

KYRGYZ REPUBLIC 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Kyrgyz Republic has a parliamentary form of government intended to limit presidential power and enhance the role of parliament and the prime minister. Voters elected the parliament in 2010 and the president a year later. In the 2011 presidential election, Almazbek Atambayev, then serving as prime minister, received 63 percent of the vote. Independent observers considered the election generally transparent and competitive, despite some irregularities. Authorities failed at times to maintain effective control over the security forces, particularly in the provinces of Jalal-Abad, Osh, and Batken, commonly referred to as the South.

The most important human rights problems included a continued denial of justice in connection with ethnic violence in the South in 2010; routine violations of fundamental procedural protections in all stages of the judicial process, including law enforcement officials' use of arbitrary arrest and torture; and attacks, threats, and systematic, police-driven extortion of vulnerable minority groups.

Additional human rights problems reported during the year included: torture; arbitrary arrest; poor prison conditions; lack of judicial impartiality; violation of the principle of double jeopardy; harassment of both local and international nongovernmental organizations (NGOs), activists, and journalists; pressure on independent media; restrictions on religious freedom; authorities' failure to protect refugees adequately; pervasive corruption; discrimination and violence against women, persons with disabilities, ethnic and religious minorities, and persons based on their sexual orientation or gender identity; child abuse; trafficking in persons; and child labor.

Underscoring the country's human rights problems was an atmosphere of impunity for officials in the security services and elsewhere in government who committed abuses and engaged in corrupt practices. This situation reflected the central government's inability and unwillingness to hold human rights violators accountable, allowing security forces to act arbitrarily, emboldening law enforcement officials to prey on vulnerable citizens, and allowing mobs to disrupt trials by attacking defendants, attorneys, witnesses, and judges.

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

a. Arbitrary or Unlawful Deprivation of Life

There were reports the government or its agents purposely committed arbitrary or unlawful killings. There were no reports of deaths from injuries suffered while in the custody of law enforcement agencies.

At year's end, the four Bazar Korgon officers (Jalalabad Oblast) charged with abuse of power, torture, extortion, and manslaughter in the 2011 death of Osmonjon Kholmurzayev remained under house arrest while investigations continued. The victim, an ethnic Uzbek citizen of Russia, died of internal bleeding and organ failure following his detention by the Bazar Korgon police. According to an attorney involved in the case, the trial was administratively delayed in March 2012 for "further investigation" and continued to be delayed at year's end.

b. Disappearance

During the year there were no reports of new disappearances. In 2013 human rights organizations reported disappearances and instances of abductions by law enforcement agencies. Many of the cases seemed related to the continuing ethnic tensions in the South. Local and international observers continued to report numerous instances in which law enforcement officers held detainees incommunicado for long periods.

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

The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment. Despite widespread acknowledgement of torture by government officials and the establishment of governmental bodies to monitor and fight torture, authorities investigated or prosecuted very few cases of alleged torture. According to the government, from 2010 through the first half of the year, it received 1,176 complaints of torture and opened 48 cases. According to the government, two persons received criminal sentences for torture during this period. The Prosecutor General's Office reported it conducted 1,010 unannounced inspections in the first half of the year. As in 2013, defense attorneys, journalists, and human rights monitoring organizations, including Golos Svobody, Bir Duino, and international NGO Human Rights Watch (HRW), continued to report numerous incidents of torture by police and other law enforcement agencies.

Golos Svobody played a central role monitoring torture and was the central organizer of the "Antitorture Coalition," a consortium of 10 NGOs that worked

with the Prosecutor General's Office to track complaints of torture. The Prosecutor General's Office indicated it received 109 torture complaints in the first half of the year and opened criminal investigations into nine of those complaints. According to Golos Svobody, based on these investigations, the Prosecutor General's Office sent three cases involving six individuals to court but received no guilty verdicts. By comparison, in the first six months of 2013, the Prosecutor's Office reported receiving 146 torture complaints. The Prosecutor General's Office noted this was a 25.3 percent reduction in complaints and credited the government's work on the problem. Of the 146 complaints of torture, the office opened criminal investigations in seven. It sent five of the seven cases, involving a total of nine individuals, to court.

The Antitorture Coalition also accepted complaints of torture independently and passed them to the Prosecutor General's Office with the intention of opening an investigation. The coalition reported that, for the first nine months of the year, it received 90 complaints of torture for the project. According to members of the Antitorture Coalition, the cases it submitted against alleged torturers did not lead to convictions. In the cases where police were put on trial for torture, prosecutors, judges, and defendants raised procedural and substantive objections, delaying the cases. This resulted in evidence becoming stale and led to the dismissal of cases based on a legal requirement that trials be prompt. Other NGOs reported significant concerns the Prosecutor General's Office failed to investigate independently claims of torture because prosecutors were unwilling to prosecute police.

Despite widespread reports of abuse in detention, most detainees did not file torture claims while in pretrial detention because of fear of retribution from detention facility personnel and concern their claims would never be investigated. NGOs reported confessions resulting from torture were included as evidence. Lawyers routinely stated that, once investigators took a case to trial a conviction was almost guaranteed. According to Golos Svobody, investigators often took two weeks or longer to review torture claims, at which point the physical evidence of torture was no longer visible. Defense attorneys presented most allegations of torture during trial proceedings, and the courts typically rejected them. In some cases, detainees who were allegedly tortured filed claims they later recanted in the face of intimidation by law enforcement personnel.

In January, following an armed robbery of approximately \$4.5 million at Osh airport, police arrested three suspects, Davran Marazykov, Mirbek Teshebayev, and Farkhat Yulbasaro, and later detained a witness, Sultan Murzabekov.

According to the lawyers representing the defendants, police initially told the men they could pay \$5,000 for their release. When they declined, the officers severely beat and tortured them. The attorney representing the defendants successfully had a case opened against the police. In September, however, the Osh city court dismissed the case. The dismissal was appealed to the Osh regional court, but at year's end a hearing had not been scheduled.

Ferghana.ru reported the State Committee for National Security (GKNB) beat Dilior Djumaliev, an ethnic Uzbek arrested on September 15 for membership in the banned religious group Hizub ut Tahrir. His lawyer reported to *Ferghana.ru* that when he appeared in court, he showed signs of having a concussion. His lawyer also reported the GKNB had to call paramedics to see him because of his injuries.

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 mistreatment. Pretrial and temporary detention facilities were particularly overcrowded, and conditions and mistreatment generally were worse than in prisons. Some prisoners indicated the role of guards and administrators was to “keep them from leaving” and asserted that the safety of prisoners was left to them, resulting in instances of violence and intimidation among inmates.

Physical Conditions: According to the State Service for the Fulfillment of Punishment (prison service), there were 9,729 individuals in the prison system as of July 25. This total was substantially less than the country's total prison capacity of 14,000.

Authorities generally held juveniles separately from adults but grouped them together in overcrowded temporary detention centers when other facilities were unavailable. Convicted prisoners occasionally remained in pretrial detention centers while their cases were under appeal.

The incidence of disease for the first half of the year increased, with 3,776 incidents of illness reported; in 2013 there were 4,826 cases of illness for the entire year. The prison service reported 44 deaths in custody in the first half of the year, following 60 deaths for all of 2013. There were 11 cases of death from tuberculosis in prisons during the first half of the year.

Administration: Recordkeeping on prisoners was adequate, and penal or judicial authorities used alternatives to incarceration for nonviolent offenders. The Office of the Ombudsman for Human Rights is empowered to request alternatives to incarceration for nonviolent offenders, improvements to pretrial detention, oversee recordkeeping, and supervise the proper release of prisoners at the end of their sentences. The ombudsman did not maintain statistics on the number of appeals the office received. There was no separate ombudsman for the prison system.

Convicted prisoners had reasonable access to visitors, and officials allowed religious observances. Persons held in pretrial detention often did not have access to visitors. Prisoners have the right to file complaints with prison officials or with higher authorities. According to the Bir Duino, prison staff inconsistently reported and documented complaints. Many observers believed that the number of official prisoner complaints of mistreatment were only a fraction of the cases that actually occurred.

Independent Monitoring: The government permitted international and domestic nongovernmental observers, including the International Committee of the Red Cross (ICRC), as well as domestic NGOs who formed the Antitorture Coalition, to visit inmates in prisons as well as detainees in temporary detention centers. While most monitoring groups reported receiving unfettered access, NGO leaders reported challenges in getting access to those in GKNB custody.

