

# KYRGYZ REPUBLIC 2012 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 October 2011 presidential election, Almazbek Atambayev, the then prime minister, received more than 60 percent of the vote. Independent observers considered the election generally transparent and competitive, despite some irregularities. Atambayev's election marked the first peaceful transfer of power in the country's 20-year history. Following Atambayev's December 2011 inauguration, parliament formed a governing coalition that included four of the five parties that held seats. On August 22, two coalition partners withdrew their support and dissolved the government. Within two weeks, and in accordance with the constitution, three of the five parties in parliament formed a new ruling coalition. While security forces officially reported to civilian authorities, in some regions, particularly in the South, there were instances in which elements of the security forces appeared to operate independent of civilian control.

The most important human rights problems included continued ethnic tensions in the South, denial of due process, lack of accountability in judicial and law enforcement proceedings, and law enforcement officials' use of arbitrary arrest, mistreatment, torture, and extortion against all demographic groups, but particularly against ethnic Uzbeks.

The following additional human rights problems existed: arbitrary killings by law enforcement officials; poor prison conditions; lack of judicial impartiality; harassment of nongovernmental organizations (NGOs), activists, and journalists; pressure on independent media; authorities' failure to protect refugees adequately; pervasive corruption; discrimination against women, persons with disabilities, ethnic and religious minorities, and 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 the central government's inability to hold human rights violators accountable, allowing security forces to act arbitrarily, emboldening law enforcement to prey on vulnerable citizens, and empowering 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 no reports that the government or its agents purposely committed arbitrary or unlawful killings.

During the year, however, at least one individual reportedly died while in the custody of law enforcement agencies. On September 14, Esen Mombekov died of an apparent head injury following his detention by police on the previous day in the village of Kara-Jigach, Jalalabad Oblast (region). After his detention, a local hospital admitted Mombekov, who had sustained multiple fractures to his skull. Police claimed that they hit Mombekov on the head with “some object” to stop his attempt to escape. In response, the Ministry of Internal Affairs suspended two police officers, and the Prosecutor’s Office opened a criminal investigation into the incident.

In 2011 at least five individuals reportedly died following detention by law enforcement agencies. Although some of the incidents resulted in investigations and trials, at year’s end courts had not sentenced any law enforcement personnel for these deaths.

At year’s end the four Bazar Korgon officers charged with abuse of power, torture, extortion, and manslaughter in the August 2011 death of Osmonjon Kholmurzaev 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 Bazar Korgon police (Jalalabad Oblast). During the trial of the four in March, at the request of the defense, the court sent the case back to the Jalalabad Oblast prosecutor for “further investigation.” In September the Jalalabad Prosecutor’s Office completed its “further investigation,” but in October, for undisclosed reasons, the judge refused to accept the findings and again sent the case back to the Jalalabad prosecutor to reinvestigate.

The trial of two State Committee for National Security (GKNB) officers for the July 2011 death of Feruzbek Fiziyeu continued at year’s end. Fiziyeu, a customs officer, died after an alleged encounter with GKNB members. The GKNB officially claimed that Fiziyeu jumped from a building while trying to avoid arrest following a raid on “illegal arms dealers.” Human rights NGOs, including Kylym Shamy and Golos Svobody, disputed this account, contending that Fiziyeu died from injuries related to torture. They claimed GKNB officers detained him and

two acquaintances and tortured the three of them. The court postponed the trial multiple times, delaying it for more than a year. In September the trial began in a Bishkek military court but remained delayed on procedural grounds.

In February a Kazakhstani appeals court upheld the October 2011 conviction of Aldayar Ismankulov, a former officer of the Kyrgyz GKNB's Organized Crime Unit, and two citizens of Kazakhstan in the 2009 murder of Gennady Pavlyuk, a Kyrgyzstani journalist. Pavlyuk died in the hospital after assailants threw him from a building in Almaty with his hands and feet bound. The court sentenced Ismankulov to 17 years and his codefendants to 10 and 11 years in prison, respectively. The defense vowed to appeal the appellate court decision to Kazakhstan's Supreme Court.

### **b. Disappearance**

During the year, as in 2011, human rights organizations reported several 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. According to multiple NGOs monitoring the situation, authorities in the South continued to arrest and detain ethnic Uzbeks for crimes committed during the 2010 interethnic violence, such as "participating in mass disturbances," "inciting ethnic hatred," "and murder." The NGOs alleged that in many cases police did not immediately record arrests or communicate them to family members.

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

The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment. Despite widespread acknowledgement of torture by government officials and NGOs, during the year very few torture cases made it to trial, and no accused torturers received a criminal conviction. In April 2011 the then newly appointed prosecutor general, Aida Salyanova, issued a decree prohibiting torture and ordered the prompt investigation of all torture allegations. Nonetheless, as in 2011, numerous defense attorneys and multiple human rights monitoring organizations, including Golos Svobody, Citizens against Corruption (CAC) and Human Rights Watch (HRW), continued to report numerous incidents of torture by the police and other law enforcement agencies throughout the year. According to

Golos Svobody, Ministry of Internal Affairs personnel were involved in 88 percent of all torture cases.

According to HRW and the NGO Spravedlivost (Justice), more than 12 officers beat at least eight detainees at the temporary detention facility in Jalalabad on November 6. The detainees reported officers stripped them naked and humiliated them while searching for prohibited items such as mobile phones. HRW and the regional ombudsman reported that 37 of the 42 detainees in the facility alleged that police had beaten them that day. The Ministry of Internal Affairs denied that police officers had beaten any of the detainees and declared that it had launched an internal investigation. Spravedlivost filed a complaint with the Jalalabad Prosecutor's Office about the beatings. The Prosecutor's Office, however, refused to file a criminal case, citing lack of evidence.

The Kyrgyz Republic sent its national report to the UN Committee against Torture for the first time in 13 years. In April the Prosecutor General's Office publicly stated the need to strengthen the effectiveness of investigations into torture allegations. The Prosecutor General's Office stated that it conducted 1,781 unannounced inspections of temporary detention facilities during the year.

On July 12, the president signed the law on the National Center to Prevent Torture and other Inhumane and Offensive Treatment and Punishment that parliament passed the previous month. The government allocated seven million soms (\$149,000) for the project. The law calls for the establishment of an independent and impartial national body empowered to monitor and prevent torture at detention facilities throughout the country. The center opened in October, and managers were appointed in December, but at year's end it was not yet fully staffed and operational. The body would have the authority to make unannounced inspections of detention facilities. Human rights activists noted that funding for the body's activities required parliamentary authorization and that a delay or denial of funding could hinder its work.

On June 15, several government ministries and 14 human rights NGOs signed a memorandum of understanding (MOU) to cooperate in combating torture. The MOU enabled signatory organizations to make unannounced visits to detention facilities to monitor conditions and identify signs of torture or poor treatment.

Throughout the year there were persistent reports of officers beating detainees and prisoners (particularly Uzbeks in the South) to extort bribes in exchange for release or to extract criminal confessions. The police officers involved in the

Kholmurzaev and Fiziyevev cases (see section 1.a.) were among the very few known to have been criminally prosecuted for alleged torture or abuse during the year.

In spite of the 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. As a result, allegations of torture frequently went uninvestigated. In those cases where there were official allegations of misconduct, investigators took two weeks or longer to review torture claims, at which point physical evidence of torture on the bodies of the detained was no longer visible. Consequently, defense attorneys presented most allegations of torture only during trial proceedings, which made it more difficult to prove, and the courts typically rejected them. In some cases detainees who were allegedly tortured filed claims that they later recanted in the face of intimidation by law enforcement personnel. Based on credible NGO reports, ethnic Uzbeks in the southern portion of the country comprised a majority of victims of torture, abuse, and mistreatment by law enforcement.

Between January and September, Golos Svobody recorded 87 instances of torture in detention centers. Although it submitted complaints for each of the cases, the Prosecutor General's Office did not open any criminal investigations. The Antitorture Coalition registered 146 cases of torture in the first nine months of the year.

According to 2011 statistics, the Prosecutor General's Office reported that 87.3 percent of torture cases occurred in temporary detention facilities. The victims included 21 women and 12 juveniles. At least five cases of suspected torture led to death. In the first six months of the year, the Prosecutor General's Office registered 174 complaints of torture but refused to initiate criminal proceedings in all but 11 cases. It filed 17 criminal cases involving torture; of those, 12 went to the courts for consideration. At year's end none of the cases filed had resulted in conviction.

