

# KYRGYZ REPUBLIC

## EXECUTIVE SUMMARY

The Kyrgyz Republic has a parliamentary form of government that limits presidential power and enhances the role of parliament and the prime minister. The October 2010 parliamentary elections, considered relatively free and fair, led to a three-party coalition that took power in December 2010. In the 2011 presidential election held on October 30, Almazbek Atambayev, the then prime minister, received more than 60 percent of the vote. Independent observers considered the election generally transparent and competitive, despite some irregularities. This was the country's first peaceful transfer of power in its 20-year history. Following Atambayev's inauguration on December 1, parliament formed a new governing coalition that included four of the five parties that held seats. While security forces officially reported to civilian authorities, in some regions, particularly in the south, there were instances in which elements of the security forces acted independently of civilian control.

The most important human rights problems were a continuation of the June 2010 ethnic tension that erupted in violent clashes in the South, and an absence of due process and accountability in judicial and law enforcement proceedings, as represented by the pervasive oppression of ethnic Uzbeks and others by members of law enforcement. Members of law enforcement continued to commit human rights violations, such as arbitrary arrest, mistreatment, torture, and extortion, against all demographic groups, but particularly against ethnic Uzbeks, who constituted more than 70 percent of June 2010 casualties but comprised 80 percent of those charged with crimes related to that violence. The central government's inability to hold human rights violators accountable allowed security forces to act arbitrarily and emboldened law enforcement to prey on vulnerable citizens. Furthermore, the weakness of central authority empowered mobs to disrupt trials by attacking defendants, attorneys, witnesses, and judges.

The following additional human rights problems existed: arbitrary killings by law enforcement officials; poor prison conditions; lack of judicial impartiality; harassment of nongovernmental organizations (NGOs), activists, and journalists; pressure on independent media; 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.

Impunity was a major problem, as the government did not take steps to restrain the security forces from exploiting the citizenry.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

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

There were no reports that the government or its agents purposely committed arbitrary or unlawful killings.

During the year, however, at least five individuals reportedly died as a result of their detention by law enforcement agencies.

On August 9, Osmonjon Kholmurzayev, an ethnic Uzbek citizen of Russia, died of internal bleeding and other injuries following his detention by Bazar Korgon police (Jalalabad oblast). He was taken into custody on August 7 on suspicion of being involved with the June 2010 violence. Kholmurzayev was released after his family reportedly paid police KGS 30,000 (\$650). Several human rights NGOs subsequently reported, and his family testified in court, that the police had demanded \$6,000 (specified in U.S. dollars) for his release. Following his release on August 8, Kholmurzayev collapsed, and he died in the hospital the following day. Authorities arrested four Bazar Korgon police officers, charging them with abuse of power, torture, extortion, and manslaughter. Two of the officers were released to house arrest while on trial. The family's attorney asked that the judge be replaced for this decision, and in December a regional court in Bishkek granted the request. The trial continued at year's end.

On July 30, Feruzbek Fiziyeu, a customs officer died after an alleged encounter with members of the State Committee for National Security (GKNB). The GKNB officially claimed that Fiziyeu jumped from a building while trying to avoid arrest following a raid on illegal arms dealers. Human rights NGOs, including Kylum Shamy and Golos Svobody, disputed this account, contending that Fiziyeu died from injuries related to torture. They claimed GKNB officers detained him and two acquaintances on July 29. The acquaintances, who were released and reportedly fled the country, claimed that GKNB officers tortured them. An independent autopsy of Fiziyeu showed injuries consistent with torture, including broken ribs, multiple contusions, and marks suggestive of electric shock.

In October 2010 Kazakhstan's Interior Ministry announced the arrest of two persons in connection with the death of Gennady Pavlyuk, an ethnic Russian

citizen of Kyrgyzstan, in December 2009. A prominent opposition journalist and critic of the Bakiev government, Pavlyuk died in the hospital after allegedly being thrown from a building in Almaty with his hands and feet bound. On October 11, Kazakhstan's criminal court convicted Aldayar Ismankulov, a former officer of the Kyrgyz GKNB's Organized Crime Unit, and two citizens of Kazakhstan of the killing. The court sentenced Ismankulov to 17 years, and his codefendants to 10 and 11 years' imprisonment, respectively.

### **b. Disappearance**

During the year human rights organizations reported numerous disappearances and instances of abductions, often by law enforcement agencies. Many of these cases appeared to have been related to the continuing ethnic violence in the south. The Kyrgyzstan Inquiry Commission (KIC) report published in May corroborated reports of arrested and detained ethnic Uzbeks denied the opportunity to contact their families or attorneys during June 2010 events. During the year local and international observers continued to report numerous instances in which law enforcement held detainees incommunicado for long periods. Ethnic Uzbeks in the south reportedly were subject to arrest and detention during the June 2010 violence for crimes, such as "participating in mass disturbances, inciting ethnic hatred, and murder," according to multiple NGOs monitoring the situation. The NGOs alleged that police did not immediately record arrests or communicate them to family members.

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

The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment. In April the then newly appointed prosecutor general, Aida Salyanova, issued a decree prohibiting torture and ordered the prompt investigation of all torture allegations. Nonetheless, numerous defense attorneys and multiple human rights monitoring organizations, including Golos Svobody, Citizens Against Corruption (CAC), and Human Rights Watch (HRW), continued to report many incidents of torture by the police and other law enforcement agencies throughout the year. There were persistent reports of officers beating detainees and prisoners (particularly Uzbeks in the South) to extort bribes in exchange for release or to extract criminal confessions. The only police officers known to have been criminally prosecuted during the year were those involved in the Kholmurzaev case (see section 1.a.).

In contrast to widespread reports of abuse in detention, most detainees did not file torture claims while in pretrial detention because of a fear of retribution from detention facility personnel. As a result allegations of torture frequently went uninvestigated. In those cases where an allegation of misconduct was filed, investigators took two weeks or longer to review torture claims, at which point physical evidence of torture on the bodies of the detained was no longer visible. Consequently, defense attorneys presented most allegations of torture only during trial proceedings. At that point the claims were more difficult to prove and the courts typically rejected them. Based on credible NGO reports, ethnic Uzbeks in the southern portion of the country comprised the majority of victims of torture, abuse, and mistreatment by law enforcement.

President Otunbayeva noted at the September meeting of the Ministry of Internal Affairs (MVD) and GKNB Public Oversight Boards that the number of torture incidents by law enforcement against “representatives of one nationality” increased after the June 2010 violence. She stated that “torture in Kyrgyzstan is a part of culture and everyday life.” The Anti-Torture Coalition registered 244 cases of torture from August 2009 to 2011.

The Prosecutor General’s Office reported that 87.3 percent of torture cases occurred in temporary detention facilities. The victims included 21 women and 12 juveniles. At least five cases of suspected torture led to death. In the first 11 months of the year, the Prosecutor General’s Office filed 43 criminal cases involving torture, of which 20 were sent to the courts for consideration. At year’s end, none of the filed cases had resulted in conviction.