The National Center to Prevent Torture and other Inhumane and Offensive Treatment and Punishment was established in 2012 as an independent and impartial body empowered to monitor detention facilities. The center worked with NGOs to conduct unannounced, unfettered visits to detention facilities. While some observers expressed concern the center was ineffective due to underfunding, many rights defenders were positive about its work.

In late 2012 government ministries signed a memorandum of understanding with the Organization for Security and Co-operation in Europe (OSCE) and the Antitorture Coalition authorizing them to monitor and visit detention facilities. Under the memorandum of understanding, members of the Antitorture Coalition could show up at any detention facility unannounced to conduct monitoring. Signatories to the memorandum have made 432 visits to detention facilities since 2012.

During the year the OSCE consolidated the coordination and prison-monitoring functions of the groups involved with the National Center to Prevent Torture.

Under the arrangement, NGOs monitoring torture were able to arrive at any facility with representatives of the center to conduct monitoring. NGOs reported success with this program.

The Law on the Ombudsman (amended in February) establishes an office to receive complaints of human rights abuses, including claims of abuse in detention. During the year former journalist Baktybek Amanbayev headed the office. Amanbayev published statements about legislation that limited certain fundamental rights. In particular, the office released a statement calling on the parliament not to pass the “false accusation law,” which criminalized accusing another of committing a crime in the media. According to observers, the office was underfunded and ineffective. The office did not publish statistics on its investigations or cases received.

Improvements: NGOs described the National Center to Prevent Torture as a helpful deterrent mechanism against torture. They also reported, however, that the majority of torture occurred in the first hours and days after detention, often while an arrestee was still at a police station.

In September and October, Golos Svobodi began a pilot program with the National Center to Prevent Torture to make unannounced visits at night to police precincts throughout Bishkek. Golos Svobodi, members of the National Center to Prevent Torture, and two attorneys made 39 unannounced visits. Members of the Antitorture Coalition reported that the visits, while facing some resistance from police and not receiving full access, were a successful start towards monitoring the most sensitive places where arrestees can initially be tortured--interrogation rooms and offices at police stations. While they received six complaints of torture during the visits, none of the victims wanted to file an official complaint.

d. Arbitrary Arrest or Detention

While the law prohibits arbitrary arrest and detention, both greatly increased following the interethnic violence in 2010 and in subsequent years. According to official government statistics submitted to the UN Human Rights Committee as part of the Universal Periodic Review process, 68.8 percent of the victims of the 2010 events were ethnic Uzbeks. Despite this, 71.7 percent of individuals arrested in connection with the events and 73.3 percent of those convicted of crimes were, according to the government, ethnic Uzbek and 24.4 percent ethnic Kyrgyz. NGOs, however, reported that, of those who were ethnic Kyrgyz and were sentenced, many received fines, probation, and other “small” sentences, while the

courts sentenced the vast majority of ethnic Uzbeks to long prison sentences. NGOs reported a sense of injustice and strain remained due to the imbalance.

According to multiple NGOs, authorities in the South continued to harass and detain ethnic Uzbeks for crimes committed during the 2010 interethnic violence with which they had no connection. Authorities detained ethnic Uzbeks on suspicion of knowing, or being related to, another suspect. NGOs also reported police approached young Uzbek men and demanded to know where they were in June 2010, forcing them into a situation where they had to find an alibi to defend themselves. Local and international observers reported arbitrary arrests persisted but were underreported because victims saw no benefit in reporting the misconduct to police or NGOs. Human rights organizations in Osh reported a dramatic increase in arrests for alleged involvement in banned religious organizations and for alleged “religious extremism activity.”

On April 1, the government published a list of individuals who allegedly participated in what the government categorized as either terrorist or extremist activity, most of whom had been convicted and were in prison. Of the 54 persons the government listed as “participants in a terrorist activity,” 31 were ethnic Uzbek, including human rights activist Azimjon Aksarov, and two were ethnic Kyrgyz. Of the 233 individuals listed as participants in extremist activities, 145 were ethnic Uzbek and 74 were ethnic Kyrgyz, with the rest having either a different or no nationality.

Arrests for lack of proper identification documents were common. Police frequently used false charges to arrest persons and then solicited bribes in exchange for release. In May the GKNB arrested four police officers for engaging in a scheme in which they would accuse a foreigner of attempting to rape a police-planted prostitute and then demand bribes to drop the charges. Police often physically and verbally abused individuals who were unable to pay. Attorneys and human rights activists regularly discussed the system of bribes that arrestees had to pay to secure their release.

Role of the Police and Security Apparatus

General and local crimes fall under the authority of the Ministry of Internal Affairs, while national-level crimes fall under the authority of the GKNB. The GKNB also controls the presidential security service. The Prosecutor General’s Office prosecutes both local and state crimes.

Following the 2010 violence, international observers noted law enforcement officials engaged in widespread arbitrary arrests, detainee abuse, and extortion, particularly in the South. Authorities dismissed or prosecuted few Ministry of Internal Affairs officials for corruption, abuse of authority, extortion, or police brutality. According to the Prosecutor General's Office, the office reviewed 242 complaints of illegal actions by police officers during the first half of the year. Based on these complaints, authorities opened 10 criminal cases.

Arrest Procedures and Treatment of Detainees

According to the criminal procedure code, only courts have the authority to issue search and seizure warrants. While prosecutors have the burden of proof in persuading a judge that a defendant should be detained pending trial, activists reported detention without a warrant remained common, particularly for ethnic Uzbek defendants accused of crimes related to the possession of banned religious materials. Once detained, authorities can hold a detainee legally for 48 to 72 hours before filing charges; authorities generally respected these limits. The law requires investigators to notify a detainee's family of the detention within 12 hours, but officials inconsistently enforced this provision. Following official charges, the courts have discretion to hold a suspect in pretrial detention up to one year, after which they are legally required to release the suspect. There is a functioning bail system.

Persons arrested or charged with a crime have the right to defense counsel at public expense. By law the accused has the right to consult with defense counsel immediately upon arrest or detention, but in many cases the first meeting did not occur until the trial. Human rights groups noted 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. There were reported incidents of authorities intimidating minors into signing confessions.

The law authorizes the use of house arrest for certain categories of suspects. There were also reports law enforcement officials selectively enforced the law by incarcerating persons suspected of minor crimes while not pursuing those suspected of more serious ones.

Arbitrary Arrest: As in previous years, NGOs and monitoring organizations, including Golos Svobody, Bir Duino, HRW, the UN Office of the High Commissioner for Human Rights, and the OSCE continued to record complaints of

arbitrary arrest. Most observers asserted it was impossible to know the number of cases because the majority went unreported. According to NGOs in the South, arrests and harassment of individuals allegedly involved in extremist religious groups--predominantly ethnic Uzbeks--increased. Attorneys reported that detained persons often sought to avoid physical abuse or the court system by quickly paying off the arresting officers. Attorneys believed this practice was most prominent in the South.

According to Bir Duino, police in Osh arrested approximately 50 individuals over the first half of the year--almost all of them ethnic Uzbek--for alleged possession of printed materials from the banned religious group Hizb ut-Tahrir. Bir Duino stated that the arrests were driven by corruption within the law enforcement system. Police appeared at homes claiming to have a nonexistent search warrant. There were allegations police would enter the home, plant printed material promoting Hizb ut-Tahrir, and arrest the suspect. In one example, authorities arrested a 72-year-old man and charged him with possession of illegal religious materials for having a religious book presented to him during the Hajj. In another example, courts convicted a man of possession of illegal religious videos on a SIM card--a portable memory chip used mainly in cell phones--even after attorneys established to the courts and prosecutors the SIM card was added to the evidence after the fact by police. Many suspects allegedly paid bribes to police to secure their release in such cases. According to Bir Duino, the Ministry of Justice has never published any official list of prohibited religious materials.

Shokhruh Saipov, an independent journalist in Osh, reported in an online article that the GKNB routinely threatened religious Muslims with arrest for terrorism and extremism and forced them to pay 25,000 soms (\$440) to secure their release. Following the publication of the article, GKNB officials summoned Saipov for questioning and initiated a lawsuit against him for defamation. The GKNB withdrew the suit once the article's editors from *Ferghana.ru* agreed to publish the GKNB's version of events.