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

Prison conditions were harsh and sometimes life threatening due to food and medicine shortages, substandard health care, lack of heat and other necessities, and mistreatment. Pretrial and temporary detention facilities were particularly overcrowded, and conditions and mistreatment generally were worse there than in prisons.

Physical Conditions: According to the government, the prison population increased to 9,914 (including 315 women). This total was substantially less than the total prison capacity of 14,000 reported by the government. However, international organizations alleged that the actual capacity was markedly less than reported and that prison overcrowding was a significant problem. The State Penitentiary Service denied that overcrowded conditions existed.

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

Morbidity rates in prisons increased by 3 percent (from 6,605 to 6,810 prisoners), but the mortality rate decreased by 11 percent (from 90 to 80 prisoners). Reported cases of tuberculosis decreased, but mortality from the disease increased from 2011. Approximately 143 prisoners had tuberculosis, of whom 16 had multidrug-resistant strains. In the first 11 months of the year, 80 prisoners died, 31 of them from tuberculosis.

On January 16, prisoners at Bishkek's Pretrial Detention Facility (SIZO) Number 1 rioted, causing severe damage and enabling prisoners to take control of part of the facility. The riots spread to other detention facilities and prisons throughout the country. The prisoners demanded that Damir Saparbekov, the informal criminal leader of the facility's prisoners, not be transferred to a regular prison after his conviction and sentence. In SIZO Number 1, 149 prisoners went on a hunger strike and 48 sewed their mouths shut. Nationally, more than 1,000 inmates went on a hunger strike. NGOs and the ombudsman noted the poor conditions in detention centers, but others believed that criminal leaders within the detention system orchestrated the protest. Leaders of criminal gangs tended to live better than other prisoners, with televisions, refrigerators, and significant freedom of movement within the facility.

On October 25, the Osh City Court convicted Dayirgul Israilova, the doctor who in 2011 refused to treat Mamataziz Bizrukov, of medical neglect and gave her a two-year suspended prison sentence. Bizrukov, an ethnic Uzbek accused of murder and robbery during the June 2010 violence, died while in custody at a pretrial detention center in Osh, reportedly from a denial of medical treatment following abuse.

Human rights NGOs asserted that prison and law enforcement personnel beat Bizrukov on multiple occasions while he was in custody. Israilova appealed the ruling.

Administration: Convicted prisoners had reasonable access to visitors, and officials allowed religious observances. Often, those held in pretrial detention did not have access to visitors. Prisoners have the right to file complaints with prison officials or with higher authorities. However, CAC stated that prison staff inconsistently reported and documented complaints. Many observers believed that official prisoner complaints of mistreatment constituted only a fraction of the cases that actually occurred.

The ombudsman for human rights is empowered to request alternatives to incarceration for nonviolent offenders, improvements to pretrial detention, and proper release at the end of sentences. The ombudsman frequently made such requests in practice. In 2011 the ombudsman reported that it made 2,098 written appeals related to gross violations or prisoner requests, and authorities granted 13.1 percent of these appeals. Updated statistics for 2012 were not yet available.

Monitoring: The government permitted international and domestic human rights observers, including from the Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), the NGO Penal Reform International, and Golos Svobody, to visit inmates in prisons as well as detainees in temporary detention centers. The International Committee of the Red Cross (ICRC) also conducted visits. Monitoring groups generally received unfettered access.

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

While the law prohibits arbitrary arrest and detention, both greatly increased following the interethnic violence in 2010 and continued throughout 2011 and 2012. During the year local and international observers reported that arbitrary arrests persisted but were underreported because victims saw no benefit in reporting this type of misconduct to police or NGOs. Police arrests for the lack of proper identification documents were common. Police frequently used false charges to arrest persons and then solicited bribes in exchange for release. Persons unable to pay were often subjected to abuse by police.

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

General and local crimes fall under the authority of the Ministry of Internal Affairs, while state-level crimes fall under the authority of the GKNB. The Prosecutor General's Office prosecutes both types of crimes. In 2010 the interim government cancelled a pre-2010 law that empowered the military to intervene in domestic political conflicts. The interim government also reorganized the presidential security service under the GKNB.

The problem of police impunity came to the fore in the aftermath of the 2010 interethnic violence. Since those events, international observers have noted widespread arbitrary arrests, detainee abuse, and extortion, particularly in the South. However, few Ministry of Internal Affairs officials faced dismissal or prosecution for corruption, abuse of authority, extortion, or police brutality. In 2011 the ministry's internal investigations unit reported that 1,430 citizen complaints of police misconduct and 395 led to subsequent investigations. As a result, the ministry dismissed 39 officers and subjected 578 officers to various other disciplinary actions. The Prosecutor General's Office reported investigating 87 law enforcement employees for various crimes but did not provide information on the outcomes of those investigations. Updated statistics were not available at year's end.

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

Arbitrary Arrest: As in 2011, NGOs and monitoring organizations, including Golos Svobody, CAC, HRW, the UN Office of the High Commissioner for Human Rights, and the OSCE continued to record complaints of arbitrary arrest during the year. Although various estimates placed the number of such arrests in the thousands, there was no official count. Most observers asserted that it was impossible to know the number of cases because the majority went unreported. NGOs in the South reported a decrease in the number of ethnic Uzbeks reporting arbitrary arrests, but they did not believe the practice was becoming less common. Rather, several sources reported that those detained sought to avoid physical abuse or the court system by quickly paying off the arresting officers. The sources said that reporting arbitrary arrests had not produced results for those arrested, so most simply sought to resolve the situation as quickly as possible.

On May 29, the Prosecutor General's Anticorruption Unit filed a criminal case against officers of the Ministry of Internal Affairs Criminal Investigation Department, charging them with forgery of evidence and extortion. In April the officers allegedly arrested a foreign citizen (formerly a Kyrgyz citizen) and demanded to see his personal documents. The arrestee claimed that the officers

planted hashish on him during the inspection and demanded that he pay them \$5,000 for his release. The officers released him after he gave them \$4,600.

Pretrial Detention: According to the criminal procedure code as amended in January 2011, only courts have the authority to issue search and seizure warrants. Prosecutors have the burden of proof in persuading a judge that a defendant should be detained pending trial, yet detention without a warrant remained common, particularly for ethnic Uzbek defendants accused of crimes in connection with the interethnic violence in 2010. Authorities can hold a detainee from 48 to 72 hours before filing charges; these limits were generally respected. The law requires investigators to notify a detainee's family of detention within 12 hours, but officials inconsistently enforced this provision. 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.

On October 3, police detained opposition Ata-Jurt members of parliament (MPs) Kamchybek Tashiyev, Sadyr Japarov, and Talant Mamytov for attempting to seize power through violence and public calls for violence. The charges stemmed from a rally and subsequent attempt by the men and their followers to enter the premises of the presidential palace/parliament. On December 25, the court extended the defendants' detention period to January 3, 2013.

All persons arrested or charged with a crime have the right to defense counsel at public expense. Human rights observers alleged that some defense attorneys appointed by the state were complicit with prosecutors and did not adequately defend their clients. By law the accused has the right to consult with defense counsel immediately upon arrest or detention, but in many cases the first meeting did not occur until the trial. Human rights groups noted that authorities usually denied attorneys to arrested minors, often holding them without parental notification and questioning them without parents or attorneys present, despite laws forbidding these practices. 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 that law enforcement officials selectively enforced the law by incarcerating persons suspected of minor crimes while not pursuing those suspected of more serious crimes. There is a functioning bail system.

On April 25, after an awareness campaign by members of civil society and the legal community, President Atambayev signed the repeal of an October 2011

amendment to the law that required that lawyers obtain permission from the prosecutor, investigator, or judge prior to visiting a defendant. Human rights defenders asserted that this violated due process because it hindered attorneys' ability to consult with their clients in a timely manner.

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

The law provides for an independent judiciary, but lawyers and citizens commonly believed that judges were open to bribes or susceptible to outside pressure. Multiple sources, including NGOs, attorneys, government officials, and private citizens, asserted that judges paid bribes to attain their positions.