The NGO Committee of Soldiers’ Mothers reported eight registered cases of military hazing involving physical abuse during the year. Military authorities and the Committee of Soldiers’ Mothers provided medical and psychological treatment to the victims. The eight reported cases represented an increase in military hazing, compared with one case in 2010.

### **Prison and Detention Center Conditions**

Prison conditions were harsh and sometimes life threatening due to food and medicine shortages, substandard health care, lack of heat and other necessities, and mistreatment. Pretrial and temporary detention facilities were particularly overcrowded, and conditions and mistreatment generally were worse there than in prisons. Unlike in previous years, morbidity and mortality rates increased. Morbidity rates increased from 5.07 percent to 5.89 percent, and mortality from 0.9

percent to 1.08 percent. Only mortality resulting from tuberculosis (TB) decreased. Approximately 477 prisoners had TB, of which 87 had multi-drug-resistant strains. In the first 10 months of the year, 73 prisoners died, 14 of them from TB.

According to the government, the prison population fell by approximately 2,600 to 8,093 (including 345 women). This was substantially less than the total prison capacity of 14,000 reported by the government. The decline in the prison population may have been related to a general amnesty during the year. Regardless, international organizations alleged that the actual capacity was markedly less than reported and that prison overcrowding constituted a significant problem.

Authorities generally held juveniles separately from adults but occasionally grouped them together in overcrowded temporary detention centers. CAC reported that at a pretrial detention center in Toktogul, five prisoners were housed in a single cell containing only four beds. One of the detainees was a previously convicted criminal, and two were under the age of 18. On occasion convicted prisoners remained in pretrial detention centers while their cases were under appeal.

On September 1, Mamataziz Bizrukov died, reportedly from a denial of medical treatment following abuse. Bizrukov, a 63-year-old ethnic Uzbek accused of murder and robbery during the June 2010 violence, died while in custody at a pretrial detention center in Osh. Officials reported the cause of his death as a heart attack. Although he was diagnosed with prostatitis on July 29, medical staff at the detention center did not allow him to receive outside treatment for which his family had offered to pay. Prior to his death, Bizrukov had complained that he had been unable to urinate for five days. Nonetheless, authorities did not send him to the center's hospital and did not remove him from his cell. The Osh office of the ombudsman and multiple human rights groups confirmed these reports. Human rights NGOs also asserted that prison and law enforcement personnel beat Bizrukov on multiple occasions while in custody.

Convicted prisoners had reasonable access to visitors, and prisoners were permitted religious observance. Those held in pretrial detention were not always afforded access to visitors. Prisoners have the right to file complaints with prison officials or with higher authorities. However, CAC reported that complaints were not well documented and were not always passed along by prison staff. Many observers

believed that official prisoner complaints of mistreatment constituted only a fraction of the cases that actually occurred.

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), the NGO Penal Reform International, and Golos Svobody to visit prisoners in prisons as well as detainees in temporary detention centers. The International Committee of the Red Cross (ICRC) also conducted visits. Monitoring groups generally received unfettered access.

The ombudsman for human rights is empowered to request alternatives to incarceration for nonviolent offenders, improvements to pretrial detention, and proper release at the end of sentences. The ombudsman frequently made such requests in practice. The ombudsman reported that it made 2,098 written appeals related to gross violations or requests, and authorities granted 13.1 percent of these requests.

#### **d. Arbitrary Arrest or Detention**

While the law prohibits arbitrary arrest and detention, arbitrary arrests appeared to have greatly increased following the June 2010 interethnic violence. The number of those arrested and of those sentenced to life imprisonment also increased during the year. CAC reported that 38 people received life sentences. The number of individuals serving life sentences in prison reached 242 during the year, compared with 204 persons in 2010 and 190 in 2009. Police arrests for the lack of proper identification documents were common. Police frequently used false charges to arrest persons and then solicited bribes in exchange for release. Persons unable to pay were often subject to abuse by police. NGOs and monitoring organizations, including Golos Svobody, CAC, HRW, the UN Office of the High Commissioner for Human Rights, and the OSCE all recorded multiple complaints of arbitrary arrest during the year. Although various estimates placed the number of arbitrary arrests in the thousands, there was no official count. Most observers asserted it was impossible to know the number of cases because the majority went unreported.

#### **Role of the Police and Security Apparatus**

General and local crimes fall under the authority of the MVD, while state-level crimes fall under the authority of the GKNB. The Prosecutor General's Office prosecutes both types of crimes. In 2009 then President Bakiyev signed into law

measures that empower 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. Although these laws remain on the books, there were no reports that the military or Presidential Security Service exercised these powers.

The problem of police impunity was highlighted in the aftermath of the June 2010 interethnic violence. International observers noted widespread arbitrary arrests, detainee abuse, and extortion, particularly in the south. However, few MVD officials were dismissed or prosecuted for corruption, abuse of authority, extortion, or police brutality. The ministry's internal investigations unit reported 1,430 citizen complaints of police misconduct and 395 issued conclusions on subsequent investigations. As a result the ministry reported that 39 officers were dismissed and 578 were subjected to various disciplinary actions. The Prosecutor General's Office reported investigating 87 law enforcement employees for various crimes but did not provide information on the outcomes of those investigations.

### **Arrest Procedures and Treatment While in Detention**

In January parliament passed amendments to the criminal procedure code eliminating the authority of prosecutors to issue search and seizure warrants. Courts have that authority instead. Prosecutors have the burden of proof in persuading the judge that a defendant should be detained pending trial, yet detention remained common, particularly with ethnic Uzbek defendants accused of June 2010 crimes. In 2008 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. The law requires investigators to notify a detainee's family within 12 hours of detention, but this requirement often was not observed in practice. The courts have discretion to hold suspects in pretrial detention up to one year, after which the courts are legally required to release the suspect.

All persons arrested or charged with crimes have the right to defense counsel at public expense. Human rights observers alleged that some defense attorneys appointed by the state were complicit with prosecutors and did not adequately defend their clients. By law the accused has the right to consult with defense counsel immediately upon arrest, but in many cases the first meeting 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 enforced the law by incarcerating persons suspected of minor crimes while not pursuing those suspected of more serious crimes. There was a functioning bail system.

On October 20, President Otunbayeva signed an amendment to the law on detention conditions requiring lawyers to obtain permission from the prosecutor, investigator, or judge prior to visiting a defendant. Human rights defenders, including Golos Svobody and CAC, along with prominent defense attorneys challenged the provision, claiming it violates due process by making it more difficult for attorneys to consult with their clients in a timely manner.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary. Lawyers and citizens commonly believed that judges were open to bribes and/or susceptible to outside pressure. Multiple sources, including NGOs, attorneys, government officials, and private citizens asserted that judges paid bribes in order to attain their positions. These perceptions were reinforced by press reports of at least nine criminal investigations of judges for allegedly taking bribes during the year. A survey measuring how events and media reports shape public perception, conducted by the Citizen's Council to Control Court System, found that a majority of those interviewed believed that "judges do not behave properly" and that "judges accept bribes in exchange for their decisions." On September 23, GKNB officers detained an Oktyabrskiy district court judge for receiving a \$1,000 bribe in exchange for stopping a criminal case. The investigation division of the GKNB opened a criminal investigation.

