



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-fifth session
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Compilation on Kyrgyzstan

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. It was recommended that Kyrgyzstan ratify the International Convention for the Protection of All Persons from Enforced Disappearance,³ the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,⁴ the Domestic Workers Convention, 2011 (No. 189),⁵ the amendment to article 8 (6) of the International Convention on the Elimination of All Forms of Racial Discrimination,⁶ and international human rights treaties that it had not yet ratified.⁷

3. Kyrgyzstan was recommended to accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.⁸

III. National human rights framework⁹

4. The Special Rapporteur on health noted that progress had been restricted by the constitutional amendments approved in December 2016, which limited the independence of the judiciary as well as constitutional oversight of the executive and legislative branches. The reference in article 6 of the Constitution to international human rights instruments taking precedence over other international instruments had been removed. The provision in article 36 allowing persons over the age of consent the right to marry and create a family had been replaced with language suggesting that a family was created only upon the union of a man and a woman. Human rights principles still upheld in the amended Constitution included equality, non-discrimination on various grounds, the principle of the best interests



of the child, and the right to health.¹⁰ The United Nations country team noted that the State had made detrimental legislative steps regarding fundamental freedoms, including the 2016 constitutional amendments which had lowered the status of international human rights law.¹¹

5. The country team noted that the Coordination Council for Human Rights was responsible for cooperation with United Nations human rights mechanisms, and had coordinated the adoption of the National Human Rights Action Plan 2019–2022 and the National Action Plan on the Committee on the Elimination of Racial Discrimination 2019–2022. By-laws regulating the work of the Council had been amended, however the country team recommended aligning the Council’s capacity with good practices identified by the Office of the United Nations High Commissioner for Human Rights (OHCHR).¹²

6. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended providing the Ombudsperson with a mandate to promote and protect the rights of migrant workers and members of their families.¹³ The Committee on the Elimination of Racial Discrimination recommended accelerating the legislative process to bring the Office of the Ombudsperson into compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and raising awareness about lodging complaints of racial or ethnic discrimination.¹⁴ The country team reported that only some efforts had been made to bring the Ombudsperson institution fully into line with the Paris Principles. Its budget had been increased by 90 per cent, but there were concerns that draft amendments to the Law on the Ombudsperson that were before Parliament would affect its independence.¹⁵

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination¹⁶

7. The Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination recommended adopting comprehensive anti-discrimination legislation that provided a definition of direct and indirect discrimination, prohibited discrimination against women on all grounds, included all grounds of discrimination, prohibited racial discrimination and defined it as a punishable offence, and provided for special measures to promote equal opportunities and address structural discrimination.¹⁷

8. The Committee on the Elimination of Racial Discrimination noted the Policy Framework on Strengthening National Unity and Inter-Ethnic Relations in the Kyrgyz Republic 2013–2017, and the creation of the State Agency for Local Government Affairs and Inter-Ethnic Relations to implement the Framework. It expressed concern about the limited number of complaints of racial or ethnic discrimination received, and recommended that the State party inform the population of all legal remedies available to them. It was concerned about stereotyping and stigmatization of ethnic minorities, including ethnic Uzbeks, Turks, Uighurs and Mugat, about the use of hate speech against them in the media and by public and political figures, and about ethnic profiling by law enforcement officers. The Committee urged the State party to promote tolerance, to combat racist media coverage and hate speech and ensure that such cases were investigated, and to develop training programmes for law enforcement officers.¹⁸

9. The country team noted that limited progress had been achieved in the fight against all forms of discrimination, that no steps had been taken by the State towards enacting comprehensive non-discrimination legislation, on any grounds, and that no policies tackling discrimination had been adopted. Hate-fuelled rhetoric and attitudes towards the LGBTIQ community were rampant, and LGBTIQ issues had been politicized. Several incidents had transpired in 2019, including Members of Parliament calling for violence against this

community. Neither law enforcement agencies nor any other State agency had undertaken preventive or protective measures.¹⁹

10. The Committee on Economic, Social and Cultural Rights was concerned about discrimination in accessing employment and health care, about the introduction of bill No. 6-11804/14, which would impose administrative sanctions for persons who fostered positive attitudes towards non-traditional sexual relations, and about discrimination against and marginalization of the Lyuli, ethnic Uzbeks, and other minorities.²⁰ The Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women recommended withdrawing, or not adopting, bill No. 6-11804/14.²¹

11. The Special Rapporteur on health reported that lesbian, gay, bisexual and transgender persons were subjected to psychological violence, sexual abuse and physical harm by family members, law enforcement officials and health-care personnel, with such practices being the result of a patriarchal and conservative society. He commended the issuing in 2017 of the *Manual on Provision of Medical and Social Care for Transgender, Transsexual and Gender Nonconforming Persons*, and recommended the dissemination and implementation of the Manual, and the adoption of comprehensive anti-discrimination legislation.²²

2. Development, the environment, and business and human rights²³

12. The country team reported that Kyrgyzstan had adopted the National Development Strategy 2018–2040, and the “Unity, Trust, Creation” programme for 2018–2022.²⁴

