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## **National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1\***

### **Kyrgyzstan**

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\* The present document was not edited before being sent to the United Nations translation services.

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## I. Structure of the national report

1. The guiding principle in the preparation of this report was to provide objective, comprehensive and accurate information and data on action taken by the Government of the Kyrgyz Republic to ensure and protect human rights over the period 2006 to 2009.
2. The report contains a systematic analysis of achievements and problems in the area of the protection of human rights and freedoms and Kyrgyzstan's ongoing commitment to improving and increasing the effectiveness of efforts in this regard.

## II. Methodological preparation of the national report

3. Pursuant to Presidential Decree No. 155 of 5 April 2007, the Commission responsible for the preparation of national reports submitted in accordance with international human rights conventions was entrusted with the elaboration of national reports for submission to the United Nations treaty bodies.
4. The drafting of the national report under the universal periodic review was coordinated by the Ministry of Internal Affairs with the participation of other interested ministries and departments.
5. The basic information for this report was made available by the Ombudsman, the Procurator-General, the Central Commissions responsible for elections and referendums, the National Statistics Committee, the Supreme Court, the National Security Service, the Ministry of Justice, the Ministry of Internal Affairs, the Ministry of Defence, the Ministry of Finance, the Ministry of Economic Regulation, the Ministry of Labour, Employment and Migration, the Ministry of Social Security, the Ministry of Education and Science, the National Agency for Social Security, the National Agency for Environmental Protection and Forestry and the National Agency for Culture.
6. In the course of the preparation of the report, two joint consultative meetings were held with the Regional Office for Central Asia of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and non-governmental organizations. During the elaboration of the universal periodic review, the Parliament of the Kyrgyz Republic conducted a hearing, at the initiative of the Kyrgyz Social Democratic Party parliamentary group, on compliance with the law and protection of human rights and freedoms. The draft text of the national report was discussed and agreed with the members of the Commission responsible for the preparation of national reports.

## III. Country background

7. The Kyrgyz Republic (Kyrgyzstan) is a sovereign, unitary, democratic, secular and social State based on the rule of law, as set out in the Constitution of 1993 (amended in 1996, 1998 and 2001–2007).
8. On 24 March 2009, President Bakiev announced a modernization of the country in the framework of the adoption of an Agenda for National Renewal, which is based on the concept of the establishment of a State based on the rule of law and aims to ensure the primacy of law, strengthen legality and achieve a reasonable balance between the basic aspects of law, for example:
  - **Respect for human rights** in the framework of the law, but in such a way that the rights of other persons, society and nature are not infringed

- **Respect for the right of society** to be protected against the destruction of its foundations and values and the self-interest of individual groups, for example when, for the sake of personal advantage, the health of children or the morals of members of society are jeopardized
- **Respect for the right to own property** as a basis for stable social relations
- **Respect for the right of nature** to be protected against environmental disasters and the undermining of conditions for a harmonious coexistence between humanity and the environment
- **Respect for the right of past generations** to protection against the destruction of the national heritage and traditions and, above all, the right to veneration of all those who gave us life and passed on the wisdom of the ages
- **Respect for the right of coming generations** to a future in dignity, to clean air and water, to a fertile land and to participation in global development

9. The ultimate aim of the new course is to establish a benevolent society based on mutual respect and mutual assistance for all. In keeping with this course of renewal, an administrative reform is being implemented to strengthen the principles of democracy.

10. Political authority in Kyrgyzstan is based on the following principles: primacy of the power of the people, represented and guaranteed by a head of State, the President of the Kyrgyz Republic, who is elected in national elections; division of power in a legislative, executive and judicial branch, their coordinated functioning and interaction; responsibility of government bodies and local authorities vis-à-vis the public and the enforcement of their authority in the public interest; and delimitation of the functions and powers of government bodies and local authorities.

#### **IV. Legal foundations of the protection of human rights and freedoms**

11. In Kyrgyzstan, the Constitution has supreme judicial power and direct application. Constitutional laws, legislation and other normative and regulatory provisions are adopted pursuant to the Constitution. International conventions and agreements to which Kyrgyzstan is a party and which have entered into force in conformity with law, together with generally recognized principles and norms of international law, form part of Kyrgyzstan's legal system.

12. In accordance with the Constitution, the State is called upon to promote the protection of the basic rights and freedoms of all persons irrespective of race, sex, language or religion. National security and development must be based to the fullest extent on respect for human dignity.

13. It is national policy to continuously strengthen democratic institutions, the primacy of law and the protection of the rights and interests of the individual.

##### **A. International obligations**

14. Kyrgyzstan has acceded to most international human rights conventions in the context of the United Nations and its specialized agencies, as well as the Organization for Security and Cooperation in Europe (OSCE) and the conventions of the International Labour Organization (ILO). These include the Universal Declaration of Human Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Covenant on Civil and Political Rights, the

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the OSCE Helsinki Final Act and other instruments on the rights of women, children, refugees, the elimination of discrimination, and genocide.

