

KYRGYZ REPUBLIC 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Kyrgyz Republic has a parliamentary form of government designed to limit presidential power and enhance the role of parliament and the prime minister. During presidential elections in October 2017, the nation elected former prime minister and member of the Social Democratic Party of Kyrgyzstan, Sooronbai Jeenbekov, to succeed outgoing President Almazbek Atambaev. The Organization for Security and Cooperation in Europe (OSCE) described the elections as competitive and well administered, but it noted room for improvement in the legal framework to prevent misuse of public resources in election campaigns and to effectively deter vote buying.

Civilian authorities at times did not maintain effective control over the security forces.

Human rights issues included law enforcement and security services officers' use of torture and arbitrary arrest; site blocking and criminal libel in practice; pervasive corruption; human trafficking, including forced labor; attacks and other bias-motivated violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons and members of ethnic minority groups; violence against women and forced marriage; and child labor.

While the government took steps to investigate and prosecute or punish officials known to have committed human rights abuses, especially those involved in corrupt activities, official impunity remained a problem.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

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

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment. Nevertheless, physical abuse, including inhuman and degrading treatment, reportedly continued in prisons. Police abuse reportedly remained a problem, notably in pretrial detention.

As in 2017, defense attorneys, journalists, and human rights monitoring organizations, including Golos Svobody, Bir Duino, and the international nongovernmental organization (NGO) Human Rights Watch (HRW), reported incidents of torture by police and other law enforcement agencies. During the first six months of the year, the Prosecutor General's Office (PGO) registered 183 allegations of torture by government officials, including law enforcement (176 cases), the State Penitentiary Service (two cases), and other officials. As a result, 11 criminal cases were filed: four cases involving torture and seven cases of inhuman treatment. Two criminal cases against officials were being tried, and two criminal cases were under investigation. According to the PGO, seven criminal cases were suspended due to lack of physical evidence and a reluctance of accusers to submit to physical or psychological examination. A March report by the National Center to Prevent Torture (NCPT) and the Antitorture Coalition found that more than 30 percent of detainees in temporary detention centers reported some form of abuse. NGOs stated that the government established strong torture-monitoring bodies but that the independence of these bodies was under threat.

Golos Svobody played a central role in monitoring allegations of torture and was the main organizer of the Antitorture Coalition, a consortium of 18 NGOs that continued to work with the PGO to track complaints of torture.

The Antitorture Coalition also accepted complaints of torture and passed them to the PGO to facilitate investigations. According to members of the Antitorture Coalition, the cases it submitted against alleged torturers did not lead to convictions. In historical cases where police were put on trial for torture, prosecutors, judges, and defendants routinely raised procedural and substantive objections, delaying the cases, often resulting in stale evidence, and ultimately leading to case dismissal. In March, however, media reported the Supreme Court upheld the convictions of three members of the police for torture of A. Bolotov, E. Ibraimov, and S. Azhibekov. The police officers were sentenced to eight years' imprisonment. On October 9, four police officers were found guilty of torture by the Osh City Court in a case involving minors accused of a murder. Two officers

were sentenced to eight years in prison, while the others were sentenced to 13 and 14 years in prison.

During the year NGOs reported that courts regularly included into evidence confessions allegedly induced through torture. Defense lawyers stated that, once prosecutors took a case to trial, a conviction was almost certain. According to Golos Svobody, investigators often took two weeks or longer to review torture claims, at which point the physical evidence of torture was no longer visible. Defense attorneys presented most allegations of torture during trial proceedings, and the courts typically rejected them. In some cases detainees who filed torture complaints later recanted, reportedly due to intimidation by law enforcement officers.

Prison and Detention Center Conditions

Prison conditions were harsh and sometimes life threatening due to food and medicine shortages, substandard health care, lack of heat, and mistreatment.

Physical Conditions: Pretrial and temporary detention facilities were particularly overcrowded, and conditions and mistreatment generally were worse than in prisons. Authorities generally held juveniles separately from adults but grouped them in overcrowded temporary detention centers when other facilities were unavailable. Convicted prisoners occasionally remained in pretrial detention centers while their cases were under appeal.

NGOs reported that in some cases prison gangs controlled prison management and discipline, since prison officials lacked capacity and expertise in running a facility. In some instances, the gangs controlled items that could be brought into the prison, such as food and clothing, while prison officials looked the other way. According to NGOs, authorities did not try to dismantle these groups because they were too powerful and believed that removing them could lead to chaos. Some prisoners indicated that prison order and safety was left to the prison gangs or prisoners themselves, resulting in instances of violence and intimidation among inmates.

Administration: Authorities did not conduct proper investigations of credible allegations of mistreatment. Prisoners have the right to file complaints with prison officials or with higher authorities. According to the NGO Bir Duino, prison staff inconsistently reported and documented complaints. Many observers believed the official number of prisoner complaints of mistreatment represented only a small

fraction of the actual cases. Persons held in pretrial detention often did not have access to visitors.

Independent Monitoring: Most monitoring groups, including the International Committee of the Red Cross (ICRC), reported receiving unfettered access. Some NGOs, including Bir Duino and Spravedlivost, had the right to visit prisons independently as part of their provision of technical assistance, such as medical and psychological care.

