

KYRGYZ REPUBLIC 2020 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. October 2 parliamentary elections were marred by accusations of vote buying and voter intimidation; opposition parties protested the results. After two nights of violence, the Central Election Commission annulled the elections and parliament approved an interim government led by Sadyr Japarov. On October 15, President Jeenbekov resigned and Japarov became acting president. A new presidential election was scheduled for January 10, 2021 along with a referendum on whether the country should transfer to a presidential system or government or keep its parliamentary system.

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, which also controls the presidential security service. The Prosecutor General's Office prosecutes both local and national crimes. Law enforcement falls under the authority of the Ministry of Interior, which falls under presidential jurisdiction. Civilian authorities at times did not maintain effective control over the security forces.

Significant human rights issues included: use of torture by law enforcement and security services; harsh and life-threatening prison conditions; arbitrary arrest; political prisoners; problems with the independence of the judiciary; serious restrictions on free expression, the press, and the internet, including violence, threats of violence, unjustified arrests or prosecutions against journalists, censorship, and site blocking; refoulement of refugees to a country where they would face a threat to their life or freedom; significant acts of corruption; lack of investigation of and accountability for violence against women; trafficking in persons; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, and intersex persons and impunity for gender based violence; significant restrictions on workers' freedom of association; and the existence of the worst forms of 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.

The Ministry of Internal Affairs is responsible for investigating any killings involving law enforcement. Military prosecutors are responsible for investigating killings involving the military. In cases where there may be a conflict of interest, the Ministry of Internal Affairs can transfer a criminal investigation and prosecution to a military prosecutor, at their discretion.

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.

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. Authorities reportedly tortured individuals to elicit confessions during criminal investigations. Through June the Antitorture Coalition reported 54 allegations of torture. The police accounted for 52 of the allegations, while the State Committee on National Security (GKNB) accounted for the remaining two cases. According to the Antitorture Coalition, 21 of the 54 investigations into torture were dropped on administrative grounds. As of the end of 2020, the Prosecutor General's Office (PGO) had not brought criminal charges in any of the alleged cases of torture, though investigations continue in 33 cases. NGOs stated that the government established strong torture-

monitoring bodies but that influence from some parts of the government threatened the independence of these bodies.

The NGO Golos Svobody (The Voice of Freedom) played a central role in monitoring allegations of torture. Golos Svobody served as 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 cases where prosecutors tried police on torture charges, prosecutors, judges, and defendants routinely raised procedural and substantive objections. These objections delayed the cases, often resulting in stale evidence, and ultimately led to case dismissal.

During the year NGOs reported that courts regularly accepted as evidence confessions allegedly induced through torture. The human rights NGO Bir Duino reported that the police continued to use torture as a means to elicit confessions, and that courts often dismissed allegations of torture, claiming that the defendants were lying in order to weaken the state's case. Defense lawyers stated that, once prosecutors took a case to trial, a conviction was almost certain. In a report on torture in the country, Bir Duino highlighted ongoing issues, including the implementation of the new legal code creating gaps in an already weak system for investigating torture, and the failure of legal institutions, including investigatory judges, to investigate torture in a timely manner. Bir Duino also reported that ethnic Uzbeks composed 51 percent of torture cases, despite only representing 18 percent of the population. 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. Experts reported that inmates who had been convicted of crimes involving terrorism or extremism were not adequately separated from the general population. Convicted prisoners occasionally remained in pretrial detention centers while they appealed their cases.

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 officials left prison order and safety to the prison gangs or prisoners themselves, resulting in instances of violence and intimidation among inmates.

Prisoners reported prison officials did not provide access to appropriate medical care in prisons, including medications, to prisoners. Human rights organizations reported that the government failed to provide prisoners and prison staff with personal protective equipment throughout the COVID-19 pandemic. Human rights organizations, including Human Rights Watch, Amnesty International, and International Federation for Human Rights, called on the government to respect Mandela Rules regarding vulnerable prisoners during the pandemic and called for the release of imprisoned human rights activist and journalist Azimjan Askarov. Despite complaints from his lawyer and human rights organizations that he was gravely ill, Askarov died in prison in July likely due to COVID-19, and was only moved to the prison hospital two days before his death.

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 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. Officials running pretrial detention facilities often denied persons held in pretrial detention access to visitors.

The government empowered the National Center to Prevent Torture (NCPT), an independent and impartial body, to monitor detention facilities. NGO representatives stated that NCPT officials made progress monitoring and documenting some violations in detention facilities. They stressed, as they had in previous years that the government needed to implement a standardized approach to identifying torture cases and provide additional resources and staff members to the NCPT to conduct its work.