Pretrial Detention: According to the penal code, authorities may hold a suspect at a pretrial detention facility during the official investigation. The general legal restriction for the length of investigations is 60 days. Lengthy legal procedures, poor access to lawyers, and limited investigation capacity often lengthened defendants' time in pretrial detention beyond that, with some being detained legally up to a year.

In 2012 a court sentenced Mahamad Bizurukov, an ethnic Uzbek citizen of Russia, to life in prison for the alleged 2010 murder of an ethnic Kyrgyz, Almaz Askarov. Bizurukov's case had continued for four years. After the case was appealed to the Supreme Court in 2013, it was sent back for retrial and moved to the Chui Oblast court in Bishkek. Over the course of the trial, the victim's relatives physically attacked the defendant, his attorneys, witnesses, and judges. On November 17, judges of the Chui Oblast court ruled they could not make a decision on Bizurukov's case and remanded it to a lower court for "additional investigation." The practice of requiring additional investigation, according to attorneys, was common and violated requirements for a speedy trial. Throughout the case, Bizurukov made numerous complaints about due process violations and threats to his safety.

Amnesty: In July the government released approximately 3,798 individuals under an annual amnesty.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but judges were subject to influence or corruption, and there were instances where the outcomes of trials appeared predetermined. Multiple sources, including NGOs, attorneys, government officials, and private citizens, asserted judges paid bribes to attain their positions. Many attorneys asserted that bribe taking was ubiquitous among judges and described trying to use legal arguments to secure justice as "Don Quixote tilting at windmills."

Authorities generally respected court orders.

During the year trials and appeals of ethnic Uzbeks arrested for instigating or carrying out violence against ethnic Kyrgyz during the 2010 unrest continued. According to attorneys, these proceedings did not comply with legal requirements or international standards of fairness. Numerous NGOs described pervasive violations of the right to a fair trial, including coerced confessions, use of torture, denial of access to counsel, and convictions in the absence of sufficiently conclusive evidence or despite exculpatory evidence. International observers reported threats and acts of violence against defendants and defense attorneys within and outside the courtroom as well as intimidation of trial judges by victims' relatives and friends. Although the number of cases has decreased since 2010, NGOs reported these practices persisted during the year. Numerous NGOs noted defendants from ethnic minorities convicted for crimes in 2010 in politicized trials

received the overwhelming majority of life sentences. A representative of the NGO Spravedlivost indicated 97 percent of those who received prison sentences in Jalalabad Region following the June 2010 violence were ethnic Uzbeks. Some ethnic Kyrgyz received fines, probation, and other light sentences. The representative noted that, in Jalalabad, 25 individuals received life sentences for murder or other homicide-related crimes. All of those sentenced were ethnic Uzbek. According to the Prosecutor General's Office, five cases of defendants charged with involvement in the 2010 events were ongoing.

Trial Procedures

While the law provides for defendants' rights, including the presumption of innocence, the government regularly violated these rights. The 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. If a court ruled it could not determine guilt or innocence and there was insufficient evidence to bring a case to trial, the case was returned to the investigative bodies for further investigation, during which time suspects may remain under detention. There is no protection against double jeopardy. Attorneys routinely complained that judges returned cases to the investigator if there was not enough evidence to prove guilt. Attorneys generally believed that, once a case made it past investigation and to trial, a defendant was almost guaranteed some sort of conviction. Observers from local and international NGOs described how the expectation that police should successfully close a high percentage of cases drove the high conviction ratio. Judges, according to attorneys, gave a defendant a suspended sentence regardless of how little evidence existed to sustain a prison term. The law requires courts to inform defendants promptly and in detail of the charges against them. Defendants should be provided with an interpreter if they need one. By law, trials should be conducted in the state language, Kyrgyz, or the official language, Russian. In a majority of trials, procedure required defendants to sit in caged cells in the courtroom.

Trials were generally open to the public, unless they involved state secrets or privacy concerns of defendants, and courts announced verdicts publicly, even in closed proceedings. Court officers did not allow some observers in the courtroom at politically charged trials. State prosecutors bring criminal cases before courts, while judges direct criminal proceedings. Criminal cases featured a single judge while three-judge panels conducted appellate cases. Judges have full authority to render verdicts and determine sentences. A law adopted in 2010 calls for jury

trials in criminal cases in certain jurisdictions to begin in 2012, but the government delayed its implementation until 2015 due to funding difficulties and inadequate courtroom size.

The law provides for unlimited visits between an attorney and a client during trial. Official permission for such visits is required and was not always granted. The government provided indigent defendants with attorneys at public expense, and defendants could refuse legal counsel and defend themselves. HRW, domestic NGOs, and local attorneys reported some state-provided criminal defense lawyers were complicit with prosecutors and did not properly defend their clients. Many observers, particularly in the South, described these lawyers as “pocket attorneys” who would help secure bribes from their client to pass to the police and judges, which would then secure the client’s eventual release. International observers reported the quality of representation was much worse in rural areas of the South than in the capital. In many cases it was hard for individuals accused of extremism-related crimes or other charges connected to the 2010 violence to find an attorney who was not closely connected to police. In some cases NGO observers accused defense attorneys of being incompetent.

The law permits defendants and their counsel to access prosecution evidence, although this was not always granted in advance of a trial, and to attend all proceedings, question witnesses, present evidence, and call witnesses. Courts frequently did not follow these requirements. Witnesses typically were required to testify in person. Under certain circumstances, courts allowed testimony via audio or video recording. Defendants and counsel, by law, have the right to communicate freely, in private, with no limitation on the frequency. Defendants and prosecutors have the right to appeal a court’s decision. An appellate court can increase a lower court’s sentence against a defendant.

On June 19, the parliament passed the Law on the Advocatura and Advocacy Activities, allowing the establishment of an independent, unified national bar mandated to enforce ethical standards and hold a qualification examination. Local attorneys reported concerns with the new law, as membership in the bar could depend on financial and political loyalties and feed corruption.

As in previous years, trials of ethnic Uzbeks arrested for instigating or carrying out violence against ethnic Kyrgyz during the 2010 unrest violated legal requirements and international standards of fairness. Over the course of these proceedings, NGOs monitoring the cases and the parents of the accused 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.

Azimjon Askarov (see section 1.e., Political Prisoners and Detainees), an ethnic Uzbek human rights activist convicted along with seven codefendants of the 2010 murder of a Bazar Korgon police officer, remained imprisoned at year's end. In 2012 one of his attorneys filed a formal complaint or "communication" with the UN Human Rights Committee chronicling allegations that the government withheld evidence, intimidated witnesses, and committed acts of torture. Because the country is a signatory to the International Covenant for Civil and Political Rights, individuals can raise instances in which the government has allegedly violated specific provisions of the covenant. The committee can then issue a decision calling on the government to remedy the violations. At year's end, the committee had not issued a decision on the case.

NGOs and other observers continued to report that crowds often threatened the security and safety of defendants, attorneys, and judges. Authorities typically did nothing to stop these widespread incidents. NGOs reported that spectators attacked their employees during trials, voicing disapproval of the activities of human rights trial monitors.

On January 9, approximately 20 persons attacked Dinara Medetova, an attorney defending ethnic Uzbek Makhamadzhan Bizurukov for alleged crimes related to the 2010 violence. According to Golos Svobody, the attackers, who included members of the victim's family, made nationalistic slurs. This was the second incident against Medetova since 2013.

Political Prisoners and Detainees

Courts have convicted opposition party members and ethnic Uzbeks of politically motivated actions related to violence. In view of numerous questions surrounding their connection to the violence and the fairness of the trials and appeals, some observers considered them political prisoners.

Azimjon Askarov, an ethnic Uzbek human rights activist convicted with seven codefendants of killing a police officer during the interethnic violence in 2010, remained in prison at year's end. In February, Askarov's lawyer filed a complaint with the Oktyabrskii District court in Bishkek, alleging the government ignored

exculpatory evidence and failed properly to investigate credible claims of torture in Askarov's case and called on the Prosecutor General's Office to reopen the investigation. On April 30, the court issued a decision calling on the prosecutor general to reopen the investigation or justify its unwillingness to do so. On June 12, the Bishkek City Court reversed the lower court's decision and ruled the prosecutor did not have to reopen the case. On September 3, the Supreme Court upheld the appellate decision (see section 1.e., Trial Procedures).