15. Kyrgyzstan fulfils its international obligations. In 2006, it submitted its second, third and fourth periodic reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and initial reports on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. In 2007 and 2008, it reported to the following human rights treaty bodies: on 29 January 2007, in the framework of the forty-fourth session of the Committee on the Rights of the Child, Kyrgyzstan presented its country reports on its implementation of the Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

16. The second, third and fourth periodic reports of Kyrgyzstan, submitted in one document, were considered from 30 July to 17 August 2007 in Geneva at the seventy-first session of the Committee on the Elimination of Racial Discrimination. Kyrgyzstan's third periodic report was considered on 23 October 2008 in Geneva at the forty-second session of the Committee on the Elimination of Discrimination against Women. On 11 December 2008, Government Decree No. 685 approved the basic document on the implementation by Kyrgyzstan of the provisions of the United Nations human rights conventions. The national report was sent to the United Nations Secretariat in December 2008.

17. Kyrgyzstan will be submitting country reports on the implementation of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

18. Kyrgyzstan is a member of the European Commission for Democracy through Law (Venice Commission) and takes into account its recommendations on constitutional law and the holding of elections and referendums.

19. The opening of an OHCHR Regional Office for Central Asia in Bishkek under an agreement signed between the Government of the Kyrgyz Republic and OHCHR on 10 June 2008 has served to strengthen and expand their cooperation.

## **B. Office of the Ombudsman**

20. In accordance with the Constitution, the Ombudsman is responsible for monitoring respect for human rights and freedoms in Kyrgyzstan. The Office of the Ombudsman was established in 2002 in the framework of the implementation of the national human rights programme for 2002–2010.

## **C. National programmes and strategies in the area of human rights protection**

21. In 2002, Kyrgyzstan adopted a national human rights programme for 2002–2010 which led to a gradual improvement of legislation and the introduction of mechanisms and institutions in the area. A national strategy to eradicate poverty, carried out between 2003

and 2005, ensured macroeconomic stability and average annual economic growth of five per cent. Real expenditure by the population increased, and several indicators in the areas of health care and education improved; all told, this led to a perceptible decline in the poverty level. Work is now under way on the formulation of a strategy for the protection of human and civil rights.

22. Medium-term national development strategies have been adopted for the periods 2007–2010 and 2009–2011 with a view to achieving stable development, Kyrgyzstan's ongoing renewal and the establishment of a genuinely democratic system of government. Their aim is to work for the development of the individual, eradicate poverty and improve the standard of living and quality of life of the population by creating conditions for decent work and an environment conducive to a healthy existence; involve society, protect and promote the nation's cultural and ethical values; protect civil rights and achieve gender equality; and ensure effective democratic government. The measures taken under these initiatives are expected to have a real impact on social reforms designed to help guarantee an equitable distribution of the fruits of economic growth. The result will be the creation of a social infrastructure for the provision of targeted social assistance and benefits. The mechanism for the organization and provision of such assistance will be improved, and a sustainable system for the allocation of social benefits will be set up. New approaches and methods for addressing political, economic and social problems were reflected in the national programme on comprehensive foundations of development until the year 2010.

#### **D. Initiatives taken by Kyrgyzstan**

23. At the fifty-seventh plenary meeting of its sixty-second session, the United Nations General Assembly unanimously adopted, at the initiative of Kyrgyz President Bakiev, resolution 62/10 on the establishment of 20 February as the World Day of Social Justice, which is directed at overcoming social inequality and promoting respect for democratic rights and freedoms. The resolution was sponsored by 77 States. The aim of a policy of social justice is to achieve a sustainable development of the human potential, activate cooperation between States on eradicating poverty, attain gender balance, address questions relating to migration, stem the spread of narcotic drugs etc. The annual celebration of the World Day of Social Justice by all countries helps highlight international efforts to bring about social equality.

### **V. Achievements in the area of the protection of human rights and freedoms**

#### **A. Freedom of association and peaceful assembly**

24. Citizens of Kyrgyzstan have the right to organize political assemblies, rallies, marches, demonstrations and industrial actions peacefully and unarmed, provided they give prior notification to the national or local authorities. The regulations and conditions for such actions are defined in the relevant law.

25. On 5 August 2008, the President signed an Act on the introduction of amendments to the Act on freedom of peaceful, unarmed assembly and the right to hold rallies and demonstrations. The amendments removed legal lacunae in the Act, strengthened the regulations set out in the Constitution for notification of the holding of public events and provided for a ban on public events in certain places specified by law. Account was taken of the circumstance that the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Constitution of the Kyrgyz Republic allow

legal restrictions to be placed on human and civil rights in order to ensure the rights and freedoms of others, public security and the regulation of public events, due consideration being given to the protection of the rights of all citizens.

26. Work to improve the provisions of legislation on the holding of peaceful rallies and marches is continuing.

## **B. Right to vote and to be elected**

27. The Constitution provides that the citizens of Kyrgyzstan have the right to vote, to be elected to national and local government bodies and to participate in referendums in accordance with constitutional law. The Kyrgyz Electoral Code ensures that campaign conditions are the same for all candidates.

28. By law, candidates have the right to free broadcasting time on television and radio and free space in the print publications of the national and local authorities.

29. In 2008 and 2009, a number of amendments were made to the Kyrgyz Electoral Code and the Kyrgyz Code of Administrative Responsibility in order to improve procedures for elections and referendums and implement the electoral rights of Kyrgyz citizens.