The NCPT, an independent and impartial body, is empowered by the government to monitor detention facilities. The center has seven regional offices and has the authority to make unannounced, unfettered visits to detention facilities. NGO representatives stated that center officials made progress monitoring and documenting some violations in detention facilities, but they stressed, as they had in previous years, that a standardized approach to identifying torture cases and additional resources and staff members, were necessary to conduct its work.

d. Arbitrary Arrest or Detention

While the law prohibits arbitrary arrest, it continued to occur. Human rights organizations reported arrests unfairly targeting ethnic Uzbeks for alleged involvement in banned religious organizations and for alleged “religious extremism activity.” Arrests for lack of proper identification documents were common. Attorneys reported that police frequently arrested individuals on false charges and then solicited bribes in exchange for release.

Role of the Police and Security Apparatus

The investigation of general and local crimes falls under the authority of the Ministry of Internal Affairs, while certain crimes such as terrorism and corruption fall under the authority of the State Committee on National Security (GKNB), which also controls the presidential security service. The PGO prosecutes both local and national crimes.

Both local and international observers said the GKNB and law enforcement officers engaged in widespread arbitrary arrests, including some alleged to be politically motivated, detainee abuse, and extortion, particularly in the southern part of the country.

NGOs and other legal observers routinely noted the lack of women and ethnic minorities in the police force and in all government positions. Officially, women and ethnic minorities (non-Kyrgyz ethnicities) made up approximately 6 and 4 percent of the police force, respectively. According to national statistics, ethnic minorities constituted approximately 27 percent of the population.

Arrest Procedures and Treatment of Detainees

According to the criminal procedure code, only courts have the authority to issue search and seizure warrants. While prosecutors have the burden of proof in persuading a judge that a defendant should be detained pending trial, activists reported detention without a warrant or in contravention of regulatory standards remained common. NGOs reported that police targeted vulnerable defendants from whom they believed they could secure a bribe. Observers alleged incidents in which police targeted ethnic Uzbeks by planting literature and then charging them with possession of banned religious materials. Authorities could legally hold a detainee for 48 to 72 hours before filing charges; authorities generally respected these limits. The law requires investigators to notify a detainee's family of the detention within 12 hours. The general legal restriction on the length of investigations is 60 days. Courts, however, have discretion to hold a suspect in pretrial detention for as much as one year, depending on the severity of the charges, after which they are legally required to release the suspect. Once the case goes to trial, the courts have the authority to prolong detention until the case is closed without limitations on duration of custody. There is a functioning bail system, in addition to other alternatives to detention, such as restrictions on foreign travel and house arrest.

Persons arrested or charged with a crime have the right to defense counsel at public expense. By law the accused has the right to consult with defense counsel immediately upon arrest or detention, but in many cases the first meeting did not occur until the trial. As in past years, human rights groups noted incidents in which authorities denied attorneys to arrested minors, often holding the minors without parental notification and questioning them without parents or attorneys present, despite laws forbidding these practices.

The law authorizes the use of house arrest for certain categories of suspects. Reports indicated that law enforcement officers selectively enforced the law by incarcerating persons suspected of minor crimes while not pursuing those suspected of more serious offenses.

Arbitrary Arrest: As in previous years, NGOs and monitoring organizations, including Golos Svobody, Bir Duino, and Spravedlivost, recorded complaints of arbitrary arrest. Most observers asserted it was impossible to know the number of cases because the majority went unreported. According to NGOs in the southern part of the country, arrests and harassment of individuals allegedly involved in extremist religious groups--predominantly ethnic Uzbeks--continued.

There were reports of arrests of individuals suspected of involvement in the banned extremist group Hizb ut-Tahrir; such arrests continued a trend that began to increase in 2014. According to Bir Duino, however, some arrests were driven by corruption within the law enforcement system. There were allegations police would enter a home falsely claiming to have a search warrant, plant banned Hizb ut-Tahrir material, and arrest the suspect in the hope of extracting a bribe to secure release.

Pretrial Detention: There were frequent reports of lengthy pretrial detention periods. Political machinations, complex legal procedures, poor access to lawyers, and limited investigative capacity often lengthened defendants' time in pretrial detention beyond the 60-day limit, with some individuals being detained legally for as long as one year.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but judges were subject to influence or corruption. Throughout the year there were multiple instances where the conduct and outcome of trials appeared predetermined. Numerous sources, including NGOs, attorneys, government officials, and private citizens, asserted that some judges paid bribes to attain their positions. Many attorneys asserted that bribe taking was ubiquitous among judges. Authorities generally respected court orders.

Numerous NGOs described pervasive violations of the right to a fair trial, including coerced confessions, use of torture, denial of access to counsel, and convictions in the absence of sufficiently conclusive evidence or despite exculpatory evidence. International observers reported threats and acts of violence against defendants and defense attorneys within and outside the courtroom, as well as intimidation of trial judges by victims' relatives and friends.