Independent Monitoring: Most monitoring groups, including the International Committee of the Red Cross (ICRC), reported receiving unfettered access to prisons and pretrial detention facilities, except for detention centers the GKNB operates. 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 government granted individuals working in NCPT's seven regional offices the authority to make unannounced, unfettered visits to detention facilities.

d. Arbitrary Arrest or Detention

While the law prohibits arbitrary arrest, it continued to occur. Human rights organizations reported that authorities unfairly targeted and arrested ethnic Uzbeks for alleged involvement in banned religious organizations and for alleged "religious extremism activity." While police have reduced arrests of ethnic Uzbeks for possession of "extremist materials" after a change in the extremism law in 2019, NGOs report that security services have shifted to online monitoring of social media accounts, and arresting ethnic Uzbeks who were alleged to be associated with "extremist groups." Attorneys reported that police frequently arrested individuals on false charges and then solicited bribes in exchange for release.

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 police targeted vulnerable defendants from whom they believed they could secure a bribe. Authorities could legally hold a detainee for 48 to 72 hours before filing charges. Experts on torture abuse reported

police and security services often failed to report that they detained a person in order to prolong harsh interrogation and torture. 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. The law, however, provides courts the 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 a case goes to trial, the law provides courts the authority to prolong detention until the case is closed without limitations on duration of custody. The judicial system operates a functioning bail system. The law allows courts to use alternative measures instead of 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 access to arrested minors, often held the minors without parental notification, and questioned 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 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 of these individuals did not report their experiences. 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.

Press reported arrests of individuals suspected of involvement in the banned extremist group Hizb ut-Tahrir; such arrests continued a trend that began in 2014. According to Bir Duino, however, corruption within the law enforcement system motivated some arrests. Civil society alleged police entered homes falsely claiming to have a search warrant, planted banned Hizb ut-Tahrir material, and arrested the suspect in the hope of extracting a bribe to secure release.

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.

On May 30, the GKNB arrested Kamil Ruziev, head of the Ventus human rights organization, for falsifying documents and fraud. According to a government spokesperson, the GKNB made the arrest after a client claimed that Ruziev had offered to provide legal expertise, despite not having a license to practice law. Human rights organizations immediately called for Ruziev's release, asserting that his arrest was an attempt to silence a critic of the police and endemic torture. On June 22, the Issyk Kul District Court upheld his arrest as legal, prompting Bir Duino to issue a press release highlighting that the GKNB did not have jurisdiction over forgery and fraud cases under the criminal code, and questioning why the GKNB was involved. Additionally Bir Duino claimed that the court's decision to put Ruziev under house arrest did not follow normal protocol.

Pretrial Detention: Civil society groups frequently reported lengthy pretrial detention periods for detained individuals. 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. Seven pretrial detention facilities held approximately 2,500 persons.

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 the conduct and outcome of trials appeared predetermined in multiple cases. Numerous sources, including NGOs, attorneys, government officials, and private citizens, asserted that some judges paid bribes to attain their positions. Many attorneys asserted that judges ubiquitously accept bribes. 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 inside and outside the courtroom, as well as intimidation of trial judges by victims' relatives and friends.

From February to March, the American Bar Association (ABA) Center for Human Rights monitored the criminal trial of Gulzhan Pasanova as part of the Clooney Foundation's TrialWatch initiative. Pasanova was convicted of inflicting grievous bodily harm resulting in her husband's death. Pasanova, who claimed to have been subjected to long-term domestic abuse by her husband, argued that she acted in self-defense. According to the ABA, the proceedings against Pasanova were marred by serious irregularities, including: state-imposed limitations of the right to call and cross-examine witnesses, a lack of an impartial tribunal, significant impediments to the right of appeal, and a failure of the court to act according to a presumption of innocence. Additionally the ABA asserted that the prosecutor and court disregarded the documented history of domestic violence, in contravention of Pasanova's right to be free from "discrimination."

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. Courts conducted trials 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 the prosecutors did not provide enough evidence to prove guilt, during which time suspects could remain in detention. According to attorneys, judges typically gave defendants at least a suspended sentence instead of finding them not guilty regardless of how little evidence existed to sustain a prison term.

Courts generally opened trials to the public, unless the case allegedly involved state secrets or privacy concerns of defendants. 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. The government granted a limited number of judges the necessary security clearances 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 that defense attorneys in rural areas provided a lower quality of representation than defense attorneys in the capital. In many cases individuals accused of extremism-related crimes experienced difficulty trying 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. Courts typically required witnesses 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

Human rights and civil society NGOs claimed there were a small number of incarcerated political prisoners. Human rights observers noted several high-profile trials for corruption and related crimes appeared to be politically motivated, targeting political opposition and members of former president Atambaev’s administration. NGOs that monitor prison conditions did not report political prisoners were treated differently from other prisoners. The government permitted access to political prisoners by human rights NGOs and the International Committee of the Red Cross.

