

## 2009 Country Reports on Human Rights Practices

The Kyrgyz Republic's 2007 constitution defines the country as a sovereign, unitary, democratic state based on the rule of law. The country, with a population of approximately 5.4 million, has an elected president, an appointed prime minister and cabinet, and an elected Supreme Council (parliament). According to independent election observers, the July 23 presidential election failed to meet many of the country's international commitments and was marred by significant obstacles for opposition parties, intimidation, voting irregularities, and the use of government resources to benefit specific political interests. Three parties are represented in parliament, with the pro-presidential Ak Jol party holding 71 of 90 seats. Civilian authorities generally maintained effective control over the security forces, although there were isolated cases of serious human rights abuses.

The following human rights problems were reported: restrictions on citizens' right to change their government; arbitrary killing, torture, and abuse by law enforcement officials; impunity; poor prison conditions; arbitrary arrest and detention; lack of judicial independence; pressure on nongovernmental organizations (NGOs) and opposition leaders, including government harassment; pressure on independent media; government detention of assembly organizers; authorities' failure to protect refugees adequately; pervasive corruption; discrimination against women, persons with disabilities, ethnic and religious minorities, and other persons based on sexual orientation or gender identity; child abuse; trafficking in persons; and child labor. Unlike in previous years, there were no reports that the government forcibly returned Uzbek refugees or asylum seekers to Uzbekistan.

### RESPECT FOR HUMAN RIGHTS

#### Section 1 Respect for the Integrity of the Person, Including Freedom From:

##### a. Arbitrary or Unlawful Deprivation of Life

Police committed at least one arbitrary killing during the year. On July 4, Ministry of Internal Affairs second lieutenant Shukurbek Nurmatov reportedly argued with freelance journalist Almaz Tashiev at the Jany-Bazar police station in Nookat District. Tashiev, a frequent government critic, was applying for a new passport. According to witnesses, as many as six police officers beat him severely. On July 12, he died as a result of the injuries. The Ministry of Internal Affairs launched an investigation; on July 14, Nurmatov confessed to the crime. Authorities also charged a second officer, Batyrbek uulu Nurgazi, in connection with Tashiev's death. As of year's end, the ministry had fired the Nookat police chief for abuse of power, and Nurmatov and Nurgazi were in pretrial detention.

During the year there were two high-profile deaths that opposition groups claimed were politically motivated murders.

On March 13, former presidential chief of staff Medet Sadyrkulov; the former director of the International Strategic Studies Institute think tank, Sergey Slepchenko; and driver Kubat Sulaimanov were found dead in a burned-out car outside Bishkek. After an investigation, authorities stated that another man, Omurbek Osmonov, fell asleep while driving his car and collided with Sadyrkulov's car, causing it to burst into flames, and then drove away from the scene of the accident. The fire reportedly killed Sadyrkulov, Slepchenko, and Sulaimanov. Opposition member of parliament (MP) Bakyt Beshimov and activists claimed that the accident was staged and that the government had assassinated Sadyrkulov to prevent him from joining the opposition. In May the Alamedin District Court turned down a request by relatives of the victims to reopen the investigation. In June the court found Osmonov guilty of causing the accident and sentenced him to 12 years in prison.

On December 22, according to police, Gennady Pavlyuk, a prominent opposition journalist and government critic, died in the hospital after unknown persons threw him out of a tall building in Almaty, Kazakhstan, with his hands tied behind his back on December 16. Pavlyuk remained in a coma after the attack. Kyrgyz police announced that they would investigate the death jointly with Kazakh police.

On December 9, the Supreme Court ordered the Ministry of Internal Affairs to reopen the investigation into the murder of independent journalist Alisher Saipov. On August 7, the minister of internal affairs had announced the completion of the criminal investigation and sent the findings to the court. In 2007 an unknown gunman shot and killed Saipov, who was known for writing articles critical of the Uzbek government.

During the year the military prosecutor's office convicted soldier Daniel Tuleyev and sentenced him to five years' imprisonment for his participation in the July 2008 beating death of army private Almazbek Sagaliyev.

#### b. Disappearance

There were no reports of politically motivated disappearances during the year.

On September 30, authorities found the body of Ruslan Shabatoyev, an MP representing the Social Democratic Party of Kyrgyzstan (SDPK), who disappeared in September 2008. On August 7, the Ministry of Internal Affairs announced the issuance of warrants for suspects in the case. Investigators tied a Kazakh criminal gang and Shabatoyev's commercial dealings to his death. There was no evidence that Shabatoyev's disappearance was politically motivated.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, police and State Committee on National Security (GKNB) forces employed them. At times police beat detainees and prisoners to extract confessions.

Following the arrest and imprisonment of 32 citizens in connection with the October 2008 Nookat protest (see section 1.e.), the Ombudsman's Office established a commission to investigate allegations of torture and mistreatment of the detainees. In February the commission released a report that documented incidents of Ministry of Internal Affairs and GKNB officers beating detainees, tearing their fingernails, burning their beards, and shaving female detainees' heads. In January the Russian human rights organization Memorial published a report documenting similar abuses. The government took no action to investigate the allegations further or reprimand the officers involved.

In July 2008 the Bishkek newspaper *Tribuna* reported that officials fired seven police officers and opened criminal cases against two others in the Issyk-Kul Oblast for alleged use of torture. No further information was available as of year's end.

The NGO Committee of Soldiers' Mothers reported two registered cases of military hazing during the year, including physical abuse and extortion by noncommissioned officers. Military authorities took steps to deal with the problem, providing psychological support and legal advice to all service members and medical treatment and legal protection to the victims of hazing. The NGO continued to question the quality of the psychological and legal assistance.

## Prison and Detention Center Conditions

Prison conditions were poor and included food and medicine shortages, poor health care, and lack of heat and other necessities. Pretrial and temporary detention facilities were particularly overcrowded, and conditions and mistreatment generally were worse than in prisons. Nevertheless, morbidity and mortality rates continued to decline, particularly those resulting from tuberculosis (TB). As of September 1, the prison population was approximately 9,902. Approximately 700 prisoners had TB, of which an estimated 300 carried multi-drug resistant strains. In the first nine months of the year, 74 prisoners died, 30 of them from TB.

On July 18, one prisoner was killed in a large-scale brawl that erupted among detainees in juvenile prison number 14 in Voznesenovka. Authorities transferred four prisoners to the Bishkek pretrial detention center to face charges in connection with the death. On July 20, the Penitentiary Department of the Ministry of Justice dismissed the prison head.

As of September 1, there were approximately 9,900 persons (including approximately 400 women) in prisons whose total capacity the government estimated to be 14,000, although some international organizations believed actual capacity was significantly less. Authorities generally held juveniles separately from adults but occasionally held them with adults in overcrowded temporary detention centers. At times convicted prisoners were held in pretrial detention centers while their cases were being appealed.

The government continued to permit international and domestic human rights observers, including from the Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) and the NGO Penal Reform International, to visit detainees in Justice Ministry prisons and in temporary detention centers. The International Committee of the Red Cross (ICRC) was able to conduct visits in accordance with its standard modalities.

Following up on its 2008 reports of poor living conditions, corruption of prison personnel, drug activity, and excessive use of force by both prison and investigative officials in several prisons, the NGO Citizens Against Corruption worked with the Ministry of Justice's Public Council to provide food and toiletries to prisoners during the year.

### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, police at times used false charges to arrest persons and solicited bribes in exchange for their release.

### Role of the Police and Security Apparatus

Law enforcement responsibilities are divided between the Ministry of Internal Affairs for general crime, the GKNB for state-level crime, and the Prosecutor's Office for both types of crimes. Early in the year, President Bakiyev signed into law measures that empowered the military to intervene in domestic political conflicts and gave the Presidential Security Service law enforcement powers, including authorization to conduct interrogations, intercept communications, and carry out surveillance and other covert activity.

The payment of bribes to avoid investigation or prosecution was a major problem at all levels of law enforcement. The government took steps to address corruption in the police force, including public commitments to fight corruption. Police impunity remained a problem; however, Ministry of Internal Affairs officials were dismissed and prosecuted for various offenses, including corruption, abuse of authority, and police brutality. Unlike in previous years, the ministry's internal investigations unit did

not provide statistics on citizen complaints, subsequent investigations, or officers dismissed after criminal convictions during the year, nor did the Ombudsman's Office track the number of Ministry of Internal Affairs, GKNB, and Financial Police employees who were subjected to criminal investigation during the year.

#### Arrest Procedures and Treatment While In Detention

In July 2008 the parliament passed amendments to the criminal procedure code that returned many judicial powers to prosecutors, including the authority to issue search and seizure warrants. The amendments partially reversed a 2007 law that transferred those powers to the courts. Prosecutors have the burden of proof in persuading the judge that a defendant should be detained pending trial. In September 2008 the parliament approved amendments to the code that reduced the period that authorities can hold a detainee before charging him from 72 to 48 hours. The limit was generally enforced in practice. The law requires that investigators notify a detainee's family within 12 hours of detention; however, this requirement often was not observed in practice. There were no reports of incommunicado detentions. The courts have discretion to hold suspects in pretrial detention as long as one year, after which the courts are required to release the suspect.

All persons arrested or charged with crimes have the right to defense counsel at public expense. By law the accused has the right to consult with defense counsel immediately upon arrest, but in practice the first meeting often did not happen until trial. Human rights groups noted that authorities usually denied attorneys to arrested minors, often holding them without parental notification and questioning them without parents or attorneys present, despite laws forbidding these practices. Authorities often intimidated minors into signing confessions.

The law authorizes house arrest for certain categories of suspects. There were also reports that law enforcement officials selectively incarcerated persons suspected of minor crimes while other persons suspected of more serious crimes remained at large. There was a functioning bail system.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, the executive branch at times interfered with the judiciary. Lawyers and citizens commonly believed that judges were open to bribes or susceptible to outside pressure. Low salaries for judges remained a contributing factor.

Cases originate in local courts and can move to appeals courts at the municipal or regional level and finally to the Supreme Court. There were separate military courts as well as a separate arbitration court system for economic disputes. Civilians may be tried in a military court if a codefendant is a member of the military. Military court cases can be appealed to a military appellate court and ultimately to the Supreme Court. The Constitutional Court is limited to constitutional questions and cannot intervene with other courts except concerning constitutionality. The court has specific authority to determine the constitutionality of NGO activities, political parties, and religious organizations. Traditional elders' courts handle property and family law matters and low-level crime. Elders' courts are under the supervision of the Prosecutor's Office but do not receive close oversight because of their location in remote regions. Their decisions can be appealed to the corresponding regional court. Military courts and elders' courts follow the same rules and procedures as general courts.

The president nominates and the parliament approves justices to the Constitutional Court; justices to the Supreme Court are nominated by the National Council for Judicial Affairs (NCJA) and approved by the president and the parliament. The president can propose the dismissal of supreme and constitutional court justices, subject to a two-thirds vote by the parliament. The NCJA nominates and

the president appoints local judges, whom the president may relieve of duty at the NCJA's request.

### Trial Procedures

State prosecutors bring cases before courts, and judges direct criminal proceedings. A criminal case is conducted by one judge; appellate cases, by three judges. If a court renders a case indeterminable, it returns the case to the investigative bodies for further investigation, and suspects may remain under detention. As of year's end, the government had not implemented 2007 changes to the law on trials allowing for juries. The law provides for transparency of court proceedings. Trials are generally open to the public, unless state secrets or the privacy of defendants are involved; however, the verdict is publicly announced, even in closed proceedings.

The law provides for defendants' rights, including the presumption of innocence. In practice, however, such rights were not always respected. The judicial system continued to follow customs and practices that provided no presumption of innocence, and the focus of pretrial investigation was to collect evidence sufficient to show guilt. The law provides for an unlimited number of visits between an attorney and a client during a trial. Official permission for such visits is required and was usually granted. Indigent defendants were provided attorneys at public expense, and defendants could refuse attorney support and defend themselves. The law permits defendants and counsel the right to access all evidence the prosecutor gathers, attend all proceedings, question witnesses, and present evidence; however, these rights were not always respected in practice. Witnesses generally have to present their testimony in court, but under certain circumstances testimony can be presented at trial via audio or video recording. Defendants and prosecutors have the right to appeal the court's decision.

On May 14, the Supreme Court reduced the sentences of 32 ethnic Uzbek and Kyrgyz Muslims whom the Osh regional court convicted in November 2008 for participating in an October 2008 protest in Nookat. The protest followed local authorities' decision to ban a public gathering for the Muslim holiday Orozo Ait (Eid al-Fitr). The sentences, which originally ranged from nine to 20 years' imprisonment, were reduced to a range of five to 17 years. Court authorities had denied access to observers and family members of the accused until the third day of the five-day trial, and human rights activists claimed that the defendants had inadequate legal counsel and had been subjected to torture and other mistreatment (see section 1.c.).

Amanbek Karypkulov, the fifth and final official charged with involvement in the 2002 shooting deaths of protesters in Aksy, died before his case could go to trial.

### Political Prisoners and Detainees

At year's end, according to human rights groups, at least three high-profile members of the opposition faced trial under what the groups claimed were trumped-up charges: Green Party leader Erkin Bulekbayev (see section 3); former foreign minister Alikbek Djekshenkulov, accused of murdering a Turkish businessman; and former State Agency director Ishenbai Kadyrbekov, charged with abuse of power and detained for almost 12 months. As of November 1, authorities had released Djekshenkulov and Kadyrbekov for medical reasons.

Human rights groups also claimed that the detention and particularly severe charges facing 19 protesters in Balykchy were politically motivated (see section 2.b.).

In December 2008 authorities indefinitely suspended the trials of two 2007 protest participants, Bolotbek Suyerkulov and Bakytbek Saptayakov, and the two remained free at year's end.

Prisoners arrested in connection with political activity received the same protections as other prisoners.

#### Civil Judicial Procedures and Remedies

The constitution and law provide for an independent and impartial judiciary in civil matters. As with criminal matters, citizens believed the civil judicial system was subject to influence from the outside, including by the government. Local courts address civil, criminal, economic, administrative, and other cases. The Supreme Court is the highest judicial authority.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions; however, the government at times violated these prohibitions. The law requires approval from the prosecutor general for wiretaps, home searches, mail interception, and similar acts, including in cases relating to national security.

On July 24, President Bakiyev signed into law an amendment to the Law on Defense and Armed Forces authorizing the military to confiscate private property for the purpose of state security. There were no reports of such confiscations during the year.