In June a court ruled to extradite political activist Murat Tungishbayev to Kazakhstan. International human rights groups said that Tungishbayev faced a

serious risk of torture in Kazakhstan, while his lawyer said the court's verdict appeared predetermined. Prior to the delivery of the verdict, the ombudsman called for the prosecutor general to refuse the extradition request, calling it "illegal and unreasonable" under the law. The extradition was carried out at the end of June.

Azimjon Askarov, an ethnic Uzbek human rights activist convicted of murder and inciting hatred along with seven codefendants in the 2010 killing of a Bazar Korgon police officer, remained imprisoned at year's end. In 2016 the UN Human Rights Committee issued findings that Askarov had been arbitrarily detained, held in inhuman conditions, tortured and mistreated, and prevented from adequately preparing his defense. Askarov's life sentence was upheld on appeal in January 2017.

Trial Procedures

While the law provides for defendants' rights, the customs and practices of the judicial system regularly contradicted the constitutional presumption of innocence, and pretrial investigations focused on the collection of sufficient evidence to prove guilt. The law requires investigators to inform defendants promptly and in detail of the charges against them and to provide interpreters as needed. Trials were conducted in the state language, Kyrgyz, or the official language, Russian. In a majority of trials, courtroom procedure required defendants to sit in caged cells.

Defense attorneys complained that judges routinely returned cases to investigators if there was not enough evidence to prove guilt, during which time suspects could remain in detention. Judges, according to attorneys, typically gave defendants a suspended sentence regardless of how little evidence existed to sustain a prison term.

Trials were generally open to the public, unless they allegedly involved state secrets or privacy concerns of defendants, and courts often announced verdicts publicly, even in closed proceedings. State prosecutors submit criminal cases to courts, while judges direct criminal proceedings. Criminal cases feature a single judge, while three-judge panels conduct appellate cases. Judges have full authority to render verdicts and determine sentences. A limited number of judges have clearance to access documents deemed secret, further circumscribing defendants' access to impartial judicial review in cases purporting to relate to national security.

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

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

Political Prisoners and Detainees

In November 2017 the Supreme Court upheld the sentencing of the Ata-Meken opposition party leader Omurbek Tekebaev for eight years in prison on criminal charges of corruption. A judge, however, reduced the sentence to four and one-half years, citing amnesty. During the year the Adilet Legal Clinic filed a complaint to the UN Human Rights Committee on behalf of Tekebaev with a detailed explanation of violations during Tekebaev’s arrest and trial. In May four members of parliament called for judicial review of the conviction. In June the Supreme Court upheld the sentencing of former parliamentarian Sadyr Japarov to 11.5 years on kidnapping charges. Due to outstanding questions surrounding the fairness of the trials and appeals, some observers considered the above-mentioned individuals political prisoners.

Human rights organizations called the June arrests on corruption charges of several former officials, including former prime ministers Sapar Isakov and Jantoro

Satybaldiev, politically motivated. At year's end Isakov and Satybaldiev were awaiting trial in pretrial detention facilities.

Civil Judicial Procedures and Remedies

The constitution and law provide for an independent and impartial judiciary in civil matters. As with criminal matters, observers 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. Among the articles amended by the December 2016 constitutional referendum was Article 41 of the constitution, which guarantees citizens the right to apply to international human rights bodies seeking protection of violated rights and freedoms in accordance with international treaties. The amendment to Article 41 mandates that the decisions of international bodies are nonbinding and therefore not subject to enforcement by the government.

Property Restitution

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

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

According to the law, wiretaps, home searches, mail interception, and similar acts, including in cases relating to national security, are permitted only with the approval of the prosecutor and on the basis of a court decision. Such actions are permitted exclusively to combat crime. Seven government agencies have legal authority to monitor citizens' telephone and internet communications.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, and citizens generally were free to exercise these rights. NGO leaders and media rights advocates acknowledged a more relaxed press environment under the Jeenbekov administration, noting a clear drop in libel lawsuits against independent media outlets and the withdrawal of existing cases launched under the previous

administration. Self-censorship continued to be prevalent, and pressure reportedly existed from editors and political figures to bias reporting.

Freedom of Expression: As in earlier years, some journalists reported intimidation related to coverage of sensitive topics, such as interethnic relations, “religious extremism,” or the rise of nationalism. The trend was particularly salient against Uzbek-language media outlets. Some journalists were prosecuted or felt threatened for reporting critically on public figures.

Multiple civil society groups noted an increase in the application of Article 299 of the criminal code on the “incitement of interethnic, racial, religious, and interregional hatred.” Observers stated that in some cases authorities broadly interpreted Article 299 to sanction speech, which tended to affect ethnic minorities and human rights defenders. HRW reported that the majority of prosecutions under Article 299 occurred in the south and targeted ethnic Uzbeks. According to NGOs, 98 percent of arrests under Article 299 resulted in convictions. Civil society organizations called the process to confirm violations of Article 299 arbitrary, politicized, and unprofessional. In November 2017 former opposition presidential candidate Omurbek Babanov faced charges for allegedly violating Article 299 during one of his campaign rally speeches (see section 3, Elections and Political Participation).