Cases originate in local courts and can be appealed to municipal or regional courts, and finally to the Supreme Court. The military has its own courts. Military courts can try civilians 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. Economic and financial disputes are settled through a separate arbitration court. The Constitutional Court, which was dissolved by the 2010 constitutional referendum, was limited to constitutional questions and could not intervene with other courts except on the issue of constitutionality. Although the Constitutional

Court was supposed to be reconstituted, difficulties with the judge selection process prevented it. At year's end the country had no Constitutional Court.

Following the June 14 adoption of a law on the selection of judges, the Judges' Selection Council was supposed to have appointed a new constitutional chamber, Supreme Court, and eventually all 436 judges. The selection council was comprised of 24 members. The ruling coalition, the parliamentary minority, and the judiciary establishment each appointed eight selectors. The council, however, and the process itself were largely unsuccessful in appointing new judges as mandated. Civil society and some members of parliament were highly critical of the council for its lack of transparency and conflicts of interest. The president rejected many of the candidates for the council after determining they were unqualified for their posts. Other candidates did not make it through the final parliamentary approval process. In October the president suspended the activities of the council indefinitely due to conflicts of interest and more than 700 complaints about the process itself. Only two of 11 open positions in the Constitutional Chamber and none of the judgeships on the Supreme Court had been filled. In October parliament passed amendments to the law on the Judges' Selection Council in an attempt to eliminate conflicts of interest. At year's end more than 90 percent of the judges sitting at the time of the 2010 revolution remained in place.

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 locations 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.

As reported in 2010, trials of Ethnic Uzbeks arrested for instigating or carrying out violence against ethnic Kyrgyz during the June violence were not conducted in accordance with Kyrgyz legal requirements or international standards of fairness. HRW (in its June 2011 report), Amnesty International, and numerous other NGOs described pervasive violations of the right to a fair trial, including coerced confessions, use of torture, denial of access to counsel, threats and acts of violence against defendants and defense attorneys within and outside of the courtroom, intimidation of trial judges by victims' relatives and friends, and convictions in the absence of condemning evidence or despite exculpatory evidence.

On December 20, following a long and frequently delayed appeals process, the Supreme Court upheld the murder conviction and life sentence of ethnic Uzbek human rights activist Azimjon Askarov. The court also upheld the convictions of

his seven codefendants. In September 2010 a Jalalabad court sentenced Askarov to life imprisonment for the alleged killing of a police officer and for inciting ethnic hatred during the June 2010 ethnic violence. Four other codefendants received life sentences, two received 20-year sentences, and one received a nine-year sentence. In November 2010 an appeals court upheld the sentences. Askarov asserted that he was tortured while in custody, and international and local observers reported that trial sessions were marked by widespread threats, abuse, and assaults on defendants and their attorneys. The lower courts and the Supreme Court refused to hear witnesses that could corroborate Askarov's assertion that he was not at the site of the murder when it occurred. Other witnesses on his behalf declined to testify due to death threats. At the end of 2010 authorities moved Askarov to a prison hospital in Bishkek, where he remained. On February 8, the Supreme Court considered a supervisory appeal of Askarov's sentence to life imprisonment but postponed the hearing following an investigative motion filed by Askarov's attorney. The court ordered the MVD to investigate torture allegations. In the December 20 hearing, the judges accepted the MVD's letter concluding that no violations or torture occurred while the defendants were in custody. No representative of the MVD appeared or testified in support of their findings.

### **Trial Procedures**

State prosecutors bring cases before courts, and judges direct criminal proceedings. Criminal cases are conducted by a single judge; appellate cases are handled by three-judge panels. There are no jury trials. Judges have full authority to render verdicts and determine sentences. The law does not guarantee defense attorneys access to government evidence in advance of the trial. If a court renders a case indeterminable, it is returned to the investigative bodies for further investigation, and suspects may remain under detention. At year's end the government had not implemented a 2007 law allowing jury trials in the cities of Bishkek and Osh. The law provides for transparency of court proceedings. Trials are generally open to the public, unless state secrets or the privacy of defendants is involved, and verdicts are announced publicly even in closed proceedings.

The law provides for defendants' rights, including the presumption of innocence. In practice, however, these rights appeared to have been regularly violated. Customs and practices of the judicial system continued to contradict the principle of presumption of innocence, and pretrial investigations focused almost exclusively on the collection of sufficient evidence to prove guilt. In a majority of trials, defendants are required to sit in barred cells within the courtroom, although sometimes it is necessary for their own protection. The law provides for unlimited

visits between an attorney and a client during trial. However, official permission for such visits is required but not always granted. Indigent defendants were provided attorneys at public expense, and defendants could refuse attorney support and defend themselves. HRW and other NGOs reported that some state-provided criminal defense lawyers were complicit with prosecutors and did not properly defend their clients. In some cases NGO observers accused defense attorneys of being incompetent. Defendants and their counsel are permitted by law to access prosecution evidence, although not in advance of the trial, attend all proceedings, question witnesses, and present evidence. In practice, however, the legal system frequently did not guarantee these rights. Typically witnesses were required to testify in person. Under certain circumstances courts allowed testimony via audio or video recording. Defendants and prosecutors have the right to appeal the court's decision.

During 2010-11, crowds of spectators regularly disrupted trials of ethnic Uzbeks charged with crimes related to the June 2010 violence. Family members of victims frequently disrupted trial proceedings and often threatened the security and the safety of defendants, attorneys, and judges. Authorities typically did nothing to stop these widespread incidents.

On September 16, in Kara Suu District Court, an ethnic Uzbek man on trial for a killing and his attorney were attacked by relatives of the victim during the trial. The group of mostly women started with verbal threats and insults directed at the defendant and his attorney. The judge asked the women to desist but did not order them removed from the court and did not order police to provide security. While the defense attorney was giving remarks, the victim's mother attacked her, pulling her hair. The judge told the attacker to sit down but took no other action to protect the attorney, who apparently became too nervous to continue and left the courtroom. After the judge and prosecutor left the courtroom, the victim's relatives threw rocks at the defendant, who remained locked in a cage in the courtroom. Police in the courtroom reportedly tried to stop the attack but were attacked themselves. Authorities did not arrest any of the offenders.