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, although the government at times restricted these rights in practice, especially through withdrawal of broadcasting rights and reportedly through intimidation of journalists. A June 2008 law, yet to be fully implemented, places significant restrictions on television and radio broadcast companies and established new Kyrgyz-language and local content requirements. Human rights activists asserted that the law is unconstitutional because it conflicts with constitutional rights to freedom of speech and access to information. The law also maintains state control over the Kyrgyz National Television and Radio Broadcasting Corporation (NTRK) rather than creating a national public interest broadcaster as the president had previously pledged to do.

Individuals could criticize the government publicly or privately without reprisal, but the government attempted to impede criticism, including by monitoring political meetings.

There were 40 to 50 regularly printed newspapers and magazines, eight of which were state owned with varying degrees of independence. The independent printing press run by the nongovernmental Media Support Center surpassed the state printing house, Uchkun, as the leading newspaper publisher in the country. Approximately 50 state-owned and private television and radio stations operated in the country, with two television stations, both state-owned, broadcasting nationwide. Government newspaper, television, and radio outlets continued to receive state subsidies. In previous years the government was the primary source of scarce advertising funding; however, as advertising from private sources continued to increase, the government's ability to use advertising funding to influence the media diminished.

The Ministry of Justice requires all media to register and receive ministry approval in order to operate. The registration process nominally takes one month but in practice often took much longer. It included checks on the background of each media outlet's owner and its source of financing,

including financing by international donor organizations.

Foreign media operated freely. The law prohibits foreign ownership of domestic media; however, there was a small degree of foreign ownership of media through local partners. Russian-language television stations dominated coverage and local ratings, and a Commonwealth of Independent States television network increased its television and radio broadcasts throughout the country. A number of Russia-based media outlets operated freely in the country; the government treated them as domestic media. Although several broadcast media companies have applied for new licenses and frequency assignments, the government has not approved any requests for new media outlets since 2006.

There were continued reports of media harassment. The NGO Committee to Protect Journalists, along with other media watchdog organizations and human rights groups, reported several incidents in which unknown attackers harassed journalists associated with opposition news media.

On March 3, four unknown attackers assaulted political opposition journalist Syrgak Abdyldaev near his office in Bishkek, stabbing him more than 30 times and breaking his hands, forearms, and ribs. Abdyldaev claimed he was assaulted because of his reporting, and his editor said Abdyldaev faced ongoing death threats. As of year's end, no arrests had been made in the case, and Abdyldaev sought political asylum in a European country.

On June 6, unknown attackers beat Abduvahab Moniev, a political reporter for the opposition newspaper *Achyk Sayasat*, on a Bishkek street corner. Moniev's editor contended that the beating was the result of the journalist's articles criticizing the government. As of year's end, no arrests had been made.

On November 2, unknown attackers beat *Osh Shamy* deputy editor Kubanych Zholdoshev, who suffered a concussion and broken ribs. *Osh Shamy* editor Turgunbai Aldakulov reportedly said the assailants warned Zholdoshev to stop his journalistic activities, which included stories about corruption in the Osh educational system. As of year's end, no arrests had been made.

In October 2008 the NTRK ended transmissions of programming from the Radio Free Europe/Radio Liberty (RFE/RL) Kyrgyz service, known as Radio Azattyk. The state-run broadcasting corporation also cancelled its showing of two TV Azattyk news programs. The NTRK stated that the cancellations were due to RFE/RL's failure to meet its financial obligations, but it also criticized RFE/RL programs for favoring the political opposition, and it did not restore transmission after RFE/RL showed that it had paid all outstanding bills. At year's end, NTRK channels were not carrying Azattyk productions, but some private FM channels continued to broadcast Radio Azattyk. In December 2008 the NTRK also withdrew broadcasting rights for the BBC's Kyrgyz-language service. BBC broadcasts resumed weeks later, but the government had not officially renewed its contract.

Although the law prohibits censorship, a few independent journalists reportedly faced government pressure over press coverage critical of authorities, were denied access to public meetings, and were not given information that the government freely provided to state-run outlets.

Libel remains a criminal offense punishable by up to three years in prison. Unlike in previous years, there were no reports of officials using libel lawsuits against opposition newspapers to suppress criticism.

Following the November 2008 death from natural causes of Erkin Kojogeldiyev, editor in chief of *Jany Zaman*, Osh City deputy mayor Ainura Shayikulova dropped her August 2008 libel suit

against the newspaper.

At year's end, former *De Fakto* editor in chief Cholpon Orozobekova remained in Switzerland with her family. In 2008 police conducted at least two raids on the newspaper's offices, confiscating documents and five computers, and the government sued *De Fakto* for publishing allegedly false statements accusing the head of the tax commission of corruption. The libel case against the paper was closed when *De Fakto* ceased publication in August 2008.

## Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in peaceful expression of views via the Internet, including e-mail, online forums, and blogs. According to 2008 International Telecommunication Union statistics, approximately 16 percent of the country's inhabitants used the Internet.

## Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. *Religious higher educational institutions must follow strict reporting policies. The GKNB did not demand confidential documents about student enrollment at Bishkek's Protestant United Theological Seminary as it did in 2008.*

## b. Freedom of Peaceful Assembly and Association

### Freedom of Assembly

The law provides for limited freedom of assembly, and the government generally respected this right in practice, although authorities imposed restrictions. An August 2008 law prohibits protesters from gathering near government entities, including the parliament, presidential residences, schools, military establishments, motorways, and gas pipelines. The law also requires that organizers apply for permits at least 12 days prior to an event, thus making any spontaneous demonstrations illegal.

On July 23, during the presidential election, several hundred citizens of Balykchy gathered spontaneously outside the district election commission headquarters to protest alleged voting irregularities. Although the protesters did not engage in violence, police officers in riot gear dispersed the crowd with stun grenades. Police detained two SDPK parliamentarians along with 19 other protesters. Authorities later released the MPs and charged the remaining protesters with attempting to overthrow the government, organizing mass disorder, and obstructing the work of the government. The protesters claimed authorities beat and mistreated them and threatened them with rape during their detention. Authorities did not investigate the protesters' claims. On December 25, a judge found all of the protesters guilty and sentenced four of them to four years' imprisonment. The remainder received suspended sentences of one to three years and two years of probation.

On July 30, four prominent human rights activists staged a protest in front of the presidential headquarters by chaining themselves to the fence and holding signs demanding the release of the protesters detained in Balykchy and Bishkek following the presidential election. The Pervomayski District Court judge fined the activists 1,500 soms (approximately \$34) each for disobeying police and staging an unauthorized protest. The activists claimed they had applied for permission to protest but it was denied.

## Freedom of Association

The law provides for freedom of association, and the government generally respected this right, although at times it used law enforcement agencies to intimidate organizations. NGOs, labor unions, political parties, and cultural associations must register with the Ministry of Justice. NGOs are required to have at least three members, and all other organizations at least 10 members. The Ministry of Justice did not refuse to register any domestic NGOs during the year; however, it continued to prevent the Norwegian Helsinki Commission from operating in the country (see section 5). The law prohibits foreign-funded political parties and NGOs, including their representative offices and branches, from pursuing political goals.

