



World Report 2016 - Kyrgyzstan

Publisher [Human Rights Watch](#)

Publication Date 27 January 2016

Unaddressed human rights problems and new setbacks marred Kyrgyzstan's rights record in 2015. Authorities targeted and harassed some human rights groups, journalists, and lawyers. Impunity for ill-treatment and torture persist, and there is still no justice for victims of interethnic violence in 2010. Human rights defender Azimjon Askarov is still wrongfully serving a life sentence.

Domestic violence against women and girls is prevalent, and multiple barriers hinder survivors from accessing help or justice. Lesbian, gay, bisexual, and transgender (LGBT) people face discrimination and harassment. Draft laws discriminating against LGBT people and restricting the work of nongovernmental organizations (NGOs) advanced further in parliament.

Kyrgyzstan held parliamentary elections in October, which international observers found to be "competitive." In August, Kyrgyzstan became a member of the Eurasian Economic Union, a common market of five Eurasian states, led by Russia.

Parliamentary Elections

The election monitoring mission of the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) found that October's parliamentary elections were "competitive and provided voters with a wide range of choice," but had concerns about the inclusiveness of the voter list, ballot secrecy, and significant procedural problems.

In November 2014, rights defenders challenged the constitutionality of a 2014 law requiring citizens to submit biometric data as a prerequisite to vote. Parliament in June dismissed Klara Sooronkulova, a judge in the Constitutional Chamber of Kyrgyzstan's Supreme Court, after she was accused of publicly sharing her views on the law before the Constitutional Chamber issued its ruling. In September, the Constitutional Chamber found the law constitutional. The president of the Council of Europe's Venice Commission called on Kyrgyzstan to introduce guarantees for the independence of constitutional judges and to review Sooronkulova's dismissal.

Access to Justice

The authorities continue to deny justice to victims of the June 2010 interethnic violence in southern Kyrgyzstan. Ethnic Uzbeks were disproportionately killed, subjected to arbitrary detention, ill-treatment, and torture, and house destruction. In April, Mahamad Bizurukov, an ethnic Uzbek on trial since 2011 in connection with the 2010 violence, was sentenced to 13 years' imprisonment for murder. He was released in August on parole. A handful of other June 2010-related cases are still under judicial review.

In June, during a Central Asia visit, United Nations Secretary-General Ban Ki-moon called on authorities to investigate human rights violations related to the June 2010 violence, prosecute those responsible for serious crimes, review convictions tainted by torture, and work with civil society "to promote interethnic reconciliation," including through transitional justice and reparations for victims.

On the fifth anniversary of the violence in June, the OSCE high commissioner on national minorities noted that "a sense of insecurity is still prevalent among the ethnic Uzbek community" and "little progress" has been made in investigating cases related to the June 2010 violence.

Torture

Authorities acknowledge that torture is a problem and, in May, created a specialized investigative unit in the Prosecutor General's Office. Nevertheless, the National Center for the Prevention of Torture, an independent, specialized anti-torture body, reported that "measures are not being taken to prevent and eradicate torture."

Human rights groups and lawyers say that criminal investigations into allegations of ill-treatment and torture are rare, often delayed, and ineffective, as are trials. After a four-year trial, a Sokuluk court in October acquitted four police officers charged with torture after the death of Usmanjon Kholmiraev, an ethnic Uzbek who, in 2011, died of injuries sustained in police custody. According to information provided by the Prosecutor General's Office to the Coalition Against Torture, a group of NGOs working on torture prevention, authorities declined to open criminal investigations into 146 of 180 registered complaints of torture between January and June.

Civil Society

Despite widespread local and international criticism, parliament adopted in its first reading a "foreign agents" bill, which would require organizations that receive foreign funding and engage in broadly defined political activities to register as "foreign agents" or risk fines and closure. At time of writing, the bill was still under parliamentary review.

In March, the State Committee on National Security (GKNB) searched the homes and offices of two human rights lawyers in the city of Osh. Officials confiscated confidential client material, computers, and other equipment. The lawyers sued the GKNB, and in June, the Supreme Court of Kyrgyzstan upheld a ruling finding the GKNB's searches unlawful.

Human rights defender Azimjon Askarov, who is serving a life sentence after a prosecution and trial marred by serious violations of fair trial standards and allegations of torture that were never investigated, received the United States Department of State Human Rights Defender Award in July. The complaint he filed in 2012 with the UN Human Rights Committee remains pending.