### **Political Prisoners and Detainees**

On December 20, the Supreme Court ruled against the appeal of Azimjon Askarov, an ethnic Uzbek human rights activist convicted with seven codefendants for the killing of a police officer during the June 2010 events. The court had suspended the appeal since February 8. Many independent observers considered Askarov a political prisoner, and the Ombudsman's Office declared that his sentence was

“politically motivated.” An ombudsman investigation shortly after the incident cleared Askarov of suspicion and found that he had been tortured while in temporary detention. His and his codefendants’ trial was considered by international and domestic observers to be highly biased and in violation of several domestic and international norms. His prosecution and conviction were based upon questionable witness accounts. His arrest appeared to be score settling by the police with whom he had frequently clashed.

On October 28, a Jalalabad court convicted Kadyrzhan Batyrov, an ethnic Uzbek community leader, and five codefendants--all tried in absentia--of circulating separatist propaganda, inciting ethnic hatred, and organizing violent clashes. Independent observers judged the short trial to be politically motivated, marred by procedural violations, and rushed to completion before the October 30 presidential election. Batyrov and codefendant Inom Abdurasulov received life sentences, the other defendants received lengthy sentences, and all were subjected to state seizure of their property.

In December the trial of 28 individuals accused of complicity in the shooting deaths of protesters on April 7 continued in Bishkek. The trial, which continued at year’s end, involved the prosecution of several defendants in absentia, including former president Kurmanbek Bakiyev; his brother Janysh, former head of the Presidential Guard Service; and former prime minister Daniyar Usenov. Other defendants included Oksana Malevanaya, former head of the Presidential Secretariat; Murat Sulatinov, former chairman of the GKNB; and several special GKNB operations officers. Human rights activists claimed that the charges against the defendants were arbitrary and that the government denied the legal right of the defendants to see all of the evidence against them during the trial. The trial began in November 2010, when during the first session, audience members surged onto the stage, threatening defendants and their attorneys, who subsequently refused to participate in the trial unless the government ensured their security.

### **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, although observers and activists alleged that 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. Some activists and journalists confidentially alleged that their privacy was violated through wiretapping, eavesdropping, and theft of personal or professional information.

Cell phone operators MegaCom and Beeline confirmed that the security services wiretapped citizens. On April 15, parliament adopted a law requiring that mobile operators switch off the technical means serving security and investigative actions. Ar Namys parliamentarian Akylbek Japarov declared that the GKNB was responsible for violating the integrity of citizens' personal information with the use of a wiretapping system. The decree states that any wiretapping of electronic communication should be used exclusively to combat crime. Parliamentarian Dastan Bekeshev stated in a September 8 parliamentary session, however, that the decree had not been implemented because mobile operators had not reported turning off the wiretapping technology to the parliamentary committee.

In July 2009 then 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. While this law remains on the books, there were no reports of such confiscations during the year.

#### **g. Use of Excessive Force and Other Abuses in Internal Conflicts**

There were no reports of violent clashes during the year. The widespread ethnic violence in June 2010 between ethnic Kyrgyz and ethnic Uzbeks in Osh and Jalalabad oblasts resulted in the deaths of 400 to 500 individuals. In 2010 the government's investigative National Commission of Inquiry reported 426 confirmed deaths, of which 276 were of ethnic Uzbeks and 105 were of ethnic Kyrgyz. The international KIC report estimated at least 470 deaths, of which 75 percent (348) were of ethnic Uzbeks and 25 percent (118) were of ethnic Kyrgyz. Security forces, mainly composed of ethnic Kyrgyz, did not prevent the violence. Multiple reports surfaced that some units surrendered their vehicles, weapons, and uniforms to groups attacking ethnic Uzbek neighborhoods and may have participated in attacks. None of the investigations uncovered solid evidence of security forces' participation in the attacks.

Authorities claimed that they investigated the June 2010 violence without regard to ethnicity. However, the vast majority of those arrested in connection with the violence, on charges ranging from destruction of property to murder, were ethnic Uzbeks. A June 2011 HRW report noted that of 124 individuals arrested for murder, 115 were ethnic Uzbeks. Many of those arrested were tortured. According to a 2010 HRW report, prolonged and extensive beatings by fist, club, or rifle butt were the primary form of abuse. Victims also reported being suffocated with hoods or gas masks and burned with cigarette butts. Although government officials in oblasts where such abuses were alleged denied the claims, HRW reported finding 65 credible cases of torture.

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

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

#### **Status of Freedom of Speech and Press**

Freedom of Speech: The law provides for freedom of speech and press. In practice individuals generally could criticize the government publicly or privately without reprisal. Following the April 2010 change of government, the government took steps toward ensuring those rights were respected.

Freedom of Press: After the June 2010 violence, the Committee to Protect Journalists (CPJ) reported that two ethnic-Uzbek Radio Free Europe/Radio Liberty journalists in Osh received threats that forced them to stop working and leave the region temporarily. They had produced eyewitness reports of the ethnic unrest that differed from the reports produced by most domestic media outlets.

There were 40 to 50 regularly printed newspapers and magazines, 12 to 15 of which were state-owned with varying degrees of independence. The independent printing press run by the nongovernmental Media Support Center was the leading newspaper publisher in the country. More than 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.

Violence and Harassment: At least eight journalists were attacked or threatened during the year. Although authorities opened investigations into some of the incidents, none were solved by year's end. In certain cases, even though some perpetrators' identities were known, the government did not prosecute the suspects.

Some threats against journalists were anonymous; others were made by known figures such as politicians and government officials. Journalists were threatened for reporting on sensitive topics such as interethnic relations, the June 2010 events, and the rise of nationalism in the country. Others were threatened for reporting critically on public figures. Many journalists, even those not assaulted or threatened, admitted to self-censoring their reporting due to fear of being targeted.

The CPJ and other news outlets reported that on August 10, Shakrukh Saipov, an independent, ethnic Uzbek journalist, was abducted from the Osh airport, beaten, and left unconscious on a street in the village of Aravan, 17 miles from Osh. Saipov, who publishes an independent news Web site in Russian, Uzbek, and English, sustained a concussion, partial memory loss, several broken teeth, and a broken nose. The attackers did not steal any of his valuables. At year's end the police reported no progress in investigating the case.

On May 11, Radio Free Europe/Radio Liberty and other outlets reported that several assailants attacked and beat Samat Asipov, a journalist who covered parliament for Channel 5. Asipov was hospitalized for his injuries. The attackers did not steal his valuables. Although the police opened an investigation, they identified no suspects, and no one was prosecuted for the crime.

During the year authorities prosecuted Khalil Khudaiberdiyev, owner and director of Osh TV, and Dzhavlon Mirzkhodzhayev, owner of Mezon TV and several newspapers, along with four other exiled ethnic Uzbek citizens of Kyrgyzstan, including Khadyrzhan Batyrov (see section 1.e., Political Prisoners and Detainees). Khudaiberdiyev and Mirzkhodzhayev were specifically targeted because their TV stations broadcasted a May 2010 protest rally in Jalalabad. Although rally organizers denounced violence, Khudaiberdiyev, Mirzkhodzhayev, and the others were charged with participating in mass disorder, calls for separatism, and illegal creation of an armed group, among other charges. The CPJ called the charges fabricated. On October 28, both men were convicted and sentenced in absentia to prison terms of 14 years (Mirzkhodzhayev) and 20 years (Khudaiberdiyev), as well as state seizure of property.