In December 2013 the prison service stated it would only allow six visits per year to imprisoned Uzbek human rights defender Azimjon Askarov. NGO leaders from Bir Duino and Golos Svobody, however, reported making regular visits to him under an exception to the regulation that permits local NGOs involved in providing medical, psychological, and other support to visit. They reported Askarov was thin and losing weight.

On July 25, the Military Court of Bishkek convicted 14 of the 28 individuals accused of complicity in the shooting deaths of protesters during the 2010 revolution. Those convicted included Oksana Malevanaya, former head of the Presidential Secretariat (sentenced to 10 years in prison), and Murat Satalinov, former chairman of the GKNB (sentenced to 20 years in prison). Human rights activists were critical of the proceedings, claiming the government restricted the defendants' right to see the evidence against them during the trial.

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 requires approval from the prosecutor general for wiretaps, home searches, mail interception, and similar acts, including in cases relating to national security. The law states officials should use wiretapping of electronic communications exclusively to combat crime and only with a court order. Eleven government agencies have legal authority to monitor citizens' telephone and internet communications. Cellular telephone operators MegaCom and Beeline confirmed that the security services wiretapped citizens.

In January the mufti of Kyrgyzstan, Rakhmatulla Egemberdiev, was forced to resign after internet sites published a video of him engaging in sexual activity with a woman identified as his “second” wife, notwithstanding that polygamy is illegal. Egemberdiev confirmed he was in the video but expressed suspicion it was filmed with the help of individuals connected to the State Commission on Religious Affairs who infiltrated his home.

The Law on Defense and Armed Forces authorizes the military to confiscate private property for the purpose of state security.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press. On May 19, however, President Atambayev signed into law amendments to the criminal code making it a crime falsely to accuse someone of committing a crime “in a public statement and/or in the media.” Many in civil society anticipated the amendments would have a chilling effect on journalists and free speech.

As in 2013, some journalists reported threats for covering sensitive topics, such as interethnic relations, the events of June 2010, or the rise of nationalism in the country. The trend was particularly salient against Uzbek-language media outlets. Others felt 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 reprisals.

Freedom of Speech: On August 25, the power went out in the movie theater *Dom Kino* immediately before a screening of the film *20 Testimonies about Maidan*. Organized and sponsored by Bir Duino, the film screening was to portray eyewitness accounts of the events surrounding the violence in Kyiv earlier in the year. Although power outages were common in Bishkek, Bir Duino believed the GKNB organized the outage to prevent the screening. According to Bir Duino, on the day of the screening, the NGO’s director received calls from individuals who identified themselves as Ministry of Culture officials instructing Bir Duino not to screen the film until it underwent appropriate “expert review” for approval.

On August 31, police officers detained Marat Musuraliev, head of Kyrgyzstan against the Customs Union, ahead of Musuraliev’s planned distribution on a

central square of ribbons with the Kyrgyz flag on them. The purpose of the protest was to oppose the country's proposed membership in a customs union with Belarus, Kazakhstan, and Russia. During the detention, police brought Musuraliev first to a police station and then to a police medical facility, where he was screened for alcohol and drugs. Dukenbayev reported the screening was a tactic to keep him away from the protest.

The government took aggressive steps to stop discussion of sensitive issues related to ethnic reconciliation in the South in the wake of the June 2010 events. On September 24, the head of the NGO Uzbek Ethnic Cultural Center in Osh, Rashidkhan Khodzhaev, criticized Freedom House for "inciting ethnic violence" because a subcontractor, the Human Rights Advocacy Center (HRAC), planned to distribute two surveys about the state of interethnic reconciliation in the South. That same day the GKNB summoned a Freedom House employee based in Osh and questioned her about the survey. On September 25, approximately 15 persons appeared at Freedom House's Osh office, demanding closure of the office. On September 30, six officers of the GKNB conducted a search of HRAC in Osh, seizing four computers as part of an investigation into charges of incitement of "national, racial, or religious enmity." The GKNB requested an expert opinion from the National Academy of Sciences (NAS) on the contents of the survey. The NAS stated the document could in "certain situations" incite interethnic hatred.

In late November, following a two-month investigation in which seven employees of Freedom House and HRAC were called in for questioning, the GKNB announced charges against two employees of the center for incitement as part of a conspiracy or group, a crime that carries a mandatory prison term of five to eight years. On December 4, the Osh Regional Court ordered the case closed on the basis of a written request from the Prosecutor General's Office that stated the GKNB had failed to show a crime had been committed.

On October 17, approximately 100 protesters from Kalys prevented a concert by the international pop group Kazaky because of possible "gay propaganda" in their performance. The protesters told the media they stopped the concert because of the need to preserve "traditional values" and prevent European "ideological extremism." The concert's organizers said the protesters were visibly drunk and spent six hours outside of the venue, harassing any ticket holder who arrived and threatening to "burn down" the club if a "gay parade" took place. The club's owner said he repeatedly appealed to the approximately 20 police nearby, but they replied they were not going to take any action because the protesters were "peaceful."

Press Freedoms: On April 16, the parliament amended the criminal code to make it a crime falsely to accuse another of committing a crime “in a public statement and/or in the media;” the president signed the amendment into law on May 17. The law calls for fines or community service for a false accusation of a nonserious crime, or house arrest or imprisonment for an accusation of a “serious crime.” Members of the news media were concerned about the amendment’s chilling effect on the media and asserted it could “kill independent journalism.” There were no reports the amendment was applied during the year, although GKNB officials threatened to use the law against a journalist in the South. The OSCE’s representative on freedom of the media, Reporters without Borders, and other international organizations released statements condemning the law.

The Ministry of Justice required all media to register and receive ministry approval in order to operate. The registration process nominally took one month but was often much longer. It included checks on the background of each media outlet’s owner and its source of financing, including financing by international donor organizations.

Foreign media generally operated freely. While the law prohibits foreign ownership of domestic media, 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, and the government treated them as domestic media.

Violence and Harassment: On March 12, blogger and human rights activist Ilya Lukash fled the country after the youth movement Kalys organized a protest against foreign NGO funding and support for sexual minorities. Protesters burned Lukash’s portrait because of his lesbian, gay, bisexual, or transgender (LGBT) activism and for his alleged promise “to organize a second Maidan in Kyrgyzstan.” After the protest, Kalys activists attempted to attack Lukash in a Bishkek cafe.

On April 2, 50 protesters shut down a Freedom House-organized roundtable in Osh for local human rights organizations, asserting the meeting was a forum for discussing LGBT rights. The protest took place during a visit of two Freedom House officials. Freedom House staff left the premises due to the crowd’s aggressiveness and the refusal of police to provide security to a second location, where they were followed. Freedom House staff then sought refuge at an OSCE office until they were able to leave the city safely.

The founder of the opposition newspaper *Alibi*, Babyrbek Jeenbekov, reported that, on November 6, unknown individuals broke into the newspaper's office, threw papers on the floor, and tried to open the office's safe. Jeenbekov, the father of opposition member of parliament Ravshan Jeenbekov, believed the break-in was a "warning" to the paper after it published an article critical of President Atambayev. While the intruders did not take anything, Jeenbekov claimed the break-in intimidated his staff and other independent outlets.

Censorship or Content Restrictions: The law places significant restrictions on television and radio broadcast companies and establishes Kyrgyz-language and local content requirements. Human rights activists asserted the law is unconstitutional because it conflicts with constitutional rights to freedom of speech and access to information. The law also provides for sign-language interpretation or subtitles in public television programming.

As in previous years, journalists and NGO leaders alleged some news outlets instructed their reporters not to report critically on certain politicians or government officials. The sources also reported some news outlets received requests from offices of the government to report in a particular way or to ignore news stories.

On December 11, the Prosecutor General's Office instructed the State Agency on Connectivity to order internet service providers to block the news website *Kloop.kg*, since the website was carrying a 15-minute video, produced by the Islamic State in Syria and the Levant, about Kazakhstani nationals, including children, undergoing militant training in Syria. *Kloop.kg* became unavailable on several providers. On December 16, the State Agency for Connectivity unblocked *Kloop.kg* and withdrew the request, stating that the Prosecutor General's Office did not secure a proper judicial decision to have the site blocked.