13. The Committee on the Elimination of Discrimination against Women called for the integration of a gender perspective into the post-2015 development framework.²⁵

3. Human rights and counter-terrorism²⁶

14. The country team noted that employing vague definitions of “extremism” and “terrorism” under the pretext of enhancing security had had a detrimental effect. Harsh criminal prosecution of crimes classified as “extremist” without violent intent appeared to contradict freedoms of religion, expression and association. Targeted law enforcement and judicial activity led to marginalization of ethnic and religious minorities. The blanket application of State services designed for “extremist” prisoners may violate the rights of such prisoners.²⁷

B. Civil and political rights

1. Right to life, liberty and security of person²⁸

15. The Working Group on Enforced or Involuntary Disappearances stated that Kyrgyzstan was just a few steps away from ensuring full protection from enforced disappearance, and respect for the Declaration on the Protection of All Persons from Enforced Disappearance, of 1992. It welcomed the introduction of the crime of enforced disappearance in criminal legislation; the fact that under the new provision, a single act of enforced disappearance amounted to a crime against humanity; and legislation requiring registration, and notification of family members, as soon as an individual was deprived of liberty. However, authorities should ensure that no person was returned to another State where there were grounds to believe that that person would be in danger of enforced disappearance.²⁹

16. The country team stated that the national preventive mechanism played an important role in torture prevention, but recommended that the State ensure sufficient financing of it. The country team noted that the National Action Plan for the Prevention of Torture 2015–2017 and the Guidelines for Effective Documentation were important steps, but were not sufficient to eradicate the phenomenon, and that a new plan had not been developed. Around 90 per cent of acts of torture were committed in order to extract a confession; criminal cases had been opened in 10 per cent of the 400 torture allegations reported on average per annum; and less than 1 per cent of cases were brought to court and to date there

had been only four final convictions. The definition of “torture” in the Criminal Code limited criminal responsibility to public officials. The country team recommended enhancing the legislative framework, and improving investigations.³⁰ The Human Rights Committee had adopted a number of Views on the subject.³¹

17. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment stressed that the mandate of national preventive mechanisms was of a preventive nature, and that mechanisms should seek to detect systemic risks of torture and assist the State to overcome them. The Subcommittee encouraged the national preventive mechanism to clarify the scope of its mandate among stakeholders and authorities; and reiterated that changes to the law on the national preventive mechanism should ensure that it remained independent. The Subcommittee recommended refraining from conducting joint visits with other State entities, to preserve independence and impartiality; employing appropriate indicators for performance; and adopting standard operating procedures for visits.³²

18. The Special Rapporteur on health recommended directing national resources to sustain the Atlantis drug programme and tuberculosis treatment in places of detention, supporting health-care workers in their compliance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) in detention centres, and integrating prison health care into the national health system.³³ The Committee on Economic, Social and Cultural Rights recommended improving prison living conditions.³⁴

2. Administration of justice, including impunity, and the rule of law³⁵

19. The country team reported that legislative amendments that had come into effect in January 2019 had enhanced adherence to fair trial guarantees and the independence of the judiciary, that the Electronic Unified State Registry of Crimes and Misdemeanours had increased transparency in criminal proceedings, and that access to justice had improved as a result of the establishment of a coordination centre on State-guaranteed legal aid, 23 free legal aid centres and related regulations. The main challenges were executive interference in judicial matters, insufficient financial resources to sustain reform, ineffective investigation and adjudication, a poor correctional system, and high levels of perceived corruption.³⁶

20. The Committee on the Elimination of Racial Discrimination noted concerns with the administration of justice following the inter-ethnic conflict of June 2010. It expressed concern that investigations into human rights violations during and after the ethnic violence had not been effective, and had been marred by ethnic bias and lack of respect for fair trial and due process guarantees, that the majority of victims of violations and of those who faced criminal prosecution were ethnic Uzbeks, and that no compensation had been provided to ethnic Uzbek victims of miscarriage of justice, as well as about the absence of remedies for persons arbitrarily dismissed from their posts following the events of 2010. The Committee reiterated its concern about the reported reliance on forced confessions in courts. It recommended setting up a hybrid national/international mechanism to review all cases of persons convicted, investigating all human rights violations to bring perpetrators to justice and compensate victims, investigating allegations of torture committed by law enforcement officials, and providing remedies to ethnic Uzbeks arbitrarily dismissed from their posts as a result of the events of 2010.³⁷

21. The country team reported that the State had failed to address transitional justice issues from the June 2010 events and had implemented no related policies, laws or programmes. The criminal justice system had produced highly unequal outcomes, with over 70 per cent of victims identified as being ethnic Uzbeks, and over 70 per cent of the charges relating to the 442 registered murder cases having been brought against this minority group. There were serious doubts over fair trial standards in many cases, which risked fuelling resentment between this minority group and the Government.³⁸

22. The Committee on Economic, Social and Cultural Rights recommended that the State party increase its efforts to combat corruption and its root causes.³⁹

