖ ***Responsible institutions for implementation***

In accordance with the Paris Principles, National Human Rights Institutions have functional and operational independence. However, the Parliament remains the main authority responsible for the Ombudsman and the NPM since they have to present before its members their annual reports. Additionally, the Parliamentary Committee on Human Rights is responsible to ensure that proposed amendments to legislation relevant to the National Human Rights Institutions do not infringe the Paris Principles. The Committee on Budget and Finance has also to ensure, together with the Ministry of Finance, that sufficient funds are allocated and disbursed to these institutions to guarantee their functional and operational independence.

The Ombudsman and the NPM, including their offices at the oblast level, are responsible for the implementation of their activities as indicated by their respective mandates. They are also obliged to submit annual reports on the outcome of their action to the Parliament.

PARTICIPATION IN PUBLIC LIFE

❖ *Summary of recommendations*

UPR	CCPR	CEDAW	CERD	CMW	SR-TDW	SR-VAW	SR-SCCPCP
4	1	4	3	2	1	2	2

❖ *Analysis of the recommendations*

The UN Human Rights mechanisms issued 19 recommendations on participation in public life, highlighting the importance of direct contributions of all citizens to support the democratic development of the society.

The main focus of the recommendations was on increasing the level of participation and representation of women and members from minority communities in decision-making bodies and in public life at all levels. For the effective participation of women, the UN human rights mechanisms urged the adoption of special temporary measures, such as the introduction by law of quotas, and awareness raising activities. These activities should aimed at enhancing the understanding of politicians, community leaders, journalists and the general public on the importance of women's participation in decision-making on equal basis with men.²¹² Two recommendations targeted also the participation of women in Aksakals courts as a measure to ensure representation and to monitor their decisions.²¹³

Moreover, recommendations requested increased representation and participation of minority communities in all State bodies in proportion to their presence on the territory of the State. Explicit reference was made to the adoption of comprehensive measures to ensure their adequate representation in elected and executive bodies, in the police and in the judiciary, at all levels.²¹⁴ In addition, measures should be taken to promote the use of minority languages in media. In particular, it was requested to restore Uzbek-language television stations.²¹⁵

A number of recommendations specify how to help create actionable plans to realize the goal of promoting participation of women, minority communities, and other groups, such as migrant workers and children in public life. To this end, the UN human rights mechanisms called Kyrgyzstan to train civil servants, public officials, civil society, including human rights organizations, and all relevant stakeholders on the importance and the functioning of temporary special measures in the implementation of plans to promote equality in the public work sphere.²¹⁶

One recommendation directly addressed the concerns related to the enjoyment of political rights by migrant workers living abroad with specific reference to the right to vote. The UN human rights mechanisms asked Kyrgyzstan to strengthen its effort to facilitate their registration in the voters' lists and their participation in the upcoming elections.²¹⁷

Finally, recommendations highlighted the importance of including children and their views in educational programs, strategies, and education campaigns relating to their rights.²¹⁸

❖ *National legislation*

²¹² UPR 5.36, 5.37, 5.39, and 5.115; CEDAW 24(a) and 32(b);

²¹³ SR-VAW 91 and 92.

²¹⁴ UPR 5.115; CERD 5(c) and 9.

²¹⁵ CCPR 27.

²¹⁶ CEDAW 14(a), and 24(c); SR-TDW 99

²¹⁷ CMW 37, and 51

²¹⁸ SR-SCCPCP 106(b), and (c)

The Constitution states that citizens can exercise their rights directly at elections and referenda, as well as through the system of state authorities and local self-governance bodies. All citizens, without discrimination based on sex, race, language, disability, ethnicity, belief, age, political and other convictions, education, background, proprietary and other status, can exercise their right to vote after reaching 18 years of age. Each citizen, with the exceptions foreseen by the Constitution or the law, can also run for public offices if they meet the necessary legal requirements.

In addition to these provisions, the Constitutional laws "On Presidential and Jogorku Kenesh elections" and "On the Government" further regulate the criteria for participation in the highest authorities of the country.

The law "On election of deputies of the local Kenesh", the law "On civil service", the law "On local self-government", the law "On local State administration", the laws "On status of deputies", and "On political parties" incorporate provisions for participation in central and local institutions.

Other provisions can be found in the law "On administrative procedures", the law "On access to information held by public bodies and local authorities", the law "On submission procedures of citizen's complaints", the law "On non-commercial organization", the law "On State guarantee of equal rights and equal opportunities for men and women", and the law "On municipal service".

❖ ***Responsible institutions for implementation***

The Presidential administration, the Government, and the Parliament are the main institutions in charge to develop, adopt, and implement legislation and policies that comply with international standards for the equal participation of all citizens in public life, including the adoption of special measures to enhance participation of disadvantaged groups.

The Parliament is also responsible for the appointment of members of the Central Election Commission, which is one of the main institutions responsible for the electoral processes. Other authorities relevant for promoting participation in public life are the local self-government bodies, the State Agency on Local Self-government Affairs and Inter-ethnic Relation, the Civil Service Agency, and the State Communications Agency.

PERSONS WITH DISABILITIES

❖ *Summary of recommendations*

UPR	CAT	CESCR	CRC	SPT
8	1	3	9	1

❖ *Analysis of the recommendations*

The UN Human Rights mechanisms issued 22 recommendations on the promotion and protection of the rights of persons with disabilities. The UN human rights mechanisms insisted on the ratification of CRPD and its Optional Protocol since these are among the few UN Human Rights Treaties that Kyrgyzstan has not incorporated into its national legal system.²¹⁹ It is commendable that Kyrgyz authorities eventually decided to accept the UPR recommendations on this topic since they were initially left pending. This shows a significant degree of commitment by Kyrgyzstan to strengthen compliance with international human rights standards and principles to further promote the implementation of the rights of persons with disabilities.

The primary trend throughout the recommendations leaned towards the adoption of appropriate legislation and policies to guarantee the enjoyment of fundamental human rights to persons with disabilities. Among the measures, the UN human rights mechanisms indicated the improvement of the quality of life, the reduction of the level of unemployment, an increased access to services, including physical access, the allocation of financial means to ensure support to families of persons with disabilities through the provision of social benefits, and options for family and community-based care.²²⁰ The latter would also positively contribute to the development of policies aimed at preventing excessive institutionalization of children with disabilities.²²¹

Particular attention was given to the protection of the rights of children with disabilities. The promotion of education and awareness raising activities are the two main areas of focus based on the analysis of the reviews. In particular, the UN human rights mechanisms called for the prevention of discrimination against children, the establishment of an inclusive education system, and the development of activities to stimulate children with mental disabilities.²²² Such objectives can also be achieved through public awareness raising campaigns and the delivery of training to teachers and school personnel on the rights of children with disabilities.²²³

Additionally, it was recommended to ensure prompt and effective investigation into cases of deaths of children with disabilities in care institutions and to establish an independent monitoring of care institutions, in particular of the health-care services provided to children in such institutions.²²⁴

❖ *National legislation*

The norms in the Constitution aimed at protecting and promoting the rights of persons with disabilities emphasize that each person has inalienable human rights and fundamental freedoms and everyone is equal before the law. Since Kyrgyzstan has not yet ratified CERD, its provisions are not directly applicable in the national legal order.

²¹⁹ UPR 7.1, 7.3, 7.4, 7.5, and 7.6; CRC 70; CESCR 5(d) and 30; CAT 27.

²²⁰ UPR 5.130; SPT 119; CRC 46(a) and (c); CESCR 9.

²²¹ CRC 46(a).

²²² UPR 5.127; CRC 19, 46(d) and (f).

²²³ CRC 46(b) and (d).

²²⁴ CRC 46(e).

However, Kyrgyzstan has adopted a number of laws aimed at protecting persons with physical or mental disabilities. The main provisions are in the "Criminal Code", the "Criminal Procedure Code", the "Children's Code", the "Code on Administrative Responsibility", the "Labor Code", the "Housing Code", the law "On the rights and guarantees of people with disabilities", the law "On the basics of social services for the population", the law "On employment promotion", the law "On health protection", the law "On the State minimum guarantees of social benefits", the law "On accumulative pension funds", the law "On health insurance", and the law "On social and legal protection against domestic violence".

Additionally, Kyrgyzstan has adopted a regulation "On the issuance of wheelchairs" and "On individual rehabilitation program for people with disabilities". The Ministry of Education and Science also issued the order "On admission of children with disabilities to regular secondary schools".

No specific policies on the rights of persons with disabilities exist in Kyrgyzstan. However, the National Strategy on Sustainable Development 2013 – 2017 addresses some of the most pressing concerns, such as access to education, healthcare, and social protection services.

❖ ***Responsible institutions for implementation***

The Government, and specifically the Ministries of Social Development, Education and Science, Health, Interior, Finance, Justice, the Ministry of Youth, Labour and Migration, and the Ministry of Transport and Communication are those directly responsible for the implementation of the laws aimed at protecting the rights of persons with disabilities.

In addition, the Parliament is responsible for the ratification of the CRPD. The Parliamentary Committee on Human Rights, the Departments of Social Protection at the oblast and rayon levels, the State agency on Professional Technical Education, and the Ombudsman are other institutions mandated to ensure the fulfillment of the international and national legal obligations of Kyrgyzstan

TORTURE

❖ *Summary of recommendations*

UPR	CAT	CCPR	CERD	CRC	SR-T	SR-VAW	SPT
20	30	2	2	5	17	1	20

❖ *Analysis of the recommendations*

With 97 recommendations in total, torture ranked fourth in thematic areas per number of recommendations received. Although the UN human rights mechanisms recognized the progress made by Kyrgyzstan in addressing concerns related to torture, numerous steps still have to be taken to ensure full compliance with international human rights obligations.

In terms of policies, the UN human rights mechanisms requested the full and effective implementation of the National Action Plan against Torture, the establishment of mechanisms to facilitate the submission of complaints by victims, the adoption of measures for the functional and institutional separation between responsibility for investigation and detention also by ensuring that investigations into allegations of torture are not undertaken by or under the authority of the police, and the creation of an oversight body for the GPO to strengthen prosecutors' efforts to prevent and investigate torture.²²⁵

One of the main focuses of the recommendations was on prompt, effective, independent, impartial, and thorough investigations of allegations of torture.²²⁶ Specific recommendations requested that particular attention be given to allegations from groups considered at risk such as members of the LGBT communities,²²⁷ minority communities,²²⁸ human rights defenders,²²⁹ women,²³⁰ and children.²³¹ A number of recommendations also explicitly called for proper investigations into allegations of torture related to the 2010 events,²³² and into the individual cases of Askharov, Turdieva, Khaidarov, Gapiurov, Tomina, and Usmanov.²³³

In the view of the UN human rights mechanisms, investigations fulfil different functions. They contribute to prevent further violations from taking place, strengthen the rule of law, and increase trust of the public toward the judicial system and the institutions in general. However, investigations have to be strictly correlated with the elimination of impunity and, thus, the accountability of perpetrators of violations. Hence, the UN human rights mechanisms urged Kyrgyzstan to prosecute those found responsible and punish them with administrative sanctions, including suspension from their duties during the investigative phase, and with appropriate sentences.²³⁴

Instrumental to this is the role of the NPM. This mechanism has to be provided with sufficient human and financial resources to effectively carry out its mandate, functional independence, access to places of deprivation of liberty, support by authorities that have to

²²⁵ UPR 5.45, 5.46, and 5.47; CAT 6(b) and (d), and 22; CRC 29(d); SR-VAW 92; SPT 37, 38, 39, 78, and 103.

²²⁶ UPR 5.44, 5.49, 5.51, 5.52, and 5.54; CAT 6, 6(c) and (d), 7, 13(b), 16(b), 17(a) and (b), 24, and 29; SR-T 81(d), (e), and (i); SPT 35 and 37.

²²⁷ UPR 5.42; CAT 19.

²²⁸ UPR 5.50; CAT 8(c).

²²⁹ UPR 5.114.

²³⁰ CERD 7(a).

²³¹ CRC 29(a).

²³² UPR 5.53 and 5.99; CAT 8 and 8(a); CCPR 15; SPT 26.

²³³ CAT 7, 13(b), and 16(b); CCPR 15.

²³⁴ UPR 5.42, 5.49, 5.50, 5.53, 5.54, 5.93, and 5.114; CAT 6, 6(a), 8, 8(b) and (c), 13(b), 16(b), 17(a), and 19; CCPR 15; CRC 29(a); SR-T 81(d) and (l), and 83(a); SPT 35 and 37.

be informed about the role, mandate, and powers of the NPM, and the ability to collect complaints and follow up on them.²³⁵ To increase its effectiveness, the NPM composition should include multidisciplinary expertise and reflect the ethnic composition of Kyrgyzstan.²³⁶

For the corroboration of allegations of torture, doctors, medical personnel, and forensic experts also have a fundamental role in identifying and collecting relevant information. The UN human rights mechanisms recommended enforcing the legal obligations of health professionals to accurately document signs of torture in accordance with the Istanbul Protocol and that independent forensic medical examinations are admitted as evidence in court, especially in cases of death in custody and deaths of children with disabilities in care institutions.²³⁷ These measures have to be accompanied by reforms aimed at increasing the number of personnel in places of deprivation of liberty, including in temporary and pre-trial detention facilities whose management should be moved from the Ministry of Interior to the Penitentiary Services,²³⁸ and establishing clear mandatory procedures for the physical examination and reporting of persons deprived of liberty. Mandatory training on identification and documentation of torture should be introduced for health professionals and prosecutors.²³⁹

Training and appropriate and effective follow up measures should also be designed for and delivered to judges, prosecutors, security and police staff, prison personnel, guards, and managers, and any official dealing with custody, detention, interrogation and treatment of detainees and prisoners.²⁴⁰ The absolute prohibition of torture should be reinforced, as well as the necessity to adopt a gender-sensitive approach in detention-related issues,²⁴¹ a zero-tolerance policy with regard to sexual abuses and exploitation,²⁴² and the right of the child to protection from corporal punishments.²⁴³

An effective fight against torture is also inherently linked to the right to a fair trial and due process with the provision of judicial guarantees foreseen by international and national legislation. The first step to achieve this is to bring the Kyrgyz legal framework into compliance with human rights obligations. Torture should be defined as a grave crime sanctioned with punishments commensurate to the gravity of the offence. Furthermore, the definition of the moment of detention from which people have legal guarantees, including the right to a lawyer, the right to be informed of the charges against the arrested, the right to inform the family, should be clearly defined. Similarly, the provision of the Criminal Procedure Code on the notification period of the arrest should be in compliance with international standards and should be spelled out without any possibility for misunderstanding. Additionally, the UN human rights mechanisms requested to clearly state that any evidence obtained through torture or under duress should not be admissible in court.²⁴⁴

The second step is to apply the legislation in practice. The analysis of the recommendations indicates that the judiciary is the main actor with responsibility under this heading. The UN human rights mechanisms called for the opening of investigations into allegations of torture ex officio whenever there are reasonable grounds to believe that violations have occurred.²⁴⁵

²³⁵ UPR 5.16, 5.17, and 5.47; CAT 15; CCPR 15; CRC 29(c); SRT 81(l).

²³⁶ SPT 18.

²³⁷ CAT 6(c), 13(c), and 17(b); CRC 46(e); SR-T 81(c) and (e).

²³⁸ SR-T 83(b).

²³⁹ CAT 24(b); SR-T 81(c) and 83(c); SPT 35 and 94.

²⁴⁰ CAT 24(a); CRC 29(C); SR-T 83(c) and (d); SPT 40 and 94.

²⁴¹ CAT 24(a).

²⁴² SR-VAW 92;

²⁴³ CRC 33.

²⁴⁴ CAT 10, 11, 13(a), and 22(a); SR-T 80(a), (b), (c), (d), and (k); SPT 24, 25, 39.

²⁴⁵ CAT 13(b); SR-T 81(i).

Moreover, the applicable legal guarantees and safeguards mentioned above have to be afforded in all cases from the very outset of the moment of deprivation of liberty and information on the rights of persons deprived of liberty have to be provided in all places of detention in Kyrgyz, Russian, and Uzbek languages. Specific recommendations were made with regard to access to physical examinations by independent doctors and the admissibility of the findings as evidence with the same weight as the reports of State-employed doctors.²⁴⁶ Finally, Kyrgyzstan has to reopen and review cases where allegations of torture were made with particular emphasis on those related to the 2010 events.²⁴⁷

Another area in which Kyrgyzstan has to take actions to fulfil its obligations is the improvement of material conditions of detention. Recommendations called for improvements by ensuring compliance with the international minimum standards for the treatment of prisoners, the provision of adequate food and health care, that cells have windows and proper ventilation and that underground cells are immediately closed down.²⁴⁸ Kyrgyzstan was also called on to appoint a high-level commission to carry out urgent inspections of all detention centers and immediately close down those that do not meet minimum requirements for human habitation.²⁴⁹

While reviewing the conditions of the centers, Kyrgyzstan has also to ensure separation between minors and adults and to design the system of execution of punishments in a way that truly aims at rehabilitating and reintegrating the offenders.²⁵⁰ Efforts should be made also to ensure that children victims of torture receive adequate care, rehabilitation, and compensation. To achieve this, it is necessary that Kyrgyzstan develops an effective complaints and data collection system for allegations of torture and that these are then properly investigated, including the Nookat case.²⁵¹

Victims of torture have also to be able to exercise the right to remedy and reparation without any discrimination. The UN human rights mechanisms urged Kyrgyzstan to comply with the views of the Human Rights Committee, to ensure in law and in practice access to timely and effective redress mechanisms, rehabilitation services, and reparation to victims. One recommendation specifically indicated that the right to obtain redress in civil litigation has to have no connections with the outcomes of the criminal case against the perpetrators.²⁵²

❖ *National legislation*

The absolute prohibition of torture and other inhuman, cruel and degrading forms of treatment or punishment is clearly set down in the Constitution. Moreover, the fundamental law of the land explicitly grants the right of persons deprived of liberty to be treated humanely and with dignity and highlights that the right cannot be limited under any circumstance. The Constitution also provides detainees and prisoners with all the judicial guarantees enshrined in international human rights law, including the right to defend himself or herself alone or through a lawyer of choice, the inadmissibility of evidence in court obtained in violation of the law, and the prohibition of convictions solely on the basis of confessions.

The prohibition of torture is further reiterated in the "Criminal Code". Other relevant laws on this thematic area include the "Criminal Procedure Code", the law "On prosecution office", the law "On State guaranteed legal aid", the law "On operative investigation service", the law "On the Bar Association and advocacy", the law "On the National Center on Prevention of Torture and other cruel, inhuman or degrading treatment or punishment", the law "On the

²⁴⁶ UPR 5.46 and 5.93; CAT 9(a), 13(c), and 29; CCPR 15; SR-T 80(b), 81(c) and (h); SPT 25, 39, 43, and 50.

²⁴⁷ UPR 54.8; CAT 8(a); SPT 26.

²⁴⁸ UPR 5.56; CAT 20; SR-T 82(b); SPT 77, 81, 89, 94, 100, and 113.

²⁴⁹ SR-T 82(a).

²⁵⁰ SR-T 82(b); SPT 77.

²⁵¹ CRC 29(a), (b), and (c).

²⁵² CAT 22, 22(a), (b), and (d); CERD 7(d); CRC 29(b); SR-T 81(k).

order and conditions of detention of those held on suspicion of or charged with committing a crime", and the law "On psychiatric care and guarantees of citizens' rights in its provision".