Press and Media Freedom: In recent years there were attempts to proscribe independent media from operating freely in the country. Tight government controls over news content on state television were widely acknowledged. Media rights advocates noted increasing pressure on media outlets in advance of the October 2017 presidential elections. Such pressure included civil and criminal lawsuits filed against independent media and journalists in connection with their reporting.

While there was a small degree of foreign ownership of media through local partners, in June 2017 the president signed amendments to the law on mass media that prohibit a foreign entity from forming a media outlet and limit foreign ownership of television stations. Nonetheless, through local partners Russian-language television stations dominated coverage and local ratings. A number of Russia-based media outlets operated freely in the country, and the government treated them as domestic media.

Censorship or Content Restrictions: As in previous years, journalists and NGO leaders alleged some news outlets instructed their reporters not to report critically

on certain politicians or government officials. The sources also reported some news outlets received requests from offices of the government to report in a particular way or to ignore specific news stories.

The government continued to block internet users from accessing Fergananeews.com in connection to a June 2017 decision by a Bishkek court. NGO leaders and media sources reported that state-owned broadcasters continued under pressure to transmit stories promoting government policies and initiatives and develop narratives critical of NGOs, opposition figures, and civil society activists.

Libel/Slander Laws: While libel is not a criminal offense except in narrowly prescribed instances, NGO leaders described the False Accusations Amendments, passed in 2014, as a practical “recriminalizing of libel.” Journalists noted the law exposed media to libel suits in civil courts that could bankrupt the outlets or journalists in their defense attempts. In 2015 the Constitutional Chamber narrowed the reach of the law, holding that henceforth it would apply only in cases of knowingly making false statements in a police report but not to statements in media, although subsequent decisions appear to contradict that ruling. While slander and libel are not criminal offenses, civil lawsuits can result in defendants paying compensation for moral harm, which the law does not limit in size. Observers stated that courts arbitrarily ruled on the amount of compensation and that failure to pay compensation could serve as a basis for criminal prosecution.

From March through April 2017, the PGO filed five civil lawsuits against individuals and media entities for “offending the honor and dignity” of the president. In March a defendant in one of the suits, journalist Naryn Ayip, published retractions of three articles.

Outstanding defamation cases from the previous year were largely resolved by the former and current presidents. In May former president Almazbek Atambaev voluntarily withdrew material claims awarded in defamation cases against former member of parliament Cholpon Jakupova, and Zanoza Media (now called Kaktus.Media) cofounders, Dina Maslova and Naryn Aiyp. Prior to Atambaev’s decision, some of those defendants had already complied with the 2017 Supreme Court ruling that required the payment of approximately 29.5 million som (\$430,000) in fines to former president Atambaev for “moral compensation.”

In February President Jeenbekov cancelled a five million som (\$73,000) judgment against online news outlet 24.kg for “moral damages.” In January, 24.kg published a retraction and an apology to Jeenbekov on its news site. In September 2017 then

presidential candidate Jeenbekov had sued 24.kg and codefendant and former deputy Kabay Karabekov for the publication of an article that alleged the Jeenbekov brothers had close ties with radical Arab organizations. A Bishkek court in October 2017 ruled in Jeenbekov's favor and awarded him a 10 million som (\$146,000) judgment, assessed equally against the defendants. In April President Jeenbekov withdrew his claim after Karabekov issued a formal apology.

The Adilet Legal Clinic reported that the organization defended journalists and media outlets charged with libel and slander, and members of media regularly feared the threat of lawsuits.

Internet Freedom

The government generally allowed access to the internet, including social media sites, and there were no public credible reports the government monitored private online communications without appropriate legal authority. There were no reports during the year that the government blocked websites spreading "extremist" and terrorist materials without a court order. Media reported that in August, courts blocked five social media accounts and eight online media channels, due to extremist content.

According to the International Telecommunication Union, 38 percent of the population used the internet penetration rate in 2017.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom. Institutions providing advanced religious education must follow strict reporting policies, but they reported no restrictions on academic freedom.

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

The constitution provides for this right, and the government generally respected it. Organizers and participants are responsible for notifying authorities of planned assemblies, but the constitution prohibits authorities from banning or restricting

peaceful assemblies, even in the absence of prior notification. Local authorities, however, have the right to demand an end to a public action and, in the event of noncompliance, are empowered to take measures to end assemblies.

Freedom of Association

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

The government continued to maintain bans on 21 “religiously oriented” groups it considered to be extremist, including al-Qaida, the Taliban, the Islamic Movement of Eastern Turkistan, the Kurdish People’s Congress, the Organization for the Liberation of Eastern Turkistan, Hizb ut-Tahrir, the Union of Islamic Jihad, the Islamic Party of Turkistan, the Unification (Mun San Men) Church, Takfir Jihadist, Jaysh al-Mahdi, Jund al-Khilafah, Ansarullah At-Takfir Val Hidjra, Akromiya, ISIS, Djabhat An Nusra, Katibat al-Imam al-Buhari, Jannat Oshiqdari, Jamaat al-Tawhid wal-Jihad, and Yakyn Incar. Authorities also continued the ban on all materials or activities connected to A. A. Tihomirov, also known as Said Buryatsky.