3. Fundamental freedoms⁴⁰

23. The country team noted that draft amendments to the Law on Freedom of Religion did not appear to comply with international standards. The conflation of religiosity with violent extremism risked leading to restigmatization, and discrimination against and isolation of religious communities, as well as driving grievances, conflict or radicalization. The Criminal Code of 2019 had decriminalized “storage” of extremist materials, however the definition of “extremist activity” remained overly broad and constrained the expression of opinion.⁴¹

24. The Human Rights Committee concluded, in Views issued in May 2019, that by refusing to register the Religious Organization of Jehovah’s Witnesses, Kyrgyzstan had violated the authors’ rights under article 18 (1) of the International Covenant on Civil and Political Rights.⁴²

25. In May 2016, the Human Rights Committee adopted its Views on the case of Azimjan Askarov, an ethnic Uzbek human rights defender who had been detained and allegedly tortured in the aftermath of ethnic violence in southern Kyrgyzstan in 2010. The Committee was of the view that the facts disclosed a violation of the author’s rights under article 7, read separately and in conjunction with article 2 (3), and articles 9 (1), 10 (1) and 14 (3) (b) and (e), of the International Covenant on Civil and Political Rights. The Committee noted that Kyrgyzstan was under an obligation to provide the author with an effective remedy and full reparation; to immediately release him; to quash the conviction and, if necessary, conduct a new trial; and to provide the author with adequate compensation.⁴³

26. The country team noted that, while the Law on Peaceful Assemblies was almost aligned with international standards, civil society had reported haphazard implementation of the law and attempts by local authorities to prohibit or restrict assemblies. The country team asserted that the State had not taken steps to address this situation, and that judicial mechanisms remained ineffective, particularly in politically sensitive cases. In 2016, Parliament had voted against the draft law that would have penalized receipt of foreign funding by civil society organizations, however, Members of Parliament and other State actors occasionally stressed the need to regulate the activities and financing of civil society organizations. The country team noted that the emblematic case of Mr. Askarov, a member of the ethnic Uzbek minority sentenced to life imprisonment after the June 2010 events, remained a concern. The original verdict had been upheld in a trial mired in irregularities that had failed to address the issues raised in the Views of the Human Rights Committee. The country team observed that the June 2010 inter-ethnic violence was still a sensitive topic for the authorities, with research on the issue leading to reprisals against human rights lawyers, journalists and researchers. The country team noted that the law “on guarantees of the activities of the President of the Kyrgyz Republic” had reportedly been used to silence human rights defenders and journalists who had criticized the President.⁴⁴

27. The Committee on the Elimination of Racial Discrimination recommended investigating all reported cases of intimidation of civil society organizations, human rights defenders and journalists; ensuring that they were able to carry out their work without fear of reprisals; implementing the Views of the Human Rights Committee in the case of Mr. Askarov, and considering pardoning him on humanitarian grounds; and refraining from placing organizations promoting and protecting human rights on the list of extremist organizations.⁴⁵

28. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended decriminalizing defamation, and ensuring that the system for supervision of the broadcasting sector was transparent and independent.⁴⁶

4. Prohibition of all forms of slavery⁴⁷

29. The country team reported on counter-trafficking efforts, which included amendments to the Law on Combating Human Trafficking, the adoption of the Programme on Combating Human Trafficking 2017–2020, and the adoption of national standards on establishing and managing shelters for victims. The country team recommended enhancing assistance for victims. Gaps remained regarding the compliance of legislation with the

Forced Labour Convention, 1930 (No. 29) and Abolition of Forced Labour Convention, 1957 (No. 105), and in investigation and prosecution.⁴⁸

30. The Committee on Migrant Workers recommended evaluating the phenomenon of trafficking in persons, affording victim assistance, and strengthening training.⁴⁹

31. The Committee on the Elimination of Discrimination against Women noted the 2013–2016 national action plan on combating human trafficking, and the increase of the minimum sentence from three to five years' imprisonment. It recommended conducting comparative studies on trafficking and prostitution to address root causes, establishing an oversight mechanism, and providing shelters and reintegration programmes.⁵⁰

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁵¹

32. The Committee on Economic, Social and Cultural Rights recommended that labour rights fully apply in the informal economy, and that the informal economy be subject to labour inspection. It recommended regularizing the situation of workers in the informal economy, and ensuring that labour legislation on occupational health and safety was implemented.⁵²

2. Right to social security⁵³

33. The country team reported that procedures for social protection had been strengthened, by amending major laws and by-laws, including the Social Service Procurement Contracts system.⁵⁴

34. The Committee on Economic, Social and Cultural Rights recommended establishing a social protection floor as an initial step towards a universal comprehensive social security system, progressively increasing old-age pension amounts, and extending social assistance to refugees and asylum seekers.⁵⁵

3. Right to an adequate standard of living⁵⁶

35. The Committee on Economic, Social and Cultural Rights recommended increasing the minimum wage and ensuring its enforcement.⁵⁷

36. The same Committee was concerned about the high number of homeless people, the lack of social housing units, and the lack of consultation and compensation in cases of forced eviction. It recommended implementing a national strategy for the reduction of homelessness, and that evictions, when justified, be carried out in compliance with international human rights law.⁵⁸