The government continued its ban on four organizations--Hizb ut-Tahrir (HT), the Islamic Party of Turkestan, the Organization for Freeing Eastern Turkestan, and the Eastern Turkestan Islamic Party--it deemed to be extremist due to alleged ties to international terrorist organizations, and it banned Jamaat al-Jihad al-Islami during the year for the same reason. Arrests and prosecution of persons accused of possessing and distributing HT literature continued. Although most arrests of alleged extremists in the past occurred in the south and involved ethnic Uzbeks, media reports tracked a marked increase in detentions of ethnic Kyrgyz for HT-related activity in the north. The majority of those arrested were charged with distribution of literature inciting ethnic, racial, or religious hatred.

### c. Freedom of Religion

The law provides for freedom of religion. The government generally respected this right in practice, although there were some restrictions, particularly regarding the activities of conservative Islamic groups that the government considered extremist and a threat to the country. The constitution provides for the separation of state and religion. Islam is the most widely practiced faith. The government did not officially support any religion; however, a 2006 decree recognized Islam and Russian Orthodoxy as "traditional religions." The government also recognizes two Muslim holy days (Kurman Ait, or Eid al-Adha, and Orozo Ait, or Eid al-Fitr) and Orthodox Christmas as national holidays.

On January 12, the president signed the Law on Freedom of Religion and Religious Organizations, establishing numerous restrictions on the activities of religious groups. The law increases the membership threshold for registration of a religious organization from 10 to 200 individuals, which excludes many smaller faith groups, and prohibits any activities by unregistered religious groups. The law also bans proselytizing, religious conversion, and private religious education at any level. After the law was implemented, some religious groups reported they were unable to register congregations of fewer than 200 members, and some groups reported that the new law banned them from distributing literature outside their churches.

The State Agency for Religious Affairs (SARA) is responsible for promoting religious tolerance, protecting freedom of conscience, and overseeing laws on religion. Under the law all religious organizations, including religious schools, are required to register with SARA, and each congregation must register separately. The government has not registered the Hare Krishna or the Church of Jesus Christ of Latter-day Saints, and it suspended registration of the Universal Church in 2003 for noncompliance with government regulations. SARA may deny registration if a religious organization does not comply with the law or is considered a threat to national security, social stability, interethnic and interdenominational harmony, public order, health, or morality. Once approved, the organization must register with the Ministry of Justice, which gives the organization legal status and allows it to own property and conclude contracts. Groups may appeal a SARA

decision to the courts.

After enactment of the new religion law, foreign missionaries faced increasing difficulties with the government. According to Kanybek Osmonaliev, the director of the State Commission on Religious Affairs, from January to October the government expelled nine foreign missionaries. In addition authorities refused at least two religious licenses and denied four visa extensions.

The law forbids the teaching of religion (or atheism) in public schools and in unregistered religious schools (the latter as a result of the 2009 religion law), but a 2006 decree allows the teaching of "the history of world religions" and "religion in general." On February 19, the minister of education signed a decree that prohibited students from wearing clothing indicative of religious preference. Muslim families protested the prohibition on religious attire, which included the hijab (headscarf). In response the minister amended the decree to "recommend against" religious clothing. However, there were continued reports that girls in the south, particularly in Jalalabad Oblast, were prevented from attending school or dropped out because of restrictions on wearing the headscarf.

The new religion law requires that censors examine religious material before permitting its importation or distribution, and it prohibits the sharing of religious literature in public locations, with the exception of worship facilities or bookstores.

#### Societal Abuses and Discrimination

In 2008 the Christian Web site Forum 18, documented numerous instances in which Muslim groups denied *Protestants, Baha'is, Jehovah's Witnesses, and Hare Krishna* access to community cemeteries to bury relatives. *The Muslim Council, the Muftiate, issued a decree in 2007 forbidding the burial of non-Muslims in Muslim cemeteries. In 2008 meetings with SARA resulted in the establishment of separate cemeteries for nontraditional religious groups.*

There were no reports of anti-Semitic acts. Approximately 1,500 Jews lived in the country.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at [www.state.gov/j/drl/rls/irf](http://www.state.gov/j/drl/rls/irf).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law on internal migration provides for freedom of movement. The government generally respected the right in practice, and citizens were able to move within the country with relative ease. However, certain policies continued to restrict internal migration, resettlement, and travel abroad. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other organizations to provide some protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern. The law requires all persons to possess an official residence registration to work and live in a particular area of the country. Applicants for residence registration must file a request with the local police and be able to prove they have a place to live in the area. Individuals who do not register, or who are registered in a town other than where they live, can be denied access to subsidized health care or schooling.

The law on migration prohibits travel abroad by citizens who have or had access to information classified as state secrets.

The law neither provides for nor prohibits forced exile; there were no reports that the government employed it.

As in past years, several Kyrgyz citizens sought asylum in foreign countries, claiming they would face repression or legal persecution if they returned to the country. In September the leader of the SDPK, Bakyt Beshimov, left the country, allegedly because of persistent threats and an attempt against his life. Beshimov was the campaign manager for SDPK leader Almazbek Atumbayev, the principal challenger to President Bakiyev in the presidential election. Some journalists were also living in self-imposed exile during the year (see section 2.a.).

### Protection of Refugees

The country is party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. Its laws provide for the granting of asylum or refugee status, and the government has established a system for doing so. During the year the government cooperated with the UNHCR and other organizations to provide some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion; however, there was at least one case during the year in which authorities failed to protect a refugee and his son from being kidnapped and taken across an international border. Also, according to the UNHCR, Uighurs remained at risk of deportation or extradition, particularly if they were involved with political and religious activities in China or if the Chinese government requested their return. The government did not grant refugee status or asylum to refugees from Uzbekistan (with the exception of those joining family members), Afghanistan, Iran, Iraq, or Syria during the year, nor did it adequately protect such individuals. There were approximately 400 such asylum seekers and refugees from Uzbekistan and Afghanistan who obtained registration and support exclusively from the UNHCR. The government also continued to deny Chechen refugees official refugee status, but it granted them asylum seeker status, which provided some legal protection. There were continued reports of Uzbek refugees hiding in the country for fear of retaliation by the Uzbek government.

According to the State Committee for Migration and Employment (SCME), there were approximately 247 refugees and 200 asylum seekers in the country as of September 1. Refugees were primarily from Afghanistan (228), along with several from Syria, Iran, and North Korea. Among the asylum seekers officially registered with the government were three from Afghanistan, 77 from Uzbekistan, 115 from Russia, and five from other countries.

### Stateless Persons

A UNHCR-funded survey local NGOs conducted in late 2008 exposed a problem of statelessness in the country. In the report researchers identified nearly 13,000 individuals living in the three southern oblasts (provinces) who lacked any official documentation confirming their citizenship. The report listed several categories of stateless persons: Uzbek women who married Kyrgyz citizens but never received Kyrgyz citizenship (many such women allowed their Uzbek passports to expire and current regulations obstructed their efforts to gain Kyrgyz citizenship); individuals who continued to hold outdated USSR passports because they failed to exchange their passports or never applied for citizenship; children born to one or both parents who are stateless; and children of migrant workers who had renounced their Kyrgyz citizenship in the hope of becoming Russian citizens. Stateless persons were denied state social benefits and prevented from working in legitimate jobs. The UNHCR estimated the total number of stateless persons in the country (both de jure and de facto) at approximately 20,000.

In September the UNHCR announced a plan of action for dealing with the problem of statelessness, including increasing public awareness and working with the government to improve the process for applying for citizenship.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, although this right remained restricted in practice. Under the constitution, the president can veto any legislative act (although the parliament may override a veto), dismiss members of the government, nominate constitutional and supreme court judges proposed by the NCJA, appoint and dismiss regional governors and the heads of local administrations, control defense and security bodies, and direct foreign policy. The president has immunity from prosecution after leaving office.