The main policy document, adopted in October 2014, is the Action Plan against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment. Of relevance is also the order issued by the MoH obliging medical personnel to conduct examinations and document findings in line with the provisions of the UN Istanbul Protocol. The National Health Reform Program 2012 – 2016 (Den Sooluk) and the National Strategy on Sustainable Development 2013 – 2017 also refer to freedom from torture as one of the objectives to be achieved.

❖ ***Responsible institutions for implementation***

The Ministry of Interior, including the Police, the Ministry of Justice, and the Ministry of Health are the institutions mainly responsible to eliminate torture from Kyrgyzstan.

Numerous other institutions have a key role in supporting the fulfillment of the national and international legal obligations on this thematic area. These are the Supreme Court and its Constitutional Chamber, the GPO, the Ministries of Social Development, Finance, and Education, the NPM, the Ombudsman, the Penitentiary Services, the Judicial Training Center, and the State Committee for National Security.

WOMEN

❖ *Summary of recommendations*

UPR	CEDAW	CCPR	CAT	CESCR	CERD	CMW	SR-VAW
27	44	5	3	10	2	1	23

❖ *Analysis of the recommendations*

The protection and promotion of the rights of women was, with 115 recommendations, the third most addressed thematic area. The UN human rights mechanisms placed emphasis on violence against women and girls and the measures to support victims, the adoption of policies and legislation aimed at strengthening gender equality and the empowerment of women, and the implementation of awareness raising and education campaigns to foster human rights protection.

The concept of violence includes issues such as bride kidnapping, domestic, gender-based, and sexual forms of violence, harmful traditional practices, trafficking, and forced and early marriages. Most of the recommendations called for the investigation of cases, even in the absence of the submission of a formal complaint, and prosecution of the perpetrators through the formal justice system.²⁵³ Victims should also be encouraged to report incidents to law enforcement agencies rather than to Aksakals courts.²⁵⁴

Several recommendations requested proactive actions to end and prevent bride kidnappings, and forced and early marriages. The UN human rights mechanisms urged Kyrgyzstan to adopt and implement appropriate legislation to combat these crimes, including by increasing the penalties for perpetrators, and to address cultural attitudes through awareness raising campaigns and public education programs on the adverse effects of traditional practices on women and girls. Additionally, it was recommended to strengthen the capacities of law enforcement and judicial officials through the delivery of tailored training, to establish effective reporting mechanisms, and carry out accurate research on bride kidnapping to develop a comprehensive policy strategy.²⁵⁵

The collection of data disaggregated by age, location, and relationship between victims and perpetrators, including in the workplace, was also one of the measures recommended to address issues of domestic and sexual violence.²⁵⁶ Other measures referred to the adoption of a law on domestic violence and a National Action Plan to combat these crimes, strengthening mechanisms to detect and investigate cases and punish the perpetrators and those who supported the commission of the violations, including for gender-based and sexual crimes that occurred during the 2010 events, training for competent authorities, and awareness raising campaigns.²⁵⁷

Of significant relevance are also the recommendations aimed at ensuring that victims obtain the necessary support. The UN human rights mechanisms identified several needs and called for Kyrgyzstan to ensure that victims have adequate legal and medical support, that police and healthcare providers are sensitized to violence against women, that shelters are made available in urban and rural areas across the country to protect victims from

²⁵³ UPR 5.60, 5.64, 5.68, 5.69, and 5.76; CEDAW 18(a) and (b), 20(a) and (b); CAT 18(a); CCPR 11(b); CESCR 16 ; CERD 7(a); CMW 43(b); SR-VAW 92.

²⁵⁴ CEDAW 18(c).

²⁵⁵ UPR 5.62, 6.65, 5.69, 5.72, 5.73, 5.75, and 5.76; CEDAW 16(b), 20(a), (b), (c), (d), and (e), and 36(c); CAT 18(a); CCPR 11 and 11(a); CESCR 17; SR-VAW 93.

²⁵⁶ UPR 5.99; CEDAW 18(c) and (e), and 28 (b); CCPR 11 and 11(a); CESCR 13; SR-VAW 94.

²⁵⁷ UPR 5.61, 5.63, 5.66, 5.68, and 5.99; CEDAW 18(c); CAT 18(a), (c), and (e); CCPR 11 and 11(a); CESCR 16; SR-VAW 92 and 94.

retaliation, and that cooperation with NGOs providing rehabilitation services is strengthened. Furthermore, Kyrgyzstan should establish an intra-state reporting mechanism to provide victims with necessary services and to standardize procedures on reporting and investigations, and promote reintegration programs, including alternative income generating activities, for women who wish to leave prostitution.²⁵⁸

In terms of promotion of the rights of women, the UN human rights mechanisms focused on equality, participation in public life, and empowerment. The effective representation of women in decision-making bodies at central, regional, and community levels, as well as in institutions such as the judiciary and law enforcement, is critical to promote substantive equality between men and women.²⁵⁹ To achieve this objective, Kyrgyzstan has to implement temporary special measures, including time-bound goals and statutory quotas, to ensure equal rights and opportunities both in public life and in the private sector, and to reduce unemployment and women's economic dependency.²⁶⁰ Other measures to enhance representation encompass awareness raising activities targeting politicians, community leaders, journalists and the general public on the importance of women's participation in decision-making, and capacity building programs to enhance female politicians' access to campaign financing.²⁶¹

Ensuring gender equality also requires significant policy efforts. The UN human rights mechanisms stressed the need to create a functioning gender indicator system to collect data disaggregated by sex to measure the efficacy of current legislation, policies, and programs. This should result in an improved understanding of the challenges, obstacles, and opportunities for gender equality and Kyrgyzstan should develop a comprehensive strategy and establish a new State body to coordinate its implementation. The strategy has to address all aspects of the lives of men and women and foresee measures, including through innovative use of media, to improve the knowledge and understanding of State officials, policy makers, religious and community leaders and members of the importance of representation and effective participation of women in public life and of equality of opportunities and rights. The strategy should also support campaigns aimed at overcoming stereotypical portrayals of women and patriarchal attitudes.²⁶² Such an approach, which has to make gender-sensitive budgeting a priority, is also expected to decrease the level of discrimination against women by enhancing women's awareness and the remedies available to them to claim violations of their rights.²⁶³

Non-discrimination, on the grounds of sexual orientation, ethnic background, in employment, and in workplaces, was also a central element of the recommendations on policy and legislation. Kyrgyzstan has to adopt laws to increase the protection of women and ensure the enjoyment of fundamental rights, including access to justice, education, housing, safe drinking water, sanitation, formal employment, skills development and training opportunities, income-generating opportunities and microcredits, inheritance rights, and ownership and use of land, taking into account their specific needs and regardless of their marital status.²⁶⁴ Also, the adoption of a National Action Plan to combat violence against women was recommended.²⁶⁵

An additional area of intervention to strengthen the protection and promotion of the rights of women concerns religious and unregistered marriages. The UN human rights mechanisms requested Kyrgyzstan to carry out research and studies on these issues and the impact on women and children. Their outcomes should then lead to the adoption of regulations to

²⁵⁸ **UPR** 5.68 and 7.17; **CEDAW** 18(a), (c), and (d), 20(a), (b), and (d), and 22(d); **CAT** 18(b) **CCPR** 11(c); **CESCR** 16 and 17; **SR-VAW** 92.

²⁵⁹ **UPR** 5.35, 5.36, 5.37, and 5.115; **CEDAW** 32(b); **SR-VAW** 92.

²⁶⁰ **CEDAW** 14(a) and (b), 24(a), and 34(a); **CESCR** 9; **SR-VAW** 91 and 92.

²⁶¹ **CEDAW** 24(b) and (c).

²⁶² **UPR** 5.31, 5.36, 5.64, 5.68, and 5.69; **CEDAW** 8(a), 12(a), and (b), 14(a), 16(a) and (c), and 38; **CESCR** 8(c) and (d); **SR-VAW** 91, 93, and 95.

²⁶³ **UPR** 5.38; **CEDAW** 8(b), 10(b), 16(a), 28(a), and (b), 32 (a), 34(a), (b), and (c).

²⁶⁴ **UPR** 5.31, 5.38, 5.61, 5.62, 5.63, 5.64, and 5.65; **CEDAW** 8(a), 10(b), 14(b), and 28(b) and (c); **CESCR** 8(c) and 16; **SR-VAW** 92.

²⁶⁵ **UPR** 5.60.

protect their legal and property rights both during the de facto union and upon its dissolution. Strictly connected to this is the issue of guardianship of children upon dissolution of marriages, including non-registered marriages. Measures have to be taken to ensure equal rights between men and women and the possibility for women to obtain guardianship without the approval of the husband. To effectively address the lack of registration of marriages, it was recommended to adopt legislation allowing religious marriages only after the administration of a formal one.²⁶⁶

Legal amendments were also recommended regarding access to fundamental services and health care in particular. The UN human rights mechanisms called for measures aimed at reducing maternal and new-born mortality especially in rural areas. For this reason, it was recommended to establish community-based maternal health-care systems and referral systems for obstetric emergencies. In parallel, a general improvement in the provision of and access to healthcare is required. An important component of this is the dissemination of information on sexual and reproductive health and rights, family planning, and contraceptives.²⁶⁷

Information sharing, awareness raising and education campaigns on all the issues examined by the UN human rights mechanisms are necessary components of the promotion and protection of the rights of women. Therefore, Kyrgyzstan has to use all possible methods, including media, public education programs, training, and the establishment of information and assistance centers in urban and rural areas, to make women, men, religious and community leaders, all State authorities, journalists, lawyers, and civil society aware of the content of the recommendations and the consequent obligations for their implementation.²⁶⁸

❖ **National legislation**

The Constitution reinforces the principle of equality of all citizens before the law by stating that men and women enjoy the same rights and opportunities without any form of discrimination, including on the grounds of sex. The Constitution also recognizes the need to adopt and implement special measures to ensure that existing barriers preventing women and other disadvantaged groups from fully realizing their opportunities are removed. Another relevant provision enshrined in the Constitution is that marriages have to be entered with the voluntary and mutual consent of the couple.

The Constitutional laws “On the Government of the Kyrgyz Republic” and “On Presidential and Jogorku Kenesh elections” also incorporate measures aimed at promoting the effective participation of women in political life.

Provisions to ensure the full realization of the rights of women are included in the “Criminal Code”, “Civil Code” and the procedural codes, the “Family Code”, the “Labour Code”, and the “Code on Administrative Responsibility”.

Additionally, relevant norms protecting and promoting the rights of women are foreseen in the law “On State guarantees of equal rights and equal opportunities for men and women”, the law “On civil service”, the law “On local self-government”, the law “On social and legal protection against domestic violence”, the law “On education”, the law “On reproductive rights of citizens and guarantees of their realization”, the law “On the State minimum guarantees of social benefits”, the law “On health protection”, and the law “On protection of breastfeeding and marketing regulation of the products for alternative feeding and child nutrition”. All laws, however, cover women’s rights and should take into consideration the impact that they have on women and girls to align them on gender mainstreaming principles.

²⁶⁶ CEDAW 36(a) and (b); CESCR 8(a); SR-VAW 93.

²⁶⁷ CEDAW 30(a), (b), and (c), and 34(b); CESCR 16, 21, and 24; SR-VAW 94.

²⁶⁸ UPR 5.38, 5.59, and 5.74; CEDAW 8(b), 16(b), 18(c), 20(b), (c) and (e), 24(c), 26(c), 28(a), 30(c), and 32(a); CAT 18(c); CCPR 11(d); CESCR 8(d) and 17; SR-VAW 91, 92, and 93.

The most relevant policy documents on the promotion and protection of the rights of women include the National Strategy for the Achievement of Gender Equality by 2020 and the National Strategy on Sustainable Development 2013 – 2017, the National Health Reform Program 2012 – 2016 (Den Sooluk), the Education Strategy, the National Action Plan 2015 – 2016 on implementing UN Security Council Resolution 1325, the State Program on Stabilization of the epidemic of HIV infection 2012 – 2016, the Program of the Ministry of Health “Gulazyk” on improving nutrition for mother and child, the Program for Combating Trafficking in Persons 2013 – 2016 and an Action Plan.

❖ ***Responsible institutions for implementation***

All institutions have the obligation to protect and promote the rights of women. In particular, the Ministry of Interior, the Ministry of Justice, the Ministry of Social Development, the Ministry of Education and Science, the Ministry of Health, the Ministry of Youth, Labor and Migration, and the Ministry of Culture, Tourism, and Information, are the main authorities within the Government.

The Parliament and the Parliamentary Committees on Human Rights, Judicial and Legal Affairs, the Rule of Law, Education, Science, Culture and Sport, Social Policy, and Anti-Corruption are among the most relevant institutions of the legislative branch.

The Supreme Court and its Constitutional Chamber, the GPO, all courts, law enforcement agencies, the Ombudsman, the NPM, the Department of Family Support and Children, local self-government authorities, the National Council on Gender Policy, the empowered body on gender issues, the Electoral Commission, and the National Statistical Committee are the most important institutions for the adequate protection and promotion of the rights of women.

ADDITIONAL SOURCES AND REFERENCES

Government of Kyrgyzstan

<http://www.gov.kg/>

National Preventive Mechanism on Torture of Kyrgyzstan

<http://npm.kg/>

Ombudsman of Kyrgyzstan

<http://www.ombudsman.kg/>

Parliament of Kyrgyzstan

<http://www.kenesh.kg/>

Paris Principles

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>

UN human rights bodies

<http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

UN Human Rights Council

<http://www.ohchr.org/en/hrbodies/hrc/pages/hrcindex.aspx>

UN human rights mechanisms' reports for Kyrgyzstan

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=KGZ&Lang=EN

UPR 2010

<http://www.ohchr.org/EN/HRBodies/UPR/PAGES/KGSession8.aspx>

UPR 2015

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/KGSession21.aspx>

UN Special Procedures

<http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>

ANNEXES

❖ **Universal Periodic Review 2015**

5.1. Continue harmonizing national legislation with the Constitution and international human rights norms
5.2. Take measures to ensure that all legislation is in full compliance with international human rights obligations
5.3. Continue the work to bring the national legal framework in line with its international obligations
5.4. Continue to fulfil its international obligations and commitments it has made in the field of human rights taking account the country's development and its historical, cultural and religious background
5.5. Review the compliance of national legislation with the provisions of ICCPR
5.6. Empower legal advisors in parliament to review draft laws and policies, incorporate input from civil society and experts in the international community, and oppose legislation that is inconsistent with international human rights obligations and commitments
5.7. Continue to strengthen democratic institutions with a clear separation of powers ahead of the coming election cycle
5.8. Continue strengthening its national human rights institutions
5.9. Take the necessary steps to ensure that the National Council on Gender issues becomes fully operational
5.10. Improve intra-state mechanisms for the implementation of international obligations in the area of human rights
5.11. Take the necessary steps to bring the Office of the Ombudsman into compliance with the Paris Principles
5.12. Accelerate the process of bringing the statues of the Office of Ombudsman in full conformity with the Paris Principles
5.13. Complete the process of ensuring that the Ombudsman Institution is fully compliant with the Paris Principles, at the earliest
5.14. Intensify efforts to bring the office of the Ombudsman into compliance with Paris Principles
5.15. Ensure that the office of the Ombudsman is brought in line with the Paris Principles
5.16. Grant to the National Centre for the Prevention of Torture the necessary financial resources to ensure its functioning and independence in accordance with OP-CAT
5.17. Provide the National Centre for the Prevention of Torture with the necessary resources for its adequate functioning, and ensure its full independence
5.18. Take comprehensive measures to improve the level of public security in the country and to combat terrorism and extremism
5.19. Continue efforts to combat drug trafficking/trade and corruption

5.20. Provide a comprehensive support to the institution of family
5.21. Strengthen national procedures for the protection of rights of socially vulnerable groups of the population, including women, children, persons with disabilities and the older persons
5.22. Improve further the child protection system and create conditions for ensuring the rights of the child to grow and develop in the family environment
5.23. Continue its policies on improving the rights of the child
5.24. Take further steps to improve the system of children's rights protection
5.25. Continue strengthening legal mechanisms for the protection of the rights of children
5.26. Effectively cooperate with the Special Rapporteur on the situation of human rights defenders
5.27. Effectively cooperate with the Special Rapporteur on the rights to freedom of peaceful assembly and of association
5.28. Analyse the possibility of creating a monitoring system for the implementation of international obligations in order to facilitate the systematization and follow-up of the recommendations made by the treaty bodies and the Human Rights Council
5.29. Engage the civil society in the implementation process of the accepted UPR recommendations
5.30. Continue efforts in implementing CAT and its Optional Protocol with more concrete actions
5.31. Continue to adopt effective legislative measures to ensure women's security and rights, and strengthen the national mechanism on gender policies
5.32. Continue to implement the National Strategy for Gender Equality 2020
5.33. Take steps to ensure that laws on gender equality and domestic violence are enforced effectively
5.34. Continue the implementation of measures aimed to empower women and their contribution
5.35. Redouble the efforts to increase women's participation in society, in particular by increasing the number of women in decision-making
5.36. Continue to promote gender equality through the empowerment of women in decision-making and public administration
5.37. Empower women's social development and their participation in political decision-making
5.38. Strengthen anti-discrimination laws and policies, and intensify the implementation of measures to protect all women from discrimination and violence, including through nationwide public-awareness campaigns
5.39. Take all necessary measures to fight effectively against all forms of discrimination
5.40. Ensure that national legislation conforms to international human rights standards on non-discrimination, particularly concerning sexual orientation and gender identity, gender and racial discrimination
5.41. Ensure equal rights and opportunities to all persons without distinction and promote policies

to prevent discrimination based on sexual orientation and gender identity
5.42. Ensure that allegations of violence, torture, inhumane and degrading treatment of LGBT persons, by government and non-government actors, are investigated promptly and efficiently and that perpetrators are brought to justice
5.43. Undertake all necessary measures to prevent discrimination and violence against LGBTI persons
5.44. Further strengthen the implementation of Kyrgyzstan's international commitments with regard to CAT and investigate all allegations of torture and ill treatment in custody
5.45. Take necessary measures to implement the National Plan to Combat Torture
5.46. Implement without delay the recently adopted Action Plan on Torture and ensure that safeguards against torture are effectively granted in practice
5.47. Adopt measures, including recommendations by the Committee against Torture, to combat torture and ill-treatment, by ensuring that the National Centre receives adequate resources and access; and by implementing an effective Anti-Torture Action Plan
5.48. Examine allegations of ill-treatment and torture in custody and failures to ensure fair trial guarantees to those arrested and prosecuted following the 2010 violence
5.49. Ensure that allegations of torture and other ill-treatments are investigated promptly and effectively and that the perpetrators of these acts are prosecuted and punished according to the standards required by international norms
5.50. Increase the capacity for investigation and prosecution of all complaints of torture, attach special attention to allegations of torture of persons belonging to ethnic minorities, and bring the definition of torture in the Criminal Code fully in line with CAT
5.51. Prevent acts of torture and ensure that allegations of torture and ill-treatment are investigated promptly and efficiently
5.52. Prevent all acts of torture and ill-treatment and ensure prompt and impartial investigations into complaints
5.53. Ensure that all allegations of torture and inhuman or degrading treatment, including those related to the June 2010 violence, are thoroughly investigated and that the perpetrators are brought to justice
5.54. Ensure accountability and guarantee prompt and effective investigation of torture and of all cases of ill treatment
5.55. Take all necessary measures to effectively fight against torture and ill-treatment, particularly in the police and penitentiary domains
5.56. Further improve life conditions and preventions of ill-treatment of detainees in states penitentiaries in compliance with international standards
5.57. Provide guarantees for children in detention, including by removing the use of solitary confinement and by separating adults and children
5.58. Combat violence against women