37. The country team noted that, despite positive trends, in 2017 the poverty rate remained high, affecting 25.6 per cent of the population, concentrated in rural areas (affecting 74 per cent). The Committee on Economic, Social and Cultural Rights recommended implementing a poverty reduction strategy, providing child benefits for families in poverty, and ensuring that families did not place children in institutions.⁵⁹

38. The same Committee was concerned about the prevalence of food insecurity and malnutrition. It recommended setting up a public food distribution system for disadvantaged individuals and those living in remote regions, strengthening the school feeding programmes, and tackling related structural problems.⁶⁰

4. Right to health⁶¹

39. The Special Rapporteur on health reported that the main challenge to the full realization of the right to physical and mental health lay with effective implementation and sustainability, and emphasized the need to address corrupt and ineffective practices in the health sector. The Special Rapporteur recommended taking ownership of the programmes developed with international cooperation, improving the availability of health services in all regions, increasing investments in health-care personnel, and integrating a human rights-

based approach into health-care education. He recommended developing evidence-based treatment guidelines to minimize opportunities for corruption, addressing informal payments by ensuring decent wages, and ensuring accountability through independent anti-corruption agencies. He recommended eliminating reliance on large institutions, establishing community-based services for persons with intellectual and psychosocial disabilities, strengthening reproductive health services to address HIV transmission, and providing counselling that targeted adolescents and young people.⁶²

40. The country team reported that Kyrgyzstan had the highest maternal mortality rate in the Eastern Europe and Central Asia region. Abortion continued to be a frequently used method of family planning. There were approximately 140,000 unintended pregnancies every year, and although adolescents of 16 years of age and above had had access to sexual and reproductive health services since 2015, they faced multiple barriers when accessing those services. Support for the health needs of people living with HIV was insufficient.⁶³

41. The Committee on Economic, Social and Cultural Rights recommended monitoring, and sanctioning, discrimination in access to health services; providing confidential access for everyone to contraceptives and safe abortion services; and increasing access to maternal health services, and taking into account the OHCHR technical guidance to reduce preventable maternal morbidity and mortality.⁶⁴

42. The Committee on the Elimination of Discrimination against Women recommended reducing maternal, newborn and child mortality rates by ensuring programme funding, providing access to health-care facilities and trained medical personnel, and increasing access to family planning.⁶⁵

5. Right to education⁶⁶

43. The country team noted that socioeconomic conditions restricted children from completing the full cycle of basic and higher education, with almost one third of 15- to 24-year-olds not in education, employment or training. The challenges to implementation of the Action Plan on Inclusive Education 2019–2023 included funding and the need for legislative reform.⁶⁷

44. The Committee on Economic, Social and Cultural Rights recommended increasing budgetary allocations to ensure free access to quality education, and providing poor families with support.⁶⁸

45. UNESCO reported that universal primary and lower secondary education had been achieved, but that at the upper secondary level, the net enrolment rate dropped to 72 per cent. In 2015, only 36 per cent and 37 per cent of children had achieved minimum proficiency in reading and mathematics, respectively, by the end of primary education. However, gender parity had been reached at all levels; and in 2017 the net enrolment rate one year before entry to primary school was 95 per cent, compared to 67 per cent in 2014. UNESCO stated that Kyrgyzstan should be encouraged to investigate dropout rates from upper secondary education, roll out the multilingual education policy trialled in southern Kyrgyzstan to the rest of the country, and provide inclusive education for children with disabilities.⁶⁹

D. Rights of specific persons or groups

1. Women⁷⁰

46. The country team noted special temporary measures to accelerate equality between women and men, the National Strategy on Gender Equality for 2012 to 2020 and its three national action plans on gender equality, and a road map for ratification of the Maternity Protection Convention, 2000 (No. 183). It underlined, however, that there was an almost 70 per cent financial gap for implementation of the Strategy.⁷¹

47. The country team noted that although there was no separate action plan on combating violence against women, related activities had been embedded into national action plans on gender equality for 2015–2017 and 2018–2020. An enhanced framework

included amendments to the Criminal Code and the Family Code on prevention of underage marriages; the Law on Prevention and Protection against Domestic Violence, of 2017; funding for four crisis centres; and training of law enforcement personnel. Despite the measures, gender-based violence remained widespread, impunity persisted, and investigation remained a challenge.⁷² The Committee on the Elimination of Discrimination against Women noted the high prevalence of violence against women, and urged mandatory training for judges, prosecutors and law enforcement officials on the application of the relevant criminal law provisions dealing with violence against women; that women be encouraged to report incidents to law enforcement bodies and not elders' courts; and the establishment of shelters.⁷³ The Committee on Economic, Social and Cultural Rights made similar recommendations.⁷⁴