30. No significant violations came to light during the referendum in October 2007, the parliamentary elections in December 2007, the election of local assemblies in October 2008 or the presidential election in July 2009. All in all, Kyrgyz election campaigns were in compliance with the Electoral Code and with international election standards: establishment of best possible conditions for the free and open expression of the will of the people, and monitoring of all democratic procedures through access granted to observers to polling stations during voting.

## **C. Protection against torture and ill-treatment**

31. The Constitution guarantees that no one may be arrested or held in custody except by court ruling and solely for reasons that are in conformity with the law. Every detained person must be brought before a judge within 48 hours of arrest for a decision on the legality of detention. Detainees must be immediately told the reasons for the detention, they must be informed of their rights, and they must be given the opportunity to defend themselves and to be assisted by a lawyer from the moment they are arrested.

32. The Act of 26 July 1996 provided for the Kyrgyz Republic's accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and on 5 April 2008, the President of Kyrgyzstan signed the Act on accession to the Convention's Optional Protocol.

33. In July 2008, an inter-agency working group chaired by the Ombudsman was set up to elaborate models and the normative legal foundations of a national preventive mechanism under the Optional Protocol to the Convention against Torture to improve existing mechanisms for the protection of citizens against the use of unauthorized coercive methods by the law enforcement authorities. Human rights and international organizations, including the OHCHR Regional Office, participate in the work of the group.

34. Under the Code of Criminal Procedure, a person who has been arrested or remanded in custody has the right to a defence lawyer as soon as initial questioning begins and, if placed in detention, from the moment he/she is actually handed over to the interrogating authorities. If the interrogating authorities use physical violence against such a person and

he/she is then subject to a mandatory medical examination on which a report is drafted, he/she also has the right to contact members of his/her family.

35. Pursuant to the Code of Criminal Procedure, complaints and statements by citizens alleging inhuman treatment by the law enforcement authorities must be entered in a register for the recording of crimes, statements and communications. Allegations are investigated, and a legal decision is taken.

36. According to the statistical data of the Procurator-General, three cases were prosecuted under article 305-1 (torture) of the Criminal Code between 2007 and 2009.

#### **D. Rights of ethnic and religious minorities**

37. The Constitution of Kyrgyzstan establishes all necessary conditions and mechanisms for protection against ethnic or religious discrimination, intolerance or enmity. In conformity with the Constitution, Kyrgyz is the State language, and Russian is used as the official language. Kyrgyzstan guarantees representatives of all the nationalities which make up the Kyrgyz nation the right to maintain their mother tongue and to create the conditions for it to be taught and promoted. The rights and freedoms of citizens may not be infringed on grounds that they do not know the State or the official language. The National Assembly has been working actively since 1994, with State support, to encourage interethnic understanding, civil concord and the unity of the Kyrgyz people.

38. The Act on freedom of religious confession and religious organization, promulgated in December 2008, fully ensures all conditions for the protection of religious rights and freedoms and establishes mechanisms to regulate the activities of religious organizations in order to provide for the stable development of interfaith relations and public security.

39. For Kyrgyzstan, which is committed to the principles of tolerance and mutual respect between nationalities and religions, there is good reason to maintain the practical experience of peaceful coexistence between the country's traditional confessions and to preserve its religious and cultural particularities.

#### **E. Rights of refugees and migrants**

40. To address problems in this area, assistance is provided to help refugees with their voluntary repatriation and their integration into the local society. Integration programmes for refugees are conducted in conjunction with the Office of the United Nations High Commissioner for Refugees (UNHCR); this includes making education, medical care and employment available and providing premises suitable for housing and parcels of land for rental. The problems faced by refugees and asylum-seekers with regard to education, employment, income-generating activity and everyday needs have been successfully addressed. Steps have been taken to improve reception conditions for asylum-seekers.

41. As of 1 November 2009, there were 245,000 refugees in the country, including 39,000 children. In the framework of long-term measures taken under the UNHCR voluntary repatriation programme, more than 5,000 persons have returned home, 9,000 persons have acquired Kyrgyz nationality, and more than 700 persons have been sent to third countries. In the context of a European Commission project, and with UNHCR support, in 2008 a reception centre with a capacity for 40 to 45 persons was opened for asylum-seekers.

42. In conformity with the Constitution, domestic labour migration in Kyrgyzstan is regulated by the Domestic Labour Migration Act, other normative provisions and international agreements. The Constitution upholds the right of everyone to work and to



choose a profession or trade, and it ensures the protection and support of citizens abroad. In order to conduct an effective State migration policy, a number of provisions have been elaborated and put into force on the regulation of migration flows, including legislation on migration abroad, domestic migration, refugees and the prevention and suppression of trafficking in persons. In 2004, the President approved a strategy for a national migration policy and a programme of measures for its implementation, and in 2007, the Government adopted a programme for the regulation of migration processes 2007–2010.

## **F. Rights of the child**

43. The Constitution provides for the responsibility of society as a whole for caring for families and children, and it specifies that responsibility for children and their education is the natural right and civil duty of parents and that the State must ensure the support, instruction and education of orphans and children whose parents have lost custody. Child labour is prohibited, as is forced labour for adult citizens, except in the event of war, in the context of addressing the consequences of natural disasters, epidemics and other unusual circumstances, and in cases of enforcement of a court sentence.