Censorship or Content Restrictions: A 2008 law, yet to be fully implemented, placed significant restrictions on television and radio broadcast companies and established 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.

Multiple anonymous sources alleged that some news outlets instructed their reporters not to report critically on certain politicians or government officials. Sources also reported that some news outlets received “requests” from offices of the government to report in a particular way or to ignore news stories.

Libel Laws/National Security: Under the new constitution, libel is no longer a criminal offense. On July 11, President Otunbayeva signed legislation passed by parliament to implement that provision.

From September 25 until October 30--the period of the presidential election campaign--the national cable television provider blocked international news channels CNN and BBC. All of the Russian news channels were delayed, and later broadcasts removed stories referring to Kyrgyzstan. It was reported that the Russian embassy provided the technology to delay and edit the Russian broadcasts. These measures were taken in accordance with the new law on elections that sought to limit foreign media influence in the campaign.

Publishing Restrictions: 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 the source of financing, including financing by international donor organizations.

Foreign media generally 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. A number of Russia-based media outlets operated freely in the country; the government treated them as domestic media. Several new broadcast licenses were issued in late 2010 and 2011, but the awards process remained cumbersome in that two licenses were required, one for content and one for broadcast spectrum. The process also lacked transparency.

All independent Uzbek-language media in the south stopped operating after the June 2010 violence, and aside from extremely limited Uzbek language content in Kyrgyz language outlets and publications, they did not resume during the year. In some cases there were reports that media outlets stopped operating because of local government pressure.

During the year there were no developments in the 2010 case of Ulugbek Abdusalamov, editor of the Uzbek-language newspaper *Didor*, charged with

“organizing and participating in mass disorder,” “inciting ethnic hatred,” and “separatist activities aimed at destroying the territorial integrity of the state.” According to human rights organizations, Abdusalamov had heart problems that may have resulted from beatings in prison, and his trial was postponed. At the end of 2010, Abdusalamov’s attorney reported that his client and his family were missing and their whereabouts were unknown.

### **Internet Freedom**

Individuals and groups could engage in peaceful expression of views via the Internet, including e-mail, online forums, and blogs.

On June 16, parliament adopted a resolution banning the independent news website, fergananews.com (formerly fergana.ru) from operating within the country. Parliament justified its decision by saying that the site, which most observers see as independent and balanced, incited ethnic hatred. Activists called the move unconstitutional, and President Otunbayeva criticized the decision, recalling that the Bakiyev regime had tried to shut down the Web site. The government did not enforce the ban.

From February 22 to 28, the Web site gezitter.org, which translated and published Kyrgyz language news stories in Russian, was unavailable on all ISPs connected via Kyrgyztelecom. Because gezitter.org was still accessible outside of the country and on the few ISPs not affiliated with Kyrgyztelecom, it appeared as if the near monopoly provider had blocked the site, but expert opinion on the matter remained inconclusive. Kyrgyztelecom denied that it had blocked the site. The site operated normally after the end of February.

### **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, but they reported no restrictions on academic freedom.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The law provides for the right of peaceful assembly. Organizers and participants of peaceful assemblies have the responsibility to notify authorities about planned

assemblies, but the constitution prohibits authorities from banning or restricting peaceful assemblies, even in the absence of prior notification. According to the report *Monitoring the Right to Freedom of Peaceful Assembly in the Kyrgyz Republic*, enforcement of freedom of assembly and existing laws does not always comply with the constitution. For example, local authorities still have the right to demand an end to public action, and in the case of noncompliance, they are empowered to take measures to end assemblies. The report contends that these powers are subject to abuse by local authorities. The government initiated a draft law “On Peaceful Assemblies” to close gaps between current laws, practice, and the constitution, but as of year’s end, it had not passed.

In the first 10 months of the year, nearly 1,500 demonstrations freely took place.

### **Freedom of Association**

The law provides for freedom of association, and the government generally respected this right. 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 and, following the April 2010 change of government, it allowed the Norwegian Helsinki Commission to operate in the country. 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 five organizations--Hizb ut-Tahrir (HT), the Islamic Party of Turkestan, the Organization for Freeing Eastern Turkestan, the Eastern Turkestan Islamic Party, and Tablighi Jamaat--that it alleged had ties to international terrorist organizations. Arrests and prosecution of persons accused of possessing and distributing HT literature continued. Although most arrests of alleged HT members in the past occurred in the south and involved ethnic Uzbeks, media reports tracked a continuing 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. In some cases police may have planted HT literature as evidence against those arrested.

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

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

In-country Movement: The law on internal migration provides for freedom of movement. The government generally respected this right in practice, and citizens generally 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.

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

#### **Internally Displaced Persons (IDPs)**

According to the UNHCR, the June 2010 violence in Osh and Jalalabad oblasts displaced approximately 300,000 persons internally, as well as 75,000 persons who temporarily fled to Uzbekistan and later returned. The UNHCR, which led a multiimplementer emergency shelter construction project, announced in December 2010 that all those whose homes had been partially or totally destroyed in the violence had been provided with temporary shelter. However, the UNHCR cautioned that significant numbers remained displaced and were living with other families, were in transitional shelter on the plots of their destroyed homes, or had left the country. The Internal Displacement Monitoring Center (IDCM) estimated that 75,000 persons remained internally displaced at the start of the year. The government's State Directorate for Reconstruction and Development offered two options to families with damaged homes: a one-time grant equivalent to about \$1,000, or a loan equivalent to approximately \$4,200. Most returnees opted for the one-time grant. According to the IDCM, internally displaced persons continued to face issues concerning physical and food security, arbitrary arrest, the replacement of documentation, and limited access to livelihoods, health care, education materials, and sanitation.

## Protection of Refugees

Access to Asylum: The 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. 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 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 due to fear of persecution by the Uzbek government.

Access to Asylum: As in past years, several local citizens sought asylum in foreign countries, claiming they would face repression or legal persecution if they returned to the country.

Employment: Refugees who lack official status in Kyrgyzstan do not have legal permission to work. They are therefore subject to exploitation by employers paying substandard wages, not providing benefits, and not complying with labor regulations. They cannot file grievances with the authorities. These refugees are also ineligible to receive state provided social benefits.

The Ministry of Migration, Employment, and Labor reported 193 refugees and 225 asylum seekers in the country as of August. Refugees were primarily from Afghanistan (182), along with several each from Syria, Iran, and China. Among the asylum seekers officially registered with the government were 47 from Afghanistan, 152 from Uzbekistan, nine from Iran, 13 from Russia, and small numbers from other countries including Turkey, China, Syria, and Pakistan.