In June 2011 parliament established a Judicial Selection Council to appoint a new constitutional chamber, Supreme Court, and eventually all 436 judges nationally. In October the council completed selection of a new Supreme Court and was in the process of selecting judges to the Constitutional Chamber, dissolved in 2010. Although it included testing and interviewing judges, independent observers criticized the process for a lack of transparency and susceptibility to fraud and abuse. In September, 25 new Supreme Court justices took office.

Also in September the director of the Supreme Court's judicial department and a judicial training center staff member were arrested for soliciting \$6,000 in bribes from judicial applicants in return for higher test scores. The GKNB's anticorruption unit mounted a successful sting operation that caught both officials soliciting bribes on video and audio recordings. The judicial selection council stated that it would "deal harshly" with applicants who tried to subvert the selection process.

Trials of ethnic Uzbeks arrested for instigating or carrying out violence against ethnic Kyrgyz during the 2010 unrest continued not to 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, threats and acts of violence against defendants and defense attorneys within and outside the courtroom, intimidation of trial judges by victims' relatives and friends, and convictions in the absence of sufficiently conclusive evidence or despite exculpatory evidence. Although the number of cases decreased somewhat, NGOs reported that these practices persisted during the year. CAC reported that 22 persons received life sentences, increasing the number of individuals serving life prison sentences to 264. CAC noted that ethnic

minorities convicted for crimes in 2010 in politicized trials received the overwhelming majority of life sentences.

### **Trial Procedures**

State prosecutors bring criminal cases before courts, while judges direct criminal proceedings. Criminal cases feature a single judge; three-judge panels conduct appellate cases. Judges have full authority to render verdicts and determine sentences. A law adopted in 2010 called for jury trials 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 does not guarantee defense attorneys access to government evidence in advance of a trial. If a court rules it cannot determine guilt or innocence and there is insufficient evidence to bring the case to trial, the case is returned to the investigative bodies for further investigation, and suspects may remain under detention. Trials are generally open to the public, unless state secrets or the privacy of defendants is involved, and verdicts are announced publicly even in closed proceedings.

The law provides for defendants' rights, including the presumption of innocence. In practice, however, 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. In a majority of trials, defendants were required to sit in caged cells within the courtroom, although sometimes it was necessary for their own protection. The law provides for unlimited visits between an attorney and a client during trial. Official permission for such visits is required but was not always granted. The government provides indigent defendants with attorneys at public expense, and defendants could refuse attorney support and defend themselves. HRW and other NGOs reported that some state-provided criminal defense lawyers were complicit with prosecutors and did not properly defend their clients. In some cases NGO observers accused defense attorneys of being incompetent. The law permits defendants and their counsel to access prosecution evidence, although not in advance of the trial, and to attend all proceedings, question witnesses, and present evidence. In practice, however, courts frequently did not follow these requirements. Typically, witnesses are required to testify in person. Under certain circumstances courts allowed testimony via audio or video recording. Defendants and prosecutors have the right to appeal a court's decision.

In 2010 and 2011, trials of ethnic Uzbeks arrested for instigating or carrying out violence against ethnic Kyrgyz during the June 2010 unrest violated legal requirements and 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, 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. Although the number of cases decreased somewhat during the year, NGOs reported that these practices persisted.

In June CAC presented new evidence to the Prosecutor General's Office in the case of Azimjon Askarov, an ethnic Uzbek human rights activist convicted along with seven codefendants of the 2010 murder of Bazar Korgon, a police officer. The new evidence included notarized, videotaped testimony of witnesses who corroborated Askarov's assertion that he had not been at the scene of the murder. The Jalalabad Oblast Prosecutor's Office ruled that the video was insufficient to reopen the investigation. In November Askarov's defense team submitted a formal complaint to the UN Human Rights Committee, referencing repeated judicial inadequacies in his initial trial and in the handling of subsequent appeals. Askarov's complaint to the committee also alleged that authorities denied "medical treatment for the effects of the repeated torture and other potentially life-threatening medical conditions."

HRW reported that on October 25, separate courts sentenced ethnic Uzbek defendants to life imprisonment for crimes related to the 2010 violence in trials that independent observers deemed significantly flawed. An Osh Oblast court sentenced Mahamad Bizrukov, an ethnic Uzbek citizen of Russia, to life in prison for the 2010 murder of Almaz Askarov, an ethnic Kyrgyz. The decision overruled a September 26 lower court ruling that sentenced Bizrukov to seven years in prison for "unlawful deprivation of freedom" but acquitted him of the murder charge. During both trials the victim's relatives physically attacked the defendant, attorneys, witnesses, and judges. Bizrukov claimed police tortured him into confessing after his June 2011 arrest. On October 24, a prosecution witness recanted his testimony, alleging coercion. On September 1, Bizrukov died in detention; the government dismissed and prosecuted the doctor who treated Bizrukov. Following Bizrukov's death, the government attempted to prosecute his son, also named Mahamat Bizurukov, for the crime and allegedly tortured him to gain information. At year's end the investigation into the case continued.

Also on October 25, a Suzak District court (Jalalabad Oblast) sentenced Shamsedin Niyazaliyev, an ethnic Uzbek citizen of Russia, to life in prison for his alleged participation in a 2010 incident that killed 16 persons. Prosecutors alleged that Niyazaliyev joined a group of ethnic Uzbeks who blocked the Osh-Bishkek highway and shot ethnic Kyrgyz as they advanced in their cars near the Sanpa cotton factory. Kazakhstani security officers detained Niyazaliyev at the Uzbekistan-Kazakhstan border in January 2012 and extradited him to the Kyrgyz Republic. The trial judge refused to consider exculpatory evidence, including documentation showing that Niyazaliyev resided in Uzbekistan from May until late June 2010 and the testimony of 15 witnesses who claimed they saw Niyazaliyev in Uzbekistan on the date of the incident.

Crowds of spectators including victims' family members regularly disrupted trials of ethnic Uzbeks charged with crimes related to the 2010 violence. Crowds often threatened the security and the safety of defendants, attorneys, and judges. Authorities typically did nothing to stop these widespread incidents.

On September 25, a crowd of 100 to 200 persons attacked and beat a district prosecutor, his deputy, and a judge in Ala-Buka, Jalalabad Oblast. The attackers objected to the release to house arrest, while pending trial, of an ethnic Uzbek accused of beating up an ethnic Kyrgyz man. Following the attack, authorities rearrested the defendant and placed him in a pretrial detention center. Police vowed to prosecute those responsible for the attack. As of year's end the government had made no arrests in the case.

### **Political Prisoners and Detainees**

During the year authorities arrested several public officials and some opposition politicians on corruption and other charges. On August 15, authorities arrested opposition MP Nariman Tyuleyev on suspicion of corruption during his 2008-09 term as mayor of Bishkek. The court sentenced Tyuleyev to two months in a pretrial detention center and later extended the sentence by an additional month while prosecutors investigated. During his imprisonment, Tyuleyev required hospitalization for extended periods due to continued poor health. As of year's end the Leninsky District Court had not concluded the case.

Opposition MPs Kamchybek Tashiyev, Sadyr Japarov, and Talant Mamytov, arrested for attempting to seize power through violence and public calls for violence, remained in detention at year's end (see Pretrial Detention).

Azimjon Askarov, an ethnic Uzbek human rights activist convicted with seven codefendants for the killing of a police officer during the interethnic violence in June 2010, remained in prison after appellate courts refused to reopen the case for further investigation (see Trial Procedures).

At year's end the trial of 28 individuals accused of complicity in the shooting deaths of protesters in June 2010 continued in Bishkek. The trial, which had been delayed for nearly two years, involved the prosecution of several defendants in absentia, including former president Kurmanbek Bakiyev; his brother Janysh, the former head of the Presidential Guard Service; and former prime minister Daniyar Usenov. Other defendants included Oksana Malevanaya, former head of the Presidential Secretariat; Murat Sulatinov, former chairman of the GKNB; and several special GKNB operations officers. Human rights activists claimed that the charges against the defendants were arbitrary and that the government denied the legal right of the defendants to see all of the evidence against them during the trial.