5.59. Continue its efforts in combatting violence against women by, inter alia, raising awareness of the victims' rights, increasing public understanding to avoid social exclusion of the victims and empowering women and girls by enhancing access to education
5.60. Adopt the National Action Plan to combat violence against women, by investigating complaints and instituting criminal proceedings against perpetrators, even in the absence of formal complains
5.61. Adopt a national action plan to combat violence against women and a law on domestic violence
5.62. Take further legislative and practical measures to end violence against women, including the phenomenon of bride kidnapping as well as early and forced marriage
5.63. Strengthen the implementation of legislation aimed at the elimination of violence against women and increase funding for assistance to the victims, in particular with regard to domestic violence and bride kidnapping
5.64. Enforce existing criminal laws including ensuring that perpetrators of gender-based violence and bride-kidnapping and abductions are brought to justice
5.65. Adopt legislation to monitor and eliminate violence against women and girls, including child kidnapping
5.66. Continue the active fight against domestic violence and violence against women, paying a special attention to preventive and prophylactic measures
5.67. Take further steps to address gender based violence, including guaranteeing that the cases of violence are thoroughly investigated and rights to fair trial ensured
5.68. Strengthen mechanisms to detect, investigate and punish cases of gender-based violence and bride kidnapping, train law enforcement officials to deal with such cases, and provide legal and medical support to victims
5.69. Prosecute perpetrators of gender-based violence and bride-kidnapping
5.70. Introduce more effective policies to combat child forced marriage
5.71. Strengthen measures to combat forced or early marriages
5.72. Strengthen efforts that are in place to put an end early and forced marriages and bride kidnapping
5.73. Take further measures to combat bridal kidnappings and child, early and forced marriage
5.74. Strengthen the public campaigns and raise awareness regarding the unacceptability of the practice of child, early and forced marriage
5.75. Continue to take steps to put an end to practices of bride-kidnapping and early marriage
5.76. Ensure full implementation of the law increasing the penalty for bride-kidnapping in order to eliminate violence against women, in particular bride-kidnapping of underage girls, polygamous unions and early marriage of girls
5.77. Develop a comprehensive strategy to address violence against children
5.78. Fully prohibit corporal punishment against children in all settings, including at home

5.79. Take all measures necessary to prevent violence against children in all its forms and to put mechanisms in place to protect especially girls who are more vulnerable to sexual abuse and violence
5.80. Further enhance its efforts to effectively prevent and prosecute violence against children
5.81. Expedite efforts towards prohibition of all forms of child labour
5.82. Completely eliminate the practice of child labour and ensure that all children have access to free and compulsory education
5.83. Continue its efforts directed towards the fight against trafficking in persons
5.84. Strengthen the implementation of programmes aiming at the rehabilitation of victims of trafficking in person, including providing advice, shelter and legal aid and rehabilitation services
5.85. Launch a campaign to raise public awareness on the issue of human trafficking in person
5.86. Continue working with the ongoing reform on the judicial system to promote compliance by the courts with international standards
5.87. Continue to implement judicial reforms in the country
5.88. Take further steps to ensure, in law and in practice, the independence of the judiciary
5.89. Continue reforms to ensure full independence of judges and application of fair trial guarantees for everyone
5.90. Ensure the full independence of the judiciary, including the establishment of objective criteria for selecting and dismissing judges and guarantee the respect of a fair trial for everyone
5.91. Ensure that the justice system functions with independence and in full compliance with relevant international norms
5.92. Take further requisite measures to ensure full independence of the judiciary, which will have a meaningful contribution to their democracy and instil confidence with the people of Kyrgyzstan
5.93. Ensure due process and accountability in the administration of justice, and hold perpetrators of any ill-treatment of prisoners to account
5.94. Strengthen the position and the independence of the Constitutional Court in order to ensure that fundamental freedoms and minority rights, as guaranteed in the Constitution, are fully respected in newly adopted legislation
5.95. Facilitate citizens' access to judicial appeal in cases of restrictions of freedom of assembly
5.96. Continue developing a comprehensive juvenile judicial system
5.97. Commit to ensuring the full and impartial investigation of complaints of many of those arrested in the aftermath of the June 2010 violence
5.98. Strengthen the investigation and punishment of human rights violations related to the 2010 ethnic conflict
5.99. Investigate all allegations of torture and sexual violence committed in the context of the June 2010 conflict

5.100. Simplify the procedure for birth registration and ensure that all children born in its territory are registered and provided with birth certificates, irrespective of the availability of their parents' identity documents or residence permits
5.101. Take the necessary measures for the proper civil registration of migrant children and birth registration of children of migrants
5.102. Ensure that relevant legislation guarantees the exercise of the rights to freedom of expression and association for all individuals, including human rights defenders and journalists
5.103. Refrain from adopting legislation that would limit the right to freedom of association
5.104. Ensure that any legislation on NGO's is fully in line with international human rights law, including freedom of expression and freedom of association
5.105. Carefully consider the proposed law on restrictions of the activities of non-governmental organizations to ensure that it does not impede the valuable work they are doing, together with Kyrgyz authorities, to combat human rights abuses and uphold individual freedoms in the country
5.106. Ensure that its legislation protects the rights of everyone, regardless of their sexual orientation and gender identity, minority status or any other basis, to freedom of expression and assembly, freedom from discrimination and equality before the law
5.107. Ensure respect for freedom of expression, freedom of the press and freedom of association
5.108. Guarantee freedom of assembly and association in line with ICCPR
5.109. Ensure in law and practice that journalists and other persons can freely exercise their right to freedom of expression
5.110. Ensure that attacks on journalists are promptly investigated and the perpetrators held accountable, as recommended in the 1st cycle
5.111. Guarantee freedom of expression, association and peaceful assembly for journalists, activists, human rights defenders and for participants in demonstrations
5.112. Ensure that journalists, human rights defenders and other members of civil society can seek, receive and impart information and carry out their legitimate peaceful activities without hindrance, intimidation, harassment or pressure
5.113. Take the necessary measures to ensure that human rights defenders and civil society actors can carry out their legislative work in a safe environment without threats and harassment by state and non-state actors
5.114. Protect human rights defenders from intimidation and violence and ensure prompt, impartial and thorough investigation of allegations of harassment, torture and ill-treatment of human rights defenders
5.115. Increase the level of political participation and decision making of women and minority groups at Governmental level
5.116. Continue working for the enjoyment of economic, social and cultural rights in the country
5.117. Continue strengthening the programs carried out for the social protection of all the Kyrgyz people in the fight against poverty and social inequity
5.118. Ensure the integration and effective implementation of strategies on poverty alleviation,

social security, gender equality and protection of child's rights
5.119. Continue to improve socio-economic condition to eradicate poverty
5.120. Continue to implement its poverty reduction strategy, to enable its people to better enjoy the right to development, providing the necessary foundation for the enjoyment of the other rights
5.121. Continue implementing the National Sustainable Development Strategy as a means to fight poverty
5.122. Further develop policies and programmes to alleviate and eradicate poverty with special emphasis on vulnerable groups by taking forward initiatives such as the National Action plan and Programme against Corruption
5.123. Continue its exceptional efforts in combatting poverty and developing the education system, and in addition, continue to enhance its efforts related to preserving the environment
5.124. Develop efforts to formulate a national strategy to ensure the full realization of the right to adequate housing, that incorporates social housing and also the reconstruction of the housing areas destroyed during the violence of June 2010
5.125. Improve reproductive health education and access to adequate health care and treatment for the HIV positive mothers to prevent the mother to child transmission
5.126. Increases investment in and maintain school infrastructure
5.127. Provide inclusive education for children with disabilities and include human rights education in schools
5.128. Allocate enough resources for education in order to ensure the right of education
5.129. Implement strategies to promote better access to education of girls at all levels
5.130. Implement the series of measures to ensure the rights of and improve the quality of life of persons with disabilities for 2014-2017
5.131. Continue the initiatives for the promotion of tolerance and diversity with the aim of the protection of the rights of national and ethnic minorities of the country
5.132. Continue its efforts in giving due attention to the inter-ethnic issues including by ensuring effective implementation of its Policy Framework on Strengthening National Unity and Inter-Ethnic Relations
5.133. Continue the efforts in the framework of the inter-ethnic policy and the protection of the rights of ethnic minorities
5.134. Continue to make progress towards the full recognition of ethnic and cultural diversity that characterizes the Kyrgyz people
5.135. Intensify the work related to inter-ethnic reconciliation, with special attention to the integration of ethnic minorities into public service and law enforcement bodies
5.136. Actively combat all indications of interethnic strife, and national and religious intolerance
5.137. Adopt additional measures to protect religious, cultural and ethnic minorities subjected to discrimination

5.138. Adopt norms and procedures to ensure the implementation of the principle of non-refoulement as established by the 1951 Convention relating to the Status of Refugees
5.139. Strengthen its judicial system in order to ensure that most citizens have access to justice
7.1. Ratify CRPD
7.3. Accelerate its efforts to ratify CRPD
7.4. Complete the ratification process for CRPD
7.5. Take the necessary steps towards ratifying CRPD
7.6. Speed up the process for ratifying CRPD and its Optional Protocol
7.12. That any changes in legislation uphold fundamental freedoms and ensure non-discrimination, including on the basis of religion or sexual orientation
7.17. Establish an intra-state reporting mechanism on violence against women and provide its victims with appropriate services
7.18. Review the Law on Religion in order to guarantee freedom of religion in compliance with international standards
7.24. Conform the recently adopted amendments to the Criminal Code to international human rights standards, promptly investigate attacks on journalists and human rights defenders and hold accountable its perpetrators
7.28. Cease harassment and discrimination by police of members of ethnic minorities and peaceful religious adherents under the pretext of combatting violent extremism, and grant registration to peaceful religious groups

❖ **International Covenant on Civil and Political Rights**

<p>5. The State party should take appropriate measures to raise awareness among judges, lawyers and prosecutors about the Covenant and the direct applicability of its provisions in domestic law, so as to ensure that they are taken into account before domestic courts. The State party should include detailed examples of the application of the Covenant by the domestic courts in its next periodic report</p>
<p>6. The State party should take all necessary measures to ensure the full implementation of the Views adopted by the Committee in relation to the State party. The Human Rights Coordination Council should also be mandated with monitoring the implementation of the Committee's Views and should address this issue as a matter of urgency</p>
<p>7. The State party should expeditiously bring the mandate of the Ombudsman (Akyikatchy) into full compliance with the Paris Principles and provide it with the necessary financial and human resources to ensure that it can effectively and independently implement its mandate</p>
<p>8. The State party should review its domestic legislation and bring it into line with the principle of non-discrimination to ensure that it includes a comprehensive prohibition of discrimination on all the grounds set out in the Covenant. The State party should also ensure that reliable and public data is systematically collected on cases of discrimination and their treatment by the competent judicial authorities</p>
<p>9. The State party should ensure that violence against LGBT persons is thoroughly investigated, that perpetrators are prosecuted, and if convicted, punished with appropriate sanctions, and that the victims are adequately compensated and protected against reprisals</p>
<p>10. The State party should ensure that its legislation on states of emergency and application thereof are fully compatible with the provisions of article 4 of the Covenant</p>
<p>11. The State party should adopt a comprehensive approach to prevent and address all forms of violence against women, including bride kidnapping, spousal rape and domestic violence</p>
<p>11. (a) Reinforce training of police on preventing and combating violence against women, especially bride kidnapping, spousal rape and other acts of domestic violence</p>
<p>11. (b) Guarantee that cases of violence against women are thoroughly investigated, that the perpetrators are brought to justice and, if convicted, punished with commensurate sanctions, and that victims are adequately compensated</p>
<p>11. (c) Ensure the availability of a sufficient number of adequately resourced shelters</p>
<p>11. (d) Launch awareness-raising campaigns among men and women on the adverse impact of violence on women</p>
<p>12. The State party should continue its efforts to prevent and eradicate trafficking in persons, including by effectively implementing the relevant legislation and harmonizing the child adoption legislation with the requirements of international law. It should also establish proper mechanisms for identifying victims of trafficking and referring them to appropriate services, and continue training law enforcement officials and other relevant professionals on identification and assistance to victims of trafficking</p>
<p>13. The State party should ensure, as a matter of urgency that its anti-terrorism legislation and its application thereof, especially the use of force, is in conformity with the provisions of the Covenant, particularly with respect to the right to life</p>
<p>13. The State party should promptly investigate allegations of excessive use of force by the</p>

special services, prosecute perpetrators and provide compensation to victims' families
14. The State party should take effective measures to ensure that all alleged human rights violations related to the 2010 ethnic conflict are fully and impartially investigated, that those responsible are prosecuted, and that victims are compensated without any discrimination based on ethnicity
14. The State party should urgently strengthen its efforts to address the root causes of obstacles to the peaceful coexistence between different ethnic groups on its territory and to promote ethnic tolerance and mutual trust
15. The State party should urgently strengthen its efforts to take measures to prevent acts of torture and ill-treatment and ensure prompt and impartial investigation of complaints of torture or ill-treatment, including the case of Azimjan Askarov; initiate criminal proceedings against perpetrators; impose appropriate sentences on those convicted and provide compensation for victims. The State party should take measures to ensure that no evidence obtained through torture is allowed to be used in court
15. The State party should also expedite operationalization of the National Centre for the Prevention of Torture through providing the necessary resources to enable it to fulfil its mandate independently and effectively
16. The State party should ensure registration of all detainees immediately following their apprehension in the central register, a medical examination and access to a lawyer of their choice as well as access to medical assistance
17. The State party should strengthen its efforts to improve conditions of detention to bring them into line with the provisions of article 10 of the Covenant
18. The State party should pursue judicial reforms to ensure a fully independent and impartial judiciary, including the establishment of objective and transparent criteria for the selection and dismissal of judges in accordance with international standards, notably the Basic Principles on the Independence of the Judiciary (1985)
19. The State party should ensure that the Elders' courts function in full compliance with provisions of the Covenant, in particular the safeguard of fair trial guarantees and non-discrimination, and that their members are provided with training on the rights protected under the Covenant
20. The State party should without further delay remove the power to exercise jurisdiction over civilians from military courts
21. The State party should take practical steps, including through legislative measures, where appropriate, to put an end to corporal punishment in all settings. It should encourage non-violent forms of discipline as alternatives to corporal punishment, and should conduct public information campaigns to raise awareness about its harmful effects
22. The State party should ensure that the legislative amendments to the 2008 Law on Freedom of Conscience and Religious Organizations in the Kyrgyz Republic remove all restrictions that are incompatible with article 18 of the Covenant, by providing for a transparent, open and fair registration process for religious organizations and eliminating distinctions among religions that may lead to discrimination. The State party should take measures, including through public statements and awareness-raising campaigns, to promote religious tolerance and condemn any act of religious intolerance and hatred. The State party should also investigate all cases of violence based on religion, prosecute perpetrators and compensate victims

<p>23. The State party should ensure that amendments to the Law on Universal Conscription of Citizens of the Kyrgyz Republic, on Military and Alternative Service provide for conscientious objections in a manner consistent with articles 18 and 26 of the Covenant, bearing in mind that article 18 also protects freedom of conscience of non-believers. It should also stipulate periods of military and alternative service on a non-discriminatory basis</p>
<p>24. The State party should ensure that journalists, human rights defenders and other individuals are able to freely exercise their right to freedom of expression, in accordance with article 19 of the Covenant and the Committee's general comment no. 34 (2011) on the freedoms of opinion and expression</p>
<p>24. Furthermore, the State party should ensure that threats, intimidation and violence against human rights defenders and journalists are investigated, that perpetrators are prosecuted and punished, if convicted, and that victims are provided with compensation. The State party should ensure that all individuals or organizations can freely provide information to the Committee and should protect them against any reprisals for providing such information.</p>
<p>25. The State party should ensure freedom of association, in accordance with article 22 of the Covenant, and refrain from imposing disproportionate or discriminatory restrictions on the freedom of association</p>
<p>26. The State party should ensure that every child is registered immediately after birth, and take measures, including awareness-raising, to facilitate the registration process with regard to children of parents who may have particular difficulties providing the necessary identification documents</p>
<p>27. The State party should strengthen its efforts to ensure representation of minorities in political and public bodies at all levels, including the judiciary and law enforcement, to facilitate education in minority languages for children belonging to minority ethnic groups and promote the use of minority languages in the media, including by restoring Uzbek-language television stations</p>
<p>28. The State party should widely disseminate the Covenant, the two Optional Protocols to the Covenant, the text of its second periodic report, the written replies to the list of issues drawn up by the Committee, and the present concluding observations among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public</p>
<p>28. The Committee also suggests that the report and the concluding observations be translated into the other official language of the State party (art. 2)</p>
<p>29. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 14, 15 and 24 above</p>
<p>30. The Committee requests the State party to provide in its next periodic report, due to be submitted on 28 March 2018, specific, up-to-date information on all its recommendations and on the Covenant as a whole</p>
<p>30. The Committee also requests the State party, when preparing its next periodic report, to broadly consult with civil society and non-governmental organizations operating in the country</p>

❖ **International Covenant on Economic, Social, and Cultural Rights**

5. The Committee recommends that the State party adopt a comprehensive anti-discrimination law that provides a definition of direct and indirect discrimination, and to withdraw bill number 6-11804/14
5. (a) Carry out public education campaigns to eradicate common misperceptions and stereotypes
5. (b) Make access to services independent from residence registration
5. (c) Ensure that persons irrespective of their sexual orientation can fully enjoy economic social and cultural rights without discrimination
5. (d) Accelerate efforts to ratify the Convention on the Rights of Persons with Disabilities
6. The Committee recommends that the State party discard the draft bill on “foreign agents”, and instead support the work of NGOs who are active in the field of economic, social and cultural rights
7. The Committee recommends that the State party increase efforts to combat corruption, and as a matter of priority, address the root causes of corruption and adopt all necessary legislative and policy measures to combat corruption and related impunity effectively with a particular emphasis on those areas where corruption hampers the full enjoyment of economic, social and cultural rights
8. The Committee recommends that the State party increase efforts to promote gender equality, inter alia by adopting a comprehensive strategy which includes time-bound goals and quotas as well as the use of temporary special measures, with a view to achieving full equality of women and men, with a particular focus on those areas where women are underrepresented and disadvantaged
8. (a) Ensure that women in a non-registered marriage can prove guardianship of their children without their husband’s confirmation and that women are fully protected upon dissolution of non-registered marriages
8. (b) Adopt the amendment to the Act on Religious Belief and Practice ensuring that a religious marriage is administered only after the conclusion of a formal marriage;
8. (c) Ensure women’s equal access in law and in practice to property and inheritance rights, and ensure that access to rights and services is not made dependent upon their marital status
8. (d) Carry out awareness-raising campaigns to eliminate patriarchal attitudes and gender stereotypes and to inform women on their rights
9. The Committee recommends that the State party take effective measures to address the root causes of unemployment and to adopt targeted measures, including programmes aimed at reducing unemployment among women, youth, persons with disabilities and disadvantaged and marginalized individuals and groups
10. The Committee recommends that the State party strengthen its efforts to increase the minimum wage, in order to ensure that it allows all workers and families to enjoy a decent standard of living, and ensure that it is enforced
11. The Committee recommends that the State party ensure that labour and trade union rights fully apply in the informal economy, and be subject to labour inspection on a regular basis. Furthermore, the Committee recommends that the State party gradually regularize the situation of persons employed in the informal economy