44. The Constitution, the Children's Code, the Family Code, the Civil Code and other normative legal provisions regulate the protection of children's rights.

45. The State provides for additional benefits for orphans, children whose parents have lost custody, child refugees and displaced persons. In conformity with the law, children with disabilities are entitled to a monthly allowance, financial compensation and a variety of hospital services.

46. The Government has ratified the "New Generation" programme on the implementation of children's rights for the period until 2010 and the 2009–2011 inter-agency action plan for the reform of the child protection system and the promotion of social services for the population.

47. The Government has adopted the 2008–2011 national programme of action of the social partners for the eradication of the worst forms of child labour as part of its obligations under International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. A resource centre that helps street children find employment was opened in 2009 with the support of the United Nations Development Programme (UNDP).

48. The Government ensures that children are provided with a variety of social services. As of 1 January 2009, 439,900 children benefited from State aid. Of that number, 20,842 children with a disability, 11,550 children who had lost one parent and 308 children who had lost both parents received welfare benefits.

49. Kyrgyzstan has nine State orphanages, 68 conventional boarding schools, 20 schools for children with disabilities, four children's homes, three homes for children with disabilities, three boarding schools for orphans and children whose parents have lost custody and 19 non-State family-type children's homes.

50. The Ministry of Internal Affairs has appointed special operatives to prevent and combat juvenile crime, and the post of school inspector for juvenile matters has been created in secondary schools.

51. A protocol was signed in 2008 on mutual understanding and cooperation between the Ministry of Justice, the Supreme Court, the Department for the Protection of Children of the Ministry of Labour, Employment and Migration, and the United Nations Children's Fund (UNICEF) on questions of juvenile justice. A bill on the regulation of juvenile justice is currently being elaborated.

52. The Government is improving the institutional mechanism for the protection of the rights and interests of children. Starting in 2008, children's affairs commissions and family and child protection offices have been reconstituted and are now functioning at regional and local level.

53. In order to make prisons more humane and to run them in accordance with recommendations under international standards, and given the need for a differentiated approach to the personality of prisoners and for an improvement in the social and legal protection of women and minors, a programme is under way to reform the prison system in Kyrgyzstan by 2010.

## **G. Right to work**

54. The Constitution guarantees the right of citizens to work, to make use of their occupational abilities and to choose a profession or trade. They are entitled to labour protection and to working conditions consistent with the requirements of safety and hygiene, and they have the right to remuneration not less than the legally established minimum wage, to the legal minimum of social protection and to State assistance to improve occupational qualifications; the use of child labour is prohibited.

55. Labour legislation includes the Labour Code and the Minimum Wage Act, the Collective Agreements Act, the Social Partnership in Labour Relations Act and the Employment Assistance Act.

56. Kyrgyzstan fulfils its obligations under ILO Conventions No. 95 concerning the Protection of Wages, No. 105 concerning the Abolition of Forced Labour, No. 111 concerning Discrimination in Respect of Employment and Occupation and No. 131 concerning Minimum Wage Fixing, with Special Reference to Developing Countries.

57. The National Labour Inspection Service, which supervises and monitors implementation of labour legislation and the protection of the rights of employees, received 420 written and 7,200 oral complaints alleging violations of labour rights in 2007, 523 and 1,015 in 2008 and 669 and 13,500 in 2009.

58. The State is working to reduce unemployment. A total of 104,500 persons were officially registered as unemployed in 2006, 104,600 in 2007, 102,200 in 2008 and 97,500 in 2009. Unemployed persons receive benefits and microcredits, can work for a wage by performing community service and can take job training and retraining classes.

## **H. Rights of women and gender equality**

59. The Constitution of Kyrgyzstan provides that men and women have equal rights and freedoms and equality of opportunity for their realization. Presidential Decree No. 136 of 20 March 2006, on measures to improve gender policy in order to give effect to Kyrgyzstan's international obligations in the area of gender equality, issued the following instructions: the proportion of women in national and local bodies, including at the decision-making level, must be no less than 30 per cent; equal conditions and equality of opportunity must apply to both sexes during participation in competitions for appointment to vacant posts in the civil service at national and local level; and draft laws and regulations elaborated by government bodies must be evaluated from a gender perspective.

60. Amendments which take into account international obligations have been incorporated into the Citizenship Act to bring it into line with the United Nations Convention on the Nationality of Married Women, to the Family Code to bring it into line with the Convention on Consent to Marriage, Minimum Age for Marriage and Registration

of Marriages and to the Labour Code to bring it into line with ILO conventions. The most important step taken to improve legislation was the adoption of Act No. 62 of 25 March 2003 on social and legal protection against domestic violence and Act No. 184 of 4 August 2008 on State guarantees of equal rights and equality of opportunity for men and women.

61. Presidential Decree No. 369 of 20 August 2007 approved the 2007–2010 National Plan of Action for gender equality, a seminal document which defines Government gender policy, goals, tasks, principles, orientation and priorities in the framework of the 2009–2011 National Development Strategy. The National Plan of Action contemplates the implementation of policy measures and initiatives in seven strategic areas: improving the institutional mechanism for the promotion of gender equality, ensuring gender balance at all decision-making levels, introducing a gender perspective in the socio-economic sphere, focusing on gender aspects of health and health care, promoting gender equality in education and culture, reducing gender violence and raising public awareness of issues of gender equality.