Violence against Women

Domestic violence against women and girls remains a serious problem. Despite a 2003 domestic violence law, the absence of services and the authorities' inaction or hostility toward victims obstruct survivors' access to protection and justice. Police do not systematically enforce protection orders and few domestic violence complaints reach the courts. Pressure to keep families together, stigma, economic dependence, and fear of reprisals by abusers hinder some women from seeking assistance. The government is currently drafting a new domestic violence law.

In their 2015 reviews of Kyrgyzstan, the UN Committee on the Elimination of Discrimination against Women and the UN Committee on Economic, Social and Cultural Rights (CESCR) raised concerns about the prevalence of domestic violence and called on the government to provide adequate shelter and access to justice for survivors and to train law enforcement and judicial officials.

Human Rights Institutions

Parliament considered a draft law limiting the activities of and curbing the independence of the National Centre for the Prevention of Torture. Dissatisfied with the human rights ombudsman's annual report, parliament dismissed him in June, in breach of stipulated procedures. The United Nations in the Kyrgyz Republic issued a statement that "the principles of independence and pluralism of Ombudsman Institutions are not sufficiently guaranteed" by law.

Freedom of Expression

Article 19, an international media freedom rights group, published a statement noting "how government officials frequently prevent journalists from accessing information of public interest," despite an access to information law. In June, a court awarded 2 million som (US\$27,750) in damages after the Prosecutor General's Office, on behalf of President Almazbek Atambaev, sued a local journalist for defamation, after the journalist wrote about the June 2010 events.

Some journalists face interference in their work. In March, national security officials arrested Umar Farooq, an American freelance journalist, in southern Kyrgyzstan, and accused him of possessing "extremist" material, charges he denied. Farooq was deported on March 29 for working without accreditation.

Sexual Orientation and Gender Identity

LGBT people in Kyrgyzstan experience ill-treatment, extortion, and discrimination from both state and non-state actors. There is widespread impunity for these abuses. In April, assailants firebombed the office of the LGBT rights group Labrys; no one was hurt. On May 17, International Day Against Homophobia, nationalist youth groups raided a private LGBT event at a café in Bishkek, threatening and filming those present at the event. The police opened an investigation on charges of hooliganism.

Parliament continued to consider an anti-LGBT bill banning "propaganda of nontraditional sexual relations," which appears aimed at silencing anyone seeking to openly share information about

same-sex relations in Kyrgyzstan. When discussing the draft law, public officials used homophobic and discriminatory rhetoric.

Freedom of Religion

The government has escalated its efforts to combat religious extremism, but many investigations have been accompanied by violations of detainees' rights, according to local rights lawyers. Members of ethnic minorities are more vulnerable to abuse. In October, a court convicted popular Imam Rashot Kamalov to five years in prison on charges of inciting religious hatred and disseminating extremist material. His sentence was increased to 10 years in prison on appeal. Kamalov and his supporters believe he was targeted after publicly criticizing the police in December 2014.

According to Forum 18, an international organization that promotes religious freedom, a new draft religion law appears not to address a Constitutional Chamber ruling from September 2014 finding components of the existing law unconstitutional, such as a restriction that a religious organization can only carry out activities at its legal address. Forum 18 also decried police abuse of Jehovah's Witnesses, for example, during and after their gathering at a café in Osh in August.

Key International Actors

In January, Kyrgyzstan underwent its second Universal Periodic Review at the UN Human Rights Council. States commended Kyrgyzstan's adoption of a new constitution in 2010 and of a national preventive mechanism against torture, but raised concerns about violence against LGBT people, draft "foreign agents," and anti-LGBT "propaganda" bills, and the disproportionate prosecution and conviction of ethnic Uzbeks following the June 2010 violence.

In April, the UN Committee on the Protection of the Rights of all Migrant Workers and Members of their Families identified discrimination against migrant workers, especially in employment, education, and health. It urged Kyrgyzstan to raise awareness among migrants to Russia, who "are often targets of hate crimes," and provide consular assistance there.

In May, the European Union held its annual human rights dialogue with Kyrgyzstan. Officials raised the case of Azimjon Askarov and discussed problematic draft legislation, but missed other opportunities to publicly register concern about Kyrgyzstan's poor rights record, including on the fifth anniversary of the June 2010 events.

On July 21, Kyrgyzstan terminated a 1993 Kyrgyz-US cooperation agreement, after the US State Department granted Askarov a human rights award.

In its July concluding observations, the UN CESCR issued recommendations to the government, including: end persistent discrimination on ethnic and other grounds in accessing employment and health care; withdraw anti-gay "propaganda" and "foreign agents" bills; address gender inequality, domestic violence, and bride-kidnapping; and ensure evictions are carried out in strict compliance with international human rights law.

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