<p>12. The Committee recommends that the State party verify and ensure the implementation of labour legislation regarding occupational health and safety conditions, including through regular inspections and training of employers and employees, and to ensure access to adequate compensation for injury and work-related diseases by employees and their families</p>
<p>13. The Committee recommends that the State party step up its efforts to conclude bilateral and multilateral agreements with a view to extending protection to Kyrgyz migrant workers abroad, and to providing counselling and legal advice to potential migrant workers. The Committee also recommends that the State party take all necessary efforts to ensure that the spouses and children of Kyrgyz migrant workers obtain adequate residence permits in the country of employment. Furthermore, the Committee recommends that the State party increase efforts to protect children without parental care from sexual exploitation and abuse, to ensure that perpetrators are prosecuted and punished, and to provide access to recovery and reintegration to child victims of sexual abuse</p>
<p>14. The Committee recommends that the State party intensify its efforts to combat child labour exploitation, with a particular focus on forced labour. The Committee also recommends that the State party ensure that child labour and the recruitment of children into labour is explicitly prohibited and criminalized in accordance with international standards. Furthermore, the Committee recommends that the State party inter alia ensure the increase of labour inspections in agriculture and the informal sector, ensure that employers are held accountable, as well as carry out awareness-raising campaigns to eradicate socially accepted child labour</p>
<p>15. The Committee recommends that the State party step up its efforts to establish a social protection floor as an initial step towards a universal comprehensive social security system. In this regard the Committee draws the attention of the State party to its general comment No. 19 on the right to social security as well as its statement on social protection floors adopted on 6 March 2015 (E/C.12/54/3). The Committee further recommends that the State party progressively increase the amounts of old age pensions, so as to ensure that pensioners and their families enjoy a decent standard of living. The Committee further recommends that adequate social assistance and basic healthcare are extended to refugees and asylum seekers as appropriate</p>
<p>16. The Committee recommends that the State party take the necessary legal amendments to ensure that all forms of domestic violence are criminalized, that victims have access to effective remedies as well as to adequate shelter and support, that judges, prosecutors and law enforcement officials receive mandatory training on addressing domestic violence cases, and that these cases are always referred to criminal courts. The Committee also recommends to encourage reporting of domestic violence including by ensuring that healthcare providers and other relevant professionals are sensitized to domestic violence and that victims are adequately protected against retaliation</p>
<p>17. The Committee urges that the State party increase its efforts to enforce the criminalization of bride kidnapping as well as carry out awareness-raising campaigns on the illegality of bride kidnapping. The Committee further recommends that the State party provide shelters and support for kidnapped girls and women who have been rejected by their families</p>
<p>18. The Committee recommends that the State party ameliorate living conditions in prison including by allocating the necessary funds to ensure sufficient food and safe drinking water. The Committee also recommends that the State party set up a specialized reintegration system for former detainees, which provides them with assistance, including vocational training, to reintegrate into the labour economy</p>
<p>19. The Committee recommends that the State party implement a national strategy for reduction of homelessness that includes measurable goals and timetables</p>

<p>19. (a) Ensure that in cases where eviction or relocation is considered to be justified, it is carried out in strict compliance with the relevant provisions of international human rights law</p>
<p>19. (b) Invest more resources for the improvement of basic infrastructures and ensure access by everyone to safe drinking water and sanitation, electricity, gas, heating and sewage and garbage disposal</p>
<p>20. The Committee recommends that the State party implement a poverty reduction strategy that integrates economic, social and cultural rights, in line with the Committee's Statement on Poverty adopted on 4 May 2001 (E/2002/22 E/C.12/2001/17, Annex VII), giving particular attention to members of disadvantaged and marginalized individuals and groups and to women, as well as to regions which are particularly affected by poverty. Furthermore, the Committee recommends that the State party provide adequate child benefits for families living in poverty, and to ensure that insufficient economic means of a family do not result in the institutionalization of children</p>
<p>21. The Committee recommends that the State party expeditiously address chronic food insecurity and malnutrition, including the critical nutritional needs of children and pregnant women. The Committee furthermore recommends that the State party set up a public food distribution system for disadvantaged and marginalized individuals and groups and remote regions, to significantly strengthen the school feeding programs in the country by increased funding, and to effectively tackle structural problems related to food insecurity. In this regard, the Committee draws the State party's attention to its general comment No. 12 (1999) on the right to adequate food and to the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, adopted by the Council of the Food and Agriculture Organization of the United Nations in 2004</p>
<p>22. The Committee recommends that the State party increase human, technical and financial resources allocated to the health sector</p>
<p>22. (a) Monitor discrimination in access to health services and ensure that health professionals hampering a person's access are duly sanctioned</p>
<p>22. (b) Provide confidential access for everyone, including adolescents, to contraceptives and safe abortion services, which are fully covered by health insurance</p>
<p>22. (c) Disseminate information on patients' rights and ensure the availability of adequate implementation mechanisms, with a particular focus on access to appropriate compensation in the event of medical errors</p>
<p>23. The Committee recommends that the State party adequately monitor and sanction discrimination in the access to health services vis à vis persons with a drug addiction. Furthermore, the Committee recommends that the State party increase full access to free and adequate drug substitution therapies which respect the dignity of patients. The Committee also recommends that the State party ensure that persons with a drug-addiction and providers of harm reduction services are not subjected to any harassment or arbitrary detention by the authorities</p>
<p>24. The Committee recommends that the State party step up its efforts and address as a matter of priority the problem of maternal mortality, including by significantly increasing access to maternal health services, in particular in remote and rural areas, and establish community-based maternal health-care systems and referral systems for obstetric emergencies. The Committee furthermore recommends that the State party expeditiously address the underlying causes of maternal mortality, which may be connected to the low social status of women, poverty, lack of independence or the remoteness of their home. In this regard, the Committee recommends that the State party take into account the OHCHR Technical guidance note on the application of a human rights based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality (A/HRC/21/22)</p>

26. (a) Relocate uranium tailings, POP pesticides and radioactive and hazardous waste
26. (b) Close the mine in Khaidarkan and take measures to provide access to other economic activities in the region
26. (c) Ensure that residential areas are not built on, or close to contaminated ground
26. (d) Reduce industrial pollution and enforce the prohibition of certain pesticides
26. (e) Establish a normative framework on radiation and nuclear safety, as well as on pollution and chemicals management, which are in line with international standards
26. (f) Carry out awareness raising campaigns on the presence and risks of radioactive and toxic substances as well as on safety measures to minimize risks
27. The Committee raises attention to its general comment No. 13 (1999) on the right to education (article 13) and recommends that the State party increase budgetary allocations to education to ensure free access to quality education, including to inclusive education, as well as to provide families who live in poverty with adequate support to cover the hidden costs of education
29. The Committee encourages the State party to consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
28. The Committee recommends that the State party allocate specific budgetary resources to promote the cultural diversity of ethnic minorities, and to allow mother tongue education and minority language press, and to enable all groups to express and develop their culture, language, traditions and customs
30. The Committee encourages the State party to consider ratifying as soon as possible the Convention on the Rights of Persons with Disabilities
31. The Committee encourages the State party to extend standing invitations to Special Rapporteurs with mandates relevant to economic, social and cultural rights
32. The Committee requests that the State party disseminate the present concluding observations widely among all levels of society, particularly among government officials, members of Parliament, judicial authorities and civil society organizations, and to inform the Committee, in its next periodic report, on all steps taken to implement them. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report and in the consultation on follow-up measures to the present concluding observations
33. The Committee encourages the State party to engage civil society organizations in a constructive cooperation in order to implement at the national level these concluding observations as well as for the preparation and submission of its next periodic report
34. The Committee requests the State party to submit its 4th periodic report by 30 June 2020, and invites the State party to update its common core document in accordance with the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN/2/Rev.6, chap. I). The Committee also invites the State party to take efforts to update its data on all issues which are relevant to the Covenant

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

<p>6. As a matter of urgency, the State party should take immediate and effective measures to prevent acts of torture and ill-treatment throughout the country, including by implementing policies that would eliminate impunity for perpetrators of torture and ill-treatment and ensure prompt, impartial, effective investigations into all allegations of torture and ill-treatment, prosecution of those responsible, and the imposition of appropriate sentences on those convicted</p>
<p>6. (a) Publicly and unambiguously condemn the use of all forms of torture, warning that any person ordering, committing, instigating, acquiescing to or acting as an accomplice to such acts shall be criminally prosecuted and punished</p>
<p>6. (b) Establish an independent and effective mechanism to facilitate the submission of complaints by victims of torture and ill-treatment to public authorities; and ensure that complaint mechanisms are available and that complainants are protected in practice against abuse or intimidation as a consequence of their complaint or any evidence given</p>
<p>6. (c) Ensure that all health professionals who encounter signs of torture and ill-treatment are under a legal obligation to document such abuses, in line with the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), that all persons deprived of their liberty are guaranteed timely access to a qualified and independent medical investigator upon their request, and that all medical examinations are carried out in private; and consider transferring responsibility for oversight of medical staff of detention facilities to the Ministry of Health</p>
<p>6. (d) Ensure that investigations into allegations of torture are not undertaken by or under the authority of the police, but by an independent body, that preliminary enquiries into complaints of torture are undertaken and concluded promptly upon receipt of the complaint, and that official investigations are opened in all cases where there are reasonable grounds to believe that torture was committed; and ensure that officials alleged to be responsible for violations of the Convention are suspended from their duties during such investigations</p>
<p>7. As a matter of urgency, the State party should: (a) undertake a full, effective and independent investigation into the claims of torture made by Azimjan Askarov; (b) ensure that Azimjan Askarov receives adequate medical care; and (c) review the grounds for his continued detention in light of his allegations</p>
<p>8. The State party should take effective measures to ensure that all allegations of torture or ill-treatment, related to the June 2010 violence, by security or law enforcement officials are fully and impartially investigated, and that the officials responsible are prosecuted</p>
<p>8. (a) A thorough and impartial review of 995 criminal cases related to the June 2010 violence is conducted, and, when appropriate, proceedings are reopened in cases in which torture allegations have not been fully investigated or in which serious violations of due process rights have been revealed</p>
<p>8. (b) Security or law enforcement officials found responsible are subjected to disciplinary and/or criminal penalties for torture and ill-treatment</p>
<p>8. (c) Allegations of any public official's infliction of, ordering of, or acquiescence to torture or ill-treatment against ethnic Uzbeks is fully and effectively investigated and, as appropriate, prosecuted</p>

<p>9. (a) All persons deprived of liberty are afforded, in law and in practice, all fundamental legal safeguards from the very outset of their deprivation of liberty, including the rights to prompt access to a lawyer of their choice, to request a medical examination by an independent doctor, to contact family members, to be informed promptly of their rights, including about the charges against them, and to be brought before a judge within 48 hours of their deprivation of liberty</p>
<p>9. (b) All persons deprived of their liberty have prompt access to assistance from independent lawyers, and can communicate privately with them</p>
<p>9. (c) All detainees, including minors, are included in a central register of persons deprived of liberty, in which relevant information about fundamental safeguards is immediately recorded, and which can be accessed by the lawyers and family members of those detained and others as appropriate; that the State party monitors the provision of safeguards to persons deprived of their liberty, including public officials' compliance with registration requirements; and that any public official who denies fundamental legal safeguards to such detained persons is disciplined or prosecuted</p>
<p>10. The State party should continue its efforts to bring its domestic law into accordance with the Convention, inter alia by ensuring that the definition of torture in article 305(1) of the Criminal Code covers all the elements contained in article 1 of the Convention and that acts of torture are punishable by appropriate penalties commensurate with the gravity of the offence, as set out in article 4, paragraph 2 of the Convention. Furthermore, the State party should ensure that the prohibition against torture is absolute and that there is no statute of limitations for acts of torture</p>
<p>11. The State party should take necessary measures to ensure de facto applicability of the provisions of the Convention in its domestic legal order, inter alia by training the judiciary and law enforcement personnel on the provisions of the Convention</p>
<p>12. The State party should strengthen the independence and impartiality of the judiciary for the performance of its duties in accordance with international standards, notably the Basic Principles on the Independence of the Judiciary, inter alia by guaranteeing judges' security of tenure. The State party should implement the recommendations regarding Kyrgyzstan made by the Special Rapporteur on the independence of judges and lawyers</p>
<p>13.(a) Adopt legislation explicitly prohibiting the use of evidence obtained through torture, in line with article 15 of the Convention, and ensure its implementation</p>
<p>13. (b) Ensure that judges and prosecutors initiate investigations and take other appropriate remedial measures ex officio whenever a criminal defendant or his or her lawyer presents reasonable grounds to believe that a confession has been obtained through torture or ill-treatment, and ensure that the perpetrators of such abuses are prosecuted and, upon conviction, punished, including in the case of Farrukh Gapiurov</p>
<p>13. (c) Ensure that the findings of independent forensic medical examinations of criminal defendants who allege that they were tortured are considered admissible as evidence in court proceedings and given evidentiary weight equivalent to that given to the reports of State-employed medical professionals, where appropriate</p>
<p>14. The State party should bring the Office of the Ombudsman into compliance with the Paris Principles, inter alia by ensuring its independence and providing adequate resources for its operation</p>
<p>15. The State should ensure that: (a) the National Centre for the Prevention of Torture has the necessary financial, human and material resources to fulfil its mandate independently and effectively; and (b) all persons involved in the administration of places of detention are aware of the rights of members of the National Centre for the Prevention of Torture</p>

16. (a) Ensure that human rights defenders and independent lawyers are protected from intimidation or violence as a result of their activities
16. (b) Ensure the prompt, impartial and thorough investigation of all allegations of harassment, torture or ill-treatment of human rights defenders, including Askarov, Tomina, and Usmanov, and prosecute and punish the perpetrators with appropriate penalties
16. (c) Consider accepting the request for a visit by the Special Rapporteur on the situation of human rights defenders (A/HRC/22/47/Add.4, para. 250)
16. (d) Refrain from enacting legislation that would impede the ability of human rights defenders to conduct their activities in line with the provisions of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms; and ensure that no individual or group will be subjected to prosecution in reprisal for cooperating with United Nations or other international, regional, or national human rights entities
17. (a) Promptly, thoroughly and impartially investigate all incidents of death in custody; and prosecute those responsible for acts of torture, ill-treatment or wilful negligence and punish them with appropriate penalties
17. (b) Ensure independent forensic examinations in all cases of death in custody; permit family members of the deceased to commission independent autopsies; and ensure that the State party's courts accept the results of such independent autopsies as evidence in criminal and civil cases
18. (a) Effectively combat violence against women, inter alia by promptly investigating complaints related to such violence, including domestic violence and bride-kidnapping, and institute criminal proceedings against perpetrators and those aiding and abetting the kidnappings, even in the absence of a formal complaint
18. (b) Protect victims of domestic violence, including by establishing appropriate shelters across the country
18. (c) Step up its awareness-raising campaigns to sensitize the population to these problems
19. The State party should ensure prompt, impartial, and thorough investigations of all allegations of ill-treatment and torture committed by police and detention officials against LGBT persons or others on the basis of their sexual orientation or gender identity, and prosecute and, upon conviction, punish perpetrators with appropriate penalties
20. The State party should intensify efforts to improve the conditions of detention in places of deprivation of liberty, including detention facilities for inmates serving life terms, bringing them into line with international standards, inter alia the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolutions 663C (XXIV) and 2076 (LXII)).
21. The State party should explicitly prohibit corporal punishment of children in all settings, including at home and in institutions and alternative care settings, and ensure awareness-raising and public education measures
22. Noting the Committee's general comment no. 3 (2012) on implementation of article 14 by States parties, the State party should ensure de jure and de facto access to timely and effective redress for all victims of torture and ill-treatment
22. (a) Adopting and implementing legislation and policies explicitly providing for the right to remedy and reparation for victims of torture and ill-treatment

<p>22. (b) Ensuring that effective rehabilitation services and programmes are established in the State that are accessible to all victims without discrimination, and are not dependent upon the victim pursuing judicial remedies</p>
<p>22. (c) Taking necessary measures to protect the safety and personal integrity of victims and their families seeking compensation or rehabilitation services</p>
<p>22. (d) Complying with the Views of the Human Rights Committee relating to rights to remedy for torture victims</p>
<p>23. The State party should take all necessary measures to ensure the principle of non-refoulement, inter alia by bringing its current procedures and practices into line with article 3 of the Convention; and to ensure adequate judicial mechanisms for the review of decisions, sufficient legal defence for persons subject to extradition, and effective post-return monitoring arrangements</p>
<p>24. (a) Reinforce training programmes on the absolute prohibition of torture and the State party's obligations under the Convention, taking a gender-sensitive approach, for all personnel involved in custody, detention, interrogation and treatment of detainees as well as the judiciary; and</p>
<p>24. (b) Provide all relevant personnel, especially medical personnel, with training on how to identify signs of torture and ill-treatment and how to use the Istanbul Protocol</p>
<p>25. The State party should compile and provide to the Committee statistical data relevant to the monitoring of the implementation of the Convention at the national level, including the type of bodies engaged in such monitoring, disaggregated, inter alia, by sex, ethnicity, age, crime and geographical location, including information on complaints, investigations, prosecutions and convictions of cases of torture and ill-treatment, deaths in custody, trafficking, domestic and sexual violence, and the outcomes of all such complaints and cases, including compensation and rehabilitation provided to victims</p>
<p>26. The Committee recommends that the State party consider making the declarations under articles 21 and 22 of the Convention</p>
<p>27. The Committee invites the State party to ratify United Nations human rights treaties to which it is not yet a party, particularly the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities</p>
<p>28. The State party is requested to disseminate widely the report submitted to the Committee and the Committee's concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations</p>
<p>29. The Committee requests the State party to provide, by 23 November 2014, follow-up information in response to the Committee's recommendations related to (a) ensuring the respect of fundamental legal safeguards; (b) conducting prompt, impartial and effective investigations; and (c) prohibiting the use of evidence obtained through torture, as contained in paragraphs 7, 8, 10 and 14 of the present document</p>
<p>30. The State party is invited to submit its next report, which will be the third periodic report, by 23 November 2017. For that purpose, the Committee will, in due course, submit to the State party a list of issues prior to reporting, considering that the State party has accepted to report to the Committee under the optional reporting procedure</p>

❖ **Convention on the Elimination of All Forms of Discrimination against Women**

6. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention. It invites the Zhogorku Kenesh to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention
8. (a) Ensure that the Convention, its Optional Protocol, and the Committee's General Recommendations are sufficiently known and applied by all branches of government, including the judiciary, as a framework for laws, court decisions and policies on gender equality and the advancement of women
8. (b) Enhance women's awareness of their rights and the remedies available to them to claim violations of their rights under the Convention, and ensure that information on the Convention, its Optional Protocol and the Committee's general recommendations is provided to all women, in particular in rural and remote areas
10. (a) Ensure that the discriminatory draft law No. 6-11804/14 is not adopted
10. (b) Adopt comprehensive anti-discrimination legislation which prohibits discrimination against women on all grounds
12. (a) Take steps to accord greater visibility, increased capacity and authority to all the components of the national machinery for the advancement of women by upgrading its status, clarifying its mandate and ensuring the provision of sufficient and sustainable budgetary allocations and adequate staff with the necessary technical capacity, in order to fully enable it to implement programmes and projects on gender equality and the advancement of women
12. (b) Develop a gender mainstreaming strategy which includes gender responsive budgeting, and which can be applied in the formulation of all policies and programmes to address various aspects of women's lives
14. (a) Familiarize all relevant State officials and policy-makers with the concept of temporary special measures, adopt and implement temporary special measures, including time-bound goals and quotas, directed towards the achievement of de facto or substantive equality between women and men in all areas where women are underrepresented or disadvantaged, including in political and public life, decisionmaking and employment
14. (b) Address the root causes of the weak implementation of the existing temporary special measures and introduce in its legislation provisions to encourage the use of temporary special measures in both the public and private sectors
16. (a) Put in place, without delay, a comprehensive strategy with proactive and sustained measures, targeting women and men at all levels of society, including religious leaders, to eliminate stereotypes and patriarchal attitudes concerning the roles and responsibilities of women and men in the family and in society, as well as harmful practices that discriminate against women
16. (b) Expand public education programmes on the criminal nature and adverse effects on women of harmful practices such as child marriage and bride kidnapping, in particular in rural and remote areas
16. (c) Use innovative measures targeting the media to strengthen understanding of substantive equality of women and men and use the education system to enhance positive and non-stereotypical portrayals of women
16. (d) To monitor and review the measures taken so as to assess their impact and to take appropriate action