## Stateless Persons

A UNHCR-funded survey conducted by local NGOs in late 2008 identified nearly 13,000 individuals living in the three southern oblasts 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 regulations obstructed their efforts to gain Kyrgyz citizenship); individuals who continued to hold outdated Union of Soviet Socialist Republics 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 formal sector jobs.

In September 2009 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. The UNHCR estimated that as a result of the plan of action, approximately 10,000 persons had been documented as citizens in 2010. As of September, 4,000 stateless persons had received Kyrgyz passports. At year's end the UNHCR estimated the total number of stateless persons in the country (both de jure and de facto) at slightly more than 17,000.

### **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. In practice, however, this right had been restricted until the violent change of government in April 2010. Following the revolt, a provisional government took power and conducted a constitutional referendum at the end of June 2010 and parliamentary elections in October 2010. The country then held presidential elections on October 30, 2011.

Under the new constitution, the powers of the president, parliament, and government (headed by a prime minister) are divided. The president, who serves a six-year term, can veto legislation and appoints the heads of national security bodies. Members of parliament are elected to five-year terms on party lists and vote to approve a proposed government. Parliament can also vote to express no confidence in the government, after which the president may dissolve it. The constitution does not provide any officeholder with immunity from prosecution after the individual leaves office.

### **Elections and Political Participation**

Recent Elections: On October 30, the country held a presidential election that was judged to be open and transparent, but not without problems and accusations of

fraud by both local and international observers. Prime Minister Almazbek Atambayev defeated 15 other candidates with 62.52 percent of the vote. By attaining more than 50 percent of the vote, Atambayev prevented a runoff election. He assumed office December 1. The election was widely observed with nearly 800 international observers and thousands of local observers, representing domestic NGOs, political parties, and the candidates themselves. Although not widespread, instances of fraud, including ballot stuffing and manipulation of polling station and precinct results, were observed and reported, as were problems with voter lists. For the first time, the country required citizens to register in advance and appear on voter lists in order to cast ballots. Although more than 300,000 people reportedly changed the location of their voter registration, thousands who went to the polls did not find themselves on the final voter list and were not allowed to vote. International and local observation missions noted the problems, but the general consensus was that they did not change the outcome of the election. Atambayev's two closest competitors, who each received approximately 15 percent of the vote, alleged widespread fraud and challenged the results. Nonetheless, the Central Election Commission certified the results on November 12.

Participation of Women and Minorities: There were no legal restrictions on the participation of women in politics; however, with the notable exception of President Roza Otunbayeva, traditional attitudes at times hindered women from holding high office or playing active roles in political life. There were no female candidates on the 2011 presidential ballot. Twenty-five women representing five political parties occupied seats in parliament due to parliamentary election code mandates aimed at ensuring gender diversity. The code requires that male and female candidates be no more than three spaces apart on party lists and that no more than 70 percent of candidates on a party list be of the same gender.

National minorities, which made up 35 percent of the population, were underrepresented in government positions, particularly Russians and Uzbeks, the two largest ethnic minority groups. Fourteen of the 120 parliament members belonged to a national minority. The law requires that at least 15 percent of candidates on party lists be ethnic minorities.

The Minister of Social Protection was the only ministerial position held by a woman during the year. From April through the end of the year, the position of prosecutor general was also held by a woman. No one known to be of an ethnic minority held a cabinet-level government position. As of October women occupied 19 percent of the 675 government positions.

#### **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 enforce the law effectively, and officials engaged in corrupt practices with impunity.

The payment of bribes to avoid investigation or prosecution was a major problem at all levels of law enforcement. Likewise, law enforcement, particularly in the south, frequently employed arbitrary arrests, torture, and the threat of criminal prosecution as a means of extorting cash payments from citizens (see section 1.d.).

The law gives persons the right to request information from the government, and the government generally complied with such requests; however, the process was typically slow, rendering the service less useful.

On October 12, the GKNB launched a Web site to make its work more open and accessible to the public.

On September 23, GKNB officers detained an Oktyabrskiy district court judge for receiving a \$1,000 bribe in exchange for stopping a criminal case. The investigation division of the GKNB opened a criminal investigation.

On September 12, the GKNB's investigation division completed its investigation of several MVD officers for illegal weapons and ammunitions trade and sent the case to the court. The investigation discovered weapons and ammunition missing from the MVD weapons storehouse.

In September the GKNB's press service announced that the committee had fired two GKNB officers for trafficking precious metals into the republic and six counterintelligence officers for faking reporting documents.

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

Despite recently loosened restrictions on the activities of domestic and international organizations that report on human rights in the country, law enforcement officials harassed and threatened human rights activists who reported on ongoing abuses and those committed during and after the June 2010 ethnic violence. Although the central 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.

On November 17, Sardar Bagishbekov, director of Golos Svobody and a prominent human rights activist, received a threatening telephone call from a colonel in the Ministry of Internal Affairs. Bagishbekov and others had been pursuing the criminal prosecution of the colonel's son, also a police officer, for torture and were operating a prison and torture monitoring project. The colonel warned Bagishbekov and his colleagues to back off the case and their monitoring activities. He threatened that after the December 1 departure of President Roza Otunbayeva, things would be different for human rights defenders, implying that the government would not protect them. Bagishbekov filed a complaint with the Prosecutor General's Office, which referred the incident back to the ministry, and the colonel was verbally reprimanded. The defendant in the torture case was dismissed from the police force and was awaiting trial at the end of the year. Three other officers also charged in the case remained on the force.

On September 21, Marsel Abdirasulov, the 19-year-old son of human rights activist Aziza Abdirasulova, was removed from his home and detained by four members of Bishkek's Sverdlovskiy district Department of Internal Affairs. He was detained in connection with an alleged assault and robbery. The officers were dressed in street clothes and initially did not identify themselves as police officers. Abdirasulov denied involvement in the incident and had an alibi. After being questioned for several hours, he was released and the charges against him were later dropped. On the date of his arrest, his mother and other activists had traveled to Osh to monitor detention centers. Abdirasulova claimed that her son's arrest was directly related to her monitoring and human rights activity.

UN and Other International Bodies: In September 2010 President Otunbayeva authorized an international independent commission led by Kimmo Kiljunen, special representative of the OSCE Parliamentary Assembly for Central Asia, to investigate the cause and circumstances of the June 2010 interethnic violence. The KIC, which was completely independent of the OSCE, received government cooperation, and its detailed report was released on May 4. Most independent observers judged the report to be balanced and exhaustively researched.

The KIC faulted the provisional government on a number of grounds, including "failing to recognize or underestimating the deterioration in interethnic relations in

southern Kyrgyzstan” and failing to deploy security forces with clear rules of engagement for non-lethal use of force.

The government disputed the findings of the May KIC report, calling them one-sided. In response to the report, parliament passed a resolution on May 26 that banned KIC Chairman Kiljunen from entering the country. The resolution accused him of distributing unconfirmed, biased information about the events to the international community. The resolution also instructed the prosecutor general to prevent the circulation of unconfirmed information and prosecute those responsible for its circulation.