48. The Committee on the Elimination of Discrimination against Women, in its inquiry, found that Kyrgyzstan had violated the following articles of the Convention on the Elimination of All Forms of Discrimination against Women: 1 and 2 (b), (c), (e) and (f) read with 5 (a), 12 and 16; 1 and 2 (c), (d) and (e) read with 5 (a), 12 and 16; 2 (e), 5 (a), 10 (c) and (h) and 16; 16 (1) (a), (b) and (c) read with 5 (a), 10 and 12; and 16 (2) read with 5 (a), 10 and 12. It also found that the State was responsible for grave violations of rights and had failed to protect a significant number of women and girls from bride kidnapping and related sexual violence, to uphold their right freely to choose a spouse and to enter into marriage only with their free and full consent, and to provide adequate access to justice, protection and support to enable women to escape forced marriage – thereby exposing them to and/or unnecessarily prolonging their severe physical and mental suffering. According to the Committee, Kyrgyzstan had also knowingly omitted to take effective measures to: address traditional attitudes and social norms that legitimized bride kidnapping, and to destigmatize victims; enforce existing laws criminalizing bride kidnapping and child marriage, remove economic and social barriers, and create an environment enabling victims to access justice; and require civil registration of a marriage for any religious wedding ceremony, or the registration of any such ceremony in an official registry.⁷⁵

49. The Committee on the Elimination of Discrimination against Women recommended, inter alia, amending the Criminal Procedure Code to ensure that rape was prosecuted ex officio, and the Act on Religious Belief and Practice so that religious wedding ceremonies could be administered only subject to either prior registration of a civil wedding, or registration within a short period of any such ceremony in an official registry; adopting legislation to criminalize marital rape, providing for mandatory restraining or protection orders when a perpetrator made repeated attempts to abduct a victim, and making it mandatory for educational institutions, teachers, employers, hospitals and social services to report it to the law enforcement authorities if they had reasonable grounds to believe that an act of bride kidnapping had occurred or may occur; ensuring that bride kidnapers and family members or friends who were complicit in the crime were prosecuted; access to effective remedies for victims; and providing crisis centres.⁷⁶ The Committee on Economic, Social and Cultural Rights urged that the criminalization of bride kidnapping be enforced, and urged awareness-raising campaigns on its illegality; and recommended the provision of shelters for those kidnapped.⁷⁷ The Special Rapporteur on health noted that bride kidnapping continued, and recommended addressing all forms of sexual violence, including child, early or forced marriage.⁷⁸

50. The Committee on Economic, Social and Cultural Rights recommended adopting a comprehensive strategy for gender equality in the area of economic, social and cultural rights, including: amending the law on religious belief ensuring that religious marriages were administered only after a formal marriage; and ensuring women's equal access to property and inheritance rights.⁷⁹ The Committee on the Elimination of Discrimination against Women recommended developing a gender mainstreaming strategy that included gender-responsive budgeting, adopting temporary special measures in areas where women were underrepresented, addressing the root causes of the weak implementation of existing temporary special measures, and introducing legislative provisions to encourage the use of such measures. It recommended promoting the entry of women into the formal economy through vocational training and the facilitating of childcare services; adopting legislation to combat discrimination and sexual harassment in the workplace, and to guarantee equal pay; and introducing legislation on the right to maternity leave in the informal sector. The

Committee recommended implementing specific measures to combat poverty among rural women and ensuring their participation in community decision-making.⁸⁰

51. The Committee on the Elimination of Discrimination against Women urged the State party to increase the participation of women in political and public life, and to build the capacity of, and enhance access to, campaign financing for women politicians.⁸¹ The country team noted that women's representation in political parties varied from 29 per cent to 8 per cent. Despite legislative amendments in June 2016, women continued to enjoy limited access to public service employment. The country team reported that the proportion of women police officers in senior positions rose from 4.5 per cent to 5.2 per cent in 2018, and recommended further actions to increase the number of women staff among law enforcement and other authorities.⁸²

52. The Committee on the Elimination of Discrimination against Women recommended career counselling for girls about non-traditional career paths, and reviewing of school textbooks and curricula to eliminate gender stereotypes.⁸³

2. Children⁸⁴

53. The country team reported that draft amendments to the Children's Code, the Criminal Code and the Criminal Procedure Code regulating prohibition of corporal punishment against children had been submitted to Parliament in April 2019. A Coordination Council on Juvenile Justice had been established, and a database to identify children at risk of violence was being tested. The programme for development of the justice system for children aged 14–18, for 2014–2018, had been positively assessed by an independent evaluation, but solitary confinement of children remained legally possible. While the Government had approved a programme on child protection for 2018–2028, obstacles precluded significant improvements.⁸⁵

54. The country team noted the Inter-Agency Action Plan on Elimination and Prevention of the Worst Forms of Child Labour, for 2016–2018; the Government Action Plan for 2020–2024; the “Future without child labour and forced labour” campaign, for 2018–2019; and formal prohibition of child labour in draft amendments to the Children's Code before Parliament. Despite slow progress in reducing numbers of child labourers, there had been progress for children involved in hazardous work.⁸⁶ The Committee on Economic, Social and Cultural Rights recommended efforts to combat the labour exploitation of children.⁸⁷

55. The country team noted that about 8,000 children under 5 years of age lacked birth registration.⁸⁸

3. Persons with disabilities⁸⁹

56. The Special Rapporteur on health reported 29,000 registered children with disabilities in 2017, excluding children with developmental disabilities. He noted that all children with disabilities had poor access to quality care services, and recommended moving away from institutional to community-based care.⁹⁰