As in recent years, numerous human rights activists reported continued arrests and prosecution of persons accused of possessing and distributing Hizb ut-Tahrir literature (see section 1.d.). Most arrests of alleged Hizb ut-Tahrir members occurred in the southern part of the country and involved ethnic Uzbeks. The government charged the majority of those arrested with possession of illegal religious material. In some cases NGOs alleged police planted Hizb ut-Tahrir literature as evidence against those arrested.

c. Freedom of Religion

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

d. Freedom of Movement

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

A 2016 amendment to the law on combating terrorism and extremism revokes citizenship of anyone convicted of terrorist and extremist activities. The law was not used during the year.

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

Protection of Refugees

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

Employment: UN-mandated refugees who lacked official status in the country do not have legal permission to work, access to medical services, or the right to receive identity documents. They were therefore susceptible to exploitation by employers paying substandard wages, not providing benefits, and not complying with labor regulations. They could not file grievances with authorities. Refugees with official status in the country have legal permission to work.

Access to Basic Services: UN-mandated refugees and asylum seekers who lacked official status were ineligible to receive state-sponsored social benefits. Refugees with official status in the country have access to basic services.

Stateless Persons

UNHCR officials stated the country's stateless persons fell into several categories. As of July, 1,189 individuals were listed as stateless, a significant decrease from

the approximately 13,431 stateless individuals identified in the country since 2014. Of this number, 11,636 stateless individuals either confirmed or acquired citizenship or obtained status of a stateless person due in large part to a countrywide registration and documentation campaign conducted jointly by UNHCR, the government, and nongovernmental partners. As of July there were an estimated 1,600 Uzbek women who married Kyrgyz citizens but never received Kyrgyz citizenship (many such women allowed their Uzbek passports to expire, and regulations obstructed their efforts to gain Kyrgyz citizenship). Other categories included Roma, individuals with expired Soviet documents, children born to one or both parents who were stateless, and children of migrant workers who renounced their Kyrgyz citizenship in the hope of becoming Russian citizens. The government denied access to social benefits and official work documents to stateless persons, who lacked sufficient legal standing to challenge exploitative labor conditions in court. The State Registration Service maintained its database of stateless persons based only on those who contacted it.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. In practice there were some procedural irregularities.

Elections and Political Participation

Recent Elections: In October 2017 voters elected former prime minister Sooronbai Jeenbekov as president, with approximately 55 percent of the total vote. The OSCE deemed the elections competitive with 11 candidates who were generally able to campaign freely; however, cases of misuse of administrative resources, pressure on voters, and vote buying remained a concern.

In March security services filed criminal charges against the runner-up in the 2017 election, Omurbek Babanov, for plotting “seizure of power and the organization of mass riots.” Previously, in November 2017 the PGO had charged Babanov with “public calls for violent change of the constitutional order” and “incitement of religious or ethnic strife” (criminal code Article 299) in connection with Babanov’s comments at a campaign rally. According to media reports, Babanov was residing outside of the country.

Political Parties and Political Participation: Members of parliament are selected through a national “party list” system. After voting occurred, party leaders

regularly reordered the lists, often to the disadvantage of women. In 2017 an amendment to the law on elections requires that members of parliament who resign their mandate be replaced by persons of the same gender.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. The election code requires the names of male and female parliamentary candidates be intermixed on party lists and that no more than 70 percent of candidates on a party list can be of the same gender. As of November fewer than 10 percent of parliamentary seats were held by women.

By law women must be represented in all branches of government and constitute no less than 30 percent of state bodies and local authorities. The law does not specify the level of the positions at which they must be represented.

Section 4. Corruption and Lack of Transparency in Government

While the law provides criminal penalties for public officials convicted of corruption, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year. According to Transparency International, official corruption cases appeared to be selectively investigated and prosecuted. The payment of bribes to avoid investigation or prosecution was a major problem at all levels of law enforcement. Law enforcement officers, particularly in the southern part of the country, frequently employed arbitrary arrest, torture, and the threat of criminal prosecution as a means of extorting cash payments from citizens (see section 1.d.).

Corruption: The only government body formally empowered to investigate corruption was the anticorruption branch of the GKNB. It is not an independent government entity, and its budget remained within the operating budget of the GKNB. The agency's cooperation with civil society was limited. The State Service to Combat Economic Crimes, also known as the Financial Police, investigates economic crimes, which sometimes includes corruption-related crimes.

In January parliament and the GKNB launched separate investigations into the renovation of the Bishkek Combined Heating and Power Plant. As a result of the GKNB investigation, authorities arrested several high-profile political figures who were awaiting trial, including two former prime ministers, the mayor of Bishkek,

and the chief of the State Customs Service. The case continued at the end of the year. In May the State Service to Combat Economic Crimes halted the criminal case against independent journalist Elnura Alkanova, who was initially charged in February with “illegally obtaining information” and “disclosing bank secrets,” after publishing investigative reports in 2017 on the allegedly corrupt sale of government property near Bishkek.

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

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

Numerous domestic and international human rights organizations operated actively in the country, although government officials at times were uncooperative and unresponsive to their views.

Government actions at times appeared to impede the ability of NGOs to operate freely.