Libel Laws/National Security: While libel is not a criminal offense, NGO leaders described the False Accusations Amendments, passed on April 16, as a "recriminalizing of libel." Journalists have noted the law opens journalists and media outlets to libel suits in civil courts that could bankrupt the outlets or journalists. In its report, Freedom House noted "insult" and "insult of public officials" continue to be criminal offenses and that the law is detrimental to the development of freedom of speech and mass media in the country. The head of the Media Policy Institute reported her organization routinely defended journalists charged with libel and slander, and members of the media regularly feared the threat of lawsuits.

Internet Freedom

There were some government restrictions on access to the internet, but no credible reports the government monitored private online communications without appropriate legal authority. Members of the LGBT community reported police regularly monitored LGBT chat rooms and dating sites and arranged meetings with LGBT users of the sites to extort money from them when they met.

According to the International Telecommunication Union, the internet penetration rate was 24 percent.

According to the Civic Initiative on Internet Policy, 19 websites remained blocked at year's end. These sites all involved religious groups that the government deemed to be terrorist or extremist. Four of the sites involved the banned religious group Hizb ut-Tahrir.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom. Religious higher educational institutions must follow strict reporting policies, but they reported no restrictions on academic freedom.

On June 26, a group of eight protesters attempted to interrupt an exhibition of the paintings of imprisoned human rights defender Azimjon Askarov, held on the International Day in Support of Victims of Torture. On the same day, parliamentarian Nadira Narmatova called on the organizers to close the exhibition, claiming it might provoke unrest, and labeled Askarov a "separatist."

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights.

Freedom of Assembly

The constitution provides for this right, and the government generally respected it. Organizers and participants are responsible for notifying authorities about planned assemblies, but the constitution prohibits authorities from banning or restricting peaceful assemblies, even in the absence of prior notification. Local authorities

have the right to demand an end to a public action and, in the event of noncompliance, are empowered to take measures to end assemblies. The government stated that, during the first two months of this year, there were 65 protests across the country, the vast majority of which were conducted peacefully and without interference. Human rights activists disputed the government's figures, stating approximately 30 percent of planned protests were broken up by the government.

In March the Pervomaisky District Court in Bishkek issued a ruling prohibiting protests in front of the parliament building and in the main square for the month of April, coinciding with the fourth anniversary of the 2010 revolution. The court stated it would allow protests at parks and other squares nearby. A coalition of opposition politicians, the National Opposition Movement, issued a statement criticizing the court's move, claiming it violated the constitution. On March 27, human rights activist Aziza Abdirasulova reported police broke up a protest that she and 12 other women attempted to hold in front of the parliament's main building.

On March 30, former parliamentarian and opposition activist Sadyr Japarov announced he was canceling a large protest planned for the city center on March 31. In an official statement, law enforcement officials stated his planned protest was illegal based on a 2012 law requiring protest organizers to register with police two days in advance of any protest. Japarov confirmed he did not submit a request for holding a public meeting, but declared citizens have a constitutional right to hold protests. His protest later took place on April 10 in a park near the central square.

According to the media, on October 15, police detained five activists of the Jany Muun (New Generation) movement following a protest that day against rising energy prices. According to police, they arrested the activists for holding an unsanctioned protest.

Freedom of Association

While the law provides for freedom of association, and the government generally respected it. 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. The law prohibits

foreign-funded political parties and NGOs, including their representative offices and branches, from pursuing political goals.

The government's *State Concept on Religion* lists 14 organizations as banned organizations: al-Qaida, the Movement of Taliban, the Islamic Movement of Eastern Turkestan, the Kurdish People's Congress (Congra-Gel), the Organization for the Liberation of Eastern Turkestan, Hizb ut-Tahrir al-Islami (Hizb ut-Tahrir), Group Jihad (Union of Islam Jihad), the Islamic Party of Turkestan (Islamic Movement of Uzbekistan), Jaishul Mahdi, Djundul Halifat, Ansarullah, At-Takfir Val-Hijra, and the Church for Uniting of Muna.

Numerous human rights activists reported a sharp increase in arrests and prosecution of persons accused of possessing and distributing Hizb ut-Tahrir literature. Most arrests of alleged Hizb ut-Tahrir members occurred in the South and involved ethnic Uzbeks. The government charged the majority of those arrested with possession of illegal religious material. In some cases NGOs reported police planted Hizb ut-Tahrir literature as evidence against those arrested.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The law on internal migration provides for freedom of movement. The government generally respected this right, and citizens generally were able to move within the country with relative ease. 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.

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

Internally Displaced Persons (IDPs)

According to the UNHCR, the 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 reported there were no IDPs in the country at year's end.

Protection of Refugees

The UNHCR reported there were 472 refugees in the country at year's end. In previous years the UNHCR estimate of the number of refugees included 4,504 persons of Kyrgyz ethnicity in refugee-like status from Uzbekistan. The UNHCR reportedly changed its definition of refugee in 2013 to remove the "refugee" designation from those persons. Of the 472 refugees, 137 were UNHCR convention refugees and 300 were UNHCR mandate refugees. The majority of the non-Uzbek refugees (131 persons total) were from Afghanistan, four from Iran, and two from North Korea.

There were 327 asylum-seekers registered, of which the Ministry of Labor, Migration, and Youth registered 247 and the UNHCR registered 80. Included in the total were 170 asylum seekers from Afghanistan, 58 from Syria, 35 from Uzbekistan, and smaller numbers from Iran, Germany, China, and Somalia.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The law on refugees includes nondiscrimination provisions covering persons who were not refugees when they left their country of origin and extends the validity of documents until a final decision on status is determined by a court.

There were continued reports of Uzbek refugees seeking refugee status due to fear of abuse by the Uzbek government. Several of them received status with the state migration authorities, allowing them to remain in the country legally.

Refoulement: Unlike in previous years, there were reports of refoulement during the year.

Employment: Refugees who lacked official status in the country did not have legal permission to work. They were therefore subject to exploitation by employers paying substandard wages, not providing benefits, and not complying with labor regulations. They could not file grievances with authorities.

Access to Basic Services: Refugees and asylum seekers who lacked official status were ineligible to receive state-sponsored social benefits. They faced exploitative working conditions and had no legal standing to challenge these conditions in court.

Stateless Persons

UNHCR officials stated the country's stateless persons fell into several categories. They included an estimate 5,700 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). Other categories included Roma, individuals with expired Soviet documents, children born to one or both parents who were stateless, and children of migrant workers who had renounced their Kyrgyz citizenship in the hope of becoming Russian citizens. The government denied access to social benefits and official work documents to stateless persons, who lacked sufficient legal standing to challenge exploitative labor conditions in court. The UNHCR estimated 15,338 stateless persons were living in the country without documents, compared with 20,479 in 2013. The State Registration Service maintained its database of stateless persons only on the basis of those who contacted it.

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

The law provides the ability of citizens to change their government through the right to vote in free and fair elections, which they exercised through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: Local and international observers judged the country's most recent presidential election in 2011 to have been open and transparent but not without problems and accusations of fraud. Although not widespread, observers reported instances of fraud, including ballot stuffing, manipulation of polling station and precinct results, and problems with voter lists, but in general, observers concluded such irregularities did not change the outcome of the election. Local elections in cities and oblasts occurred during the year without serious incident. A law passed in late 2013 designated city councils responsible for electing mayors of

Osh and Bishkek. The city councils elected new mayors for both cities on January 15.

Political Parties and Political Participation: The 120-seat parliament is selected through a national “party list” system. The system makes it difficult for minority candidates to be elected. Activists and human rights defenders reported ethnic Uzbeks were underrepresented in all areas of the government.

Participation of Women and Minorities: There were no legal restrictions on the participation of women in politics. The election code requires the names of male and female candidates be intermixed on party lists and that no more than 70 percent of candidates on a party list can be of the same gender.

Women held the positions of finance minister, health-care minister, prosecutor general, as well as one of the vice prime ministerial posts under the parliamentary coalition formed in April. A woman held the position of vice speaker of parliament, and altogether 25 women representing five political parties occupied seats in the parliament.