#### Elections and Political Participation

On July 23, 79 percent of the 2.3 million registered voters cast presidential ballots, resulting in the reelection of Kurmanbek Bakiyev for a second presidential term. According to the Central Election Commission, Bakiyev received 76 percent of the vote, and the opposition front-runner, Almaz Atambayev of the United People's Movement (UPM), received approximately 8 percent. Local and international independent observers concluded that the election failed to meet many of the country's international commitments and was marred by widespread ballot box stuffing, multiple voting, and misuse of government resources. On the day of the election and for several weeks afterward, citizens gathered and marched to protest the election results and electoral fraud. Authorities arrested hundreds of protesters and fined or sentenced them to short prison terms.

Opposition political parties operated with limited freedom and faced significant government interference by the government in the form of questionable charges against their leaders and restrictions on freedom of assembly. Ak Jol, which President Bakiyev leads, was the dominant political party and held a clear majority in parliament. Following the 2007 parliamentary elections, the election commission certified that three parties passed the thresholds to gain seats in the parliament: Ak Jol with 71 seats, the SDPK with 11 seats, and the Party of Communists of Kyrgyzstan with eight seats.

There continued to be cases of government harassment of members of the political opposition.

On January 14, the prosecutor general opened three criminal cases against former minister of defense and opposition leader Ismail Isakov relating to alleged misuse of Ministry of Defense funds, negligence relating to government property, and the illegal privatization of an apartment. Opposition leaders and human rights activists asserted that these charges were baseless. As of year's end, the prosecutor general had not detained Isakov and the investigation continued.

On March 9, authorities arrested former foreign minister and opposition leader Alikbek Jekshenkulov for abuse of power during his tenure in government and suspected involvement in the 2007 murder of a Turkish businessman in Talas. A forensic examination by the ministries of justice and internal affairs established that the bullet found at the murder scene was fired from a pistol that Jekshenkulov owned. Opposition leaders asserted that both charges were fabricated. On August 17, Jekshenkulov was released from the pretrial detention center and admitted to a Bishkek hospital for medical treatment. As of year's end, no trial date had been set.

On April 27 and 28, police arrested Green Party leader Erkin Bulekbaev, along with civic activists Sapar Argyntbaev and Ulan Ryskulov, following the April 26 interethnic clashes against Kurds in Petrovka village. Authorities charged the three opposition figures with inciting civil unrest, which

rights activists claimed was a spurious charge. The trial was ongoing at year's end.

There were no legal restrictions on the participation of women in politics; however, traditional attitudes at times hindered women from holding high office or playing active roles in political life. Twenty-five women representing three political parties occupied seats in parliament in accordance with the government quota system. The parliamentary election code mandates that every fourth person on a party list be a woman. Women held several high-level government posts, including vice prime minister, minister of labor and social development, chief justices of the Constitutional Court and Supreme Court, chair of the social fund, and chair of the State Committee on Migration and Employment Issues.

There were 18 members of six minorities represented in the 90-seat parliament. Russians and Uzbeks, the two largest ethnic minority groups, remained underrepresented in government positions. Members of minority groups held senior posts, including an ethnic Russian as prime minister and an ethnic Tatar as minister of energy, industry, and fuel.

#### Section 4 Official Corruption and Government Transparency

Corruption remained endemic at all levels of society. The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials engaged in corrupt practices with impunity. During the year the government took limited steps to address the problem, including arrests of government officials on corruption charges.

In the first six months of the year, the National Anticorruption Agency had received 362 written complaints and telephone calls regarding corruption among government officials, 61 involving alleged unlawful actions of law enforcement officials and 59 related to the judiciary bodies. From January to July, according to the Ministry of Internal Affairs, citizens filed 605 corruption-related cases against government officials. The corruption cases alleging malfeasance, illegal examinations by state agencies, mismanagement of government funds and unauthorized procurement, embezzlement, illegal commercial activity, and bribery.

On March 11, President Bakiyev approved a National Anticorruption Strategy for 2009-11; however, as of year's end, the government had not taken any actions to implement the strategy. In 2007 the NGO Kyrgyz Parliamentarians Against Corruption analyzed the implementation of the previous strategy, originally adopted in 2005, and noted lack of compliance of domestic legislation with international standards.

On May 16, the Ministry of Internal Affairs, working with the National Anticorruption Agency and the Prosecutor General's Office, arrested Stalbek Momunaliev, a Leninski District police investigator, in Bishkek. Momunaliev allegedly had demanded a bribe of 8,000 soms (approximately \$180) from a foreign citizen. At year's end, Momunaliev was awaiting trial for criminal charges related to abuse of power.

During the year officials completed a criminal investigation on the judge of the Moscow District Court of the Chui Oblast and referred the case to the Jaiyl District Court for prosecution. In May 2008 GKNB officers detained the judge for accepting a bribe of 98,545 soms (approximately \$2,200). At year's end, the court continued to review the case.

In November 2008 the Commissioner of the National Anticorruption Agency reported violations of admissions processes at Kyrgyz National University and Jalal-Abad State University. The minister of education dismissed the rectors, and they were charged with abuse of power and forgery. One rector was found not guilty and restored to his position; the other's case was pending at year's end.

In December 2008 the Prosecutor General's Office arrested a judge of the Naryn Oblast Court, Askat Askaliyev, for accepting a 10,000 soms (approximately \$200) bribe from a defendant. The Naryn Oblast Court found Askaliyev guilty and sentenced him to five years' imprisonment.

The law gives persons the right to request information from the government, and the government generally complied with such requests; however, the process is generally slow, rendering the service less useful. In addition, there have been isolated cases in which the government ignored requests, as in the case of rights activist Maxim Kuleshov, who demanded that the election commission publish the results of the 2007 parliamentary elections but never received a response.

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government restricted or hampered to some degree the activities of domestic and international organizations that reported on human rights in the country. Law enforcement agencies and unknown persons continued to harass and pressure human rights activists. Although the government regularly met with local and international organizations to discuss their activities and acknowledge their concerns, it failed to respond to some international organizations' questions, requests, or reports.

The government permitted visits by representatives of the UN and other organizations, including the OSCE, the ICRC, and the International Organization for Migration (IOM), but it severely restricted the activities of the Norwegian Helsinki Committee (NHC). In October 2008 law enforcement officials at Bishkek International Airport denied NHC representative Ivar Dale entrance into the country, telling him he was prohibited for 10 years. The NHC subsequently closed its office in Bishkek. In addition, the election commission denied accreditation to the NHC's election observers one day before the July 23 presidential election.

A February 2008 decree disbanded the State Commission on Human Rights and transferred its authority to the Office of the Ombudsman. The ombudsman acts as an independent advocate for human rights on behalf of private citizens and NGOs and has authority to recommend cases to courts for review. The Ombudsman's Office actively advocated for individual rights. Office representatives stated that, during the first nine months of the year, they received 917 individual and 3,871 group complaints lodged by a total of 6,981 citizens and that in some cases the office's advocacy had been effective in reversing court verdicts against complainants.

#### Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status; however, rights activists claimed authorities failed to apprehend or punish perpetrators of crimes of discrimination during the year.