The United Nations or Other International Bodies: The government permitted visits by representatives of the United Nations and other organizations in connection with the investigation of abuses or monitoring of human rights problems in the country, including those of the OSCE, ICRC, Norwegian Helsinki Committee, and International Organization for Migration. The government restricted visits to Azimjon Askarov but otherwise provided international bodies largely unfettered access to civil society activists, detention facilities and detainees, and government officials.

Government Human Rights Bodies: The Office of the Ombudsman acted as an independent advocate for human rights on behalf of private citizens and NGOs and had the authority to recommend cases for court review. Observers noted the atmosphere of impunity surrounding the security forces and their ability to act independently against citizens limited the number and type of complaints submitted to the Ombudsman’s Office.

Although the Ombudsman’s Office exists in part to receive complaints of human rights abuses and pass the complaints to relevant agencies for investigation, both

domestic and international observers questioned the office's efficiency and political independence. In June Ombudsman Kubat Otorbaev resigned. While Otorbaev said his resignation was not due to outside pressure, parliamentarians at times criticized his work and raised the possibility of his early dismissal. On September 26, Tokon Mamytov, a former GKNB officer, was appointed to the post of ombudsman, a decision that human rights organizations criticized.

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

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal, but as in previous years, the government failed to enforce the law effectively, and rape cases were underreported. Penalties for conviction of sexual assault range from three to eight years' imprisonment. Prosecutors rarely brought rape cases to court. Police generally regarded spousal rape as an administrative, rather than a criminal, offense.

While the law specifically prohibits domestic violence and spousal abuse, violence against women and girls remained a significant yet underreported problem. Penalties for domestic violence convictions range from fines to 15 years' imprisonment, the latter if abuse resulted in death. In 2015 HRW catalogued a range of violent forms of domestic violence and found that the government did not sufficiently investigate and prosecute cases, provide services and support for survivors, pursue protection, or penalize perpetrators. In the small number of reported cases reviewed by courts over recent years, many charges were considered administrative offenses rather than crimes, thus carrying a lesser punishment.

A 2017 domestic violence law streamlined procedures for the issuance of protective orders and increased protections for the victims of domestic violence. The law requires police to file cases of domestic violence and recognizes economic violence as a form of abuse in addition to physical and psychological abuse. The law also entitles witnesses to report on abuses and requires police to act on reports filed by witnesses.

Many crimes against women went unreported due to psychological pressure, economic dependence, cultural traditions, fear of stigma, and apathy among law enforcement officers. There were also reports of spouses retaliating against

women who reported abuse. The government provided offices to the Sezim Shelter for victims of domestic abuse and paid its expenses.

Other Harmful Traditional Practices: Although prohibited by law, the practice of kidnapping women and girls for forced marriage continued. In 2017 the OSCE estimated that each year 12,000 young women were kidnapped into forced marriages and 20 percent were raped in the process. Kidnapped brides were more likely to be victims of domestic abuse and were limited in their pursuit of education and employment. The negative effect of the practice extended to children of kidnapped brides. Observers reported there was a greater frequency of early marriage, polygamy, and bride kidnapping in connection with unregistered religious marriages. This also affected data availability on such marriages.

Some victims of bride kidnapping went to the local police to obtain protective orders, but authorities often poorly enforced such orders. In May, following an attempt by Mars Bodosev to kidnap 20-year-old Burulai Turdaaly kyzy, police held both Bodosev and Turdaaly kyzy in the same holding cell in a police station. While awaiting further processing, Bodosev stabbed Turdaaly kyzy to death. Following the killing, the Ministry of Internal Affairs punished 23 police officers for neglect. On December 10, a Bishkek court found Bodoshev guilty of killing Turdaaly kyzy and sentenced him to 20 years in prison. Akmet Seiitov, who assisted Bodoshev in the kidnapping, was sentenced to seven years in prison. Although in 2013 the government strengthened the penalty for conviction of bride kidnapping to a maximum of 10 years in prison, NGOs continued to report no increase in the reporting and rare prosecution of the crime.

Sexual Harassment: Media reported on widespread sexual harassment in the workplace and on public transportation. The law prohibits physical sexual assault but not verbal sexual harassment.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for the same legal status and rights for women and men, but due to poor enforcement of the law, discrimination against women persisted.

As in previous years, data from NGOs working on women's issues indicated women were less healthy, more abused, less able to work outside the home, and less able than men to determine independently the disposition of their earnings.

Children

Birth Registration: Although the law provides that every child born in the country has the right to receive a birth certificate, local registration, and citizenship, some children were stateless (see section 2.d.). Children of migrant parents who moved to and acquired citizenship of another country had to prove both of their parents were Kyrgyz citizens to acquire Kyrgyz citizenship.

Education: The law provides for compulsory and free education for the first nine years of schooling or until age 14 or 15. Secondary education is free and universal until age 17. The government did not provide free basic education to all students, and the system of residence registration restricted access to social services, including education for children who were refugees, migrants, or noncitizens. Families of children in public school often paid burdensome and illegal administrative fees.

Child Abuse: According to NGO and UN reports, child abuse, including beatings, child labor, and commercial sexual exploitation of boys and girls continued to occur.