By law, women must be represented in all branches of government and not constitute less than 30 percent of state bodies and local authorities. The law does not specify the level of the positions at which they must be represented. On April 29, the head of the Parliamentary Social Policy Committee, Damira Niyazaliyeva, asserted the government was in violation of laws on gender balance. For example, only one woman was serving as an ambassador.

National minorities, who made up 35 percent of the population, remained underrepresented in both elected and appointed government positions, particularly Russians and Uzbeks, the two largest ethnic minority groups. Of the 120 members of parliament, 14 belonged to a national minority. The law requires that at least 15 percent of candidates on party lists be members of ethnic minorities.

Section 4. Corruption and Lack of Transparency in Government

Corruption remained endemic at all levels of society. While the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year. In 2011 President Atambayev created the Anticorruption Agency under the GKNB.

According to published government statistics, in the first nine months of the year, government law enforcement bodies--including the Prosecutor General's Office, the GKNB, and the Ministry of Internal Affairs--opened 1,335 criminal cases concerning corruption. From 2012 through the first nine months of the year, these bodies opened 17 cases against current or former members of parliament, 20 cases against heads or deputy heads of federal government agencies, 31 against local or regional government heads, and 340 other cases against lower-level local government workers.

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

Corruption: The only government body empowered to investigate corruption was the anticorruption branch of the GKNB. It was not an independent government entity and its budget remained within the operating budget of the GKNB. The agency's cooperation with civil society was limited, and its investigations led to very few cases coming to trial.

On August 1, a Bishkek court acquitted Isa Omurkulov, former mayor of Bishkek, of corruption charges. In December 2013 authorities charged Omurkulov with redrawing the borders of a city park to accommodate illegal construction.

During the year authorities continued to prosecute former public officials and opposition members for corruption.

In November 2013 the government placed former speaker of parliament Akhmatbek Keldibekov under house arrest and charged him with corruption relating to his tenure on the State Tax Committee. On August 2, the court allowed him to leave the country for medical treatment in Germany. His case was suspended until his return. As of year's end, he had not returned.

On November 18, the Prosecutor General's Office opened a criminal case against Kanzhar Kadyralyev, a prosecutor and brother of a member of parliament, for extortion, vigilantism, and hooliganism. At year's end he remained wanted and was reported to Interpol.

On November 27, the Osh Regional Prosecutor's office declared former Osh mayor Melisbek Myrzakmatov as wanted and opened a criminal case against him for abuse of power in connection with large construction projects in the city. He was charged in absentia, as he was reportedly living in China. On December 23, the government announced it was submitting his name for an Interpol warrant.

Financial Disclosure: The law requires all public officials to publish their income and assets. The State Personnel Service is responsible for making this information public. Officials who do not disclose required information may be dismissed from office, although this punishment was not regularly enforced.

Public Access to Information: The law regulates public access to government information.

The law provides for access to government held information. All government bodies and local administrative organs are required to establish systems to allow for the release of their operating information to the public. NGOs noted that a wide range of information was available; however, the government in many cases was slow in making it public.

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

Law enforcement officials harassed and threatened human rights activists who reported on ongoing abuses as well as those committed during and after the 2010 interethnic violence. The government made registration challenging and sometimes impossible for international NGOs.

In November 2013 the Ministry of Labor, Migration, and Youth informed HRW it would not re-accredit two of the organization's three international employees. The two staff members remained unregistered until May 12, when, after encouragement from the international community, the ministry re-accredited them. At year's end all three HRW international staff were accredited.

On February 19, the country program director for the Solidarity Center left the country after representatives of local trade unions accused him of being a spy. On May 15, the government denied entry to his replacement and informed him of his persona non grata status. The government had taken no action to resolve the case as of year's end.

The United Nations or Other International Bodies: The government permitted visits by representatives of the United Nations and other organizations in connection with the investigation of abuses or monitoring of human rights problems in the country, including those of the OSCE, the ICRC, the Norwegian Helsinki Committee, and the International Organization for Migration (IOM). The entry ban issued on Kyrgyzstan Inquiry Commission chairman Kimmo Kiljunen remained in effect throughout the year. The ban was linked to Kiljunen's 2011 report describing the 2010 violence and criticizing the government's efforts at reconciliation and peace building. The government restricted visits to Azimjon Askarov but otherwise provided international bodies largely unfettered access to civil society activists, detention facilities and detainees, and government stakeholders.

In August the Ministry of Foreign Affairs called for the closure of the OSCE's Community Security Initiative (CSI). Established in 2010 in the aftermath of the June events, the CSI had 17 international police advisors embedded in police stations in villages across the South. The advisors worked with local police to generate a closer connection between law enforcement and the communities they serve, thus facilitating a more open exchange of information and reducing the chances of a repeat of 2010's interethnic conflict. In November the government rescinded its call for the CSI's early closure, allowing the office to remain open until the end of 2015 as originally scheduled.

Government Human Rights Bodies: The Office of the Ombudsman acted as an independent advocate for human rights on behalf of private citizens and NGOs and had authority to recommend cases for court review. During the year, however, the office did not report any complaints to parliament. The atmosphere of impunity surrounding the security forces and their observed ability to act independently against citizens, limited the number and type of complaints submitted to the Ombudsman's Office. During the year the Ombudsman's Office did not make available statistics regarding the number of complaints it received. The government established the Office of the Ombudsman and National Center to Prevent Torture. The human rights community cooperated with the National Center and effectively conducted routine and unannounced visits to prisons.

Following the June 2010 events, the government established the Department on Ethnic Development, Religious Policy and Interrelation with Civil Society under the President's Office, headed by Mira Karybayeva.

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

The constitution prohibits discrimination based on race, gender, disability, language, ethnic origin, creed, age, political or other beliefs, education, background, property, or other status. The government did not effectively enforce these prohibitions. 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 investigate or punish perpetrators of crimes of discrimination during the year. Members of the LGBT community have reported systematic-police led harassment and beatings. NGOs reported ethnic Uzbeks were attacked by ethnic Kyrgyz because of their ethnicity.

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal, but as in previous years, the government failed to enforce the law effectively. Activists continued to note a growing number of reports of rape. NGOs claimed rape cases continued to be dramatically underreported, and prosecutors rarely brought rape cases to court. No statistics on the number of cases or convictions during the year were available. NGOs estimated that 90 percent of rapes were committed by the victim's partner or former partner. Police generally regarded spousal rape as an administrative offense, which carries a fine of 1,000 soms (\$17.50).

While the law specifically prohibits domestic violence and spousal abuse, violence against women remained a problem. The Ministry of Internal Affairs reported registering 1,819 cases of domestic violence during the first six months of the year. According to the ministry, it issued 1,578 temporary protection orders on the basis of these complaints. The Ministry of Internal Affairs opened 118 criminal cases and brought administrative charges against 1,004 individuals based of these complaints.

According to the UN Women's Development Fund, between 40 and 50 women and girls were hospitalized in the Bishkek city hospital every month because of domestic violence. Many crimes against women went unreported due to psychological pressure, cultural traditions, and apathy among law enforcement officials. There were also 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. Penalties for sexual assault range from three to eight years' imprisonment.

Several local NGOs provided services for victims of domestic violence, including legal, medical, and psychological assistance, a crisis hotline, shelters, and prevention programs. Organizations assisting battered women also lobbied to streamline the legal process for obtaining protection orders. The government provided offices for the Sezim Shelter for victims of domestic abuse and paid its bills. According to the shelter, its hotline received 546 telephone calls during the first six months of the year. Women made 96 percent of the calls, 32 percent of which involved domestic violence. The shelter provided consultations, advocacy, and shelter services to 1,100 individuals.

Female Genital Mutilation/Cutting (FGM/C): No provision of the criminal code explicitly prohibits FGM/C, but Article 104, prohibiting “physical trespass and grievous bodily harm,” effectively criminalizes the act. There were no reported cases of FGM/C.

Other Harmful Traditional Practices: Although prohibited by law, the newly “traditional” practice of kidnapping women and girls for forced marriage continued. The Ministry of Internal Affairs reported it opened 20 different criminal cases on forced marriage-related crimes in the first half of the year. Recent independent studies estimated that 50 to 75 percent of all marriages in the country involved bride kidnapping. Freedom House reported there were 5,000 nonconsensual bride kidnappings every year in the country and that 2,000 of them involved rape. Cultural traditions discouraged victims from going to the authorities.