57. The country team noted that the working group on implementation of the Convention on the Rights of Persons with Disabilities had been established in May 2019 and been entrusted with developing a priority plan of actions for 2019–2022 and an “Accessible Country” programme.⁹¹

4. Minorities⁹²

58. The Committee on the Elimination of Racial Discrimination was concerned about the low living standard of the Mugats, forced evictions disproportionately affecting ethnic Uzbeks, and discrimination against ethnic Uzbeks in access to work. The Committee recommended special measures to eliminate disparities, and that the participation of the ethnic Uzbek and Mugat minorities be ensured in the implementation of the National Sustainable Development Strategy. The Committee recommended ensuring that the quota to improve ethnic minorities' representation in the Zhogorku Kenesh and in local authorities was implemented.⁹³

59. The country team noted that representation of ethnic minorities in political leadership remained low, with a negative trend in Parliament. While the proportion of people who do not identify as ethnic Kyrgyz was nearly 30 per cent, only 6.9 per cent of them were represented in government institutions.⁹⁴ The Committee on the Elimination of Racial Discrimination recommended ensuring that the 2018–2023 “I am Kyrgyzstani” policy did not favour any ethnic identity, and addressed concerns of the various ethnic groups; ensuring participation of all ethnic groups and civil society organizations in the “I am Kyrgyzstani” State policy; ensuring adequate representation of ethnic minorities at the State Agency for Local Government Affairs and Inter-Ethnic Relations; and introducing other measures to increase the representation of ethnic minorities at all levels of public and political life.⁹⁵

60. The country team reported a decline in access to schooling in minority languages, and the abolition in 2015 of university admission tests in the Uzbek language. The Committee on the Elimination of Racial Discrimination recommended reintroducing Uzbek language instruction in schools, and reconsidering the decision to abolish university admission tests in Uzbek.⁹⁶ The Committee on Economic, Social and Cultural Rights was concerned about the limited and decreasing use of minority languages, and recommended allowing mother tongue education and minority language press.⁹⁷

61. The country team reported non-delivery of justice for victims of June 2010 events, non-implementation of Human Rights Committee Views lamenting ethnic discrimination, and inadequate responses to incidents of hate speech and crime. While the State had implemented some actions under the State Concept on Inter-Ethnic Relations 2013–2017, a new Concept had not been finalized.⁹⁸

62. The Special Rapporteur on health reported that some ethnic Uzbeks, despite having been born in Kyrgyzstan, might have to resort to paying the same rate as foreigners to access health-care services; that the lack of documents among the Uighur and Lyuli communities also prevented their access to health-care services; and that populations with no State documents might be provided with certain health-care services, though only through informal payments that were more costly.⁹⁹

63. The country team indicated disproportionate law enforcement and judicial actions against ethnic minorities, with over 60 per cent of all individuals convicted of crimes classified as “terrorist” or “extremist” being members of ethnic minorities.¹⁰⁰

5. Migrants, refugees and asylum seekers¹⁰¹

64. The Office of the United Nations High Commissioner for Refugees (UNHCR) reported that, as at January 2019, Kyrgyzstan was hosting 333 refugees, 187 recognized by the State, and 146 refugees recognized by UNHCR, and was hosting 109 asylum seekers. UNHCR commended the January 2019 legislation that removed penalization for illegal stay. It recommended ensuring timely registration of all asylum applications; assessing applications without discrimination; and considering inclusion of UNHCR in an advisory role. UNHCR noted that asylum seekers did not have the right to work, and that no public accommodation was provided.¹⁰²

65. The country team noted that in 2019 an inter-agency working group had been established to develop the instruction on identification and referral of refugees and asylum seekers at the borders.¹⁰³

66. The Special Rapporteur on health reported that refugees recognized by the State could only gain access to public services by paying a rate applicable to foreigners, almost 10 times higher than for nationals. Refugees not recognized by the State but by UNHCR may access health-care services, mainly through costly informal payments. The Special Rapporteur recommended finding integration solutions that protected the rights of all refugees. UNHCR recommended legislation to provide refugees and asylum seekers with access to medical assistance on an equal basis with nationals.¹⁰⁴

67. The Committee on Migrant Workers recommended undertaking inquiries into allegations of corruption relating to migrant workers, and ensuring migrant worker access to emergency medical care and the education system. It recommended providing consular

assistance to Kyrgyz migrant workers who were victims of discrimination and violence, investigating crimes against them, and raising awareness among nationals about the potential risks of migration.¹⁰⁵ The Committee on Economic, Social and Cultural Rights recommended intensifying efforts to conclude bilateral and multilateral agreements to extend protection to Kyrgyz migrant workers abroad, providing legal advice to potential migrant workers, ensuring that their spouses and children obtained residence permits in the country of employment, and protecting children without parental care.¹⁰⁶

6. Stateless persons

68. The Committee on the Elimination of Racial Discrimination was concerned that over 800 statelessness cases remained unresolved. It recommended establishing a statelessness determination procedure, and ensuring that the draft law on deprivation of citizenship included safeguards against statelessness.¹⁰⁷