##### Women

Rape, including spousal rape, is illegal; however, the government failed to enforce the law effectively. Activists continued to note a growing number of rape cases, although this may have been due to increased reporting of attacks. NGOs claimed that rape cases were dramatically underreported and were rarely brought to court. No statistics relating to the number of cases or convictions during the year were available. Experts noted that defendants often used bribery to curtail rape investigations.

The law specifically prohibits domestic violence and spousal abuse; however, violence against women remained a problem. According to a 2008 UN Women's Development Fund poll, 80 percent of respondents stated there was physical violence against women in the home. According to the Ministry of Internal Affairs, police responded to almost 10,000 cases of family conflict annually and nearly 15 percent of crimes committed during family conflicts result in death or serious injury. Many crimes against women were not reported due to psychological pressure, cultural traditions, and apathy among law enforcement officials. Furthermore, there were reports of spouses retaliating against women who reported abuse. Penalties for domestic violence ranged from fines to 15 years' imprisonment (if abuse resulted in death). There were 300 reported crimes committed against women in 2007, the latest year for which crime statistics were available, and the majority of those cases were sent to court.

Several local NGOs provided services for victims of domestic violence, including legal, medical, and psychological assistance, a crisis hotline, shelters, and prevention programs. Organizations assisting battered women also lobbied to streamline the legal process for obtaining protection orders. The government provided offices for the Sezim Shelter for victims of domestic abuse and paid its bills.

Although prohibited by law, the traditional practice of kidnapping women and girls for forced marriage continued in rural areas. There was no reliable data confirming the extent of the problem. Cultural traditions discouraged victims from going to the authorities. Reportedly, some victims go to the local police and obtain protective orders, but the orders are often poorly enforced.

Prostitution is not a crime, although the operation of brothels, pimping, and recruiting persons into prostitution are illegal, with penalties of up to five years' imprisonment. Prostitution was prevalent throughout the country. The NGO Tais-Plus continued to defend the rights, such as the right to health care, of those in prostitution.

The law prohibits sexual harassment; however, according to an expert at the local NGO Shans, it was widespread, especially in private sector workplaces and among university students, but was rarely reported or prosecuted. Penalties range from fines of up to 68,000 soms (approximately \$1,500) to imprisonment for up to three years.

National health regulations require that family planning counseling and services are readily available through a range of health professionals, including not only obstetricians and gynecologists, but also family doctors, paramedics, and nurse-midwives. Citizens--couples and individuals--are free to decide the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. At the primary health-care level, contraceptives are provided to all women upon request, regardless of ability to pay, and the country's Essential Drug List (a list of drugs and other medical items that all government medical clinics should have in supply and available to patients) includes different types of contraceptives. National health protocols require that women be offered postpartum care and counseling on methods and services related to family planning. The government offers special programs to meet the needs of vulnerable target groups, such as adolescents, internally displaced persons, new urban migrants, persons in prostitution, and the very poor. No information was available relating to gender differences in diagnosis or access to treatment for sexually transmitted infections.

In August 2008 the president signed a law providing for equal rights for men and women. According to the presidential press service, the "document establishes state guarantees in terms of providing equal rights and opportunities for persons of various sexes in political, social, economic, cultural, and other fields...and aims to protect men and women against discrimination on the basis of sex." Women have the same rights as men, including under family law, property law, and in the judicial system, although discrimination against women persisted in practice. According to an expert from

the NGO Women's Educational Coalition for Equal Rights, Development, and Peace, women from Muslim families had no property rights and were subject to discrimination when applying for jobs or entering educational institutions. The National Council on the Issues of Family, Women, and Gender Development, which reports to the president, is responsible for women's issues.

Average wages for women were substantially less than for men. Women made up the majority of pensioners, a group particularly vulnerable to deteriorating economic conditions. In the countryside, traditional attitudes toward women limited them to the roles of wife and mother and curtailed educational opportunities. Data from NGOs working on women's issues indicated that women were less healthy, more abused, less able to work outside the home, and less able to determine independently the disposition of their earnings than men. According to the UN Development Fund for Women and domestic NGOs, women did not face discrimination in access to credit or owning businesses.

In November 2008 then prime minister Igor Chudinov initiated an annual government-sponsored media campaign to combat violence against women. According to NGOs, the campaign helped to coordinate the efforts of groups combating violence against women and give them a greater voice.

## Children

According to Articles 19 and 20 of the children's code, every child born in the country has the right to receive a birth certificate, local registration, and citizenship; however, some children were stateless (see section 2.d.).

The law provides for compulsory and free education for the first nine years of schooling, or until age 14; secondary education is free and universal until age 17. However, financial constraints prevented the government from providing free basic education for all students, and the system of residence registration restricted access to social services, including education, for certain children, such as refugees, migrants, and noncitizens. The law carries penalties for parents who do not send their children to school or who obstruct their attendance. This law was only sporadically enforced, particularly in rural areas. Families who kept children in public schools often had to pay burdensome and illegal administrative fees. The government continued to fund two programs that provide school supplies and textbooks to low-income children and children with mental or physical disabilities. Legally, all textbooks should be free of charge, but the government was unable to provide them to all students.

The government provided health care for children; however, refugee, migrant, noncitizen, and internally displaced children had problems accessing health care due to the system of residence registration.

Child abuse--including beatings, child labor, and commercial sexual exploitation of boys and girls--continued to be a problem. In addition, gang-related child-on-child violence in schools was a growing trend.

Although illegal, the practice of bride kidnapping continued, and many underage abductions during the year were likely not reported. Children who are 16 and 17 may legally marry with the consent of local authorities, but marriage before age 16 is prohibited under all circumstances. The government did not have a program to address the problem of child marriage; instead, local authorities handled reports of its occurrence on a case-by-case basis.

As in previous years, there were numerous reports of child abandonment due to parents' lack of resources, and large numbers of children lived in institutions, in foster care, or on the streets.

Approximately 80 percent of street children were internal migrants. Street children had difficulty accessing educational and medical services. Police detained street children and either sent them home (if an address was known) or to a rehabilitation center or orphanage. The Rehabilitation Center for Street Children in Bishkek, maintained by the Ministry of Internal Affairs, continued to lack sufficient food, clothes, and medicine and remained in poor condition. In 2007 it provided rehabilitation assistance to approximately 400 children and sheltered 70, according to The UN Children's Fund (UNICEF). In 2008 the IOM, with foreign government funding and SCME assistance, renovated the Rehabilitation Center for Children in Osh, staffed it with personnel from an IOM-trained NGO, Ulybka, and stocked it with food and supplies. According to Ulybka employees, from January through September more than 500 children received shelter, rehabilitation, and psychological counseling; 253 of the children were found to have been victims of child labor or sexual exploitation.

State orphanages and foster homes lacked resources and often were unable to provide proper care. Some older children were transferred to mental health care facilities even when they did not exhibit mental health problems. According to the Social and Gender Issues Department within the presidency, the number of children in state shelters continued to grow, with the total number in the 39 state shelters estimated at 5,390 at the end of 2008. Of these children, 20 percent were orphans.

### Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country. Trafficking remained a persistent problem, and victims alleged that government officials facilitated it or were complicit in it. However, the government continued to make significant efforts to address trafficking, including improved assistance to victims.