18. (a) Put in place comprehensive measures to prevent and address violence against women and girls, and ensure that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and adequately punished
18. (b) Provide mandatory training for judges, prosecutors, the police and other law enforcement officials on the strict application of criminal law provisions dealing with violence against women and on gender-sensitive procedures to deal with women victims of violence
18. (c) Encourage women to report incidents of domestic and sexual violence to the law enforcement bodies and not to aksakals courts by de-stigmatizing victims and sensitizing the police and raising awareness about the criminal nature of such acts
18. (d) Provide adequate assistance and protection to women victims of violence by establishing shelters, including in rural areas, and enhancing its cooperation with non-governmental organizations providing shelter and rehabilitation to victims
18. (e) Collect statistical data on domestic and sexual violence disaggregated by sex, age, nationality and relationship between the victim and the perpetrator
20. (a) Conduct research on the extent of the practice of abduction of girls for purposes of forced marriage and develop a comprehensive strategy to address this practice to ensure the effective investigation, prosecution and conviction of perpetrators as well as the provision of remedies and support services for victims
20. (b) Strengthen the efficiency of law enforcement agencies to ensure that they protect women and girls from violence and bride kidnapping, and adopt standardized procedures for the police in all regions of the State party on gender-sensitive investigations and treatment of victims and to encourage women to file complaints
20. (c) Provide systematic training on the criminal nature of bride kidnapping and its adverse effects on women's rights to judges, law enforcement officers and medical staff
20. (d) Ensure that women victims of bride kidnapping may report cases without having to fear retribution or stigma
20. (e) Address the traditional cultural attitudes and underlying causes of bride kidnapping, including through education and awareness-raising campaigns for the general public
22. (a) Establish a coordinating body responsible for the implementation of programmes and actions plans to combat trafficking in human beings as well as for the coordination of relevant state structures
22. (b) Conduct comparative studies on trafficking and exploitation of prostitution, including by collecting data, disaggregated by sex, ethnicity and age, to identify and address the root causes of trafficking and include such data in its next periodic report
22. (c) Establish an oversight mechanism allowing the monitoring of violence against women involved in prostitution by the police, and stop illegal forced testing for HIV/AIDS and other sexually transmitted diseases of women involved in prostitution which is often performed during police raids
22. (d) Adopt a comprehensive approach to address the phenomenon of prostitution, provide specific shelters and crisis centres, exit and reintegration programmes, as well as alternative income generating opportunities, for women who wish to leave prostitution and take measures on the reduction of demand

<p>24. (a) Take measures to increase the participation of women in political and public life at all levels, including by adopting temporary special measures, such as statutory quotas, in accordance with article 4 (1) of the Convention and the Committee's General Recommendation No. 25 (2004) on temporary special measures</p>
<p>24. (b) Build capacity of and enhance access to campaign financing for women politicians to enable them to compete effectively with their male counterparts</p>
<p>24. (c) Conduct awareness raising activities for politicians, community leaders, journalists and the general public on the importance of women's participation in decision-making in order to enhance the understanding that full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the Convention</p>
<p>26. (a) Give priority to eliminating negative stereotypes and structural barriers to enrolment of girls in non-traditional fields of education at the secondary and tertiary levels, and provide career counselling for girls on non-traditional career paths such as science and technology</p>
<p>26. (b) Intensify its efforts in reviewing school textbooks and curricula to eliminate any stereotyped roles of women</p>
<p>26. (c) Provide in its next periodic report updated disaggregated data on the educational choices of women and girls</p>
<p>28. (a) Intensify its efforts to create an enabling environment for women to become economically more independent, including by sensitizing employers in the public and private sectors on the prohibition of discrimination against women in employment, and intensify efforts to promote the entry of women into the formal economy through the provision of vocational and technical training, as well as by facilitating child care and pre-school education</p>
<p>28. (b) Adopt comprehensive legislation to combat discrimination and sexual harassment in the workplace</p>
<p>28. (c) Adopt and effectively apply legislation guaranteeing equal pay for work of equal value in order to narrow and close the gender wage gap, and regularly review wages in sectors where women are concentrated</p>
<p>28. (d) Consider introducing basic rights and the right to maternity leave in the informal sector and ratifying the International Labour Organization Convention No. 189 (2011) concerning Decent Work for Domestic Workers</p>
<p>30. (a) Strengthen the programme for the reduction of maternal, new-born and child mortality, and ensure the effective implementation and adequate funding of relevant state programmes, as well as access to health-care facilities and trained medical personnel</p>
<p>30. (b) Increase access for all women and girls, in particular rural women and girls, to basic health care services</p>
<p>30. (c) Widely promote age appropriate education on sexual and reproductive health and rights; and increase access to affordable and safe modern contraceptives and information on family planning for women and men and girls and boys throughout the State party</p>
<p>32. (a) To formulate and implement specific measures to combat poverty among rural women, including effective measures to ensure rural women's access to justice, education, housing, safe drinking water, sanitation, formal employment, skills development and training opportunities, income-generating opportunities and microcredits, and ownership and use of land, taking into account their specific needs</p>

<p>32. (b) To ensure the participation of rural women in decision-making processes at the community level on an equal basis with men</p>
<p>34. (a) Adopt measures, including temporary special measures within the meaning of article 4, paragraph 1, of the Convention and the Committee's General Recommendation No. 25 (2004) on temporary special measures, to ensure equal rights and opportunities for women who face intersecting forms of discrimination</p>
<p>34. (b) Ensure access to sustainable, non-discriminatory and non-prejudiced services, such as shelters, sexual and reproductive health services, legal aid and counselling, employment, for all women, in particular women facing intersecting forms of discrimination, and protect them from violence, abuse and exploitation</p>
<p>34. (c) Adopt necessary legislative measures, as well as targeted policies to address multiple forms of discrimination and promote the integration into society of disadvantaged and marginalized groups of women facing intersecting forms of discrimination</p>
<p>34. (d) Finalize and adopt an expeditious, transparent and accessible official procedure of gender marker change in identity documents of transgender women who wish to obtain legal recognition of their gender</p>
<p>36. (a) Expedite the adoption of the amendment to the Act on Religious Belief and Practice so that religious marriages can be administrated only after formal marriages have taken place, so as to ensure the registration of all marriages, in line with the State party's Constitution</p>
<p>36. (b) Adopt all necessary legislative means to protect the rights of women upon dissolution of such religious or customary marriages regardless of their registration status, in line with the Committee's General Recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution</p>
<p>36. (c) Take proactive measures to combat child and forced marriages, in accordance with the joint General Recommendation/General Comment No.31 of the Committee on the Elimination of Discrimination against Women and No.18 of the Committee on the Rights of the Child on harmful practices (2014)</p>
<p>38. The Committee calls upon the State party to develop a gender indicator system to improve the collection of data disaggregated by sex and other relevant factors necessary to assess the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing women's enjoyment of their human rights. In this regard, the Committee draws the State party's attention to its General Recommendation No. 9 (1989) on statistical data concerning the situation of women and encourages the State party to seek technical assistance from relevant United Nations agencies and to enhance its collaboration with women's associations that could assist in securing the collection of accurate data</p>
<p>39. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee</p>
<p>40. The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention</p>
<p>41. The Committee calls for the integration of a gender perspective, in accordance with the provisions of the Convention, into all efforts aimed at the achievement of the Millennium Development Goals and into the post-2015 development framework</p>

42. The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests the timely dissemination of the concluding observations, in the official language(s) of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Zhogorku Kenesh and to the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organisations, universities and research institutions, media, etc. It further recommends that its concluding observations be disseminated in an appropriate form at the local community level, to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the Convention, its Optional Protocol and jurisprudence, and the Committee's General Recommendations to all stakeholders

43. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities, to which it is not yet a party

44. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 22 (c) and 28 (b) and (d) above

45. The Committee invites the State party to submit its fifth periodic report in March 2019

46. The Committee requests the State party to follow the "Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents" (HRI/MC/2006/3 and Corr.1)

❖ **Convention on the Rights of the Child**

<p>7. (a) Establish a comprehensive policy with a view to strengthening its efforts to ensure that the provisions and principles of the Convention are widely known and understood by adults and children alike, and reinforce adequate and systematic training of all professional groups working for and with children, in particular law enforcements officials, teachers, health personnel (e.g. psychologists and social workers) and personnel in childcare institutions</p>
<p>7. (b) Develop a comprehensive system for collecting disaggregated data covering all those under the age of 18 years; that data can be used as a basis for assessing progress achieved in the realization of children's rights and to help design policies to implement the Convention</p>
<p>7. (c) Strengthen the role of the Office of the Ombudsman, in particular the Deputy Ombudsman for Children, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The unit on children's rights within the Office of the Ombudsman should be given the power to deal with complaints from children, and to do so in a child-sensitive and expeditious manner, and to provide remedies for violations of their rights under the Convention. The unit should be provided with adequate human and financial resources</p>
<p>7. (d) Involve non-governmental organizations, especially rights-based ones, and other sectors of civil society working with and for children more systematically throughout all stages of the implementation of the Convention</p>
<p>7. (e) Undertake measures to ensure that children's views are given due consideration in schools, courts, within the family and during relevant administrative processes concerning children through, inter alia, adoption of appropriate legislation, training of all caregivers and professionals working with and for children and the use of information campaigns</p>
<p>9. The Committee urges the State party to continue its efforts to bring its legislation into line with the Convention and ensure that such laws are fully and effectively implemented. It recommends that the State party provide information on the evaluation of the implementation of its laws and regulations in the area of children's rights. The Committee also recommends that the State party ensure that the Convention is directly applied and referred to in judgements by its courts</p>
<p>11. The Committee recommends that the State party ensure that its programmes, plans and strategies are effectively implemented and include practical measures that clearly indicate the roles and responsibilities of relevant bodies at national, regional and local levels, and provide them with the necessary human, technical and financial resources. It also recommends that the State party ensure that there are systems for the monitoring and evaluation of its programmes and plans of action</p>
<p>13. The Committee recommends that the State party take the necessary measures to provide its coordinating mechanism with sufficient authority and adequate human, technical and financial resources to ensure effective coordination of activities on children's rights across all sectors and at national, regional and local levels</p>
<p>15. The Committee recommends that the State Party (a) Earmark sufficient budget resources specifically targeted at the implementation of the rights of children</p>
<p>15. The Committee recommends that the State Party (b) Establish an effective system for tracking, monitoring and evaluating the allocation and use of resources for children by all relevant sectors throughout the budget, thus making investment benefiting children clear</p>
<p>17. The Committee recommends that the State party take measures to harmonize its legislation and policies in relation to its definition of a child in order to ensure that all children below the age</p>

of 18 years are afforded the same rights and entitlements in all sectors
19. The Committee urges the State party to take urgent measures to prevent discrimination against children in marginalized and disadvantaged situations, such as children belonging to minority groups, including Lyuli children, children in care institutions, children with disabilities, girl children in rural areas, children of migrant workers, children not registered as residents and children belonging to the LGBTI group, and periodically evaluate the outcomes of its measures
19. The Committee also recommends that the State party include information in its next periodic report on measures and programmes relevant to the Convention and undertaken by the State party in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference
21. The Committee recommends that the State party strengthen its efforts to ensure that the right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings, as well as in all policies, programmes and projects relevant to and with an impact on children. In that regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area, giving them the appropriate weight as a primary consideration. Such procedures and criteria should be disseminated to courts of law, administrative authorities and legislative bodies, public and private social welfare institutions, and traditional and religious leaders and the public at large
23. The Committee recommends that the State party establish mechanisms to provide rapid response to protect children in case of conflict and provide prompt, impartial and effective investigation into the killings, including of children, during the June 2010 events
25. The Committee urges the State party to ensure that all children born in its territory are registered and provided with standard birth certificates immediately without any undue barriers, irrespective of the availability of their parents' identity documents or residence permits. The Committee also recommends that the State party simplify the procedure for birth registration and ensure that no illegal demands are made in the process of restoring birth certificates
27. The Committee recommends that the State party amend its Citizenship Act and establish safeguards to prevent children born and living in its territory from becoming stateless. It also recommends that the State party ratify the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961
29. (a) Launch prompt and effective independent investigations into all allegations of torture and ill-treatment against children in detention facilities and closed institutions and during investigations, in particular in relation to the Nookat case, and ensure that perpetrators are prosecuted and punished under relevant articles of the Criminal Code
29. (b) Ensure care, recovery, compensation and rehabilitation for child victims of torture and ill-treatment
29. (c) Prevent incidents of torture and ill-treatment by independent monitoring and unannounced visits to places of detention and closed institutions and by undertaking comprehensive training programmes for security and police personnel
29. (d) Establish an effective complaint and data collection system for complaints of torture or other forms of ill-treatment of children deprived of their liberty
31. (a) Take all necessary measures to prevent the abuse of children by raising the awareness of the public on the negative impacts of such abuse on child's health and development

<p>31. (b) Investigate and prosecute those responsible for child abuse in families, alternative care settings and schools and ensure that victims of abuse have access to complaints procedures, counselling, medical care and other recovery assistance as appropriate</p>
<p>31. (c) Establish temporary foster families and crisis centres for such children and a mechanism for referring children to them, as well as allocate sufficient resources in order to provide children with the necessary medical, psychological and social support</p>
<p>33. In the light of its general comment No. 8 (2008) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to prohibit in law the use of all forms of corporal punishment in all settings, in particular in the home and foster care, and provide for enforcement mechanisms under its legislation, including providing appropriate sanctions in cases of violation. It also recommends that the State party strengthen and expand awareness-raising and education programmes and campaigns, in order to promote positive, non-violent and participatory forms of child-rearing and discipline</p>
<p>34. Recalling the recommendations of the United Nations study on violence against children of 2006 (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee further recommends that the State party take into account general comment No. 13 (2011) on the right of the child to freedom from all forms of violence</p>
<p>34. (a) Develop a comprehensive national strategy to prevent and address all forms of violence against children</p>
<p>34. (b) Adopt a national coordinating framework to address all forms of violence against children</p>
<p>34. (c) Pay particular attention to and address the gender dimension of violence</p>
<p>34. (d) Cooperate with the Special Representative of the Secretary-General on violence against children and other relevant United Nations institutions</p>
<p>36. (a) Prevent the sexual abuse and exploitation of children by ensuring effective pursuit of perpetrators and commensurate sanctions for perpetrators of child sexual exploitation and abuse within its jurisdiction and throughout its territory</p>
<p>36. (b) Raise awareness and encourage the public and children to report cases of sexual violence and exploitation against children, especially in educational and medical facilities</p>
<p>36. (c) Establish effective mechanisms to identify, detect and protect children who are victims of such crimes</p>
<p>36 (d) Ensure that law enforcement officials pay particular attention to crimes against children and be punished for inaction in registering and investigating any crimes against children as well as for the mishandling of cases</p>
<p>36. (e) Provide children of all ages with the possibility of applying for the protection of the authorities directly, without the involvement of their parents or legal guardians</p>
<p>38. The Committee recommends that the State party take all necessary measures to ensure that all incidents of “bride-kidnapping” are promptly, impartially and effectively investigated, that all those responsible for such abuses are held accountable, prosecuted and sanctioned, and that victims of such abuses obtain redress</p>
<p>38. It also recommends that the State party prevent early marriages of girls by developing and undertaking comprehensive awareness-raising programmes on the negative implications of early marriage for the girl child's rights to health, education and development, targeting in particular</p>

traditional and religious leaders, parents and State parliamentarians
40. The Committee recommends that the State party provide counselling and financial support to families with children in order to prevent children being separated from their parents. The Committee also recommends that the State party provide grandparents or other relatives with sufficient support and ensure that such children are not subjected to abuse and violence
42. (a) Strengthen and enforce the deinstitutionalization process, by improving support to families and ensuring that placement in institutional care is used only as a last resort
42. (b) Increase and provide incentives for family-type alternative care
42. (c) Ensure and monitor that children in care institutions are provided with quality nutrition sufficient for their age
42. (d) Ensure that children in care institutions receive timely medical services of adequate quality, including preventive treatment, by qualified medical professionals
42. (e) Provide children in care institutions with free and regular dental care, including dental prosthetics, if necessary
42. (f) Improve and monitor living, sanitation and hygiene conditions in care institutions
42. (g) Ensure the systematic, frequent and effective monitoring and control of the situation of children residing in care institutions, including private care institutions, and in family-type alternative care
42. (h) Provide children in alternative care settings with access to an independent and confidential complaint mechanism
42. (i) Provide children leaving care institutions with the necessary support, including accommodation, employment or further education
44. The Committee recommends that the State party speed up the process of accession to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993
44. It also recommends that the State party establish effective mechanisms aimed at facilitating the adoption process by removing unnecessary barriers, while at the same time ensuring proper screening of families by whom children are to be adopted
44. In particular, it urges the State party to investigate all cases of corruption in the adoption process and ensure that all persons responsible are prosecuted and punished accordingly
46. In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to ensure the conformity of its legislation, policies and practices with, inter alia, articles 23 and 27 of the Convention, with the aim of effectively addressing the needs of children with disabilities in a non-discriminatory manner
46. (a) Develop a policy on deinstitutionalization and prevent excessive institutionalization of children with disabilities by providing all the necessary support to families with children with disabilities and ensure sufficient alternative family and community-based care options for children with disabilities deprived of family environment
46. (b) Raise the awareness of the public, in particular children, about the rights of children with

disabilities and take measures for their successful integration into society
46. (c) Ensure that social benefits for families with children with disabilities are sufficient to cover the basic needs of such children
46. (d) Provide inclusive education for children with disabilities by training teachers, providing schools with necessary equipment and raising the awareness of school personnel, children and the public in general of the rights of children with disabilities
46. (e) Ensure prompt and effective investigation into cases of deaths of children with disabilities in care institutions and establish an independent monitoring of care institutions, in particular of the health-care services provided to children in such institutions
46. (f) Ensure that all children with mental disabilities are provided with appropriate stimulating activities
48. In the light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party take measures to ensure that all children up to the age of 18 years are covered under the State party's programmes for children and have access to health-care services free of charge
48. It recommends that the State party take measures to prevent deaths of children as a result of preventable and curable diseases, by educating parents and providing easy access to early medical intervention
48. Furthermore, the Committee recommends that the State party take measures to ensure that no child in the country is undernourished and that all children have access to adequate and sufficient nutritious food
50. In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party take all necessary measures to prevent transmission of HIV/AIDS by raising the awareness of the public, including children, about the means of transmission and providing hospitals with necessary resources to prevent sharing of needles and other instruments that could lead to infections. The Committee also recommends that the State party provide information on the investigation into the mass infections of children with HIV/AIDS in Osh province and their causes, and ensure that the victims are provided with appropriate assistance and support. Furthermore, the Committee urges the State party to take all the necessary measures to prevent such incidents from happening again
52. Referring to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, the Committee recommends that the State party adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that age-appropriate sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention given to preventing early pregnancy and sexually transmitted infections
52. It also recommends that the State party provide adolescents with confidential services and easy access to contraceptives
54. The Committee recommends that the State party take all necessary measures to implement its legislation promoting breastfeeding practices and ensure that all mothers receive adequate information on the benefits of their breastmilk. It also recommends that the State party adopt the International Code for Marketing of Breast-milk Substitutes
56. (a) Ensure that all children, including minority children, have access to free and compulsory education, which is not compromised by their involvement in the labour market