In October 2011 a Jalalabad court convicted Kadyrzhan Batyrov, an ethnic Uzbek community leader, and five codefendants--all tried in absentia--of circulating separatist propaganda, inciting ethnic hatred, and organizing violent clashes. Independent observers judged the short trial to be politically motivated, marred by procedural violations, and rushed to completion before the October 2011 presidential election. Batyrov and codefendant Inom Abdurasulov received life sentences, the other defendants received lengthy sentences, and the state seized their property. Appellate courts upheld the verdicts in February.

### **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. A 2011 report by the Civil Initiative on Internet Policy stated that the national government authorized 11 government agencies to monitor citizens' telephone and Internet communications. Some activists and journalists

confidentially alleged that the government violated their privacy through wiretapping, eavesdropping, and theft of personal or professional information.

Cell phone operators MegaCom and Beeline confirmed that the security services wiretapped citizens. In April 2011 parliament adopted a decree requiring mobile operators to switch off the technical means serving security and investigative actions. Ar Namys MP Akylbek Japarov declared that the GKNB was responsible for violating the integrity of citizens' personal information with the use of a wiretapping system. The decree states that officials should use wiretapping of electronic communication exclusively to combat crime. MP Dastan Bekeshev stated in a parliamentary session, however, that mobile operators had not reported to the parliamentary committee whether they had actually turned off the wiretapping technology.

A 2009 amendment to the Law on Defense and Armed Forces authorizes the military to confiscate private property for the purpose of state security. There were no reports of such confiscations during the year.

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

There were no reports of violent clashes during the year. The widespread ethnic violence in 2010 between ethnic Kyrgyz and ethnic Uzbeks in Osh and Jalalabad Oblasts resulted in the deaths of 400 to 500 individuals.

Killings: In 2010, the government's investigative National Commission of Inquiry reported 426 confirmed deaths, of which 276 were of ethnic Uzbeks and 105 were of ethnic Kyrgyz. The international Kyrgyzstan Inquiry Commission (KIC) report estimated at least 470 deaths, of which 75 percent (348) were of ethnic Uzbeks and 25 percent (118) were of ethnic Kyrgyz. Security forces, mainly composed of ethnic Kyrgyz, did not prevent the violence. Multiple reports surfaced that some security units surrendered their vehicles, weapons, and uniforms to groups attacking ethnic Uzbek neighborhoods and may have participated in attacks. In September the NGO Kylym Shamy released a report based on an analysis of Osh hospital records, victims' injuries and ethnicities, and their time of admission to the hospital or time of death. The report suggested that in 2010 troops assigned to guard administrative buildings in Osh responded to a large demonstration by ethnic Uzbeks and used Armored Personnel Carriers against the crowd. The report claimed that this action caused the first casualties of the 2010 violence. The report stated that troops continued to fire into the crowd even as it began to disperse. The report criticized the then provisional government for not ensuring citizens' safety

and not effectively accounting for security forces' arms that ended up in the hands of attackers.

Authorities claimed that they investigated the 2010 violence without regard to ethnicity. However, the vast majority of those arrested in connection with the violence, on charges ranging from destruction of property to murder, were ethnic Uzbeks. Prosecutors and police continued this practice throughout the year. As of August, the Jalalabad Oblast Prosecutor's Office was working on 324 open investigations related to the 2010 events. According to prosecutor office statistics, 80 percent of the conflict's victims were ethnic Uzbek, and ethnic Uzbeks constituted 66 percent of those receiving criminal sentences.

Physical Abuse, Punishment, and Torture: A June 2011 HRW report noted that, of 124 individuals arrested for murder, 115 were ethnic Uzbeks and that many of those arrested were tortured. According to a 2010 HRW report, prolonged and extensive beatings by fists, clubs, or rifle butts were the primary form of abuse. Victims also reported suffocation with hoods or gas masks and burning with cigarette butts. Although government officials in oblasts where such abuses were alleged denied the claims, HRW reported finding 65 credible cases of torture.

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

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

The law provides for freedom of speech and press. The government took some steps toward ensuring free expression but did not consistently protect free speech.

Authorities opened, but did not conclude, investigations into some of the 2011 incidents involving threats or assaults against the media. In certain cases, even when authorities knew some perpetrators' identities, the government did not prosecute the suspects. Some threats against journalists were anonymous, but others came from politicians and government officials. As in the previous year, 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. Others felt they were threatened for reporting critically on public figures. Many journalists, even those not assaulted or threatened, admitted to self-censoring their reporting due to fear of being targeted.

Freedom of Speech: On July 3, a court in Bishkek fined online commentator Vladimir Farafonov 50,000 soms (\$1,060) for online commentary that authorities

claimed incited ethnic hatred. The prosecutor in the case had initially sought an eight-year prison sentence. Farafonov's comments in an online post had criticized authorities for conferring tacit impunity to ethnic Kyrgyz who commit crimes against non-Kyrgyz. He referred specifically to the case of a Kazakh tourist who died after being beaten and robbed at Lake Issyk Kul in 2011. International observers, including the OSCE representative on Media Freedom and the Committee to Protect Journalists, criticized Farafonov's prosecution and sentence.

Freedom of Press: All independent Uzbek-language media in the South stopped operating after the 2010 violence, but during the year two government-owned newspapers, *Alam* and *Osh Shami*, began publishing in the Uzbek language. In June an ethnic Uzbek journalist launched *Digest*, a self-financed, independent Uzbek-language weekly newspaper with a circulation of 1,000. Although *Digest* mainly carried news stories translated from Kyrgyz, Russian, and English sources, its publishers said law enforcement officials criticized it as "provocative" for including an Uzbek-language translation of the constitution. They also reported occasional threats from law enforcement officers and anonymous sources. Aside from these three publications, limited Uzbek-language content appeared in Kyrgyz language outlets and publications. In 2011 some media outlets stopped operating because of local government pressure and did not reopen in 2012.

In September the NGO Internews established Yntymak Public Radio to broadcast news, talk, and musical programming in Kyrgyz, Uzbek, and Russian. Eurasianet.org reported that several ethnic Uzbek staff members of Yntymak received threats, some of which included anti-Uzbek racial epithets via cell phone text messages. As a result, some employees quit their jobs.

Violence and Harassment: On at least four occasions during the year, protesters assaulted journalists covering political demonstrations while police on the scene refused to intervene. In one instance, state security guards beat journalists from Independent Bishkek Television who were filming a protest. The journalists filed a complaint with the local police; as of year's end, no arrests had been made.

On September 5, supporters of the Ata-Jurt political party rallying in front of the parliament building verbally and physically assaulted a reporter for the news agency 24.kg as she tried to report on the rally by telephone. On October 10, Ata-Jurt supporters rallying in front of the parliament building attacked reporters from kloop.kg and Interfax as they attempted to report on a demonstration. In each case, the victims reported that police and security personnel who witnessed the attacks did not intervene.

On October 3, participants in a political rally calling for the nationalization of a foreign-owned gold mine charged the parliament building. The news agency KNews reported that state security guards defending the building beat journalists accredited by parliament who were filming the incident, which included guards shooting rubber bullets from the building. NBT television reporter Meerim Mambetova claimed that guards beat her and her camera operator, smashed their camera, and confiscated the tape. None of the guards faced legal charges for their actions, and a GKNB spokesperson stated that the agency had “settled” the dispute with the victims.

Censorship or Content Restrictions: A 2008 law, not yet fully implemented, placed significant restrictions on television and radio broadcast companies and established Kyrgyz-language and local content requirements. Human rights activists asserted that the law is unconstitutional because it conflicts with constitutional rights to freedom of speech and access to information. A 2011 update to the law provided for sign-language interpretation or subtitles to public television programming. The law did not significantly change in 2012.

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

In its annual report on freedom of the press, Freedom House characterized the press in the Kyrgyz Republic as “not free,” the same classification the country had received in the five previous annual reports. Among the reasons for its conclusion, Freedom House noted attacks and intimidation of journalists, the lack of independent minority language media in the South, and systemic barriers to the creation of independent media outlets. The report noted, however, that an increase in private advertising revenues decreased authorities’ ability to influence reporting.