The country was a source, country of transit, and--to a lesser degree—a destination for trafficked persons. Internal trafficking for labor and sexual exploitation also occurred, generally from poor rural areas to larger cities, such as Bishkek in the north and Osh in the south. There were no reliable data on the number of persons trafficked. International organizations and NGOs reportedly provided assistance to 68 victims of trafficking from January through August.

Most trafficking cases were reported after the agricultural labor season ended and forced laborers from the country wanted to return home from Kazakhstan, the Russian Federation, the United Arab Emirates (UAE), and South Korea. Women, especially from impoverished southern areas, were trafficked for sexual exploitation to Kazakhstan, Russia, the UAE, and Turkey. The trafficking of children for the purposes of commercial sexual exploitation and labor also remained a problem. In 2008 the IOM reported that approximately 4,000 Kyrgyz women and girls were sold abroad each year, at least 10 percent of them under the age of 18. The IOM estimated that it assisted more than twice as many victims from the southern provinces of Jalalabad and Osh than from the north, where unemployment rates were lower.

Sex traffickers were often persons who previously operated local prostitution networks but also included organized crime rings that used former trafficking victims as recruiters. Relatives or close family friends were also reportedly used to recruit trafficking victims. In some cases, traffickers provided an escort, usually an older woman, to accompany victims and facilitate border crossings into countries such as the UAE. In 2008 a trend emerged involving the traffickers' use of "collateral," in which traffickers forced a victim who sought to quit to leave a relative, usually a child, in the trafficker's possession as a "hostage" until a suitable labor replacement was found, essentially forcing victims to assist traffickers in recruiting other victims. Labor trafficking was much less organized and often involved self-employed recruiters, who simply loaded persons onto buses and

transported them to the country for work on farms or to foreign labor recruitment firms.

Trafficking in persons, including organizing illegal migration and human smuggling, is a criminal offense punishable by up to 20 years in prison. Other provisions of the criminal code used to prosecute traffickers included laws against kidnapping, recruiting persons for exploitation, coercion into prostitution, rape, and deprivation of freedom. The maximum prison sentence under these laws is 15 years.

The government's enforcement efforts appeared to have limited effect in protecting victims of trafficking or bringing traffickers to justice. According to the IOM, eight defendants were prosecuted and six convicted during the year for trafficking; no information was available about the sentences they received. Endemic corruption impeded the government's efforts to curb trafficking. Victims reported that local police, immigration, and airport security personnel often cooperated with highly organized trafficking operations. Observers believed that some government authorities facilitated or were otherwise complicit in trafficking activities. The government agencies responsible for combating trafficking in persons, according to a September 2008 decree, are the GKNB; the Committee for Migration and Employment; the ministries of internal affairs, foreign affairs, education and science, health, and labor and social development; the State Agency on Physical Culture, Sports, Youth Affairs, and Child Protection; and the State Border Service.

As part of the National Action Plan against Human Trafficking, the State Committee for Migration and Employment shared information with the IOM and its local implementers and jointly sponsored programs to combat trafficking, including in labor migrant assistance centers in Russia. In addition the Ministry of Internal Affairs and the Border Service cooperated closely with the IOM to identify victims of trafficking; however, some victims and NGOs alleged that Border Service and Ministry of Internal Affairs officials were complicit in trafficking or received bribes to assist traffickers.

The law protects trafficking victims from prosecution if they cooperate with an investigation and may also in some cases offer temporary or permanent residence status. Some trafficking victims cooperated with investigations, but many feared retaliation from traffickers. There were no reports during the year of the government penalizing victims who did not cooperate with trafficking investigations. According to the SCME, government agencies assisted in the repatriation of 134 Kyrgyz victims of trafficking during the year.

According to several NGOs, the government did not directly assist trafficking victims, including those repatriated, with special services or care facilities; however, the government supported NGOs by providing them with office space, space for two shelters (one in Bishkek and one in Osh), and free advertising in government-owned media outlets. The SCME continued to provide consultations through its hotline and in person, and the country's embassies abroad assisted victims of trafficking by issuing new authentic travel documents to replace the false documents the victims had used to exit the country.

Law enforcement organs increasingly referred trafficking victims to IOM-sponsored shelters. After an earthquake, the Osh trafficking victims shelter opened a new facility in November 2008 with building space provided by the government and refurbishment paid for with grants from the IOM and the Norwegian government. The newly renovated Rehabilitation Center for Children in Osh provided shelter to child victims of trafficking and labor exploitation.

The government actively participated in and helped implement antitrafficking programs. With financial and practical assistance from international and nongovernmental organizations, the government supported a countrywide information campaign and trained law enforcement and foreign affairs officials on trafficking awareness. Central and local governments worked with approximately

36 domestic NGOs that operated within the IOM-managed antitrafficking network. Numerous articles in government and independent media publicized the dangers of working abroad, and posters on public transport raised public awareness of the problem.

The Department of State's annual *Trafficking in Persons Report* can be found at <http://www.state.gov/j/tip>.

### Persons with Disabilities

The law prohibits discrimination against persons with disabilities, but in practice such persons faced discrimination in employment, education, access to health care, and the provision of other state services. The law mandates access to buildings for persons with disabilities and requires access to public transportation and parking, it authorizes subsidies to make mass media available to persons with hearing or visual disabilities, and free plots of land for the construction of a home; however, the government generally did not ensure that these provisions of the law were implemented. In addition persons with disabilities often had difficulty finding employment because of negative societal attitudes and high unemployment among the general population.

The lack of resources made it difficult for persons with disabilities to receive adequate education. Although children with disabilities have the right to an education, Gulbara Nurdavletova of the Association of Parents of Children with Disabilities stated that most were denied entry into schools. Parents sometimes established special educational centers for their children, but they did not receive government assistance.

Serious problems continued within psychiatric hospitals. The government did not provide basic needs such as food, water, clothing, heating, and health care, and facilities were often overcrowded. Inadequate funding played a critical factor. In 2008 a parliamentary commission reported violations of patients' rights in a number of mental hospitals, mainly due to lack of funding.

Authorities usually placed children with mental disabilities in psychiatric hospitals rather than integrating them with other children. Other patients were also committed involuntarily, including children without mental disabilities who were too old to remain in orphanages. The Youth Human Rights Group monitored the protection of children's rights in institutions for children with mental and physical disabilities. The group noted gross violations by staff at several institutions, including depriving young patients of sufficient nourishment and physically abusing them.

The Office of the Prosecutor General is responsible for protecting the rights of psychiatric patients and persons with disabilities. According to local NGO lawyers, the members of the prosecutor's office had no training and little knowledge of the protection of these rights and were ineffective in assisting citizens with disabilities. Most judges lacked the experience and training to determine whether persons should be referred to psychiatric hospitals, and the practice of institutionalizing individuals against their will continued.

### National/Racial/Ethnic Minorities

Minorities alleged discrimination in hiring, promotion, and housing, but no official reports were registered with local authorities.

In previous years there were reports of isolated incidents of discrimination against ethnic Kurds. On April 26, an estimated 300 ethnic Kyrgyz and Russian residents of Petrovka village in the Chui Oblast protested the presence of Kurds, damaging Kurdish residents' houses and vehicles. The riot erupted as a result of perceived inaction by the authorities in arresting a 22-year-old Kurd accused of

raping a four-year-old Russian girl. Riot police ended the violence and detained 80 persons. Authorities released all but three detainees, representatives of the opposition UPM and Green Parties, who voiced support for the Kyrgyz and Russian villagers and against local authorities (see section 3). The Kyrgyz and Russian villagers demanded that the local administration expel Kurdish families from Petrovka. While some families left the village voluntarily, most Kurds remained without further incident during the remainder of the year. On August 27, a district court convicted the Kurdish suspect and sentenced him to 20 years in prison.