56. (b) Take measures to improve the quality of education, by training teachers, providing incentives to attract qualified teachers, ensuring a sufficient number of textbooks and conducting independent, regular assessments of children
56. (c) Put an end to the practice of extorting fees from the parents of children attending school
56. (d) Take measures to invest in and maintain the infrastructure of schools, including on access to water, sewage systems, heating and electricity, and ensure that school buildings respond to high safety standards
56. (e) Put an end to school racketeering by supervising the behaviour of children and sanctioning those who are involved in racketeering activities
56. (f) Take measures to ensure that children from minority communities, in particular Uzbek children, have access to education in their native language without any restrictions
58. The Committee recalls its report of the day of general discussion on the rights of all children in the context of migration (2012) and recommends that the State party ensure that children of internal migrant workers are provided with adequate living conditions and immediate access to health care and education irrespective of their residency status
60. The Committee recommends that the State party strengthen its efforts to reconcile communities and prevent discrimination against members of minority groups, through multilingual, common education and awareness-raising campaigns to promote tolerance and friendship among communities
62. The Committee urges the State party to remove from its legislation the requirement of 10 days' notification prior to the visit of labour inspectors and to organize regular unannounced inspection of private and State employment sites and ensure that any person who may be below the age of 18 years is not subjected to hazardous working conditions. The Committee urges the State party to ensure regular visits and monitoring of care institutions to detect signs of forced labour and/or physical, emotional and sexual abuse and bring those responsible to justice
62. Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography
64. The Committee reiterates its previous recommendation that the State party amend the provisions with a view to including all purposes and forms of the sale of children, child pornography and child prostitution in accordance with article 3, paragraphs 1 and 2, of the Optional Protocol. It also recommends that the State party take the necessary legislative measures to ensure that domestic law provides for extraterritorial jurisdiction in full compliance with article 4 of the Optional Protocol
64. Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the involvement of children in armed conflict
67. The Committee urges the State party to establish a juvenile justice system in full compliance with the Convention, in particular articles 37, 39 and 40, and with other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Guidelines for Action on Children in the Criminal Justice System, and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice
67. (a) Establish a system of juvenile courts with specialized staff and with a restorative justice approach

<p>67. (b) Avoid unlawful detention of children and ensure that legal safeguards are implemented for the detained children</p>
<p>67. (c) Ensure independent court review of decisions on placements in the adaptation and rehabilitation centre for juveniles and Belovodsky Special Boarding School and provide children placed in those institutions with freedom of movement, including the freedom to leave and return at their will</p>
<p>67. (d) Ensure that under no circumstances are children detained together with adults and that detention of children is used as a last resort and allow regular visits from the families of children in detention</p>
<p>67. The State party should make use, if relevant, of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights and non-governmental organizations, and seek technical assistance in the area of juvenile justice from members of the Panel</p>
<p>69. The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all child victims and/or witnesses of crimes are provided with the protection required by the Convention and that the State party take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime. In particular, it recommends that child victims and witnesses are treated in a child-sensitive manner and their views and testimonies are given due weight. Furthermore, it recommends that child victims are provided with unrestricted access to justice without having to be represented by their parents or legal guardians</p>
<p>70. In order to further strengthen the fulfilment of children's rights, the Committee recommends that the State party ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto and the International Convention for the Protection of All Persons from Enforced Disappearance</p>
<p>71. The Committee recommends that the State party take all appropriate measures to ensure that the present concluding observations are fully implemented by, inter alia, transmitting them to the Head of State, the Parliament, the relevant ministries, the Supreme Court and local authorities for appropriate consideration and further action</p>
<p>72. The Committee further recommends that the combined third and fourth periodic reports, the written replies by the State party and the present concluding observations be made widely available in Russian and the minority languages of the country, including, but not exclusively, through the Internet, to the public at large, civil society organizations, media, youth groups, professional groups and children</p>
<p>73. The Committee invites the State party to submit its combined fifth and sixth periodic report by 6 November 2019 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1). and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation of the report for purposes of consideration by the treaty body cannot be guaranteed</p>

74. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth Inter-Committee Meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I)

❖ **Convention on the Elimination of All Forms of Racial Discrimination**

5. The Committee recommends that the State party, as a matter of urgency, take effective measures to address the fundamental problems and the root causes that constitute an obstacle to the peaceful coexistence between different ethnic groups living in its territory
5. (a) Pursue its initiatives and reforms aimed at building a democratic society in which all ethnic groups will be involved, respected and enjoy full rights
5. (b) Address socio-economic disparities between ethnic groups and between rural and urban areas
5. (c) Take urgent measures to increase the participation of minorities in political and public affairs
5. (d) Consider adopting a special law on the rights of persons belonging to minority groups and establishing an institution with a special mandate to address racial discrimination issues
5. (e) Redouble its efforts to collect weapons still held by the population, in particular in the Osh and Jalal Abad regions, bearing in mind the need to build trust between the majority and other ethnic groups
6. (a) Initiate or set up a mechanism to review all cases of persons condemned in connection with the June 2010 events, from the point of view of respecting all necessary guarantees for a fair trial
6. (b) Investigate, prosecute and condemn, as appropriate, all persons responsible for human rights violations during the June 2010 events, irrespective of their ethnic origin and their status
6. (c) Provide compensation to those who were victims of miscarriage of justice, regardless of their ethnic origin
6. (d) Pursue the reform of the judicial system and the security and police forces, having in mind the necessity to ensure the reconciliation between different ethnic groups and to build trust of the population in the judicial system
6. (e) Review the case of Askharov, respecting all requirements for a fair trial and avoid any threats against human rights defenders, irrespective of their ethnic origin
7. With regard to violence against women from minority groups, the Committee, recalling its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, recommends that the State party adopt and implement without further delay, the National Action Plan to combat violence against women to which its delegation referred during its dialogue with the Committee
7. (a) Register and document all cases of torture, ill-treatment and violence against women from minority groups, including rape
7. (b) Conduct prompt, thorough and impartial investigations
7. (c) Prosecute and punish those responsible, including police or security forces
7. (d) Provide reparation to victims
7. (e) Take all necessary measures to prevent the occurrence of such acts in the future
8. (a) Investigate and review all cases of persons who were arbitrarily dismissed from their positions in the administration or local governments on ethnic grounds, and as appropriate, reinstate them

<p>8. (b) Investigate and review cases of forced evictions of minority groups of their enterprises and provide them, as appropriate, with restitution or compensation</p>
<p>8. (c) Continue to provide assistance to those who have lost their income-related activities due to the June 2010 ethnic conflict, irrespective of their ethnic origin</p>
<p>9. Recalling its general recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination and in line with its previous recommendation (CERD/C/KGZ/CO//4/, para. 11), the Committee encourages the State party to take concrete and comprehensive measures to ensure that persons belonging to minority ethnic groups are adequately represented in elected and executive bodies, in the police and in the judiciary, at all levels. The Committee recommends that the State party ensure that minority representation is as closely in line with their proportion in the population of the State party in accordance with article 5 of the Convention, bearing also in mind the necessity to build trust in the State for all parts of the population</p>
<p>10. The Committee encourages the State party to take all measures aimed at addressing socio-economic disparities between different ethnic communities and between rural and urban areas, and at promoting equal enjoyment by all of economic, social and cultural rights in accordance with article 5(e) of the Convention. The Committee requests that the State party provide it with information on specific measures taken for this purpose in its next periodic report</p>
<p>11. The Committee encourages the State party to pursue its efforts to provide full assistance to internally displaced persons who returned to their places of origin in Osh and Jalal Abad regions and to ensure their full reintegration, in particular with regard to access to housing and labour market</p>
<p>12. The Committee encourages the State party to strengthen its efforts to promote education in minority languages for children belonging to minority ethnic groups in particular in the regions of Osh and Jalal-Abad. The Committee also recommends that the State party review its decision to introduce high school testing in Kyrgyz and take appropriate measures to ensure that children belonging to minorities be tested in languages in which they were mainly educated. The Committee reiterates its previous recommendation (CERD/C/KGZ/CO/4, para. 14) that the State party include in curricula and textbooks for primary and secondary schools information about the history and culture of different ethnic groups living in its territory. The Committee requests that the State party provide information on follow-up given to this recommendation in its next periodic report.</p>
<p>13. The Committee encourages the State party to take appropriate measures to ensure that minority groups, in particular Uzbeks, can disseminate and have access to information in their own languages. In that vein, the Committee recommends that the State party take measures to establish favourable conditions aimed at encouraging private ownership of media by persons belonging to minority groups, including in the Osh region</p>
<p>13. The Committee also recommends that the State party provide training to journalists in human rights, including on the prohibition of incitement to racial discrimination</p>
<p>14. The Committee recommends that the State party strengthen its efforts, including through education, culture, awareness-raising campaigns, to combat racial stereotypes, discriminatory attitudes, nationalistic discourse including in media, with a view to promoting reconciliation, tolerance and understanding, and to build a peaceful and inclusive society. The Committee requests that the State party provide it with information on the concrete results of such measures in its next periodic report</p>
<p>15. The Committee recommends that the State party include in its legislation a general provision on the prohibition of racial discrimination which is in line with article 1 of the Convention.</p>

<p>16. Recalling its general recommendations Nos. 1 (1972), 7 (1985) and 15 (1993), according to which the provisions of article 4 of the Convention are of a preventive and obligatory nature, the Committee recommends that the State party amend its legislation, so as to give full effect to article 4 of the Convention</p>
<p>17. The Committee recommends that the State party continue its efforts to grant Kyrgyz citizenship to stateless persons including, through its National Action Plan to Prevent and Reduce Statelessness updated in December 2012. It also recommends that the State party take appropriate measures to grant access to its registration procedures and consider asylum requests regardless of the origin of applicants. The State party should also provide documents to all asylum seekers and take necessary measures to prevent them from risk of refoulement</p>
<p>18. The Committee recommends that the State party strongly condemn the discriminatory statements and hate speech by politicians and media. The Committee particularly recommends that the State party take appropriate measures to investigate, prosecute and punish such acts and take appropriate measures to prevent them, including through education training of media</p>
<p>19. The Committee recalls that the absence of complaints or legal proceedings brought by victims of racial discrimination can be indicative of legislation that is insufficiently specific, a lack of awareness of available remedies, fear of social censure or reprisals, or an unwillingness on the part of the authorities to initiate proceedings</p>
<p>19. The Committee recommends that the State party take all necessary steps to facilitate the access of the persons belonging to all ethnic groups to justice, to disseminate legislation relating to racial discrimination to inform the population of all the legal remedies available to them. It further recommends that the State party provide comprehensive information on this subject in its next periodic report</p>
<p>20. The Committee recommends that the State party redouble its efforts to ensure that law enforcement officers receive training in human rights and in particular with regard to the provisions of the Convention</p>
<p>20. The State party should also include human rights education in school curricula and conduct awareness-raising campaigns on human rights, including on racial discrimination</p>
<p>21. The Committee recommends that the State party bring the institution of the Ombudsman into compliance with the Paris principles or establish a national human rights institution in a manner that is fully consistent with the Paris Principles</p>
<p>22. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct relevance to communities that may be the subject of racial discrimination, such as the ratification of the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness</p>
<p>23. In light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level</p>

<p>24. The Committee recommends that the State party continue consulting and expanding its dialogue with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report and the follow-up to these concluding observations</p>
<p>25. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention</p>
<p>26. The Committee recommends that the State party ratify the amendment to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee cites paragraph 14 of General Assembly resolution 61/148, in which the Assembly strongly urged States parties to the Convention to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment</p>
<p>27. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate</p>
<p>28. Noting that the State party has submitted its core document in 2008 (HRI/CORE/KGZ/2008), the Committee, bearing in mind the adoption of a new Constitution in 2010 and the renewal of legislation following it, encourages the State party to submit an updated core document, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth Inter-Committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN.2/Rev.6, chap. I)</p>
<p>29. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present concluding observations, on its follow-up to the recommendations contained in paragraphs 5, 6 and 9 above</p>
<p>30. The Committee also wishes to draw the attention of the State party to the particular importance of the recommendations in paragraphs 7, 8, 12 and 13 above, and requests the State party to provide detailed information in its next periodic report on concrete measures taken to implement these recommendations</p>
<p>31. The Committee recommends that the State party submit its combined eighth to tenth periodic reports by 4 October 2016, taking into account the specific reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1), and addressing all the points raised in the present concluding observations. The Committee also urges the State party to observe the page limit of 40 pages for treaty-specific reports and 60-80 pages for the common core document (HRI/GEN.2/Rev.6, chap. I, para. 19).</p>

❖ ***International Convention on the Protection of All Migrant workers and Members of their Families***

<p>9. The Committee recommends that the State party take the necessary steps to ensure that its national laws and policies are in line with the provisions of the Convention, including in particular amending legislation to ensure protection of the rights of all migrant workers both in regular and irregular situations, in accordance with the Convention. The Committee also recommends that the State party strengthen its efforts to improve the coordination among ministries and agencies at all levels of government for the effective implementation of the rights protected under the Convention</p>
<p>11. The Committee invites the State party to provide information on the application of the Convention by domestic courts in its next periodic report</p>
<p>13. The Committee recommends that the State party consider making the declarations provided for in articles 76 and 77 of the Convention</p>
<p>15. The Committee recommends that the State party consider ratifying or acceding the following instruments the International Labour Organisation (ILO) Migration Workers (Supplementary Provisions) Convention, 1975 (No.143), the Private Employment Agencies Convention, 1997 (No.181) and the Domestic Workers Convention, 2011 (No. 189) as soon as possible</p>
<p>17. The Committee recommends that the State party provide the Ombudsperson of Kyrgyzstan with a broad mandate to effectively carry out the promotion and protection of the rights of migrant workers and members of their families under the Convention. The Committee also recommends that the State party provide adequate support to the Office of the Ombudsperson to enable it to effectively discharge this mandate</p>
<p>19. The Committee recommends that the State party strengthen its efforts to ensure that the system for the compilation of migration-related statistics covers all aspects of the Convention and that detailed data is collected on the status of migrant workers in the State party. It encourages the State party to compile both qualitative and quantitative information and statistics that are disaggregated by sex, age, reason for entry and departure from the country, and the type of work performed. In cases where it is not possible to obtain precise information, for example, in the case of migrant workers in an irregular situation, the Committee would appreciate being provided with information based on studies or estimates</p>
<p>21. The Committee recommends that the State party develop continuing education and training programmes on the Convention and that such training be made available to all officials and others who work in migration-related areas. The Committee also CMW/C/KGZ/CO/1 4 recommends that the State party ensure that migrant workers have access to information about their rights under the Convention and to work with civil society organizations to disseminate information on the Convention and promote its implementation</p>
<p>23. The Committee recommends that the State party take more effective measures to address all instances of corruption relating to the migrant workers and members of their families, and undertake appropriate inquiries into allegations of corruption. The Committee also recommends that the State party conduct information campaigns with a view to encouraging migrant workers and members of their families who claim to be victims of corruption to report the corruption, and raise awareness among migrant workers and their families as to which services are free of charge</p>
<p>25. (a) Ensure that all migrant workers and members of their families both in regular and irregular situation within its territory or subject to its jurisdiction enjoy, without discrimination, the rights recognized by the Convention, in accordance with article 7 thereof, both in law and in practice</p>

<p>25. (b) Intensify its efforts by promoting information campaigns for public officials working in the area of migration, especially at the local level, and for the general public on the elimination of discrimination against migrant workers and members of their families</p>
<p>27. The Committee recommends that the State party ensure that, in law and in practice, migrant workers and members of their families, including those in an irregular situation, have equal opportunities to nationals of the State party to file complaints and obtain effective redress in the courts in cases where their rights under the Convention are violated. The Committee also recommends that the State party take additional measures to inform migrant workers and members of their families, including those in an irregular situation, about the judicial and other remedies available to them in case of a violation of their rights under the Convention</p>
<p>29. The Committee recommends that the State party take the necessary steps to ensure that its consular services can effectively meet the needs of Kyrgyz migrant workers and members of their families in terms of protecting their rights and providing them with assistance. Those steps should include the allocation of sufficient human resources and funding, and the development of continuing training programmes, including gender and children's rights sensitization training for consular officials on the Convention and other human rights treaties</p>
<p>31. The Committee recommends that, in accordance with articles 28 of the Convention, the State party adopt concrete and effective measures to ensure access to emergency medical care for all migrant workers and members of their families</p>
<p>33. The Committee recommends that, in accordance with articles 30 of the Convention, the State party adopt concrete and effective measures, for example through specific programmes, to ensure access to education, and to make it possible to enter and remain in the education system, including for the children of migrant workers in an irregular situation</p>
<p>35. The Committee recommends that the State party take appropriate measures to disseminate information on the rights of migrant workers under the Convention, as CMW/C/KGZ/CO/1 6 well as conditions of their admission and employment and their rights and obligations under the law and practice of States of employment. The Committee also recommends that the State party develops targeted pre-departure and awarenessraising programmes, including in consultation with relevant non-governmental organizations, migrant domestic workers and their families, and recognized and reliable recruitment agencies</p>
<p>37. The Committee recommends that the State party strengthen its efforts to guarantee the rights to vote of Kyrgyz migrant workers living abroad by facilitating their registration and participation in the next national elections</p>
<p>39. The Committee recommends that the State party take necessary measures to ensure that frontier workers enjoy the same rights as the national workers and invites the State party to provide information in its next periodic report on the measures taken to ensure that frontier and seasonal workers may enjoy the rights to which they are entitled by reason of their presence and work in the territory of the State party, in accordance with article 57 of the Convention</p>
<p>41. The Committee recommends that the State party provide consular assistance to Kyrgyz migrant workers who are victims of discrimination and violence, to protect their rights and interest in the counties of employment with a view to promoting the investigation, prosecution and sentencing perpetrators of crimes against Kyrgyz migrant workers. It also recommends that the State party raise awareness among its nationals about the potential risks of migration</p>
<p>43. (a) Effectively implement its Programme to Combat Trafficking in Persons 2013-2016, ensuring its full compatibility with the Convention</p>