69. UNHCR noted that Kyrgyzstan was the only country in Central Asia that had undertaken a nationwide registration campaign to assess statelessness. Since 2014, 13,707 persons under the UNHCR mandate on statelessness had been identified; and as at January 2019, all but 548 persons had been assisted to acquire or confirm citizenship. UNHCR recommended ensuring that the new draft Constitutional Law on Deprivation of Citizenship included effective safeguards against statelessness, and expediting endorsement of the status determination procedure on statelessness.¹⁰⁸

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Kyrgyzstan will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/KGIndex.aspx.
- ² For relevant recommendations, see A/HRC/29/4, paras. 117.26–117.27, 118.1–118.16 and 119.1–119.11.
- ³ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24767&LangID=E.
- ⁴ E/C.12/KGZ/CO/2-3, paras. 28 and 30.
- ⁵ CEDAW/C/KGZ/CO/4, para. 28 (d).
- ⁶ CERD/C/KGZ/CO/8-10, para. 36.
- ⁷ *Ibid.*, para. 31.
- ⁸ CERD/C/KGZ/CO/8-10, para. 30 (d).
- ⁹ For relevant recommendations, see A/HRC/29/4, paras. 117.1–117.8, 117.10–117.17, 117.19, 117.28 and 118.28.
- ¹⁰ A/HRC/41/34/Add.1, paras. 6 and 22–24.
- ¹¹ United Nations country team submission for the universal periodic review of Kyrgyzstan, para. 3.
- ¹² *Ibid.*, para. 5.
- ¹³ CMW/C/KGZ/CO/1, para. 17.
- ¹⁴ CERD/C/KGZ/CO/8-10, para. 7.
- ¹⁵ United Nations country team submission, para. 4.
- ¹⁶ For relevant recommendations, see A/HRC/29/4, paras. 117.21, 117.39–117.43, 117.106, 118.17–118.24, 119.12–119.16 and 119.27–119.28.
- ¹⁷ E/C.12/KGZ/CO/2-3, para. 5; CEDAW/C/KGZ/CO/4, para. 10; and CERD/C/KGZ/CO/8-10, paras. 10–11.
- ¹⁸ CERD/C/KGZ/CO/8-10, paras. 3, 13–14 and 17–20.
- ¹⁹ United Nations country team submission, paras. 8–9.
- ²⁰ E/C.12/KGZ/CO/2-3, para. 5.
- ²¹ CEDAW/C/KGZ/CO/4, para. 10 (a); and E/C.12/KGZ/CO/2-3, para. 5.
- ²² A/HRC/41/34/Add.1, paras. 45–47 and 100 (j)–(k).
- ²³ For relevant recommendations, see A/HRC/29/4, paras. 117.116, 117.119, 117.121 and 119.29.
- ²⁴ United Nations country team submission, para. 67.
- ²⁵ CEDAW/C/KGZ/CO/4, para. 41.
- ²⁶ For the relevant recommendation, see A/HRC/29/4, para. 117.18.
- ²⁷ United Nations country team submission, para. 22.
- ²⁸ For relevant recommendations, see A/HRC/29/4, paras. 117.18, 117.30 and 117.44–117.56.
- ²⁹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24767&LangID=E.
- ³⁰ United Nations country team submission, paras. 14–17.