The government permitted visits by representatives of the UN and other organizations, including the OSCE, ICRC, Norwegian Helsinki Committee, and International Organization for Migration (IOM). The government postponed the scheduled fact-finding mission of the UN special rapporteur on torture. The visit was originally scheduled for May but took place in December.

Government Human Rights Bodies: The Office of the Ombudsman acts as an independent advocate for human rights on behalf of private citizens and NGOs and has authority to recommend cases to court for review. The Ombudsman’s Office actively advocated for human rights. The ombudsman told parliament that his office had received approximately 10,180 complaints during the year and had addressed all of them. The atmosphere of impunity surrounding the security forces and their ability to act independently against citizens limited the number and type of complaints to the office.

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

The law prohibits discrimination based on race, gender, disability, language, or social status. Although women were active in government, education, civil society, the media, and small business, they encountered gender-based discrimination. Rights activists claimed authorities failed to apprehend or punish perpetrators of crimes of discrimination during the year.

### **Women**

Rape and Domestic Violence: 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.

The law specifically prohibits domestic violence and spousal abuse; however, violence against women remained a problem. According to a poll conducted in 2008-09 by the Association of Crisis Centers, 83 percent of respondents stated there was physical violence against women in the home. The UN Women's Development Fund also stated that between 40 and 50 women and girls were hospitalized in the Bishkek city hospital every month because of domestic violence. 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 resulted 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, the latter if abuse resulted in death.

Several local NGOs provided services for victims of domestic violence, including legal, medical, and psychological assistance, a crisis hotline, shelters, and prevention programs. In 2009, according to the Association of Crisis Centers, their 13 member shelters had 6,620 women as clients. 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. According to the Sezim, its hotline received 2,019 telephone calls during the year. Ninety percent of calls were made by women, and 507 of them involved domestic violence cases. The shelter provided services to 256 individuals, including 122 children. It reported that 104 women and 105 children were victims of domestic violence.

Harmful Traditional Practices: Although prohibited by law, the traditional practice of kidnapping women and girls for forced marriage continued in rural areas. Recent independent studies estimated that 50 to 75 percent of all marriages in the country involved bride kidnapping. While some cases were consensual, reports estimated that up to two-thirds of bride kidnappings were nonconsensual. Cultural traditions discouraged victims from going to the authorities. Reportedly, some victims went to the local police and obtained protective orders, but the orders were often poorly enforced.

In the first half of the year, the press reported that in Issyk Kul Province, two 20-year-old women forced into marriage through bride kidnapping committed suicide.

On February 12, a 16-year-old girl in the town of Bashi in Naryn oblast was kidnapped for the purpose of forced marriage. The case was under investigation, although the girl continued to live with her new family as a spouse at year's end. It was reported that the director of the school where the girl studied may have been involved in her kidnapping.

Sexual Harassment: According to an expert at the local NGO Shans, sexual harassment was widespread, especially in private sector workplaces and among university students, but was rarely reported or prosecuted. The law prohibits physical sexual assault but not verbal sexual harassment. Penalties for sexual assault range from three to eight years' imprisonment.

Reproductive Rights: Couples and individuals have the right 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. National health regulations require that family planning counseling and services be readily available through a range of health professionals including not only obstetricians and gynecologists but also family doctors, paramedics, and nurse-midwives. At the level of primary health care, regulations require that women who request contraceptives can receive them regardless of ability to pay. 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) also 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 offered 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.

According to statistics provided by the Population Reference Bureau, access to contraception and maternal health care was widely available, and virtually all births in urban areas and 96 percent of births in rural areas were attended by skilled personnel.

Discrimination: In 2008 then President Bakiyev 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, the property rights of women from Muslim families were not protected, and those women 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 rural areas 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 than men to determine independently the disposition of their earnings. According to the UN Development Fund for Women and domestic NGOs, women did not face discrimination in access to credit or owning businesses.

The annual government-sponsored media campaign to combat violence against women took place during the year. According to NGOs the campaign helped to coordinate the efforts of groups combating violence against women and give them a greater voice.

## **Children**

Birth Registration: According to the law, 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 UNHCR reported that children of migrant parents who have moved and/or acquired citizenship of another country--in many cases, Russia-- had to prove that both of their parents were Kyrgyz citizens. These children encountered difficulties obtaining citizenship if their parents lacked the necessary documentation.

Education: 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 to provide school supplies and textbooks to low-income children and those with mental or physical disabilities. Legally, all textbooks should be free of charge, but the government was unable to provide them to all students.

Medical Care: 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: 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.

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 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 the center provided rehabilitation assistance to approximately 400 children and sheltered 70, according to UNICEF. In 2008 IOM, with foreign government funding and State Committee for Migration and Employment (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, 698 children received shelter, rehabilitation, and psychological counseling in 2009, 55 of whom were found to have been victims of child labor or sexual exploitation. The center was destroyed during the ethnic conflict in the south in June 2010, but by August it had been reconstructed. In the period from August to November, 290 children received assistance in the center.

Harmful Traditional Practices: Although illegal, the practice of bride kidnapping continued (see section 6, Women), and underage abductions during the year were

likely underreported. 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. According to a report by the UN Committee on Children, between 2003 and 2009 the Prosecutor General's Office initiated 27 cases against underage bride kidnapping and forced marriage.

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 data provided by the Government Social Protection Development Agency, more than 20,000 children lived in state institutions or foster care.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

No law specifically prohibits espousing or printing anti-Semitic rhetoric. On April 26, the prosecutor general announced that it would enforce Article 299 of the criminal code and prosecute media outlets that publish articles that incite national, racial, religious, or interregional strife. However, Kyrgyz-language newspapers published articles, commentary, or quotes that were anti-Semitic. Such rhetoric typically appeared in smaller, nationalistic fringe publications. On August 9, however, two anti-Semitic articles appeared in the mainstream newspaper, *Fabula*. One article about a group associated with a prominent foreigner investing in a Kyrgyz aluminum business ran the sub-headline, "Will a Jew Run the Aluminum Mine?" The article also referred to two separate unpopular business deals associated with Jewish businessmen. The second article quoted the recently unseated chief of Bishkek's traffic police criticizing his replacement for "being disloyal to the Kyrgyz Republic since he is Jewish and not ethnic Kyrgyz." On April 27, the Kyrgyz-language newspaper *Aykin Sayasat* published an editorial entitled "Will the Jews Leave Us with Nothing?" The article used a derogatory term for Jews ("zhydy") and accused them of, among other things, planning to humiliate the Kyrgyz people and turn the country into a swampland. None of the above-mentioned publications were prosecuted for publishing such statements.

Approximately 1,500 Jews lived in the country.

## Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <http://www.state.gov/j/tip>.

## Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental 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, and 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 continued of institutionalizing individuals against their will.

The country does not have centralized statistics about those with disabilities, but authorities estimated the number between 20,000 and 30,000.