The Sezim Center reported approximately 50 percent of its clients were in unregistered marriages, which do not have legal force. Observers reported there was a greater frequency of early marriage, polygamy, and bride kidnapping in connection with unregistered religious marriages.

Some victims of bride kidnapping reportedly went to the local police to obtain protective orders, but authorities often poorly enforced such orders. In 2012 the government strengthened the penalty for bride kidnapping to a maximum of 10 years in prison. Despite the tougher law, NGOs continued to report there had been no increase in the reporting or prosecution of the crime.

Sexual Harassment: According to 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.

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 and the right to attain the highest standard of reproductive health, 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 receive them regardless of ability to pay. UN Population Fund figures for 2010 indicated that 30 percent of girls and women between the ages of 15 and 49 used various forms of contraception.

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, IDPs, new urban migrants, persons in prostitution, and the very poor. In many remote villages; however, reproductive health services were nonexistent. Where services did exist, the rugged terrain, inadequate roads, or lack of transport made it nearly impossible for people to reach them.

Discrimination: The law provides for equal rights for men and women. Women have the same rights as men, including under family law, property law, and in the judicial system, but because of poor enforcement of the law, discrimination against women persisted. The National Council on the Issues of Family, Women, and Gender Development, which reported 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 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 in December. 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: Although the law provides that every child born in the country has the right to receive a birth certificate, local registration, and citizenship, 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 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. 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 children who were refugees, migrants, or noncitizens. Families who kept children in public schools often had to pay burdensome and illegal administrative fees. While the constitution provides the right to education in minority languages, the government continued to convert Uzbek-language schools into Kyrgyz-language schools. There was no Uzbek-language university.

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

Early and Forced Marriage: Although illegal, the practice of bride kidnapping continued (see section 6, Women), and underage abductions during the year, as in previous years, were believed to be underreported. Children who are 16 and 17 years old may legally marry with the consent of local authorities, but the law prohibits marriage before the age of 16 years under all circumstances. The government did not have a program to address the problem of early and forced marriage. Instead, local authorities handled reports of its occurrence on a case-by-case basis. During the year the UN Population Fund reported 14 percent of women in the country, mainly in rural areas, married while underage.

Female Genital Mutilation/Cutting (FGM/C): No provision of the criminal code explicitly prohibits FGM/C, but Article 104, prohibiting “physical trespass and

grievous bodily harm,” effectively criminalizes the act. There were no reported cases of FGM/C.

Sexual Exploitation of Children: The criminal code prohibits the sale of children, child trafficking, child prostitution and child pornography, as well as other sexual crimes against children. The law criminalizes the sale of persons and forced prostitution and provides penalties of up to 15 years in prison when the act is directed at a child. The law also makes it a crime to involve someone in prostitution by violence or the threat of violence, blackmail, destroying or damaging property, or fraud. Prosecutors have to prove the element of force, coercion, or fraud in the case of children recruited into prostitution; coercion or force is not simply assumed when the victim is a minor.

The criminal code prohibits the distribution of child pornography and the possession of child pornography with the intent to distribute. The law does not specifically define child pornography, and the criminal code does not fully criminalize computer-related use, access to child pornography online, or simple possession of child pornography.

The UN special rapporteur on the sale of children, child prostitution and child pornography, and the UN Children’s Fund (UNICEF) estimated up to 20 percent of children under 18 were regularly involved in prostitution. In her December 2013 report on the country, the special rapporteur noted “serious concerns” of child prostitution in saunas and other brothel-like environments. She also reported that authorities “turned a blind eye” to the presence of prostitutes in these environments.

The law does not contain an explicit age of consent. Under the criminal code, it is illegal for persons who are 18 years old and older to have sexual relations with someone under 16 years of age.

Displaced Children: 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, 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.

Institutionalized Children: State orphanages and foster homes lacked resources and often were unable to provide proper care, sometimes resulting in, for example, the transfer of older children to mental health care facilities even when they did not exhibit mental health problems.

According to the Ministry of Social Development, there were 15 children with no parental supervision or other guardianship reported in the first half of the year and 1,528 children left without parents, 529 of whom were placed into guardianship and 204 placed in orphanages.

According to a 2012 UNICEF estimate, approximately 11,000 children lived in state institutions. UNICEF also pointed to a lack of foster homes in the country, which only has nine.

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

Anti-Semitism

Approximately 1,500 Jews lived in the country.

The law does not specifically prohibit espousing or printing anti-Semitic views. In 2011 the prosecutor general announced prosecutors would prosecute media outlets that published articles inciting national, racial, religious, or interregional strife under the criminal code. There were no reports of anti-Semitic comments in the mainstream media during the year.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, but such persons faced discrimination in employment, education, air travel and other transportation, access to health care, and the provision of other state services. The law mandates access to buildings for persons with disabilities, requires access to public transportation and parking, and

authorizes subsidies to make mass media available to persons with hearing or vision disabilities, and free plots of land for the construction of a home. The government generally did not ensure proper implementation of the law. In addition, persons with disabilities often had difficulty finding employment because of negative societal attitudes and high unemployment among the general population.

A lack of resources made it difficult for persons with disabilities to receive adequate education. Although children with disabilities have the right to an education, the Association of Parents of Children with Disabilities stated schools often denied them entry. Parents sometimes established special educational centers for their children, but they did not receive government assistance. The government continued to fund programs to provide school supplies and textbooks to children with mental or physical disabilities.

Serious problems continued within psychiatric hospitals. The government did not adequately provide for basic needs, such as food, water, clothing, heating, and health care, and facilities were often overcrowded. Inadequate funding played a critical factor.

Authorities usually placed children with mental disabilities in psychiatric hospitals rather than integrating them with other children. Other residents 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 residents 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, members of the Prosecutor General'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 make determinations as to whether it was appropriate to mandate committing people to psychiatric hospitals, and authorities continued the practice of institutionalizing individuals against their will.

The country does not have centralized statistics on persons with disabilities, but authorities estimated their number at between 20,000 and 30,000 in a population of

5.5 million persons. Several activists noted authorities have not implemented the 2008 law requiring employers to provide special hiring quotas (approximately 5 percent of work positions) for persons with disabilities.

National/Racial/Ethnic Minorities

Ethnic tensions between ethnic Uzbeks, who comprised nearly half the population in Osh Oblast, and ethnic Kyrgyz in the oblast as well as elsewhere in the South remained tense and problematic, characterized by discrimination against ethnic Uzbeks in business and government as well as harassment and arbitrary arrests of ethnic Uzbeks by members of the security services. 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. Ethnic Uzbeks reported large public works and road construction projects interfered with neighborhoods and destroyed homes. Uzbeks reported that reconstruction efforts in Uzbek neighborhoods following the June 2010 violence lagged behind those in Kyrgyz neighborhoods.

On August 17, three unidentified men attacked Davran Nasiphanov, an ethnic-Uzbek correspondent for the Uzbek language radio program *Yntimok* in Osh. While the motivation for the attack was unclear, human rights activists in the South reported there were numerous attacks on ethnic Uzbeks, who were the most vulnerable population and the most susceptible to robbery and attack.

In April 2013 President Atambayev signed into law an official ethnic plan with the overall goal of eliminating ethnic divisions. The plan seeks to create a new national identity through a shared language and elimination of official ethnic identification on government documents. As of year's end, the government had not taken concrete steps towards implementing the plan. Some members of civil society were highly critical of the plan, asserting that it was a language plan and not an ethnic plan.

In May the Ministry of Education initially failed to offer the national university admissions test in the Uzbek language on the basis of a September 2013 decree that the test only be available in the Russian and Kyrgyz languages. The test had been available to students in Russian, Kyrgyz, and Uzbek since 2002. After the May test, which many Uzbek-speaking students took in Kyrgyz, the Ministry of Education announced there would be a make-up test in June with versions available in Uzbek, as well as Russian and Kyrgyz. The ministry stated, however, that only students who did not take the test in May could qualify for the Uzbek-

language make-up examination. Some students objected that this was not fair. Fifty students took the test in Uzbek during the year, down from an average of 2,000 in previous years.