62. The results: there has been an institutional and normative strengthening of procedures and mechanisms for the assessment of draft laws and regulations from a gender perspective; a methodological basis for such assessments has been created; the Constitution, a number of codes, laws and legislation are now subject to assessment from a gender perspective; the President's national council on questions relating to women, the family and gender mainstreaming is now functioning; it has become the practice of the Parliament to receive an assessment of proposed legislation from a gender perspective; the use of gender-disaggregated statistics has grown; a system of national mechanisms has been set up to monitor and evaluate the status of women; and standardized gender indicators have been produced on the basis of the Beijing Platform for Action, the Convention on the Elimination of All Forms of Discrimination against Women and the Millennium Development Goals.

63. Today, women account for 52 per cent of government posts at national and local level, an increase of 14 per cent since 2007, when the figure stood at 38 per cent. The mandatory quota of a 30 per cent representation of women in the Kyrgyz Parliament has been met. Notwithstanding the measures taken at national level, women's representation in the highest posts in all branches of government has still not attained the desired level.

64. In order to implement the Act on social and legal protection against domestic violence, and with the support of the representation of the United Nations Population Fund (UNFPA) in Kyrgyzstan, it is planned to elaborate temporary provisions on criteria relating to domestic violence and preventive measures. The temporary provisions will be tested in pilot regions, to be selected on the basis of domestic violence indicators.

65. Certain problems persist in the area of early marriage, bride abduction, domestic violence against women and the provision of legal, medical and social assistance to victims of domestic violence. From 2006 to 2009, 59 criminal cases were prosecuted involving violations of article 154 of the Criminal Code (Coercing a de facto marital relation with a person under 16 years of age), and 62 criminal cases were prosecuted involving violations of article 155 of the Criminal Code (Coercing a woman to marry or impeding a marriage).

## **I. Prison and the right to life**

66. The Constitution provides that everyone has the inalienable right to life. No one may be deprived of life. Everyone has the right to protect their own life and health and the life and health of others from unlawful acts.

67. Capital punishment was replaced by the sentence of life imprisonment pursuant to Act No. 91 of 25 June 2007, which introduced amendments to the Criminal Code, the Code

of Criminal Procedure, the Code of Administrative Responsibility, the Criminal Enforcement Code, the Supreme Court and Local Courts Act, the Procurator's Office Act, the Act on regulations and conditions for the detention of persons suspected and accused of the commission of crimes, the Act on the general principles of amnesty and pardon and the Act on the entry into force of the Criminal Code.

68. Life imprisonment is imposed for the commission of particularly serious crimes against the life, honour or dignity of a person or for actions directed at the partial or total destruction of national, ethnic or religious groups.

69. In accordance with Kyrgyz legislation, anyone who has been sentenced to life prison has the right to petition for a pardon when the sentence enters into force. The President decides in each individual case whether to order a pardon of incarcerated persons serving a sentence of life imprisonment. The offender may be released, or the sentence may be shortened or converted to a less severe form of punishment.

70. As of 1 January 2010, the death sentences of 172 persons had been converted to life imprisonment.

## **J. Right to social security**

71. The Constitution stipulates that citizens of the Kyrgyz Republic are guaranteed social benefits in old age, in the event of illness or occupational invalidity or loss of breadwinner, and in cases provided for by law. Pensions and social assistance, in keeping with the economic possibilities of society, must provide for a standard of living not lower than that ensured with the legal minimum wage. Optional employee insurance and the creation of additional forms of social assistance and welfare are encouraged. However, measures taken in this area remain insufficient. In actual fact, the constitutional requirement regarding the provision of free medical care to citizens has not been fully implemented for lack of funding.

72. Kyrgyzstan's social protection policy aims to ensure the social stability and security of the population. Social services are provided through guaranteed social payments in the form of aid to low-income families with dependants and to incapacitated persons with no working experience, financial support for certain categories of the population and welfare services for persons in need of special nursing care in hospital conditions, elderly persons living alone at home, temporarily incapacitated persons, and pregnant women and newborns, as well as for inhumation.

73. In order to improve the system of benefits and to grant additional support to the low-income segments of the population, as from 1 January 2010 a presidential decree provides for the payment of financial support to specific categories of the population instead of allowances and an increase in the amount of State aid by 25 per cent on average.

74. Budgetary expenditure for social benefits stood at 3.5 billion som (US\$ 79.5 million) in 2006, 3.6 billion som (US\$ 81.8 million) in 2007, or 3 per cent higher than in 2006, and 3.9 billion som (US\$ 88.6 million) in 2008, or 10.08 per cent higher than in 2007. Social insurance increased by 43 per cent between 2007 and 2008, from 48.6 million som (US\$ 1.1 million) to 69.5 million som (US\$ 1.6 million). Pensions and support are paid on time and in full, in keeping with the approved cost estimate for the given year. Debt does not need to be incurred for the payment of pensions or support.