On July 24, Azimjon Askarov, an ethnic Uzbek human rights activist, died in prison. Askarov, along with seven other codefendants, had a life sentence for allegedly organizing riots that caused the death of a police officer during the 2010 ethnic clashes between ethnic Kyrgyz and Uzbeks. Askarov remained imprisoned until his death. In 2016 the UN Human Rights Committee concluded that Askarov was arbitrarily detained, held in inhumane conditions, tortured, and otherwise

mistreated without redress. Supreme Court proceedings in Askarov's appeal were marred with irregularities and police attempted to bar Askarov's legal team from the initial hearing in March. Additionally, police initially denied a representative of OSCE's ODIHR permission to attend the public court proceeding. During his final hearing in May, family members of the slain police officer threatened Askarov's wife and lawyer, and the court continued proceedings without addressing the threats. After a short hearing, the Supreme Court upheld Askarov's life sentence.

In the days before his death, media reported that Askarov was gravely ill. According to his lawyer, Askarov's health was visibly deteriorating at their last face-to-face visit. The lawyer reported that Askarov had lost significant weight and that prison guards had to carry him into the room. The lawyer also said that Askarov was no longer eating, and the prison was giving him glucose intravenously to maintain nutrition. Bir Duino and other NGOs called for Askarov's release, highlighting ongoing health concerns and a possible COVID-19 infection. The government repeatedly denied that Askarov's health was failing or that Askarov had COVID-19, and claimed no prisoners in the prison system had the virus. The Office of the Ombudsman released a statement claiming that Askarov refused treatment and displayed no symptoms of COVID-19 during a medical examination. Bir Duino accused the ombudsman of deliberately misrepresenting Askarov's health. After his death, the government stated that Askarov died from bilateral pneumonia and said Askarov had been placed on an oxygen concentrator. According to the death certificate, Askarov died after removing the tube connecting him to the oxygen concentrator.

Politically Motivated Reprisal against Individuals Located Outside the Country

In December 2019 Syrgak Kenzhebaev, the husband of Shirin Aitmatova, former member of Kyrgyzstan's parliament and a prominent anticorruption activist, was detained and deported to Kyrgyzstan from Kazakhstan on the basis of a case lodged on behalf of a Chinese businessman in Kyrgyzstan who accused him of fraud. This came at a time when Aitmatova was heavily involved in protests against the KG government related to new corruption allegations. Aitmatova said the deportation was based on a complaint by one of the individuals implicated in the corruption scandal.

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. The constitution provides citizens the right to apply to international human rights bodies seeking protection of violated rights and freedoms in accordance with international treaties. Nonetheless, the decisions of international bodies are nonbinding and therefore not subject to enforcement by the government.

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 based on a court decision. Such actions are permitted exclusively to combat crime. There were reports that the government failed to respect these restrictions, including reports of police planting evidence in cases of extremism investigations. 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 the government generally respected this right. 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 Speech: Multiple civil society groups noted an increase in the application of provisions of law on the “incitement of interethnic, racial, religious, and interregional hatred.” Observers stated in some cases authorities broadly interpreted these provisions to sanction speech, which tended to affect ethnic minorities and human rights defenders. Civil society organizations called the process to confirm such violations of law as arbitrary, politicized, and unprofessional.

Freedom of Press and Media, Including Online Media: Some journalists reported intimidation related to coverage of sensitive topics, such as interethnic relations, “religious extremism,” or the rise of nationalism. This was particularly salient against Uzbek-language media outlets.

Security services and oligarchs attempted to prevent independent media from operating freely in the country. The government continued its tight controls over news content on state television.

On March 21, the government declared a state of emergency for one month due to the spread of COVID-19 in the country. The Media Policy Institute (MPI) reported the restrictions introduced in the state of emergency hampered the ability of journalists to report on the effects of COVID-19. MPI noted that the Commandant of Bishkek, the office in charge of the COVID-19 response in the capital, initially refused to accredit journalists to permit them to travel to report on the epidemic. Additionally, MPI reported that only state media was able to report from medical centers, despite the Commandant’s claim that journalists would not receive accreditation due to health and safety reasons. Law enforcement also warned that anyone publishing “false” information about the epidemic could be charged with a crime.