- ³¹ CCPR/C/113/D/2054/2011, para. 10; CCPR/C/115/D/2052/2011, para. 9; CCPR/C/118/D/2127/2011, para. 9; CCPR/C/119/D/2359/2014, para. 8; CCPR/C/120/D/2162/2012, para. 10; CCPR/C/124/D/2892/2016, para. 8; CCPR/C/125/D/2313/2013, para. 8; and CCPR/C/126/D/2697/2015, para. 9.
- ³² CAT/OP/KGZ/2, paras. 19–25, 29, 52–54 and 56.
- ³³ A/HRC/41/34/Add.1, para. 100 (q)–(s).
- ³⁴ E/C.12/KGZ/CO/2-3, para. 18.
- ³⁵ For relevant recommendations, see A/HRC/29/4, paras. 117.86–117.94, 117.97–117.99, 117.139 and 118.25.
- ³⁶ United Nations country team submission, paras. 30–32.
- ³⁷ CERD/C/KGZ/CO/8-10, paras. 21–22, 23 (c) and 24 (e).
- ³⁸ United Nations country team submission, paras. 30–34.
- ³⁹ E/C.12/KGZ/CO/2-3, para. 7.
- ⁴⁰ For relevant recommendations, see A/HRC/29/4, paras. 117.20, 117.29 and 117.113–117.115.
- ⁴¹ United Nations country team submission, paras. 23–25.
- ⁴² CCPR/C/125/D/2312/2013, paras. 1.1 and 7.6.
- ⁴³ CCPR/C/116/D/2231/2012, paras. 9–10.
- ⁴⁴ United Nations country team submission, paras. 23–29 and 63–66.
- ⁴⁵ CERD/C/KGZ/CO/8-10, paras. 8–9.
- ⁴⁶ UNESCO submission for the universal periodic review of Kyrgyzstan, paras. 11–12.
- ⁴⁷ For relevant recommendations, see A/HRC/29/4, paras. 117.83–117.85.
- ⁴⁸ United Nations country team submission, paras. 19–21.
- ⁴⁹ CMW/C/KGZ/CO/1, para. 43.
- ⁵⁰ CEDAW/C/KGZ/CO/4, paras. 21–22.
- ⁵¹ For the relevant recommendation, see A/HRC/29/4, para. 117.116.
- ⁵² E/C.12/KGZ/CO/2-3, paras. 11–12.
- ⁵³ For the relevant recommendation, see A/HRC/29/4, para. 117.117.
- ⁵⁴ United Nations country team submission, para. 10.
- ⁵⁵ E/C.12/KGZ/CO/2-3, para. 15.
- ⁵⁶ For relevant recommendations, see A/HRC/29/4, paras. 117.116 and 117.119.
- ⁵⁷ E/C.12/KGZ/CO/2-3, para. 10.
- ⁵⁸ *Ibid.*, para. 19.
- ⁵⁹ *Ibid.*, para. 20; and United Nations country team submission, para. 67.
- ⁶⁰ E/C.12/KGZ/CO/2-3, para. 21.
- ⁶¹ For the relevant recommendation, see A/HRC/29/4, para. 117.125.
- ⁶² A/HRC/41/34/Add.1, paras. 97–100.
- ⁶³ United Nations country team submission, paras. 36–38.
- ⁶⁴ E/C.12/KGZ/CO/2-3, paras. 22 and 24.
- ⁶⁵ CEDAW/C/KGZ/CO/4, para. 30.
- ⁶⁶ For relevant recommendations, see A/HRC/29/4, paras. 117.126–117.129.
- ⁶⁷ United Nations country team submission, paras. 39–40.
- ⁶⁸ E/C.12/KGZ/CO/2-3, para. 26.
- ⁶⁹ UNESCO submission, pp. 4–6.
- ⁷⁰ For relevant recommendations, see A/HRC/29/4, paras. 117.9, 117.31–117.38, 117.58–117.76 and 119.17.
- ⁷¹ United Nations country team submission, paras. 42–44.
- ⁷² *Ibid.*, paras. 48–52.
- ⁷³ CEDAW/C/KGZ/CO/4, paras. 18 and 20.
- ⁷⁴ E/C.12/KGZ/CO/2-3, para. 16.
- ⁷⁵ CEDAW/C/OP.8/KGZ/1, paras. 84–91.
- ⁷⁶ *Ibid.*, paras. 92–98.
- ⁷⁷ E/C.12/KGZ/CO/2-3, para. 17.
- ⁷⁸ A/HRC/41/34/Add.1, paras. 89–90 and 100 (w).
- ⁷⁹ E/C.12/KGZ/CO/2-3, para. 8.
- ⁸⁰ CEDAW/C/KGZ/CO/4, paras. 12, 14, 24, 28, 32 and 36.
- ⁸¹ *Ibid.* para. 24.
- ⁸² United Nations country team submission, paras. 13 and 45–47.
- ⁸³ CEDAW/C/KGZ/CO/4, para. 26.
- ⁸⁴ For relevant recommendations, see A/HRC/29/4, paras. 117.22–117.25, 117.57, 117.77–117.82, 117.96 and 117.100–117.101.
- ⁸⁵ United Nations country team submission, paras. 53–58.
- ⁸⁶ *Ibid.*, paras. 55–56.
- ⁸⁷ E/C.12/KGZ/CO/2-3, para. 14.

- ⁸⁸ United Nations country team submission, para. 54.
- ⁸⁹ For the relevant recommendation, see A/HRC/29/4, para. 117.130.
- ⁹⁰ A/HRC/41/34/Add.1, paras. 54–55.
- ⁹¹ United Nations country team submission, para. 59.
- ⁹² For relevant recommendations, see A/HRC/29/4, paras. 117.131–117.137.
- ⁹³ CERD/C/KGZ/CO/8-10, paras. 23–28.
- ⁹⁴ United Nations country team submission, para. 35.
- ⁹⁵ CERD/C/KGZ/CO/8-10, paras. 19–20 and 25–26.
- ⁹⁶ United Nations country team submission, para. 41; and CERD/C/KGZ/CO/8-10, paras. 27–28.
- ⁹⁷ E/C.12/KGZ/CO/2-3, para. 27.
- ⁹⁸ United Nations country team submission, paras. 60–61.
- ⁹⁹ A/HRC/41/34/Add.1, para. 53.
- ¹⁰⁰ United Nations country team submission, para. 11.
- ¹⁰¹ For the relevant recommendation, see A/HRC/29/4, para. 117.138.
- ¹⁰² UNHCR submission for the universal periodic review of Kyrgyzstan, pp. 1–4.
- ¹⁰³ United Nations country team submission, para. 62.
- ¹⁰⁴ A/HRC/41/34/Add.1, paras. 50–52; and UNHCR submission, p. 4.
- ¹⁰⁵ CMW/C/KGZ/CO/1, paras. 23, 30–33 and 38–41.
- ¹⁰⁶ E/C.12/KGZ/CO/2-3, para. 13.
- ¹⁰⁷ CERD/C/KGZ/CO/8-10, para. 30.
- ¹⁰⁸ UNHCR submission, pp. 2 and 4–5.
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