Libel Laws/National Security: Under the new constitution, libel is no longer a criminal offense. However, this opened journalists and media outlets to significant libel suits in civil courts for award amounts that could bankrupt the outlets or journalists. In its report, Freedom House noted that “insult” and “insult of public officials” continue to be criminal offenses. On April 10, MP Irina Karamushkina filed a lawsuit against 24.kg journalist Mahinur Niyazova. The suit claimed emotional distress and psychological damage from a report alleging that the MP

had been a passenger when the driver of her government-plated car killed two pedestrians and injured one in a hit-and-run accident in February. Although libel was decriminalized, the suit was filed under the section of the law that infers criminal liability for insulting a government official. The lawsuit sought 5 million soms (\$106,000) as compensation.

In September businessman Grigory Bubel sued the weekly newspaper *Dengi i Vlast* (Money and Power) and the author of an article about him in a Bishkek district court for defaming his honor, dignity, and business reputation. He sought compensation of 50 million (\$1.06 million). While considering the case, the judge ordered the newspaper not to publish follow-up articles on Bubel. At year's end the court had not reached a decision on the defamation claim and monetary penalty.

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

Foreign media generally operated freely. The law prohibits foreign ownership of domestic media; however, there was a small degree of foreign ownership of media through local partners. Russian-language television stations dominated coverage and local ratings. A number of Russia-based media outlets operated freely in the country; the government treated them as domestic media. Some new broadcast licenses were issued in late 2010, 2011, and 2012, but the awards process remained cumbersome in that two licenses were required, one for content and one for broadcast spectrum. The process also lacked transparency.

### **Internet Freedom**

There were some government restrictions on access to the Internet, but no credible reports that the government monitored e-mail or Internet chat rooms without judicial oversight.

According to the International Telecommunications Union, Internet penetration in 2011 reached 20 percent of the country's inhabitants, 51 percent were located in the capital Bishkek and 32 percent in Osh, the second largest city. An independent survey in 2011 found that 16 percent of respondents reported using the Internet.

On February 21, in response to a June 2011 parliamentary resolution, the government ordered state-owned Internet provider KyrgyzTelecom to block access to the independent news Web site fergananeews.com (formerly fergana.ru). The parliament justified its decision by stating that the site, which most observers considered independent and balanced, incited ethnic hatred. Activists called the move unconstitutional. A spokesperson for President Atambayev commented that the site's blockage deprived people of information and did not solve any problems. The spokesperson added that the president considered the measure "inappropriate." Fergananeews.com remained accessible through privately owned Internet service providers (ISPs), but was still inaccessible on KyrgyzTelecom at year's end. The NGO Civic Initiative on Internet Policy reported that, as of year's end, 12 Web sites remained blocked to users in the country. The government did not publish a list of those sites.

In July authorities prosecuted and convicted online commentator Vladimir Farafonov for posting an opinion piece they contended incited ethnic hatred (see Freedom of Speech).

In September Freedom House's report on Internet freedom rated the country as "partly free." Besides the blocking of Fergananeews.com, the report cited lack of Internet penetration, particularly in rural areas, the relatively high cost of Internet access, and a small number of ISPs. The report also noted that three of the country's four top-tier ISPs received their Internet connections from Kazakhstan, and therefore Web sites blocked by Kazakhstan authorities were inaccessible in the Kyrgyz Republic.

### **Academic Freedom and Cultural Events**

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

On September 24, at the request of the Prosecutor General's Office and upon the recommendation of the GKNB and the State Committee on Religious Affairs (SCRA), a Bishkek court banned the scheduled screening of the documentary film *I am Gay and Muslim* at the One World Film Festival in Bishkek. The SCRA labeled the film extremist and said it insulted the dignity of Muslims and incited interethnic hatred. The film festival organizer reported that the festival had received telephone threats of violent consequences if it were to show the film.

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

### **Freedom of Assembly**

The law provides for the right of peaceful assembly. 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. However, local authorities have the right to demand an end to a public action and, in the case of noncompliance, are empowered to take measures to end assemblies.

### **Freedom of Association**

The law provides for freedom of association, and the government generally respected this right. NGOs, labor unions, political parties, and cultural associations must register with the Ministry of Justice. NGOs are required to have at least three members, and all other organizations at least 10 members. The Ministry of Justice did not refuse to register any domestic NGOs during the year. The law prohibits foreign-funded political parties and NGOs, including their representative offices and branches, from pursuing political goals.

The government continued its ban on five organizations--Hizb ut-Tahrir (HT), the Islamic Party of Turkestan, the Organization for Freeing Eastern Turkestan, the Eastern Turkestan Islamic Party, and Tablighi Jamaat--that it alleged had ties to international terrorist organizations. Arrests and prosecution of persons accused of possessing and distributing HT literature continued. Although most arrests of alleged HT members in the past occurred in the South and involved ethnic Uzbeks, media reports tracked a growing number of detentions of ethnic Kyrgyz for HT-related activity in the northern part of the country. The government charged the majority of those arrested with distribution of literature inciting ethnic, racial, or religious hatred. In some cases police may have planted HT literature as evidence against those arrested.

## **c. Freedom of Religion**

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

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

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

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

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

According to the UNHCR, the 2010 violence in Osh and Jalalabad oblasts displaced approximately 300,000 persons internally, as well as 75,000 persons who temporarily fled to Uzbekistan and later returned. The UNHCR, which led a multiimplementer emergency shelter construction project, announced in December 2010 that persons whose homes were partially or totally destroyed in the violence were provided with temporary shelter. Following the 2010 events, the government's State Directorate for Reconstruction and Development offered two options to families with damaged homes: a one-time grant equivalent to approximately \$1,000, or a loan equivalent to \$4,200. Most returnees opted for the one-time grant. According to the Internal Displacement Monitoring Center (IDCM), internally displaced persons continued to face issues concerning physical and food security, arbitrary arrest, the replacement of documentation, and limited access to employment, health care, education materials, and sanitation. At year's end the UNHCR estimated that 172,000 IDPs remained in the country.

### **Protection of Refugees**

The Ministry of Youth, Labor and Employment reported to the UNHCR that there were 148 refugees and 191 asylum seekers in the country as of year's end. Refugees were primarily from Afghanistan (142), along with lesser numbers from

Iran and the Democratic Peoples' Republic of Korea (DPRK). Among the asylum seekers officially registered with the government were 64 from Afghanistan, 92 from Uzbekistan, 25 from Syria, and small numbers from other countries including Iraq, Pakistan, Morocco, Kazakhstan, and the DPRK. However, the UNHCR official Web site reported that there were 6,095 refugees and 408 asylum seekers residing in the country as of January.

Access to Asylum: The laws provide for the granting of asylum or refugee status, and the government has established a system for doing so. On March 17, the parliament amended the law on refugees to include nondiscrimination provisions on those who were not refugees when they left their country of origin. The amendments sought to bring the definition of asylum seeker in compliance with international law. The amendment extended the validity of documents until a final decision on status is determined by the court.

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

Refoulement: As in previous years, Uighurs reportedly remained at risk of deportation or extradition, particularly if they were involved with political and religious activities in China or if the Chinese government requested their return. According to the UNHCR, there were no incidents of deportation or extradition of Uighurs to China during the year.

Employment: Refugees who lack official status in the country do 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 cannot file grievances with authorities.

Access to Basic Services: Refugees and asylum seekers who lack official status are 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**

At the beginning of the year the UNHCR estimated that approximately 32,000 individuals living in the country lacked any official documentation confirming their citizenship. By the end of the year the UNHCR reported that it had assisted

in obtaining citizenship documents for 15,403 holders of Soviet documents. The remaining 17,000 stateless persons fell into several categories: 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); children born to one or both parents who are stateless; and children of migrant workers who had renounced their Kyrgyz citizenship in the hope of becoming Russian citizens. The government denied stateless persons access to social benefits and official work documents, and they lacked sufficient legal standing to challenge exploitative conditions in court.

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

The law provides citizens with the right to change their government peacefully. In practice, however, this right was restricted prior to the violent change of government in 2010. Following the 2010 revolution, the provisional government conducted a constitutional referendum at the end of June 2010 and parliamentary elections in October 2010. The country then held presidential elections in October 2011 and local municipal elections throughout the year.

The 2010 constitution divided the powers of the president, parliament, and executive (headed by a prime minister). The president, who serves a single six-year term, can veto legislation and appoints the heads of national security bodies. Voters elect members of parliament to five-year terms on party lists and vote to approve a proposed government. The parliament can also vote to express no confidence in the government, after which the president may dissolve it. The constitution does not provide any officeholder with immunity from prosecution after the individual leaves office.