75. Measures are being taken to establish non-State pension schemes and pension funds and above all to set up and develop a regulatory framework to guarantee their activities and protect the pension contributions of the population.

## **K. Health care**

76. The Constitution provides that Kyrgyz citizens have the right to health care. Emergency medical assistance for all citizens and medical assistance for certain illnesses and for vulnerable categories of the population (pregnant women, children under five years of age, the elderly etc.) is free of charge. Conditions for receiving medical assistance are regulated by law.

77. Laws and regulations have been adopted to improve the health of the population, including Act No. 6 of 9 January 2005 on health care for the citizens of the Kyrgyz Republic, Act No. 147 of 10 August 2007 on the reproductive rights of citizens and guarantees for their implementation, Act No. 149 of 13 August 2005 on HIV/AIDS in the Kyrgyz Republic, Act No. 38 of 3 April 2008 on the rights and guarantees of persons with disabilities and the Act of 24 July 2009 on public health care.

78. A programme of State guarantees for the provision of health care to citizens of Kyrgyzstan is being implemented, having been enacted by Government Decree No. 363 of 24 August 2007. The goal of the programme is to ensure the right of citizens of Kyrgyzstan to receive medical and preventive care free of charge and under favourable conditions in State medical facilities under the basic compulsory medical insurance scheme. Expenditure under the national budget for health care has been growing steadily.

## **L. Right to education**

79. The Constitution provides that every Kyrgyz citizen has the right to education. General basic education is compulsory and free, and everyone has the right to education in State and municipal schools. The State establishes the conditions for all citizens to receive preschool and basic education and to learn the State language and two foreign languages. Every citizen may choose between schooling that is either free of charge or on a paying basis.

80. The Education Act, the Preschool Education Act and the Elementary Vocational Education Act define basic policy principles in the area of preschool education and child development and the legal, organizational and financial foundations of the country's preschool educational system.

81. Budgetary expenditure for supporting and developing the educational system grew perceptibly over the period 2001–2008. Its share of GDP increased 1.5 times over that period and accounted for six per cent of GDP in 2008. Vocational education provides training for occupations in demand on the labour market. There are 110 educational establishments, including 103 secondary schools, one college and six secondary schools in prisons.

## **M. Military service**

82. The Universal Conscription and Military and Alternative Service Act regulates conscription and military and alternative service, by virtue of which citizens of the Kyrgyz Republic fulfil their constitutional duty and obligation to defend the homeland. On 5 June 2008, the President signed a Decree on the reform of the Kyrgyz armed forces.

83. Under the reform, the Ministry of Defence is reviewing the principles of the organization and composition of the armed forces and is implementing the transformation from compulsory to voluntary military service. The Universal Conscription and Military and Alternative Service Act gives citizens the right to choose between the following types

of peacetime service: conscription (military service for a specified period), volunteer service, service in the reserves or alternative service. In accordance with the Act, women between the ages of 19 and 40 years who have medical or other specialized training may be registered with the military authorities in peacetime and may be enrolled in military service if they volunteer. Women performing military service have the same rights and freedoms as men. In addition, they have rights and benefits associated with the protection of motherhood and children.

## **N. Right of access to information**

84. The Constitution guarantees the right to free choice, conservation and use of information as well as the right to disseminate it orally, in writing or by any other means. Act No. 89 of 5 December 1997 on Freedom of Access to Information (Safeguards) and Act No. 213 of 28 December 2006 on Access to Information within the jurisdiction of national and local authorities are in force in this regard. They aim to ensure the implementation and protection of the right of access to information, including information within the jurisdiction of national and local authorities. Pursuant to Act No. 241 of 20 July 2009 on the laws and regulations of the Kyrgyz Republic, all draft laws and regulations which directly concern the interests of citizens and legal entities as well as draft laws and regulations governing business activities are subject to public consultation.

85. At the same time, pursuant to Act No. 1477-XII of 14 April 1994 on the Protection of State Secrets, certain information is regarded as confidential or secret for reasons of national security.

86. Lawsuits by petitioners to contest a refusal by national or local authorities to provide information are heard by the courts on an individual basis, depending on the case-file and in accordance with legislation on access to information and other laws regulating this matter.

## **O. Freedom of economic activity**

87. The Constitution provides that everyone has the right to economic freedom and to the free use of all their abilities and property for any economic activity not prohibited by law.

88. The Kyrgyz Republic recognizes and protects private, State, municipal and other forms of property. It guarantees various forms of property ownership and their legal protection on an equal footing. Property is inviolable. No one may be arbitrarily deprived of their property, which may be expropriated against the will of the owner only on the basis of a court ruling. The State protects the right of its citizens and of legal entities to own property, including on the territory of other States.

89. Kyrgyzstan attaches priority importance to promoting the private sector and making the country attractive for investment. The President's Investment Council and the Kyrgyz International Business Council, of which virtually all major foreign corporations are members, make an important contribution to enhancing the investment potential of Kyrgyzstan. Their activities include regularly monitoring the investment climate and drafting proposals and recommendations for its further improvement.

90. A gradual liberalization of Kyrgyzstan's tax and customs legislation and of commercial regulations as a whole is under way in order to improve the investment climate in the country. It is worth noting that, owing to Kyrgyzstan's membership of the World Trade Organization, and following the implementation of reforms, the country's commercial legislation is the most liberal of the region.