<p>43. (b) Evaluate the phenomenon of trafficking in persons and compile systematic disaggregated data to better combat trafficking in persons, especially of women and children, and to bring perpetrators to justice</p>
<p>43. (c) Afford protection and assistance to all victims of human trafficking, particularly by providing shelters, medical care, psycho-social support and other measures to assist in their reintegration into society</p>
<p>43. (d) Strengthen training for law enforcement officials, judges, prosecutors, labour inspectors, teachers, health care workers and the staff of the State party's embassies and consulates, and disseminating more widely information on trafficking in persons and assistance to victims</p>
<p>44. The Committee recommends that the State party should take all appropriate measures to ensure that these recommendations are implemented, including by transmitting them for consideration and action to members of the Government and Parliament (Zhogorku Kenesh), as well as to local authorities</p>
<p>45. The Committee also requests the State party to involve civil society organizations more closely in the implementation of the recommendations contained in the present concluding observations</p>
<p>46. The Committee requests the State party to provide, within two years, i.e. 24 April 2017, written information on the follow-up to the recommendations contained in paragraphs 27, 29, 31 and 33 above</p>
<p>47. The Committee also requests the State party to disseminate the Convention and the present concluding observations widely, including to public agencies, the judiciary, non-governmental organizations and other members of civil society, so as to increase awareness thereof among the judicial, legislative and administrative authorities, civil society and the public in general</p>
<p>48. The Committee recommends that the State party avails itself of international assistance, including technical assistance to develop a comprehensive programme aimed at the implementation of the above recommendations and the Convention as a whole. The Committee also calls upon the State party to continue its cooperation with specialized agencies and programmes of the United Nations system</p>
<p>49. The Committee requests the State party to submit its second periodic reports by 24 April 2020 and to include therein information on the implementation of the present concluding observations. Alternatively, the State party may follow the simplified reporting procedure, whereby the Committee draws up and adopts a list of issues that is transmitted to the State party prior to the submission of its next report. The replies of the State party to that list of issues will constitute its report under article 73 of the Convention. In that way, the State party does not submit its report in the traditional manner. This new optional procedure was adopted by the Committee at its fourteenth session in April 2011 (see A/66/48, para. 26)</p>
<p>50. The Committee draws the State party's attention to its harmonized treaty-specific guidelines (CMW/C/2008/1) and reminds it that periodic reports should be in compliance with the guidelines and not exceed 21,200 words (General Assembly resolution 68/268). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned guidelines. If the State party is not in a position to review and resubmit the report, translation of the report for purposes of examination by the treaty body cannot be guaranteed</p>
<p>51. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next periodic report (or replies to the list of issues, in the case of the simplified reporting procedure) and, at the same time, to consult broadly with all relevant stakeholders, including civil society, migrant workers and human rights organizations</p>

52. The Committee also invites the State party to submit an updated common core document, not exceeding 42,400 words, in accordance with the requirements in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3 and Corr.1)

❖ **Sub-Committee on Prevention of Torture**

<p>6. The SPT requests the authorities of Kyrgyzstan to provide it with a Reply within six months from the date of transmission of this report, giving a full account of the State Party's actions taken to implement the recommendations</p>
<p>8. The SPT recommends that Kyrgyzstan requests the publication of the present report in accordance with OPCAT article 16(2)</p>
<p>12. The SPT wishes to emphasise that any form of intimidation or reprisals against persons deprived of their liberty constitutes a violation of the State Party's obligation to cooperate with the work of the SPT under the OPCAT. The SPT calls upon the authorities of Kyrgyzstan to ensure that there are no reprisals following the SPT visit</p>
<p>17. The SPT calls upon the Government to disburse the full amount allocated to the NPM in 2013, despite the delay in establishing the Centre. The SPT also urges the Government to increase the funding in the future so as to enable effective execution of the NPM mandate, as per article 21 of the law, without cutting down the Ombudsman's budget. In this context, it recalls article 2 of the national law whereby the NPM should complement rather than replace existing systems of oversight, such as the Ombudsman and NGOs, which have mandates to visit places of deprivation of liberty</p>
<p>18. The SPT urges the State Party to ensure that the composition of the NPM includes multidisciplinary expertise in torture prevention and adequately represents the country's key ethnic and minority groups. In line with the principle of cooperation and constructive dialogue with States parties and in conformity with article 11 (b)(iv) of OPCAT, the SPT expresses its willingness to further assist the State Party, by means of a prompt advisory visit, which would seek to make recommendations and observations with a view to strengthening the capacity and the mandate of the designated NPM</p>
<p>24. The SPT categorically condemns all acts of torture and ill-treatment and recalls that torture and ill-treatment cannot be justified under any circumstance, and must be completely prohibited. The SPT urges the authorities to ensure that amnesty is not applied to acts of torture and ill-treatment</p>
<p>25. The SPT also recommends that all necessary steps be taken to ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made</p>
<p>26. The SPT recommends that thorough, independent and impartial investigations into allegations of torture be undertaken without regard to the ethnicity of alleged perpetrators. The SPT encourages an independent review of trials related to the June 2010 inter-ethnic violence, and further recommends the reopening of proceedings in cases where the authorities have not properly investigated allegations of torture or cases with serious violations of fair trial guarantees, particularly for long term imprisonment and life sentences related to the June 2010 violence</p>

<p>35. The SPT also recommends that the problem of impunity be addressed as a matter of urgency, not only at the practical but also institutional level. In addition, the SPT recommends that allegations of torture be promptly investigated and alleged perpetrators prosecuted under the provision in the Criminal Code relating to torture (art. 305-1). The SPT wishes to receive further information from the Prosecutor-General on the current functioning of the Specialized Prosecutors Unit. The SPT urges the Prosecutor-General to establish clear procedures as to how torture complaints should be investigated, in accordance with the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). It recommends that allegations of torture and ill-treatment in the south of the country be handled with particular attention and that independent review and oversight is provided for</p>
<p>36. The SPT recommends that the relevant authorities take the necessary measures to put in place adequate complaints mechanisms and ensure that they operate fairly and effectively</p>
<p>37. The SPT recommends that the authorities establish a mechanism within the Office of the Prosecutor-General to supervise and ensure the strict compliance of prosecutors with the instructions of April, September and October 2011, with a view to strengthening prosecutors' efforts to prevent and investigate torture</p>
<p>38. The SPT also recommends that the authorities consider deploying supervisory bodies of the Office of the Prosecutor-General within prosecutors' offices in Osh and Jalal-Abad to assess performances and compliance with anti-torture regulations</p>
<p>39. The SPT urges the judiciary to take a more pro-active role as guardian of the protection of the rights of individuals and in the fight against impunity in cases of torture and ill-treatment. The SPT calls upon the judiciary to clearly spell out measures to be taken by courts should evidence appear to have been obtained through torture or ill-treatment. It further urges judicial authorities to ensure inadmissibility of evidence obtained through torture or in the absence of the lawyer, in compliance with article 81 (4) of the CPC</p>
<p>40. The SPT recommends that the State allocate sufficient budget to ensure that law enforcement officers receive proper training on human rights of persons deprived of their liberty, including the prevention of torture and cruel, inhuman or degrading treatment. Such training should be also delivered to other persons with responsibility for the supervision and management of detainees, including training prison personnel, prison guards and managers, as well as judges and prosecutors</p>
<p>43. The SPT recommends that urgent measures be taken to ensure that all persons arrested are immediately informed of the reasons for their arrest, as well as their rights as detainees, at the very outset of their deprivation of liberty. Information on rights should be posted at every police station and in the temporary holding facilities in the relevant languages, including Kyrgyz, Russian and Uzbek</p>
<p>46. The SPT recommends that persons deprived of their liberty be able to inform a family member or third party of their detention from the outset. Meetings of arrestees with their relatives and other means of communication with the outside world should be allowed, unless the court decides otherwise, for objective reasons related to the investigation of the case, at the request of the investigative body. Any institution, upon admission of persons deprived of their liberty, should officially notify their family (or at the request of the detainee another person) about their whereabouts</p>

<p>50. The SPT was informed about a draft law on the Bar Association and wishes to receive further information on the content and current status of this draft law. The SPT recommends that the system of duty lawyers be reformed and that an effective and independent public defence system be established, with proper remuneration for defence lawyers. The authorities should ensure that all detainees are provided with access to independent legal counsel from the very outset of their deprivation of liberty. The SPT also recommends that investigations into cases of alleged corruption be launched</p>
<p>51. The SPT recommends that any person deprived of liberty has access to legal counsel from the moment of apprehension as established by article 24 (5) of the Constitution</p>
<p>56. The SPT recommends that the maximum period of police custody provided for by law be strictly respected and that this be rigorously monitored by the relevant authorities, including through effective judicial review of the detention. The SPT urges the adoption of measures that would allow for the effective exercise of the right to challenge the legality of the detention. The SPT also recommends that specialized oversight mechanisms for judicial review and due process be established</p>
<p>61. The SPT recommends that any person brought to a closed institution must be examined by a competent independent medical practitioner upon admission. In addition, measures should be taken to establish access to alternative independent forensic expertise, the conclusion of which should have the same evidential power as the "official" examination</p>
<p>67. The SPT recommends that all persons under the control of the relevant law enforcement bodies are immediately registered and that registers are scrupulously maintained with the following information: (1) exact date and time of apprehension; (2) exact time of arrival at the facility; (3) reasons for the arrest; (4) authority ordering the arrest; (5) identity of the arresting officer/s; (6) date, time and reasons for transfer/s or release; (7) precise information about where the person was held during the whole period of detention (e.g. cell number); (8) date, time and identity of the person notified of the detention, including the signature of the officer who proceeded to this notification; (9) date and time of a family visit; (10) date and time of request and/or meeting with a lawyer; (11) date and time of request and/or visit of a health professional; and (12) date and time of the detained person's first appearance before a judicial or other authority²². Police and custodial officers should be properly trained in the maintenance of registers, and should enter the information upon arrival of the detainee. Registries should be regularly inspected by prosecutors and by internal oversight bodies of the police and the penitentiary system. Disciplinary sanctions should be provided for breaches of keeping complete and timely registers</p>
<p>68. The SPT recommends that electronic registers be progressively established throughout the country, and that registers be harmonised. The SPT also recommends that a standard national database be set up to be updated with systematic case information, which would enable the authorities to track each detainee. The SPT suggests that in the future this software be also rolled out to the courts as well as centrally at ministerial level</p>
<p>77. The SPT recommends that minimum conditions of detention be ensured in respect of human dignity and in accordance with international standards, and in particular that all cells have natural light and ventilation, sufficient access be given to toilets and bathing facilities and that minors be separated from adults</p>
<p>78. The SPT also recommends that the practice of using handcuffing as a means of punishment be eliminated immediately</p>
<p>81. The SPT urges the Government to improve conditions of detention in accordance with international standards and respect for human dignity and to close the underground cells immediately</p>

<p>82. The SPT recommends that authorities in Kyrgyzstan ensure that food-quality inspections are undertaken and that all meals are prepared in a hygienic manner, in sufficient quantity, and with the nutrition quality and variety</p>
<p>87. The conditions of detention and regime in the disciplinary cells in SIZOs and colonies should be revised as a matter of priority. All facilities should maintain a specific register of disciplinary measures that must indicate all data about the identity of the inmate, the infraction committed, the authority that imposed the sanction, date and hour of the commencement and completion of the sanction and whether the decision and sanction was approved by a second authority</p>
<p>89. The SPT urges the Government to take all necessary measures to prevent abuses and to protect the most vulnerable detainees from stigmatisation and improve their living conditions in line with international human rights norms</p>
<p>93. The SPT recommends that the State Party urgently conduct a country-wide audit of the needs of all institutions, in order to facilitate the provision of sufficient medical supplies. The poor conditions and out-dated equipment at the penitentiary hospital should also be addressed as a matter of urgency</p>
<p>94. The existing infrastructure and human resources should be improved and training of staff be enhanced. In this context, the SPT recommends that all health professionals working with persons deprived of their liberty are given basic training in the description and assessment of injuries, and in how to report torture and to refer victims of expert examinations, based on the principles of the Istanbul Protocol</p>
<p>96. The SPT recommends that the modes of transportation be reviewed, in particular to prevent the transportation of healthy detainees together with detainees suffering tuberculosis</p>
<p>100. The SPT urges the authorities to improve material conditions for prisoners sentenced to life and to ensure that prisoners serving life sentences are treated on an equal basis with other detainees and without discrimination. The SPT also calls upon the authorities to immediately close the former death row cells in SIZO No. 1 where prisoners serving life sentences are held</p>
<p>103. The SPT urges the authorities to take appropriate measures towards the functional and institutional separation between responsibility for investigation and detention, as to avert the risk of torture or ill-treatment. The SPT recommends that access to the detention places under the SCNS be granted on a permanent basis to relevant oversight bodies, as well as civil society</p>
<p>108. The SPT recommends that children and adolescents only be deprived of their liberty as a measure of last resort, for the shortest possible period of time, and that the imprisonment be reviewed on a regular basis with a view to its withdrawal. The SPT urges the authorities to close the punishment cells in Colony No. 14 immediately</p>
<p>109. The SPT recommends that the necessary financial resources be allocated for the improvement of living conditions at the prison colony for juveniles as well as the schools for social adaptation and rehabilitation. The SPT further recommends that specific psychological intervention and follow-up as well as rehabilitation services for these children be strengthened to prepare them for reintegration in their communities and to avoid recidivism</p>
<p>113. The SPT recommends that living conditions in Chim-Korgon be improved and that Unit No. 10 be closed immediately. The SPT also recommends that Chim-Korgon and other mental institutions be transformed into predominantly open institutions with adequate recreational and occupational facilities. The SPT further recommends that adequate human and financial resources be allocated to the area of mental health and that more fully qualified psychiatrists be employed. Domestic legislation should be reviewed in order to guarantee the rights of patients in respect to the so-called "voluntary" placements and the non-functioning review procedures</p>

<p>114. The SPT also recommends that the relevant authorities update the national program "Mental Health of the Population of the Kyrgyz Republic in 2001-2010", calling for a community-based mental health care system and ensuring that the necessary financial resources be allocated for the effective implementation of such program</p>
<p>119. The SPT recommends that appropriate human and financial resources be allocated for services provided to persons with disabilities. The SPT also recommends that salaries be increased in order to attract qualified staff and that regular training programmes for staff be established</p>
<p>120. The SPT urges the relevant authorities to regularly review the diagnosis of individuals placed in psychiatric or psycho-neurological institutions in order to ensure that no mentally and physically healthy individuals are referred to such institutions. The proposed review should include a personal examination of patients and revision of cases, to be conducted by independent medical experts</p>
<p>126. The SPT urges the Government to work towards fully functioning law enforcement, judiciary, prison and health and mental health systems free from corruption and other outside influences. To this end, the Government should ensure adequate remuneration and equitable pay scales for police, prison, judicial and health staff members</p>
<p>127. The SPT recommends that the Government regularly provide human rights training programmes for civil servants, including to enhance their awareness of the risks of corruption</p>
<p>128. The SPT encourages the State Party to establish procedures requiring law enforcement officials to declare additional income in order to avoid conflict of interest in respect to their functions as public officials</p>
<p>129. The SPT recommends that the problem of corruption also be systematically addressed in the legal profession, inter alia in the context of the draft law on the Bar Association</p>
<p>130. Although the SPT notes that a new Anti-Corruption Agency was established within the SCNS in 2012, the SPT urges the State Party to create an independent investigative body on allegations of corruption in places of detention</p>
<p>132. In accordance with article 15 of OPCAT, the SPT calls upon the relevant authorities in Kyrgyzstan to ensure that there are no reprisals following the SPT visit. The SPT requests the State Party to provide detailed information in its Reply on what it has done to prevent the possibility of reprisals against anyone who was visited by, met with or provided information to the SPT during the course of its visit</p>

❖ ***Special Rapporteur on the sale of children, child prostitution and child pornography***

101. (a) To pursue the full harmonization of domestic laws with ratified international instruments
101. (b) To ensure child-friendly justice procedures that provide child victims with specific and prompt protection and assistance that prevent further hardship and trauma and take into account the views and special needs and vulnerabilities of children during judicial processes
101. (c) To implement a child-sensitive approach to justice by providing child victims with free legal assistance, thereby ensuring the safety and protection of child victims
101. (d) To strengthen the investigation and prosecution of crimes committed against children
101. (e) To provide those charged with implementing legislation with adequate training and appropriate logistical support
101. (f) To carry out awareness-raising initiatives on laws, in particular with a view to break down taboos about child victims of sexual crimes
101. (g) To take decisive action to fight corruption and impunity
102. (a) Establish child-sensitive complaint mechanisms that guarantee the protection and safety of children by strengthening access to well publicized hotlines and child-sensitive support centres
102. (b) Improve monitoring of places where child sexual exploitation may potentially occur
102. (c) Improve child safety online by blocking access to pornographic websites and implementing awareness-raising programmes
102. (d) Develop and provide appropriate training to all persons working with children, and standardizing practices by developing protocols and guidelines to ensure that all persons working with child victims operate within a rights-based framework that prioritizes the best interests of the child
102. (e) Strengthen the family and child support department at the local level, including by providing a larger and more sustainable budget for the recruitment of social workers, increasing the number of inspectors of children's affairs, and improving the training of teachers in schools. These positions should be accompanied by clear job descriptions, and include ongoing training in areas of key competences. For individuals and agencies working with children at the local level, the Government should make an effort to lighten the bureaucratic workload and focus on more direct and sustainable work with children, families and communities
103. (a) Invest and develop family strengthening programmes for both parents and relatives of children, including by ensuring greater economic support and empowerment, psychosocial support and parenting to families at risk
103. (b) Promote protective social perceptions and norms, through media outreach, and community-based programmes, in particular with regard to early and forced marriage, domestic violence and child labour
103. (c) Provide communities with information, thereby helping to break down taboos about child victims of sexual crimes and sexual offences against children in general
103. (d) Provide online programmes on sex education, reproductive health and child safety
104. (a) Establish clear categories and norms for shelters, and ensure that all residential institutions are properly registered

104. (b) Implement the inter-agency plan on optimizing the management and financing of residential institutions (2012–2014), including by providing an adequate budget and, in particular, ensuring the development and monitoring of minimum standards of care for all residential centres, both public and private
104. (c) Ensure ready access to social services for families and children living in difficult circumstances with the aim of ensuring that children remain in familiar surroundings, preventing further psychological trauma and preserving child-parent relationships
104. (d) Favour family- or community-based environments, including foster families and other caregivers, and incorporating family support and counselling over institutional or residential care
104. (e) Register all institutions, which must be required to provide monthly reports on the children, and detailed information on their care and transfer. (f) Create an independent monitoring and supervision system for the above-mentioned centres, assessing the degree of compliance with standards of children's rights
104. (f) Creating an independent monitoring and supervision system for the above-mentioned centres, assessing the degree of compliance with standards of children's rights
105. (a) Strengthen the national statistics committee and training local actors to collect data on child victims and children at risk
105. (b) Establish a standardized, computerized and centralized information-gathering system capable of disaggregating data by sex, age, type of violation and measures taken, as well as harmonizing data collection and processing methods.
105. (c) Conduct surveys to ensure better understanding and knowledge of the evolution of risk factors and trends in the sale and sexual exploitation of children
106. (a) Expand child-friendly spaces and mechanisms for the exchange of information and for consultations
106. (b) Ensure the systematic participation of child in the design of and follow-up activities to programmes and strategies relating to their rights
106. (c) Promote with the participation of children, sustainable education and awareness-raising campaigns in schools and communities, including rural and remote communities, by all forms of media, information and communication technologies, including social networking tools
107. (a) Strengthen the Office of the Ombudsman at the central and district levels with a view to making it more accessible to children, and facilitating its capacity to conduct independent monitoring
107. (b) Establish child protection indicators to follow up policies and measure their impact on the situation of children's rights
107. (c) Develop effective accountability mechanisms through the effective regulation and monitoring of child protection standards at all levels
108. (a) Involve Internet service providers and telecommunication companies in the protection of children against online sexual exploitation, by restricting access to harmful or illegal content by filtering, blocking and monitoring programmes; providing tools that allow parents and caregivers to control the content of users; providing children and their parents with information and user-friendly tools; ending the use of the Internet and new technologies for the grooming of children; reporting offending content to police; and establishing accessible telephone or web-based hotlines

108. (b) Encourage tourism and travel agencies to adopt the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism

109. (a) Strengthen transnational cooperation among law enforcement and justice agencies by sharing information relating to the detection of crimes, the identification of child victims and the prosecution of offenders