### **Elections and Political Participation**

Recent Elections: In October 2011 the country held a presidential election that local and international observers judged to be open and transparent but not without problems and accusations of fraud. Prime Minister Almazbek Atambayev defeated 15 other candidates with 62.5 percent of the vote, preventing a runoff election. The election was widely observed with nearly 800 international observers and thousands of local observers, representing domestic NGOs, political parties, and the candidates themselves. Although not widespread, observers reported instances of fraud, including ballot stuffing and manipulation of polling stations and precinct results as well as problems with voter lists, but in general concluded that they did

not change the outcome of the election. Atambayev's two closest competitors, who each received approximately 15 percent of the vote, alleged widespread fraud and challenged the results. Nonetheless, the Central Election Commission certified the results on November 2011. Elections for city councils and other municipal government bodies proceeded smoothly throughout the year, evoking some allegations of fraud, but no major protests or court challenges.

Participation of Women and Minorities: There were no legal restrictions on the participation of women in politics. However, with the notable exception of former president Roza Otunbayeva (June 2010 to December 2011) and a few other women, traditional attitudes at times hindered a representational proportion of women from holding high office or playing active roles in political life. The election code requires that the names of male and female candidates be inter-mixed on party lists and that no more than 70 percent of candidates on a party list be of the same gender.

Women held the positions of finance minister, healthcare minister, prosecutor general, as well as one of the vice prime ministerial posts under the new parliamentary coalition formed in September. A woman held the position of vice speaker of parliament, and altogether 25 women representing five political parties occupied seats in the 120-member parliament due to parliamentary election code mandates aimed at ensuring gender diversity. As of October 2011 women occupied 19 percent of the 675 senior government positions.

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

#### **Section 4. Corruption and Lack of Transparency in Government**

Corruption remained endemic at all levels of society. The law provides criminal penalties for official corruption; however, the government did not enforce the law effectively, and many officials engaged in corrupt practices with impunity. In December 2011 President Atambayev created the Anticorruption Agency under the GKNB. As of June, the Anticorruption Agency had received 833 complaints, of which 145 involved corruption. At year's end none of the cases had advanced to trial.

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

The Organized Crime and Anticorruption Department of the Ministry of Internal Affairs reported that three persons were convicted on corruption charges through October. In the first half of the year, the department detained 60 persons for bribes, of whom 10 tried to bribe law enforcement officers. Of those cases still pending trial during the year, more than half were released or were subject to house arrest but did not stand trial.

On May 7, the Organized Crime and Anticorruption Department detained a Jayil district court judge for accepting a \$400 bribe in exchange for ending a criminal prosecution. The investigation division of the GKNB opened a criminal investigation. At year's end the lawyers in the case refused to release more details about pending legal action regarding the defendant.

On August 6, GKNB officers and the Organized Crime and Anticorruption Department detained the acting chair of the Nooken District Court in Jalalabad Oblast for accepting a \$2,000 bribe in exchange for an acquittal. The GKNB opened a criminal investigation. No further information was available at year's end.

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

Despite relaxed restrictions on the activities of domestic and international organizations that report on human rights in the country, law enforcement officials harassed and threatened human rights activists who reported on ongoing abuses and those committed during and after the 2010 interethnic violence. Although the central government regularly met with local and international organizations to discuss their activities and acknowledge their concerns, it failed to respond to some international organizations' questions, requests, or reports.

In October employees of the human rights NGO Golos Svobody reported harassment by an individual presenting a GKNB badge. The man claiming to be a GKNB official told the employees that he wanted to question them about the organization's activities. The employees refused to speak with him without the NGO's counsel present and refused to leave with him. The same alleged GKNB

official called one employee after hours on the employee's private telephone number and waited outside of the employee's home.

On November 17, GKNB officials detained Irish citizen Conor Prasad, an International Crisis Group (ICG) researcher in Uzgen, Osh Oblast. Prasad was in the South for a series of meetings on human rights and ethnic reconciliation issues. The security services detained and questioned Prasad and his driver for several hours and seized Prasad's computer, documents, and other materials. Prasad remained in Osh until November 21, awaiting permission from the security services to depart. On November 22, the security services released a statement accusing Prasad of inciting ethnic hatred and destabilizing the country. Fearing for his safety, Prasad departed the country on November 23. At year's end the ICG continued to wait for the return of its equipment through pending legal action.

UN and Other International Bodies: During a July visit to the country, the UN high commissioner for human rights stated at a press conference in Bishkek that "authorities have a duty to ensure accountability for crimes and abuses, including by the authorities themselves, and guarantee justice for victims and their families." In addition, the commissioner emphasized that the government must tackle discrimination against citizens due to their ethnic or religious identity, citing the case of Osh where around 50 per cent of the population is of Uzbek origin and yet there are no Uzbek judges among the judiciary.

The government permitted visits by representatives of the UN and other organizations, including the OSCE, ICRC, Norwegian Helsinki Committee, and International Organization for Migration (IOM). However, the entry ban issued against KIC chairman Kiljunen remained in effect throughout the year. The UN special rapporteur on torture conducted a fact-finding mission in December 2011 and returned in March 2012 to present the mission's findings. The summary of the *April 3 Report of the United Nations High Commissioner for Human Rights on Technical Assistance and Cooperation on Human Rights for Kyrgyzstan* noted that serious institutional deficiencies have hampered the delivery of justice and undermined the rule of law. It pointed out that the lack of progress in addressing these matters impacted reconciliation and peacebuilding efforts between the ethnic communities as well as between civil society and authorities, with serious risks for the country's long-term stability. The report further described the ongoing practice of arbitrary detention and torture and continued discriminatory patterns based on ethnic grounds. In this context, it highlighted institutional shortcomings, lack of capacity and, in some instances, lack of political will to take necessary measures.

Government Human Rights Bodies: The Office of the Ombudsman acts as an independent advocate for human rights on behalf of private citizens and NGOs and has authority to recommend cases to court for review. The Ombudsman's Office actively advocated for human rights. In 2011 the ombudsman told the parliament that his office had received approximately 10,180 complaints during the year and had addressed all of them. Nonetheless, the atmosphere of impunity surrounding the security forces, and their observed ability to act independently against citizens, potentially limited the number and type of complaints submitted to the Ombudsman's Office. At year's end there were no updated statistics available from the office.

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

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

### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is illegal; however, as in previous years, the government failed to enforce the law effectively. Activists continued to note a growing number of rape cases, although this may have been due to increased reporting of attacks. NGOs claimed that rape cases continued to be dramatically underreported, and the prosecutor rarely brought these cases to court. No statistics relating to the number of cases or convictions during the year were available. NGOs estimated that approximately 90 percent of all rapes were committed by the victim's partner or former partner.

The law specifically prohibits domestic violence and spousal abuse; however, violence against women remained a problem. Police sometimes regarded spousal rape as an administrative offense, which carries a fine of 1,000 soms (\$20). According to a poll conducted in 2008-09 by the Association of Crisis Centers, 83 percent of respondents stated there was physical violence against women in the home. The UN Women's Development Fund also stated that between 40 and 50 women and girls were hospitalized in the Bishkek city hospital every month because of domestic violence. According to the Ministry of Internal Affairs, police responded to almost 10,000 cases of family conflict annually, and nearly 15 percent of crimes committed during family conflicts resulted in death or serious

injury. Many crimes against women went unreported due to psychological pressure, cultural traditions, and apathy among law enforcement officials. Furthermore, there were reports of spouses retaliating against women who reported abuse. Penalties for domestic violence ranged from fines to 15 years' imprisonment, the latter if abuse resulted in death.

Eurasianet.org reported that on May 24, a military court acquitted GKNB officer Azamat Bekboev and his driver of raping and beating Bekboev's wife at the time, Nazgul Akmatbek kyzy. The court accepted Bekboev's assertion that the driver had been Akmatbek kyzy's lover. During the trial and investigation, Akmatbek kyzy had to recount her story in public multiple times. Family and neighbors reportedly shunned Akmatbek kyzy for going public with her story, and some press articles criticized Akmatbek kyzy, saying that she "should have relaxed and enjoyed the experience." Bekboev reportedly called her a prostitute during the hearings. Akmatbek kyzy, who claimed that her former husband had repeatedly raped and abused her during their 14-year marriage, appealed the ruling. The military appellate court ordered psychological evaluations for both the victim and the defendant, but at year's end it had not considered the appeal.