91. One of Kyrgyzstan's economic priorities is the promotion of small and medium-sized enterprises. To that end, tight restrictions have been introduced on the monitoring of business entities by the regulatory authorities.

## **VI. Problems associated with the protection of human rights and freedoms and measures to resolve them**

### **A. Efforts to combat extremism and terrorism**

92. Kyrgyzstan is a party to international and regional agreements relating to the fight against terrorism, and it cooperates actively with the United Nations, OSCE, the Commonwealth of Independent States (CIS), the Shanghai Cooperation Organization (SCO) and the Collective Security Treaty Organization (CSTO) on effectively combating extremism and terrorism.

93. The Criminal Code defines responsibility for crimes of a terrorist nature, the instigation of national, racial, religious or inter-confessional hatred, the acquisition, possession, transport or dispatch of extremist materials with a view to disseminating or preparing to disseminate them, and the intentional use of symbols or attributes of extremist organizations.

94. In order to protect human and civil rights and freedoms, which are the foundations of the constitutional system and the guarantee of Kyrgyzstan's unity and security, the Act on Countering Extremist Activity, adopted on 17 August 2005, defines the legal and organizational basis for combating extremist activity and establishes responsibility for its implementation.

95. The Counter-Terrorism Act of 8 November 2006 defines the basic principles and goals of the fight against terrorism, which include securing and safeguarding fundamental human and civil rights and freedoms and giving priority to protecting the life, health, rights and legal interests of persons exposed to danger as a result of a terrorist act.

96. On 31 July 2006, Kyrgyzstan promulgated the Act on Combating the Financing of Terrorism and the Legalization (Laundering) of Income Obtained by Criminal Means, which aims to protect the rights and legal interests of citizens, society and the State, as well as the integrity of Kyrgyzstan's financial system, against criminal acts through the creation of a legal mechanism to combat the financing of terrorism and the legalization (laundering) of income obtained by criminal means.

### **B. Efforts to combat the spread of drug addiction and illegal drug trafficking**

97. In recent years, the situation in Kurdistan with regard to drug addiction has worsened steadily, and the adverse impact of illegal drug trafficking on domestic security and social stability has been growing.

98. In order to eradicate the illegal spread of narcotic drugs and to improve the situation in this area, in late 2004 a strategy was adopted to stem the spread of drug addiction in the country and illegal drug trafficking, and a national programme was introduced to combat drug addiction and illegal drug trafficking during the period until 2010.

99. To address problems associated with the fight against transnational drug trafficking, the Kyrgyz authorities are cooperating closely with the intelligence services of other States in the framework of CSTO, SCO, CIS and other bodies. This partnership works to intercept

narcotic drugs that enter the country from abroad or are in transit across the national territory. A national office of INTERPOL has been set up and is operating successfully. Kyrgyzstan is a member of the Central Asian Regional Information and Coordination Centre for combating the illicit trafficking of narcotic drugs, psychotropic substances and their precursors (CARICC), an intergovernmental body established with the support of the United Nations Office on Drugs and Crime in the framework of an agreement between Azerbaijan, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Turkmenistan and Uzbekistan that entered into force in March 2009.

### **C. Combating corruption**

100. An Agency for the Prevention of Corruption is in operation in Kyrgyzstan. On 11 March 2009, a national strategy was implemented to combat corruption in the country. The Act on the laws and regulations of the Kyrgyz Republic defines the obligation to conduct an anti-corruption assessment of proposed legislation and other draft laws and regulations.

### **D. Trafficking in persons**

101. A number of laws have been enacted in Kyrgyzstan to implement the provisions of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air.

102. Pursuant to the Presidential Decree of 21 April 2002, on measures to combat smuggling and trafficking in persons, a national council was set up under the President to combat these phenomena. Its main task is to monitor and coordinate the activities of government bodies in implementing measures to stem such practices.

103. The organizational and legal foundations for preventing and combating trafficking in persons, the rules for coordinating the work of bodies active in the fight against the phenomenon and the establishment of a set of measures to protect and assist the victims are regulated by the Act on the prevention and suppression of trafficking in persons. The Criminal Code makes trafficking in persons a punishable offence; article 124 of the Code defines responsibility. According to statistics, 36 cases were prosecuted under article 124 (trafficking in persons) in 2006, 34 in 2007, 25 in 2008 and 6 in 2009.

104. Under the 2008–2011 Plan of Action for combating trafficking in persons, approved by Government Decree No. 515 of 13 September 2008, information and awareness-raising campaigns are conducted with young people on the subject of smuggling and trafficking in persons and on regulations concerning job recruitment.

### **E. Right to a healthy environment**

105. Kyrgyzstan is a party to 13 international environmental agreements and conventions, including the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters adopted by the United Nations Economic Commission for Europe.

106. The Constitution provides that citizens of the Kyrgyz Republic have the right to an environment that is conducive to a healthy existence. They also have the right to compensation for damages caused to health or property through activities involving the use of natural resources.