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

LGBT persons whose sexual orientation or gender identity was publicly known risked physical and verbal abuse, possible loss of jobs, and unwanted attention from police and other authorities. Inmates and officials often openly victimized incarcerated gay men. Doctors sometimes refused to treat LGBT individuals. Members of the LGBT community said their families ostracized them when they learned of their sexual orientation or gender identity. Forced marriages of lesbians and bisexual women to men also occurred. The Labrys Public Foundation noted the practice of rape of lesbians or their partners by their family members to punish or “cure” their homosexuality. The practice was underreported, and its extent was difficult to estimate.

Local NGOs reported numerous acts of violence and threats against LGBT individuals. NGOs described attacks at homes and beatings by individuals shouting anti-gay slurs. For example, in April, four men were chased, tackled, and kicked after leaving a gay club in Bishkek. The men reported their attackers shouted antigay slurs. The men submitted a complaint to police, but the complaint was never investigated.

On January 29, HRW released *They Told Us We Deserved This: Police Violence against Gay and Bisexual Men in Kyrgyzstan*, a 65-page report based on interviews with 40 individuals chronicling instances of extortion and beatings of and sexual assault on members of the LGBT community. The report described in detail how police patrolling parks and bars frequented by gay men would threaten them with violence and arrest or threaten to reveal their homosexuality to their families if they did not pay bribes. In response to the report, Maksat Hajji Toktomushev, the country’s mufti, issued a fatwa January 30 against same-sex relations and announced Islam absolutely forbids same-sex relations. Toktomushev called on authorities and the parliament “to pay special attention to the activities of some public organizations that disseminate social discord while using humanistic ideas.”

High-level members of the government made public statements that dehumanized and degraded the LGBT community. Parliamentary speaker Asylbek Jeenbekov said he supports legislation making it a crime to propagate a positive attitude

towards nontraditional sexual relations. He explained he supported such legislation because it “liquidates the problem” and prevents society from “going into the sewer.” Parliamentarian Narynbek Moldobayev, during hearings of the Committee for the Rule of Law, Public Order, and the War on Crime on a draft anti-LGBT propaganda law, said that he would “shoot” people who have “nontraditional sexual relations.” Kurmanbek Dykanbayev, one of the bill’s initiators, said he did not want homosexuals “stepping out of their boundaries” to interfere with the “natural family.”

HIV and AIDS Social Stigma

Although the law protects against discrimination and stigmatization of persons living with HIV/AIDS, Minister of Health Dinara Saginbayeva said, “despite numerous information campaigns, Kyrgyzstanis are still not ready to accept HIV calmly.”

In the most recent demographic and health survey for the Kyrgyz Republic (2012), 63 percent of women and 75 percent of men reported discriminatory attitudes towards those living with HIV.

Registration of HIV cases increased 50 percent compared with a similar period in 2013, according to the Ministry of Health. During this period the ministry registered 316 HIV cases compared with 204 cases in 2013, including 14 cases among children under the age of 14 years, compared with nine cases in 2013. Specialists noted that, of those infected with HIV, the proportion of women increased from 41.9 percent in 2013 to 46.8 percent during the first six months of the year.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers the right to form and join trade unions. The law allows unions to conduct their activities without interference and provides them the right to organize and bargain collectively. Workers may strike, but the requirement to receive formal approval made striking difficult and complicated. The law on government service prohibits government employees from striking, but the prohibition does not apply to teachers or medical professionals. The law does not prohibit retaliation against striking workers.

Many unions reportedly operated as quasi-official institutions that took state interests into consideration rather than representing workers' interests exclusively. The Federation of Trade Unions (FTU) 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.

Workers exercised their right to join and form unions, and unions exercised the right to organize and bargain collectively. Union leaders, however, 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 the formation of single-company unions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The law specifically prohibits the use of force, fraud, or coercion for the purpose of sex or labor exploitation and prescribes penalties of five to 20 years' imprisonment for violations. Forced labor is also prohibited by the labor code and the code on children. The government did not fully implement legal prohibitions, and victim identification remained a concern.

The Ministry of Labor provided a toll-free telephone line to the IOM to provide information to potential migrants and to help victims of labor trafficking. According to the IOM, 8,823 persons used the hotline during the year.

The Ministry of Social Development noted that, in the first half of the year, 77 children were found to have been involved in the worst forms of child labor. There were cases of forced labor, including of children (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum legal age for basic employment at 16 years, except for work considered to be "light," such as selling newspapers. Children as young as 14 years old may work with the permission of a parent or guardian. The law prohibits employment of persons under the age of 18 years at night, underground, or in difficult or dangerous conditions, including in the metal, oil, and gas industries; mining and prospecting; the food industry; entertainment; and machine

building. Children who are 14 or 15 years old may work up to five hours a day; children who are 16 to 18 years old may work up to seven hours a day. These laws also apply to children with disabilities.

The government operated under the 2012-14 *Social Protection Development Strategy and Action Plan*, which provides for protection of children and families in difficult conditions, including child laborers.

Child labor remained a widespread problem, as did internal trafficking of children for the purposes of commercial sexual exploitation and forced labor. According to 2011 data, children engaged in dangerous agricultural work in the tobacco, rice, and cotton sectors, and some schools canceled classes to send children to pick cotton while others required children to harvest tobacco on school grounds.

The Prosecutor General's Office and the State Labor Inspectorate are responsible for enforcing employers' compliance with the labor code. Inspectors conducted infrequent and ineffective child labor inspections. 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 first half of the year, the Prosecutor General's Office conducted 24 checks based on complaints of exploitation of underage workers; none of the checks resulted in the opening of a criminal case. The Ministry of Social Development reported 77 cases of children engaged in the worst forms of child labor in the first half of year.

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/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The law prohibits employment discrimination on the basis of sex, race, ethnicity, language, origin, property, official status, age, place of residence, religion, and political convictions, membership in public organizations, or other circumstances irrelevant to professional capacities. Human rights NGOs in the South reported that all the leading government positions, especially in the court system, law enforcement agencies, and the Prosecutor General's Office, were occupied by ethnic Kyrgyz, a trend that had increased after the 2010 violence. Uzbeks in the

South also complained it was hard to start a small business in the South if one was an ethnic Uzbek.

Human rights organizations complained that authorities harassed and closed small Uzbek-owned businesses. On June 9, the State Ecological and Technical Security Inspection closed 53 small businesses in Osh along Navoi Street belonging to ethnic Uzbeks. According to the NGO Human Rights in Central Asia, closure of Uzbek enterprises was related to public works construction as part of the Osh city master plan. The NGO also reported that the owners of the affected enterprises were made to close their businesses through intimidation and threats by the mayor's office.

Members of the LGBT community reported discrimination in the work place when they were open about their sexual orientation.

e. Acceptable Conditions of Work

During the year the official national minimum monthly wage was 600 soms (\$10.50). Employers generally paid somewhat higher wages. The law on minimum wage states it should rise gradually to meet the cost of living. During the year the National Statistics Committee reported the average monthly salary was 11,845 soms (\$208).

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 a seven-day workweek. According to the labor code, overtime work cannot exceed four hours per day or 20 hours per week, and workers must receive compensatory leave or 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.

The National Statistics Committee defined informal economic activity as household units that produce goods and services primarily to provide jobs and income to their members. The government estimated only 24 percent of the population worked in the formal sector of the economy while the rest worked in the informal economy.

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 law does not provide workers the right to remove themselves

from a hazardous workplace without jeopardizing their employment. 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. Workers in the informal economy had neither legal protection nor mandated safety standards.

The National Statistics Committee recorded 220 workplace injuries in 2013. Total benefit payments to compensate for work-related injuries totaled more than 35 million soms (\$614,000).

Unregistered foreign workers could not exercise the same rights as registered workers because they could not file complaints with authorities and did not pay into and receive benefits from the social fund.

Government licensing rules place strict requirements on companies recruiting citizens to work abroad, and the Ministry of Labor, Migration, and Youth must license such companies before they can recruit. The government regularly published a list of licensed and vetted firms. Recruiters were required to monitor employer compliance with employment terms and the working conditions of labor migrants while a work contract was in effect. Recruiters were also required to provide workers with their employment contract prior to their departure.

The government took steps to streamline labor migration by adopting a program on the regulation of migration processes and collaborating with the governments of Russia, the Republic of Korea, and Kazakhstan to improve the protection of the rights of Kyrgyz labor migrants working abroad.