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 2,019 telephone calls during 2011. Women made 90 percent of calls, 507 of which involved domestic violence. The shelter provided services to 256 individuals, including 122 children. It reported that 104 women and 105 children were victims of domestic violence.

Harmful Traditional Practices: Although prohibited by law, the traditional practice of kidnapping women and girls for forced marriage continued. Recent independent studies estimated that 50 to 75 percent of all marriages in the country involved bride kidnapping, amounting to an estimated 12,000 cases per year. According to the Center for Assisting Women, there were approximately 11,800 cases of bride kidnapping in 2012, accounting for 35 percent of all marriages in the country. While some cases were consensual, reports estimated that up to two-thirds of bride kidnappings were nonconsensual. Cultural traditions discouraged victims from going to the authorities. Reportedly, some victims went to the local police and obtained protective orders, but the orders were often poorly enforced.

On June 8, 35-year-old Shaimbek Imanakunov allegedly kidnapped and sexually assaulted a 19-year-old student at the State University of Karakol. Fearing her kidnapper, the woman told her parents the next day that she had agreed to the marriage. The following day she took her own life. On October 1, a court in Aksuu (Issyk Kyl Oblast) sentenced Imanakulov to six years in prison for “incitement to suicide,” “rape,” and “forcing to marry,” but not for the crime of bride kidnapping. Imanakulov, who had been married twice before, filed an appeal. While this was one of the few bride-kidnapping cases in which a defendant received a prison sentence, NGO observers noted that the defendant was not convicted of bride kidnapping and likely would not have been sentenced to prison if the victim had not committed suicide.

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

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. National health regulations require that family planning counseling and services be readily available through a range of health professionals including not only obstetricians and gynecologists but also family doctors, paramedics, and nurse-midwives. At the level of primary health care, regulations require that women who request contraceptives can receive them regardless of ability to pay. The country’s *Essential Drug List* (a list of drugs and other medical items that all government medical clinics should have in supply and available to patients) also includes different types of contraceptives. National health protocols required that women be offered postpartum care and counseling on methods and services related to family planning. The government offered special programs to meet the needs of vulnerable target groups, such as adolescents, internally displaced persons, new urban migrants, persons in prostitution, and the very poor.

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

Discrimination: A 2008 law provided 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 in practice. According to an expert from the NGO Women's Educational Coalition for Equal Rights, Development, and Peace the government did not protect the property rights of women from Muslim families, and those women were subject to discrimination when applying for jobs or entering educational institutions. The National Council on the Issues of Family, Women, and Gender Development, which reports to the president, is responsible for women's issues.

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

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

## **Children**

Birth Registration: According to the law, every child born in the country has the right to receive a birth certificate, local registration, and citizenship; however, some children were stateless (see section 2.d.). The UNHCR reported that children of migrant parents who have moved and/or acquired citizenship of another country--in many cases, Russia--had to prove that both of their parents were Kyrgyz citizens. These children encountered difficulties obtaining citizenship if their parents lacked the necessary documentation.

Education: The law provides for compulsory and free education for the first nine years of schooling or until age 14; secondary education is free and universal until age 17. However, financial constraints prevented the government from providing free basic education for all students, and the system of residence registration restricted access to social services, including education for children who were refugees, migrants, or noncitizens. The law carries penalties for parents who do

not send their children to school or who obstruct their attendance. The government only sporadically enforced this law, especially in rural areas. Families who kept children in public schools often had to pay burdensome and illegal administrative fees. The government continued to fund two programs to provide school supplies and textbooks to low-income children and those with mental or physical disabilities. Legally, all textbooks should be free of charge, but the government was unable to provide them to all students.

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

Child Abuse: Child abuse, including beatings, child labor, and commercial sexual exploitation of boys and girls, continued to be a problem. In addition gang-related child-on-child violence in schools was a growing trend. During the year the Bishkek-based Center for Child Protection reported that 70 percent of children were victims of some form of child abuse.

Child Marriage: Although illegal, the practice of bride kidnapping continued (see section 6, Women), and underage abductions during the year, as in previous years, were likely underreported. Children who are 16 and 17 may legally marry with the consent of local authorities, but marriage before age 16 is prohibited under all circumstances. The government did not have a program to address the problem of child marriage. Instead, local authorities handled reports of its occurrence on a case-by-case basis. The UN reported that 12.2 percent of women in the country entered into marriage while underage.

The NGO Open Line reported that in the South a 14-year-old girl who had been the second wife to a 30-year-old man gave birth to a child. Unable to care for the child and not being officially married to the father, she reportedly sold the child and fled to Russia. In 2012 the police closed the investigation into this case because the victim did not have family who could file a complaint for her. According to information provided by the police, the whereabouts of the girl and the baby were unknown.

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, in foster care, or on the streets. Approximately 80 percent of street children were internal migrants. Street children had difficulty accessing educational and medical services. Police detained street children and sent them

home if an address was known or to a rehabilitation center or orphanage. The Rehabilitation Center for Street Children in Bishkek, maintained by the Ministry of Internal Affairs, continued to lack sufficient food, clothes, and medicine and remained in poor condition.

According to the Ministry of Social Development, there were 1,710 street children, 1,761 neglected children, and 2,075 cases of children left without parental care reported during the year. According to the ministry, during the year the government placed 960 children under guardianship, 324 into care facilities, and 186 in boarding institutions. The ministry also reported that there were 6,547 working children, 5,641 of whom were engaged in temporary work. However, according to the League of Protecting Children's Rights, there were 10,000 street and neglected children in the country.

Institutionalized Children: State orphanages and foster homes lacked resources and often were unable to provide proper care. Some older children were transferred to mental health care facilities even when they did not exhibit mental health problems. According to data provided by the government's Social Protection Development Agency, more than 20,000 children lived in state institutions or foster care.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

Approximately 1,500 Jews lived in the country.

No law specifically prohibits espousing or printing anti-Semitic rhetoric. In April 2011, the prosecutor general announced that it would enforce Article 299 of the criminal code and prosecute media outlets that published articles that incite national, racial, religious, or interregional strife. 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](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, but in practice such persons faced discrimination in employment, education, 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 and requires access to public transportation and parking and authorizes subsidies to make mass media available to persons with hearing or visual disabilities and free plots of land for the construction of a home. However, the government generally did not ensure 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.

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

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

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

The Office of the Prosecutor General is responsible for protecting the rights of psychiatric patients and persons with disabilities. According to local NGO lawyers, members of the Prosecutor's Office had no training and little knowledge of the protection of these rights and were ineffective in assisting citizens with disabilities. Most judges lacked the experience and training to make determinations whether it was appropriate to mandate committing people to

psychiatric hospitals, and the practice continued 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.

Dastan Bekeshev, a blind member of parliament, stated that Kyrgyz society discriminated heavily against persons with disabilities. He noted the lack of implementation of the 2008 law requiring employers to provide special hiring quotas (approximately 5 percent of work positions) for persons with disabilities.

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

The interethnic situation between ethnic Uzbeks, who comprised nearly half of the population in Osh, and ethnic Kyrgyz in the South remained tense and problematic, characterized by arbitrary arrests, detention, torture, and extortion 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.

In October, the human rights NGO Kylym Shamy reported that seven of the 20 Uzbek language middle schools in Nookat, Osh Oblast, had switched to instruction in the Kyrgyz language. The NGO noted that the school district did not fire the Uzbek teachers but did not train them to teach in the Kyrgyz language. The school district cited a lack of adequate textbooks and learning materials as the reason for changing the language of instruction. As a result of the change, more than 3,200 ethnic Uzbek children will not receive instruction in their native language.

On February 1, President Atambayev issued a presidential decree calling on the Kyrgyz Republic's Defense Council to facilitate the adoption of a national plan for ethnic policy. At year's end, however, the government had not formally adopted or proposed any such plan.