107. Kyrgyzstan has enacted a number of laws governing environmental protection and the rational use of natural resources, including the Environmental Protection Act, general technical regulations for ensuring environmental protection in Kyrgyzstan, the Act on fees for the use of natural sites of the animal and plant world, the Act on the Protection of the Atmosphere, the Environmental Assessment Act, the Biosphere Territories Act, the Animal World Act, the Industrial and Consumer Waste Act and the Act on the Protection and Use of the Plant World.

108. Presidential Decree No. 506 of 23 November 2007 approved the National Environmental Protection Strategy. Questions relating to environmental protection are included in the Kyrgyz Development Strategy up to the year 2011 as one of five priorities for national development.

109. There are 75 sites in the country, at which more than 145 million m<sup>3</sup> of radioactive waste from the metal mining industry are stored on a surface of 650 ha (6.5 km<sup>2</sup>). The greatest danger stems from 38 storage facilities containing 62.12 million m<sup>3</sup> of radioactive tailings, including 29 uranium tailings storage facilities with more than 41 million m<sup>3</sup> of radioactive waste. In addition, more than 83 million m<sup>3</sup> of substandard (lean) radioactive ore are stored at 37 dumping sites for untreated mining waste. A perceptible deterioration has been observed in the condition of the tailings storage facilities due to degradation and disrepair of the protective coverings and structures. The situation is aggravated by the fact that most waste storage facilities in Kyrgyzstan are located in zones of high seismic activity and frequent landslides, mudslides and flooding, and in areas with a high groundwater; this constitutes a danger not only to the environment but to the entire Central Asian region.

110. Attaching particular importance to the protection of health and other fundamental human rights from the consequences of natural and anthropogenic disasters, in 2009 Kyrgyzstan initiated a High-Level International Forum on Uranium Tailings in Central Asia: Local Problems, Regional Consequences and Global Solutions, under the auspices of the United Nations. The forum led to the drafting of a road map identifying the most dangerous areas with radioactive waste and a plan of action to ensure their safety.

111. Currently Kyrgyzstan does not have the financial or technical resources needed to maintain and rehabilitate these disposal sites properly. An environmental disaster can be prevented only with substantial, focused and coordinated support from the international community.

## **F. Freedom of speech**

112. The Constitution guarantees freedom of thought, freedom of speech, freedom of the press and the unrestricted expression of opinions and convictions. No one may be forced to express their opinions or convictions.

113. The particular attention of the public is drawn to the article of the Code on the protection of the honour and dignity of citizens and the commercial reputation of legal entities, as well as to the articles of the Criminal Code on responsibility for libel and defamation.

114. The Criminal Code provides for criminal responsibility for libel, which is defined as the act of spreading knowingly false information offending the honour and dignity of another person or tarnishing that person's reputation through public utterances or presentations in publications or the media, including in connection with an accusation of the commission of a serious or particularly serious offence.

115. In conformity with national legislation, the law enforcement authorities investigate accusations of criminal acts levelled against journalists. Recommendations to delete from

the Code of Criminal Procedure provisions on the prosecution of journalists for libel are being examined, taking into account the need for an objective approach to the obligations of the State to ensure the rights of all its citizens.

### **G. Freedom of movement**

116. The Constitution guarantees the right to freedom of movement, to choice of place of residence in the territory of Kyrgyzstan and to protection and support abroad; everyone is at liberty to leave the country and to return without hindrance. Kyrgyzstan may grant a right of asylum, in conformity with the law, to foreign citizens and stateless persons who are persecuted for political reasons.

117. In accordance with Kyrgyz legislation, welfare benefits are set and paid at the place of registration of residence. If citizens temporarily change their place of residence within the country, welfare benefits may — exceptionally and on the strength of a temporary registration — be set and paid at the place of residence until the end of the period of temporary registration.

## **VII. Expected results with regard to the protection of human rights and freedoms**

118. Kyrgyzstan intends to improve legislation on the protection of human rights and freedoms, to take measures to improve the situation in the area of gender equality and the rights of children and to enhance the effectiveness of national legislation and law enforcement practice in the field of human rights protection.

119. The Kyrgyz Republic places great expectations in the implementation of the President's Agenda for National Renewal, medium- and long-term development strategies in the area of human rights, including the eradication of poverty, and measures to stimulate economic growth and protect the environment.

120. Kyrgyzstan hopes that the efforts made to preserve the nation's ethnic diversity and promote its cultural heritage will contribute to Kyrgyzstan's further development as a genuinely democratic State based on the rule of law.

## **VIII. Conclusion**

121. **On the basis of this summary and the assessment of progress made, it can be concluded that the Kyrgyz Republic is holding a steady course towards implementing democratic transformation and ensuring conditions for stable growth, employment, prosperity and well-being, in keeping with the expectations and abilities of every member of society.**

122. **The international obligations entered into by Kyrgyzstan in the area of the protection of human rights will be implemented in the framework of the Agenda for National Renewal.**

**List of abbreviations**

AIDS	acquired immune deficiency syndrome
CIS	Commonwealth of Independent States
CSTO	Collective Security Treaty Organization
GDP	gross domestic product
HIV	human immunodeficiency virus
ILO	International Labour Organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organization for Security and Cooperation in Europe
SCO	Shanghai Cooperation Organization
UNHCR	Office of the United Nations High Commissioner for Refugees

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