Dastan Bekeshev, a blind member of parliament, stated that local society discriminated heavily against persons with disabilities. He contended that the 2008 law requiring all employers to provide special quotas (approximately 5 percent of working positions) for people with disabilities had not been implemented.

### **National/Racial/Ethnic Minorities**

The interethnic situation between ethnic Kyrgyz and ethnic Uzbeks in the south remained tense, characterized by arbitrary arrests, detention, torture, and extortion of ethnic Uzbeks by members of security services. Since June 2010 little progress was made in terms of reconciliation. Ethnic Uzbek citizens in Osh and Jalalabad reported discrimination in finding jobs, particularly with the government. There were multiple reports of seizure of ethnic Uzbek businesses and property.

In September Osh Mayor Melis Myrzakmatov proposed changing the teaching language at the city's Uzbek language schools to Kyrgyz. Although he claimed the purpose was to benefit students by increasing their ability to find jobs in the country and study at higher learning institutions, many criticized the proposals as ethnic discrimination. At year's end the proposal had not been enacted.

International observers criticized the government for failing to implement a national ethnic plan, a key recommendation of the KIC report, and other recommendations for national reconciliation. Two such plans were proposed during the year. The Office of the President introduced its "Draft Concept for Ethnic Policy and Consolidation of Society in Kyrgyzstan" in late March. The political party Ata-Jurt introduced its "State Ethnic Policy in the Kyrgyz Republic" on April 27. Observers criticized the Ata-Jurt draft. They contended that it directly contradicted the constitution and laws and that it violated internationally

accepted human rights principles because it promoted the notion of Kyrgyz ethnicity as the central element of nationhood. They further alleged that the plan's purpose was to promote the nationalist Ata-Jurt party prior to the impending presidential elections. Neither plan had been implemented by the end of the year, but the Ata Jurt plan had passed one of the required three readings in parliament, which established a working group to develop it further.

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

The law designates Kyrgyz as the state language and Russian as an official language, and it provides for the 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**

According to HRW and a local NGO, lesbian, gay, bisexual, and transgender (LGBT) individuals faced severe oppression, and the government failed to protect their rights. LGBT persons whose 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. Doctors sometimes refused to treat LGBT individuals. Forced marriages to men for lesbians and bisexual women also occurred. Labrys Public Foundation noted the practice of lesbians and/or their partners being raped by their own family members as a punitive measure or as a so-called method of "curing" their homosexuality. The practice was underreported, and its extent was therefore difficult to estimate. Closeted gay individuals were subject to police extortion and harassment. Labrys asserted that the police did not seriously investigate crimes against LGBT individuals.

Labrys reported that on October 6, a transgender female sex worker and her gay male friend were allegedly lured to a construction site by a security guard who had offered to pay for sex. When they arrived, the guard insulted, beat, and stabbed them. He offered to spare their lives if they told police that they had tried to rob the site. While the police did not believe the robbery story, they verbally insulted

the transgender woman at the police station before she was taken to the hospital. The police opened an attempted murder investigation against the security guard, but the case remained pending at year's end.

In April a gay man who had invited someone he met via a gay dating Web site to his home reported that police showed up at his door within minutes of the other man's arrival. The police knew that they were raiding a same-sex romantic meeting, and the invited man fled. The police demanded money, and when the man did not pay, they beat him and threatened to kill him if he reported them. He did not report the incident to the police and stated that the police monitor gay Web sites to identify extortion targets.

A single NGO supported advocacy campaigns, conducted training, organized festivals, and operated a community center and shelter in support of LGBT persons. In January the Ministry of Justice initially refused to register the organization "Pathfinder: the Alliance of Social Services of Gays and Lesbians." However, the ministry later allowed the organization to register when it changed its name to simply "Pathfinder."

### **Other Societal Violence or Discrimination**

In October 2009, during an interparliamentary conference in Bishkek, local human rights organizations and government officials formally recognized that persons with HIV/AIDS in the country faced societal discrimination.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law permits citizens to form and join trade unions and allows unions to conduct their activities without interference. 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. The law recognizes the right of unions to organize and bargain collectively.

According to labor experts, many unions still operated as quasi-official institutions and took state interests into account, rather than representing exclusively the

interests of workers. 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.

In practice trade unions exercised the right to organize and collectively bargain on behalf of their members. Workers exercised their rights to join and form unions. Union leaders generally cooperated with the government, and international observers judged that unions represented the interests of their members poorly.

Some unions alleged unfair dismissals of union leaders and formation of yellow unions.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor; however, there were reports that such practices occurred, especially involving foreign laborers in agriculture. The government did not fully implement legal prohibitions. 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.

The Ministry of Labor, with IOM support, operated a hotline to provide information to potential migrants and to help victims of labor trafficking. According to the ministry, 8,322 persons used the hotline during the year. In September the ministry and IOM launched a campaign to raise awareness of the hotline and other information resources for potential labor migrants.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

#### **c. 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 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 may work up to seven hours a day. These laws also apply to children with disabilities.

A UNICEF report covering the period of 2003 through 2009 cited NGO reports of child labor in coal mining in the village of Sulukta and in sifting uranium tailings in the village of Orlovka.

According to a 2010 speech by the deputy minister of labor, employment, and migration, 670,000 children between the ages of five and 17 were working, primarily in agriculture on tobacco, rice, and cotton plantations, but also in car washes, trading, and other activities.

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

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. The Ministry of Internal Affairs conducted raids and recorded 830 cases of illegal child labor. 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. During the year the Prosecutor General's Office conducted 81 checks and issued prosecutor warnings on 63 incidents. Although employers found violating the labor code could be charged with financial or criminal penalties, punishment was usually minimal. The Prosecutor General's Office initiated one administrative case and issued disciplinary and administrative reprimands to 17 individuals.

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

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/tda.htm](http://www.dol.gov/ilab/programs/tda.htm).

#### **d. Acceptable Conditions of Work**

The 2011 official national minimum monthly wage was KGS 600 (\$13). Minimum wage serves as an indicator for different types of official government fines, rather than an actual minimum wage requirement for employers. Employers generally paid somewhat higher wages. The law on minimum wage states that it should be raised gradually to meet the cost of living. The government does not set an official poverty level, but it estimated the monthly minimum cost of living for a family of four to be KGS 17,690 (\$383), which is above the country's reported average monthly wage. In August the National Statistics Committee reported that the average monthly salary was KGS 8,185 (\$177).

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 and 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 sometimes exercised this right in practice.

Unregistered foreign workers in the country could not exercise the same rights as registered workers because they cannot register complaints with the authorities and do not pay into and receive benefits from the social fund.

Government licensing rules place strict requirements on companies recruiting Kyrgyz citizens to work abroad, and companies must be licensed by the Ministry of Labor, Employment, and Migration 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 Ministry of Labor had representatives in several Russian cities to assist Kyrgyz labor migrants, who sometimes encountered discrimination, poor working conditions, or violence.