Early and Forced Marriage: Children ages 16 and 17 may legally marry with the consent of local authorities, but the law prohibits civil marriages before age 16 under all circumstances. Although illegal, the practice of bride kidnapping continued (see section 6, Women). The kidnapping of underage brides remained underreported.

In 2018 UNICEF estimated that 12.7 percent of married women between the ages of 20 and 49 married before age 18. A 2015 HRW report on domestic abuse found inadequate government attention focused on addressing bride kidnapping or other forms of early and forced marriage. A 2016 law criminalizes religious marriages involving minors. No prosecutions were filed.

Sexual Exploitation of Children: The law prohibits the sale of children, child trafficking, child prostitution and child pornography, as well as other sexual crimes against children. The law criminalizes the sale of persons, forced prostitution, and provides penalties for conviction of up to 15 years in prison if the victim is a child. The law also makes it a crime to involve someone in prostitution by violence or the threat of violence, blackmail, destroying or damaging property, or fraud.

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

According to local observers, children under age 18 were involved in prostitution. According to UNICEF, children under age 18 in Bishkek were involved in prostitution. Although precise figures were not known, police stated that typical cases of child prostitution involved young girls from rural areas who relocated to Bishkek for educational opportunities or to flee from an abusive family environment. Once in the capital, they entered the sex trade due to financial pressures. There were allegations of law enforcement officials' complicity in human trafficking; police officers allegedly threatened, extorted, and raped child sex-trafficking victims. The government reportedly did not investigate allegations of government employees complicit in human trafficking offenses. Under the criminal code, it is illegal for persons ages 18 and older to have sexual relations with someone under the age of 16.

Displaced Children: As in previous years, there were numerous reports of child abandonment due to parents' lack of resources, and large numbers of children lived in institutions, foster care, or on the streets. Approximately 80 percent of street children were internal migrants. Street children had difficulty accessing educational and medical services. Police detained street children and sent them home if an address was known or to a rehabilitation center or orphanage.

Institutionalized Children: State orphanages and foster homes lacked resources and often were unable to provide proper care. This sometimes resulted in the transfer of older children to mental health-care facilities even when they did not exhibit mental health problems. In August the Office of the Ombudsman called for the closure of the country's sole children's detention center. As of October, the detention center had not been closed. The ombudsman stated that the center did not respect the right of juvenile detainees to education and medical services.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

The Jewish population in the country was approximately 460. There were no reports of anti-Semitic acts.

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The law mandates access to buildings for persons with disabilities, requires access to public transportation and parking, authorizes subsidies to make mass media available to persons with hearing or vision disabilities, and provides free plots of land for the construction of a home. The government generally did not ensure proper implementation of the law, and discrimination persisted. In addition, persons with disabilities often had difficulty finding employment due to negative societal attitudes and high unemployment among the general population.

A lack of government resources made it difficult for persons with disabilities to receive adequate education. Although children with disabilities have the right to an education, the Association of Parents of Children with Disabilities stated schools often denied them entry. The government funded programs to provide school supplies and textbooks to children with mental or physical disabilities, and the Association of Parents of Children with Disabilities reported efforts by the Ministry of Education and Science to improve the situation by promoting inclusive education for persons with disabilities.

According to UNICEF, one-third of children with disabilities were institutionalized. As in previous years, conditions at psychiatric hospitals were substandard, stemming largely from inadequate funding. The government did not adequately provide for basic needs, such as food, water, clothing, heating, and health care, and facilities were often overcrowded.

Authorities usually placed children with mental disabilities in psychiatric hospitals rather than integrating them with other children. Other residents were also

committed involuntarily, including children without mental disabilities who were too old to remain in orphanages.

The PGO is responsible for protecting the rights of psychiatric patients and persons with disabilities. According to local NGO lawyers, members of the PGO had no training and little knowledge of the protection of these rights and were ineffective in assisting citizens with disabilities. Most judges lacked the experience and training to make determinations as to whether it was appropriate to mandate committing persons to psychiatric hospitals, and authorities institutionalized individuals against their will.

Observers noted authorities had not implemented a 2008 law requiring employers to fulfill special hiring quotas for persons with disabilities (approximately 5 percent of work positions).

National/Racial/Ethnic Minorities

Tensions between ethnic Uzbeks--who comprised nearly 15 percent of the population--and ethnic Kyrgyz remained problematic, particularly in Southern Osh Oblast where Uzbeks make up almost one-half the population. Discrimination against ethnic Uzbeks in business and government, as well as harassment and reported arbitrary arrests, illustrated these tensions. Ethnic Uzbeks reported that large public works and road construction projects in predominantly Uzbek areas, often undertaken without public consultation, interfered with neighborhoods and destroyed homes. Additionally, according to HRW, a 2016 Supreme Court study found that a majority of suspects prosecuted for terrorism and extremism, including under Article 299, were ethnic Uzbeks from the south.

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

LGBTI persons whose sexual orientation or gender identity was publicly known risked physical and verbal abuse, possible loss of employment, and unwanted attention from police and other authorities. Inmates and officials often openly victimized incarcerated gay men. Forced marriages of lesbians and bisexual women to men also occurred. The Labrys Public Foundation noted the continued practice of “corrective rape” of lesbians to “cure” their homosexuality.