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

The law designates Kyrgyz as the state language and Russian as an official language, and it provides for the preservation and equal and free development of minority languages. Non-Kyrgyz-speaking citizens alleged that a ceiling precluded promotion beyond a certain level in government service. They also

alleged that unfair language examinations disqualified some candidates for office. A 2011 government initiative to increase official use of Kyrgyz further raised concerns among non-Kyrgyz ethnic groups over possible discrimination. In December the parliament considered a bill that would fine public officials for having insufficient knowledge of the Kyrgyz language. On December 24, however, President Atambayev stated that he would not sign a bill mandating fines for ignorance of the Kyrgyz language.

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

Human rights organizations reported that police in Osh continued to arrest individuals for the “crime” of homosexuality even though the government decriminalized consensual same-sex sexual conduct in 1998.

From February to October, the NGO Labrys recorded 18 cases of police extortion of gay persons in Osh. The majority of cases included physical abuse. Once arrested and known to the police, lesbian, gay, bisexual, and transgender (LGBT) persons were susceptible to a continual cycle of extortion and exploitation. Because same-sex sexual conduct is a societal taboo in the South, it was nearly impossible to mount legal challenges to such abuse. Observers reported that, once outed, LGBT persons in the southern part of the country had to flee to Moscow.

On April 19, *Delo No*, a mainstream weekly newspaper focused on legal issues and crime, published an article entitled “Sexual Minorities Are Becoming Aggressive.” The article chronicled the case of Mikhail Kudryashov, whose conviction on pornography distribution charges was upheld by the Supreme Court. The article extensively criticized homosexual conduct and Kudryashov himself for being openly gay. It suggested a connection between LGBT persons and the 2010 revolution and blamed the country’s societal decline on homosexual activity. The article also published Kudryashov’s address and telephone number.

Kudryashov maintained that he never “distributed” pornography and was set up by a man he met through a gay Web site who asked him to copy an erotic gay video in 2010. Upon providing the video to the man, an officer of the financial police immediately arrested Kudryashov. He contended that they held him for nine hours, during which he was tortured, beaten unconscious, threatened, and sexually harassed. Kudryashov said officers took his keys, robbed his apartment, and detained a friend who had stopped by to check on him. He said he confessed to the pornography charges and signed away his right to counsel after the officers

threatened to harm his friend. Although he recanted his confession and presented evidence of his abuse at the legal hearings, a Bishkek court convicted Kudryashov. After 36 hearings, the appellate court and Supreme Court upheld his conviction and 18-month suspended prison sentence.

According to local NGOs, LGBT individuals faced severe oppression, and the government failed to protect their rights. LGBT persons whose sexual orientation was publicly known risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities. Inmates and officials often openly victimized incarcerated gay men. Doctors sometimes refused to treat LGBT individuals. Forced marriages to men for lesbians and bisexual women also occurred. The Labrys Public Foundation noted the practice of lesbians or their partners being raped by their own family members as a punitive measure or as a method of “curing” their homosexuality. The practice was underreported, and its extent was therefore difficult to estimate. Closeted gay individuals were subject to police extortion and harassment. Labrys asserted that the police did not seriously investigate crimes against LGBT individuals.

Labrys reported that in October 2011 a security guard lured a transgender female sex worker and her gay male friend to a construction site and then offered to pay for sex. When they arrived, the guard insulted, beat, and stabbed them. He offered to spare their lives if they told police that they had tried to rob the site. While the police did not believe the robbery story, they verbally insulted the transgender woman at the police station before they took her to the hospital. In October 2011 authorities filed attempted murder charges against the security guard. On May 24, the district court in Bishkek returned a guilty verdict for the guard but suspended the criminal case after finding the defendant insane.

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

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

## **Section 7. Worker Rights**

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

The law protects the right of workers to form and join trade unions and allows unions to conduct their activities without interference. The law further protects the

right of unions to organize and bargain collectively. The law protects the right to 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.

According to labor experts, many unions still operated as quasi-official institutions that took state interests into consideration, rather than representing workers' interests exclusively. The Federation of Trade Unions (FTU), with an unconfirmed membership of 800,000 workers, or 9 percent of the workforce, remained the only umbrella trade union in the country. Unions were not required to belong to the FTU, and there were several smaller unaffiliated unions. One of the largest of these was the Union of Entrepreneurs and Small Business Workers, with a claimed membership of approximately 60,000.

Workers exercised their rights to join and form unions. Trade unions exercised the right to organize and bargain collectively, but union leaders generally cooperated with the government, and international observers judged that unions represented the interests of their members poorly.

Some unions alleged unfair dismissals of union leaders and the formation of single-company unions.

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

The law prohibits all forms of forced or compulsory labor. In November 2011 the government amended the 2005 Law on Prevention and Combating Trafficking in Persons to include the use of force, fraud, or coercion for the purpose of sex or labor exploitation and raised the minimum penalty for violations to five years' imprisonment with a maximum of 20 years. The government did not fully implement legal prohibitions, however.

The Ministry of Labor, with IOM support, continued to operate a hotline to provide information to potential migrants and to help victims of labor trafficking. According to IOM, 8,823 persons used the hotline during the year.

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

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law protects children from economic exploitation and from work that poses a danger to their health or development; however, child labor remained a widespread problem. The minimum legal age for basic employment is 16, except for work considered by the government to be “light,” such as selling newspapers. In addition children as young as 14 may work with the permission of a parent or guardian. The law prohibits employment of persons under 18 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 may work up to five hours a day; children who are 16 to 18 may work up to seven hours a day. These laws also apply to children with disabilities.

The government adopted the 2012-14 Social Protection Development Strategy and Action Plan, which serves to protect children and families in difficult conditions, including child laborers.

Internal trafficking of children for the purposes of commercial sexual exploitation and forced labor remained a problem. According to a 2011 Department of Labor report, there were reports that children engaged in dangerous agricultural work in the tobacco, rice, and cotton sectors and that some schools canceled classes to send children to pick cotton while others required children to harvest tobacco on school grounds.

The government piloted a child labor monitoring system and collaborated with trade unions to establish child labor-free zones.

The Prosecutor General’s Office and the State Labor Inspectorate are responsible for enforcing employers’ compliance with the labor code. During the year inspectors conducted infrequent and ineffective child labor inspections. In 2011 the Ministry of Internal Affairs conducted raids and recorded 830 cases of illegal child labor. Since many children worked for their families or were self-employed, it was difficult for the government to determine whether work complied with the labor code. During the year the Prosecutor General’s Office conducted 81 checks and issued warnings in 63 cases. Although employers found to be violating the labor code could be given financial or criminal penalties, punishment was usually minimal. In 2011 the Prosecutor General’s Office initiated one administrative case and issued disciplinary and administrative reprimands to 17 individuals.

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

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

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

During the year the official national minimum monthly wage was 600 soms (\$13). The minimum wage served as an indicator for different types of official government fines rather than an actual minimum wage requirement for employers. Employers generally paid somewhat higher wages. The law on minimum wage states that it should be raised gradually to meet the cost of living. The government does not set an official poverty level, but it estimated the monthly minimum cost of living for a family of four to be 17,690 soms (\$376), which was above the country's reported average monthly wage. During the year the National Statistics Committee reported that the average monthly salary was 10,751 soms (\$228).

The standard workweek is 40 hours, usually within a five-day week. For state-owned industries, there is a mandated 24-hour rest period in the workweek. According to the labor code, overtime work cannot exceed four hours per day or 20 hours per week and 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.

Safety and health conditions in factories were poor. The law establishes occupational health and safety standards, but the government generally did not enforce them. The State Labor Inspectorate is responsible for protecting workers and carrying out inspections for all types of labor problems, but its activities were limited, and business compliance was uneven. The FTU and other trade unions are empowered to enforce all labor laws.

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

Government licensing rules place strict requirements on companies recruiting Kyrgyz citizens to work abroad, and companies must be licensed by the Ministry of Labor, Employment, and Migration before they can recruit. The government

regularly published a list of licensed and vetted firms. Recruiters are required to monitor employer compliance with employment terms and the working conditions of labor migrants while a work contract is in effect. Recruiters are also required to provide workers with their employment contract prior to their departure. The government also took steps to streamline labor migration by adopting a program on the regulation of migration processes and collaborating with the governments of Russia, South Korea, and Kazakhstan to improve the protection of rights of Kyrgyz labor migrants working abroad. The Ministry of Labor had representatives in several Russian cities to assist Kyrgyz labor migrants, who frequently encountered discrimination, poor working conditions, or violence.