The law designates Kyrgyz as the state language and Russian as an official language, and it provides for preservation and equal and free development of minority languages. Non-Kyrgyz-speaking citizens alleged that a ceiling precluded promotion beyond a certain level in government service. They also alleged that unfair language examinations disqualified some candidates for office. A government initiative to increase official use of Kyrgyz further raised concerns among non-Kyrgyz ethnic groups about possible discrimination.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There is no law against homosexuality; however, according to Human Rights Watch and a local NGO, lesbian, gay, bisexual, and transgender (LGBT) individuals faced severe oppression. Persons whose nontraditional sexual orientation was publicly known risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities. Inmates and officials often openly victimized incarcerated gay men. Forced marriages for lesbian and bisexual women also occurred. According to an October 2008 Human Rights Watch report, the government failed to protect the rights of LGBT individuals.

A single NGO supported advocacy campaigns, conducted training, organized festivals, and operated a community center and shelter in support of LGBT individuals.

#### Other Societal Violence or Discrimination

On October 7, during the Inter-Parliamentarian Conference in Bishkek, local human rights organizations and government officials formally recognized that persons with HIV/AIDS in the country faced societal discrimination. At the same time, Minister of Health Marat Mambetov announced that the government had developed a program to educate local communities about acceptance of persons with HIV/AIDS in their neighborhoods.

#### Section 7 Worker Rights

##### a. The Right of Association

The law permits citizens to form and join trade unions; however, many restrictions exist. The Federation of Trade Unions (FTU), with an unconfirmed membership of 200,000 workers, or 9 percent of the workforce, remained the only umbrella trade union in the country. Unions were not required to belong to the FTU, and there were several smaller unaffiliated unions. One of the largest of these was the Union of Entrepreneurs and Small Business Workers, with a claimed membership of approximately 60,000.

The law grants the right to strike, but the conditions required to receive formal approval made the procedure difficult and complicated. The law does not prohibit retaliation against strikers. The law on government service prohibits government employees from striking, but the prohibition does not apply

to teachers, medical professionals, or members of the armed forces.

#### b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice most of the time.

The law recognizes the right of unions to organize and bargain collectively, and trade unions exercised this right on behalf of their members.

There are no special laws or exemptions from regular labor laws in the free economic zones (FEZs) that function as export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred, especially involving foreign laborers in agriculture. Unlike in previous years, there were no reports by the NGO Mental Health and Society during the year that psychiatric hospital patients were forced to work or provide domestic service for doctors and local farmers.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law provides for the protection of children from economic exploitation and from work that poses a danger to their health or development; however, child labor remained a widespread problem. The minimum legal age for basic employment is 16, except for work considered by the government to be "light," such as selling newspapers. In addition, children as young as 14 years old may work with the permission of a parent or guardian. The law prohibits the employment of persons under 18 at night, underground, or in difficult or dangerous conditions, including the metal, oil, and gas industries; mining and prospecting; the food industry; entertainment; and machine building. Children who are 14 or 15 may work up to five hours a day; children who are 16 to 18 years old may work up to seven hours a day. These laws also apply to children with disabilities.

According to a study conducted in 2007 by the National Statistical Committee and the International Labor Organization (ILO), 450,000 children, or 30.7 percent of all children between the ages of five and 17, worked. The study found that 95 percent of child laborers were employed as unpaid family workers, primarily in family businesses and agriculture. Child labor was also noted in the following sectors: tobacco, cotton, rice, cattle breeding, coal mining, construction, brick making, car washing, shoe cleaning, and retail sales of tobacco and alcohol. According to NGO reports, child labor continued to be particularly prevalent in the south. During the fall some schools cancelled classes and sent children to pick cotton. During the summer children were involved in tobacco production, often in extreme heat and under hazardous conditions. Some schools required children to harvest tobacco planted on school grounds, with the income going directly to the schools. The Agricultural Workers Union estimated that 125,000 children in the south were involved in child labor and that approximately 15,000 children worked in tobacco fields.

Internal trafficking of children for the purposes of commercial sexual exploitation and forced labor remained a problem. A 2008 ILO-funded study found an increase in the employment of trafficked children to sell and distribute illicit drugs.

Reports from ECPAT International and other international organizations indicated that police arrested street and working children and forced them to give up their earnings in exchange for being

released.

The Prosecutor General's Office and the State Labor Inspectorate are responsible for enforcing employers' compliance with the labor code. During the year inspectors conducted spot checks of child labor law compliance, but these were infrequent and ineffective. During the first six months of 2008, the Prosecutor General's Office conducted 52 checks, resulting in 16 written notifications, 33 demands for immediate action, 142 warnings, and four disciplinary actions against five individuals. Since many children worked for their families or were self-employed, it was difficult for the government to determine whether work complied with the labor code. Government enforcement efforts also suffered from a lack of resources. Although employers found violating the labor code could be charged with financial or criminal penalties, punishment was usually minimal.

The government supported several social programs to prevent the engagement of children in exploitative child labor.

#### e. Acceptable Conditions of Work

There was no minimum wage. The government used a nominal national minimum monthly wage of 340 soms (approximately \$7.71) for administrative purposes, such as determining fines imposed by the courts; the amount would not provide a decent standard of living for a worker and family. Employers generally paid somewhat higher wages.

The standard workweek is 40 hours, usually within a five-day week. For state-owned industries, there is a mandated 24-hour rest period in the workweek. According to the labor code, overtime work cannot exceed four hours per day or 20 hours per week and must be compensated with compensatory leave or with premium pay of between 150 and 200 percent of the hourly wage. These provisions were mainly enforced at large companies and organizations with strong trade unions. Small, informal firms had no union representation.

Safety and health conditions in factories were poor. The law establishes occupational health and safety standards, but the government generally did not enforce them. The State Labor Inspectorate is responsible for protecting workers and carrying out inspections for all types of labor problems, but its activities were limited, and business compliance was uneven. The FTU and other trade unions are empowered to enforce all labor laws. Workers in all industries have the right to remove themselves from dangerous workplaces without jeopardizing their employment, and workers exercised this right in practice.

Unregistered foreign workers in the country could not exercise the same rights as registered workers.

Government licensing rules place strict requirements on companies recruiting Kyrgyz citizens to work abroad, and companies must be licensed by the SCME before they can recruit. The government regularly published a list of licensed and vetted firms. Recruiters are required to monitor employer compliance with employment terms and the working conditions of labor migrants while a work contract is in effect. Recruiters are also required to provide workers with their employment contract prior to their departure. The government also took steps to streamline labor migration by adopting a program on the regulation of migration processes and collaborating with the governments of Russia, South Korea, and Kazakhstan to improve the protection of rights of Kyrgyz labor migrants working abroad. The SCME had representatives in several Russian cities to assist Kyrgyz labor migrants who sometimes encountered discrimination, poor working conditions, or violence. In March 2008 the SCME, with the support of the IOM and the Swedish Development Agency, opened an

information center for potential labor migrants in Osh to advise migrants about the risks of labor trafficking, inform them of their legal rights, and provide them with the names of reputable labor management firms previously vetted by the SCME.