Members of the LGBTI community continued to report attempts to forcibly “out” gays, lesbians and transgender persons on social media. Specifically, secretly

recorded videos of LGBTI wedding ceremony participants and their guests were posted on social media pages, drawing unwanted attention and harassment.

In 2014 HRW released a report based on interviews with 40 LGBTI persons chronicling instances of official extortion, beatings, and sexual assault. The report described in detail how police patrolling parks and bars frequented by gay men would threaten them with violence and arrest or threaten to reveal their homosexuality to their families if they did not pay bribes. These practices, according to representatives of the LGBTI community, continued during the year. NGO leaders in the southern part of the country reported an even greater threat. During the year members of the LGBTI community have reported that authorities regularly monitored chatrooms and dating sites in an effort to punish and extort those who were seeking out homosexual sex through online venues.

HIV and AIDS Social Stigma

While the law protects against discrimination and stigmatization of persons with HIV/AIDS, according to UNAIDS, persons with HIV continued to encounter high levels of stigma and discrimination. According to 2015 Stigma Index data, HIV-positive persons felt fear or experienced verbal abuse, harassment, and threats, with some reporting incidents of physical abuse and assault. Loss of employment and lack of access to housing were reported due to social stigma of HIV/AIDS status. A recent study conducted by Kyrgyz Indigo, an LGBTI advocacy organization, found that more than 70 percent of gay and bisexual men were unaware of their HIV status.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

Many unions reportedly operated as quasi-official institutions that took state interests into consideration rather than representing workers' interests exclusively.

The Federation of Trade Unions (FTU) remained the only umbrella trade union in the country. Unions were not required to belong to the FTU, and there were several smaller unaffiliated unions.

The government effectively enforced these rights. Workers exercised their right to join and form unions, and unions exercised the right to organize and bargain collectively. Union leaders, however, generally cooperated with the government, and international observers judged that unions represented the interests of their members poorly. In past years some unions alleged unfair dismissals of union leaders and the formation of single-company unions.

b. Prohibition of Forced or Compulsory Labor

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

There were some cases of forced labor, mostly involving children in the agricultural sector (see section 7.c.).

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum legal age for basic employment at 16, except for work performed without a signed employment contract or work considered to be "light," such as selling newspapers, in which children as young as 14 may work with the permission of a parent or guardian. The law prohibits employment of persons under age 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 ages 14 or 15 may work up to five hours a day, not to exceed 24 hours a week; children ages 16 to 18 may work up to seven hours a day, not exceeding 36 hours a week. These laws also apply to children with disabilities. Violation of the law incurs penalties ranging from fines to imprisonment of up to 10 years, depending on the nature and severity of the offense. Weak enforcement and a lack of prosecution of violations

continued to pose challenges to deterrence. Almost all child labor was in agriculture based on the *2014-2015 National Child Labor Survey*.

Despite some advancement in efforts to eliminate the worst forms of child labor, it remained a problem. According to recent reports, children continued to be engaged in agricultural work in cotton cultivation as well as in selling and transporting goods at bazaars.

The PGO and the State Labor Inspectorate (Inspectorate) are responsible for enforcing employers' compliance with the labor code. According to the Inspectorate, inspectors conducted infrequent and ineffective child labor inspections to ensure appropriate enforcement of the labor laws. 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.

See also the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation on the basis of sex, race, ethnicity, language, origin, property, official status, age, place of residence, religion, and political convictions, membership in public organizations, or other circumstances irrelevant to professional capacities. The government did not effectively enforce the law, and the nature of penalties was insufficient to deter violations. Uzbeks in the south also complained it was hard to start a small business due to discriminatory practices in licensing and registering a business with the local authorities.

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. Members of the LGBTI community reported discrimination in the work place when they were open about their sexual orientation. Persons with HIV-positive status faced discrimination regarding hiring and security of employment. Persons with disabilities were subjected to discrimination in hiring and access to the workplace.

e. Acceptable Conditions of Work

The law provides for a national minimum wage. The minimum wage was less than the official government's 2015 poverty line of 32,093 som (\$471) per year. The official national minimum monthly wage established for 2018 was 1,300 som (\$19). The law on minimum wage states it should rise gradually to meet the cost of living.

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

The National Statistics Committee defined informal economic activity as household units that produce goods and services primarily to provide jobs and income to their members. In 2017 the government estimated that only 28.8 percent of the population worked in the formal sector of the economy, while the rest worked in the informal economy.

Safety and health conditions in factories were poor. The law establishes occupational health and safety standards that were appropriate to main industries, but the government generally did not enforce them. Penalties for violation of the law range from community service to fines and were insufficient to deter violations. The law does not provide workers the right to remove themselves from a hazardous workplace without jeopardizing their employment. The State Labor Inspectorate is responsible for protecting workers and carrying out inspections for all types of labor problems. Labor inspectors' activities were limited and insufficient to enforce compliance. The law does not provide for occupational health and safety standards for workers in the informal economy.

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