109. (b) Strengthen institutional capacities and implement effective child protection systems through the ongoing technical and logistical assistance of United Nations agencies and the international community

❖ ***Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment***

<p>80. (a) Amend, as a matter of priority, article 305-1 of the Criminal Code to ensure that torture is defined as a serious crime in accordance with article 1 of the Convention against Torture, sanctioned with penalties commensurate with the gravity of the crime; And ensure in the Law on Amnesty that no person convicted for the crime of torture will be entitled to benefit from an act of amnesty</p>
<p>80. (b) Ensure that legislation concerning evidence presented in judicial proceedings is brought into line with the provisions of article 15 of the Convention against Torture in order to exclude explicitly any evidence or extrajudicial statement obtained under duress, unless the person interrogated affirms the veracity of the statement before a judge, and that persons convicted on the basis of such evidence are acquitted and released; and ensure that any allegation of torture and ill-treatment made in court is promptly dealt with by the judicial authorities without the need for a specific motion by the defence lawyer</p>
<p>80. (c) Amend the Code of Criminal Procedure and the Law on Procedure and Conditions of the Detention of Persons Suspected or Accused of Crime to include a provision on the right of the suspect to one free telephone call with family members or relatives; and reduce the 12-hour period envisaged for notification of arrest by the investigator to the family stipulated in article 99 of the Code of Criminal Procedure</p>
<p>80. (d) Amend the Code of Criminal Procedure and other legislative acts (including the law on operational investigations and search activities) with a view to ensure that the time period starting from the moment of actual arrest until the formal initiation of the criminal case is in accordance with international standards, with clear designation of procedural status, rights and safeguards</p>
<p>81. (a) Ensure strict adherence to registration from the very moment of apprehension, abolish unacknowledged custodies and ensure strict surveillance devices in police stations; make police station chiefs and investigating and operative officers criminally accountable for any unacknowledged detention and make it a serious crime; define clearly the ability and obligation of judges to inspect places of detention and enforce the prohibition on unacknowledged detention and torture by initiating criminal prosecutions; ensure that access to lawyers of the suspect's own choosing is granted from the very moment of apprehension; and repeal the recent restrictions on access by lawyers to their defendants requiring multiple authorizations</p>
<p>81. (b) Overhaul the system of State-appointed lawyers completely and replace it with an open and transparent process of fairly remunerated independent lawyers, a process that is not controlled in practice by the investigating officers; and foresee the establishment of national legal aid programmes that guarantee access to a lawyer for all detainees, including prior to interrogation</p>
<p>81. (c) Set in legislation a minimum timeline within which medical examination is to be provided without delay, in conformity with the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol); ensure timely access to independent medical examination at all stages of the criminal process, in particular when the suspect is placed in a temporary police detention facility, when taken out for any investigative activity, and upon return ensure that a forensic examination is conducted on the basis of the victim's application or his/her lawyer's motion for forensic service as a matter of law subject to judicial review in the event of delay or refusal, and that reports of independent forensics are attributed the same evidentiary weight as reports prepared by State-appointed forensic experts; and ensure that independent forensic reports are admissible in court upon submission by a defence counsel without any prior approval by an investigator or a State prosecutor to include them in the case file</p>

<p>81. (c) Set in legislation a minimum timeline within which medical examination is to be provided without delay, in conformity with the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol); ensure timely access to independent medical examination at all stages of the criminal process, in particular when the suspect is placed in a temporary police detention facility, when taken out for any investigative activity, and upon return ensure that a forensic examination is conducted on the basis of the victim's application or his/her lawyer's motion for forensic service as a matter of law subject to judicial review in the event of delay or refusal, and that reports of independent forensics are attributed the same evidentiary weight as reports prepared by State-appointed forensic experts; and ensure that independent forensic reports are admissible in court upon submission by a defence counsel without any prior approval by an investigator or a State prosecutor to include them in the case file</p>
<p>81. (d) Expedite a prompt, impartial and thorough investigation into all allegations of torture and cruel, inhuman or degrading treatment or punishment, and undertake public prosecutions without delay where the evidence warrants them; unless the allegation is manifestly unfounded, those involved should be suspended from their duties during the investigation and proceedings</p>
<p>81. (e) Increase the number of qualified health personnel in temporary and pretrial detention facilities and ensure that medical staff in places of detention are independent by transferring them from the State Service for the Execution of Punishments and the Ministry of the Interior to the Ministry of Health; and provide forensic medical services with training in the medical investigation of torture and other forms of ill-treatment</p>
<p>81. (f) Recall that evidentiary rules – and their incorrect interpretation - should not reward police and investigator misconduct; the exclusion of evidence at trial is one effective means to combat misconduct and abuses in the course of a criminal investigation</p>
<p>81. (g) Ensure that defence lawyers are given procedural opportunities to collect evidence independently of investigators through, inter alia, the deposition of witnesses and experts directly before a judge</p>
<p>81. (i) Encourage judges and prosecutors to routinely ask persons arriving from police custody how they have been treated and to order an independent medical examination if they suspect that the detainee has been subjected to ill-treatment; an ex officio investigation should be initiated whenever there are reasonable grounds to believe that a confession has been obtained through the use of torture and ill-treatment; these cases tried under article 305-1 of the Criminal Code are prosecutable ex officio and should not be subject to termination upon the victim's request</p>
<p>81. (k) Establish clearly set out enforcement mechanisms to provide victims with effective remedy and redress, including compensation and as full rehabilitation as possible by allocating funds in the national budget; and fulfil the right of the victim to obtain redress through civil litigation regardless of whether the guilt of a public agent has been determined by a court on a criminal case</p>
<p>81. (l) Establish an effective national preventive mechanism in accordance with the Optional Protocol to the Convention against Torture, ensure budgetary allocations and equip the mechanism with sufficient human and other resources to enable it to inspect all places of detention regularly, to receive complaints, initiate prosecutions and follow them through to their conclusions</p>

<p>81. (m) Consider adopting a law to allow regular inspections of all places of detention by an independent monitoring mechanism (in addition to the national preventive mechanism); ensure that oversight mechanisms, inter alia, public advisory councils, are able to conduct unimpeded and effective oversight of places of detention and that their findings and recommendations are made public; and introduce independent, effective and accessible complaint mechanisms to all places of detention through the installation of telephone hotlines or confidential complaints boxes, and ensure that every detainee has unimpeded and unsupervised access to the prosecutor upon request and that complainants do not suffer any reprisals</p>
<p>81. (n) Ensure that pretrial detainees are transferred from temporary detention facilities to pretrial detention centres at the expiration of the 48-hour period</p>
<p>82. (a) Appoint a high-level commission of multidisciplinary, credible specialists to conduct an urgent inspection of all detention centres with the aim of closing down immediately all facilities that are declared unfit for human habitation</p>
<p>82. (b) Allocate sufficient budgetary resources to improve conditions in detention facilities with a view to provide adequate health care, improve food quality and ensure the separation of minors from adults and of pretrial prisoners from convicts; and design the system of execution of punishments in a way that truly aims at rehabilitating and reintegrating offenders by abolishing restrictive regimes and creating work opportunities and recreational activities for inmates</p>
<p>82. (c) Eliminate the complete isolation of inmates sentenced to life imprisonment and move them to open or semi-open facilities</p>
<p>83. (a) Complete the ongoing reform of the police apparatus, and have the highest authorities, in particular those responsible for law enforcement activities, declare unambiguously that they will not tolerate torture or ill-treatment by their subordinates and that perpetrators will be held to account</p>
<p>83. (b) Take measures to transfer authority over temporary detention facilities from the Ministry of the Interior to the State Service for the Execution of Punishments.</p>
<p>83. (c) Raise the awareness of personnel of the Prosecutor General's Office and investigating officers of the Ministry of the Interior of their role in preventing torture and ill-treatment, by means of mandatory training on international standards on the prohibition of torture, the provisions governing investigations of torture and ill-treatment, and interrogation techniques and develop training programmes for health and legal professionals on detecting, reporting and preventing torture, to be delivered during professional qualification courses</p>
<p>83. (d) Strengthen the training of the judiciary in relation to torture and other cruel, inhuman or degrading treatment or punishment, and ensure effective follow-up</p>
<p>84. The Special Rapporteur recommends that appropriate bodies use institutionalization as a last resort and provide alternatives, including non-custodial psychiatric assistance available at local hospitals, and ensure the patient's right to free and informed consent to treatment in compliance with international standards</p>
<p>84. The Special Rapporteur requests the international community to support the efforts of Kyrgyzstan in implementing the above-mentioned recommendations, in particular in its efforts to reform its legal system, establish a preventive framework against torture and ill-treatment and provide appropriate training for police and prison personnel</p>

❖ ***Special Rapporteur on violence against women, its causes and consequences***

91. Establish an independent State body specifically responsible for women's rights and gender equality issues. This body should be invested with a clear mandate, authority and sufficient resources and able to develop national gender policies, undertake coordination activities and solicit accountability from all ministries. Policy development and monitoring should be its core responsibilities, while implementation remains the separate responsibility of other bodies
91. Provide clear terms of reference on women's rights and gender equality issues for the new Parliamentary Committee on Social Policy, including a strong advocacy and monitoring role as regards the gender dimensions of policies and legislation
91. Support the new gender unit within the Office of the Ombudsman with sufficient resources to conduct education, advocacy and legal and research work
91. Use the media to promote public awareness campaigns on women's human rights, violence against women and gender stereotypes
91. Undertake a gender analysis of school books and curriculums at the primary and high-school levels, with a view to eliminating gender stereotypes and promoting gender equality and non-violence. Relevant teacher training should be provided
91. Consider the establishment of positive temporary measures to encourage increased participation of women in local political and decision-making structures, including the local Aksakal courts
91. Develop a new National Action Plan for Gender Development which takes into account the body of information available on the status of women, including the situation of rural women. Effective mechanisms to ensure accountability in the implementation of the plan should be instituted
91. Examine and adopt measures to address the different factors impeding women's position and opportunities in the labour market, including that of rural women
91. Make specific budgetary commitments towards the implementation of programmes related to gender equality, the socio-economic position of women and violence against women and girls
92. Treat violence against women as a criminal offence and investigate and prosecute cases within the formal justice system
92. Establish specialized female law enforcement units, including in rural areas
92. Develop mechanisms, both legal and social, to combat internal trafficking and sexual exploitation of women and girls
92. Commit sustainable State support to women and girls' crisis centres, including in areas currently not serviced
92. Establish information and assistance centres for women and girls at risk who have moved from rural to urban centres
92. Support awareness-raising campaigns on domestic violence and women's rights which specifically target community leaders and local populations
92. Undertake reforms with regard to temporary and court protection orders and adopt practical measures to facilitate their implementation

92. Take measures to ensure the protection of women who are victims of discrimination and violence on account of their sexual orientation or gender identity, and simplify procedures for changing the sexual identity of transgender persons in their identity cards
92. Implement a comprehensive strategy to address abuse, torture and extortion while in police custody and detention, including: a complaint procedure that can be activated any time upon arrest; investigation procedures which meet international standards of impartiality, thoroughness and efficiency; and training to accompany a zero-tolerance policy
92. Support the establishment of legal aid clinics, including in rural areas, which provide free legal services for women in need
92. Allow for a defence based on a prior history of being a victim of domestic violence as a mitigating factor in the sentencing of women who have killed their partners and/or other family members
93. Amend legislation to set a uniform minimum legal age for marriage at 18 for both women and men, in line with international standards
93. Impose as a legal requirement, subject to specific sanctions, that religious marriages may only be performed where proof of a civil marriage has been made available and promote awareness-raising among religious leaders and communities on this issue
93. Undertake research on the prevalence of unregistered marriages and its consequences for women and children, and consider the adoption of regulations to protect their legal and property rights both during the de facto union and upon its dissolution
93. Raise the penalty for polygamy and cooperate with Kyrgyz migrant-receiving countries in taking measures to prevent polygamous marriages across borders
93. Increase the criminal penalty for bride abduction and coercion into marriage, withdraw the possibility of imposing only a fine and provide stringent penalties for conspiracy and aiding and abetting in this crime
93. Undertake awareness-raising campaigns, including through the media, on forced bride-kidnapping, early marriage, polygamy and unregistered marriages
94. Set up procedures enabling the compilation of statistics on domestic violence, including through the classification of domestic violence as a separate crime in police and prosecution records
94. Particularly in respect of rural women, undertake comprehensive research and compile statistics on violence against women, including economic and occupational indicators, access to public services and reproductive health
94. Gather data on the prevalence and types of abuses faced by girls under 18
94. Conduct a study on human trafficking patterns and dynamics, both internal and abroad, to gather statistics and information on the methods of trafficking networks, better monitor the situation of migrant women and identify and prevent trafficking and exploitative situations
94. Support research on the prevalence and forms of sexual violence, including sexual harassment in the workplace, with a view to formulating appropriate responses

95. The Special Rapporteur acknowledges the support provided to date by international organizations and donor agencies in the promotion of gender equality and encourages them to continue working with the Government of Kyrgyzstan in order to ensure a sustainable gender action plan and concrete Government strategies and measures to eliminate all forms of violence against women, its causes and consequences

❖ ***Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights***

<p>78. The Special Rapporteur recommends that Kyrgyzstan take, as a matter of priority and with the assistance and support of the international community, all appropriate measures to eliminate, or reduce to a minimum, the threats that uranium tailings, toxic waste dumps, obsolete or banned pesticides and mercury waste pose to the enjoyment of human rights of thousands of people living close to these sites. Such measures should include the relocation of the most dangerous uranium tailings and persistent-organic-pollutant pesticides to more secure locations and the rehabilitation of abandoned mines, uranium tailings and waste storage facilities to prevent soil and water contamination caused by the seepage and leaking of radioactive and toxic materials</p>
<p>80. Existing facilities for the storage of radioactive and hazardous waste and banned pesticides should be fenced off, marked with warning signs and controlled by armed guards in order to prevent unauthorized access by the population to contaminated materials</p>
<p>82. The Special Rapporteur therefore urges Kyrgyzstan to carry out, with the assistance and support of the international community, a comprehensive study on the levels of radiation/chemical pollution in dump sites and adjacent areas and a comprehensive assessment of the harmful impact of radioactive and hazardous substances on the human rights of people living in the regions where storage facilities are located</p>
<p>83. The Special Rapporteur encourages the Government of Kyrgyzstan to implement, as a matter of priority and with the technical support of the United Nations Institute for Training and Research and the United Nations Environment Programme, the action plan on primary mercury mining in Kyrgyzstan. In view of the serious adverse impact that mercury may have on public health and the environment, the Special Rapporteur urges the country to consider closing, as soon as reasonably practicable, the mine in Khaidarkan, and replacing the present mercury mining operations with other viable economic activities</p>
<p>84. The Special Rapporteur calls on Kyrgyzstan to develop and implement, in close consultation with the affected local communities, programmes aimed at improving the socio-economic conditions in villages and towns that once relied heavily on the uranium and mercury ore mining and processing industries. Priority actions should include the creation of new employment opportunities and the improvement of access to education, health care and safe drinking water</p>
<p>85. The Special Rapporteur calls on Kyrgyzstan to finalize the adoption of the draft environmental code</p>
<p>86. The Special Rapporteur recommends that Kyrgyzstan review and expand its regulatory framework on radioactive waste management and radiation safety in order to ensure its consistency with international norms and standards on radiation safety and the security of radioactive sources</p>
<p>87. The Special Rapporteur also recommends that Kyrgyzstan review its normative framework on chemicals management, and consider adopting a comprehensive law on chemicals management. Such a law should rationalize existing norms, standards and procedures to protect human health and the environment from the threats arising from the unsound handling, management, use, transport and disposal of hazardous chemical products</p>
<p>88. Considering that the country is situated at the upper portion of the region's water basins, and taking into account the transboundary threat posed by radioactive and toxic wastes stored on its territory, the Special Rapporteur calls on the Government of Kyrgyzstan to consider ratifying the United Nations Economic Commission for Europe Convention on the Protection and Use of Transboundary Watercourses and International Lakes and its Protocol on Water and Health</p>

<p>89. The Special Rapporteur believes that the role and functions of the various institutions responsible for the implementation and enforcement of national legislation on radioactive waste and chemicals management at the central, provincial and local levels should be better defined, and appropriate mechanisms should be developed in order to ensure better coordination and cooperation among these institutions</p>
<p>90. As recommended by the International Atomic Energy Agency (IAEA), Kyrgyzstan should consider establishing an independent regulatory body with overall responsibility for radioactive waste management and radiation safety, and allocate adequate human, financial and technical resources to enable it to carry out its functions</p>
<p>91. The Government should also consider reviewing the status of the State Agency for Environmental Protection and Forestry, with a view to raising it to that of a ministry</p>
<p>92. The Special Rapporteur recommends that Kyrgyzstan provide, with the support of the donor community, adequate human, technical and financial resources to the ministries, State agencies, and local authorities which are responsible for the implementation and enforcement of national legislation on radioactive waste and chemicals management</p>
<p>93. The Government should also allocate, with the support of the donor community, adequate financial resources, technical means and expertise to Stateowned analytical laboratories, so as to improve their capacity to ensure accurate measurements of radiation and chemical pollution</p>
<p>94. The Special Rapporteur calls on relevant international organizations such as the World Health Organization and IAEA to organize professional trainings for staff of analytical laboratories and provide laboratories with state-of-the-art equipment needed to monitor radioactivity levels and to calibrate the instruments used for measuring radioactivity</p>
<p>95. The current system of environmental inspections should be reviewed. Existing restrictions on access to industrial sites should be eliminated, and inspection authorities should be granted the power to carry out, in addition to the annual planned inspection, additional inspections without prior notice whenever the safety situation at the industrial site so requires</p>
<p>96. The Special Rapporteur recommends that Kyrgyzstan adopt all appropriate measures to combat the illegal import and export of hazardous products, including mercury and banned pesticides, to and from the country, including the allocation of adequate human and financial resources to custom authorities and the provision of training opportunities for custom officials</p>
<p>96. The country should also strengthen its capacity to prosecute and punish environmental crimes by, inter alia, organizing appropriate training opportunities for judges and prosecutors</p>
<p>97. The Special Rapporteur recommends that Kyrgyzstan ensure, through public information and awarenessraising campaigns, access to information on the status of tailings and waste dumps, on the adverse effects of exposure to radioactive materials or hazardous substances, and on the safety measures to minimize these risks</p>
<p>98. Information on chemical products sold in the country should be available, accessible, user-friendly, adequate and appropriate to the needs of all stakeholders. People handling hazardous chemicals, such as farmers and employees in the chemical or energy sector, should receive appropriate information and training on such chemicals and their intrinsic properties, and on how to use them in ways that minimize adverse health consequences</p>
<p>98. The Special Rapporteur calls on the Government to consider ratifying the Convention concerning Safety in the Use of Chemicals at Work, 1990 (No. 170) of the International Labour Organization</p>

99. Kyrgyzstan should develop a detailed strategy or an action plan for the implementation of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention). Such a plan should envisage the organization of adequate training opportunities and information campaigns to familiarize civil servants and the general public with the Convention

100. The Special Rapporteur considers that better assessment and prioritization of required action at the country level is needed in order to ensure a more efficient use of international financing and technical assistance in the areas of radioactive waste and chemicals management

101. The Special Rapporteur therefore calls on the donor community, international and regional organizations, financial institutions and the private sector to continue to provide the Government of Kyrgyzstan with assistance and financial support in order to enable it to strengthen the protection of individuals and communities within its jurisdiction from the adverse effects of uranium tailings, obsolete or banned pesticides, mercury and other hazardous wastes