Violence and Harassment: Journalists, especially those who are ethnic Uzbeks, reported harassment by police and continuing pressure by local and national authorities to avoid reporting on sensitive issues, including ethnic conflicts, corruption, and political figures. Media members also reported that nonstate actors, particularly politically well connected and wealthy individuals, harassed them for reporting on those individuals’ alleged corruption and other kinds of wrongdoing. Journalists sometimes practiced self-censorship to avoid reprisals for their reporting.

In a 2019 investigation, local Radio Free Europe/Radio Liberty (RFE/RL)-affiliate Azattyk, online Kloop media, and the Organized Crime and Corruption Reporting Project (OCCRP) published an expose that implicated former deputy customs head Raimbek Matraimov in a multimillion-dollar corruption scheme. In the aftermath of the report, RFE/RL relocated some of their journalists to Prague amid serious threats to their lives and families, for fear of political reprisal. On April 10, former Osh customs officer Emilbek Kimsanov released a video showing purported text messages from Matraimov offering to pay Kimsanov for the return of Ali

Toktokunov, one of the journalists who broke the corruption scandal, to the country “dead or alive.”

On January 9, two men assaulted Bolot Temirov, the founder of Factcheck.kg, a local investigative reporting website, after publishing an investigation into former deputy customs head Raimbek Matraimov detailing how the Matraimov family spent far more than their reported income would suggest. After the assault, Temirov stated that the attackers only stole his phone, which caused him to believe the attack was motivated by intimidation.

In June unknown assailants firebombed the Talas office of a small independent television channel, 3 Kanal. No one was injured in the attack; however, the head of the broadcaster estimated that the damage totaled approximately \$15,000.

On October 5, during protests against parliamentary elections, there were multiple reported cases of violence against press. During a live broadcast, police fired a rubber bullet directly at a correspondent for Nastoyashchee Vremya, a Voice of America affiliate, and during a live recording, police seized a phone from a 24.kg reporter. On October 6, while a journalist from independent media outlet Kaktus broadcast live from a hotel hosting a meeting by some members of parliament, supporters of Sadyr Japarov reportedly attacked the reporter, surrounding her and demanding she stop filming. On October 10, 20-30 individuals tried to force their way into the Sputnik.kg office, demanding that the outlet send a reporter to cover a pro-Japarov protest occurring in the city. The mob allegedly threatened the editorial staff, saying Sputnik.kg had 30 minutes to begin broadcasting, otherwise they would break down the door and attack the office.

Censorship or Content Restrictions: 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 government offices to report in a particular way or to ignore specific news stories.

NGO leaders and media sources reported state-owned broadcasters remained under pressure to transmit stories promoting government policies and initiatives and develop narratives critical of NGOs, opposition figures, and civil society activists.

In April local media reported that private citizens who criticized the government’s response to COVID-19 were coerced by government officials into recanting their reports and publicly apologizing to the government. The GKNB, the agency

publishing videos of the apologies, denied they had pressured anyone to apologize and claimed the videos were submitted voluntarily. A doctor who posted a message on Twitter about the poor quality of personal protective equipment for medical workers claimed he was forced to apologize and later deleted his Twitter account.

Libel/Slander Laws: 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 courts arbitrarily ruled on the amount of compensation and that failure to pay compensation could serve as a basis for criminal prosecution.

In the first half of the year, press reported that, despite some improvements in press freedom, attacks on media continued through the use of libel laws. In January former deputy customs head Raimbek Matraimov, along with his brother MP Iskander Matraimov, sued Kloop, Azattyk Radio, and 24.kg in response to the publication of an investigative series on a multimillion-dollar corruption scheme centered on Raimbek Matraimov. Initially, the judge in the case froze the assets of all of the media organizations but later reversed the decision. The Matraimovs dropped their suit against 24.kg after a retraction published on their website.

On August 19, Jalalabad police summoned AKIpress reporter Bekmamat Abdumalik uulu, purportedly in connection to a libel case. Abdumalik uulu asserted he was questioned in relation to a blog post critical of the government. A Ministry of Interior spokesperson claimed they had received a formal complaint that accused the journalist of disseminating “false rumors harmful to reputation and honor.” The Media Policy Institute, a press advocacy organization, issued a statement that noted libel laws are matters for civil litigation, and the police therefore illegally questioned Abdumalik uulu.

Internet Freedom

The government generally allowed access to the internet, including social media sites. There were no public credible reports the government monitored private online communications without appropriate legal authority. The Civic Initiative on Internet Policy reported on 371 internet resources that are blocked by the government, including archive.org, soundcloud.com, and numerous links to Facebook and YouTube. The Civic Initiative for Internet Policy noted there were some sites the government blocked without a court order, including Change.org,

which was blocked after a petition appeared calling for the impeachment of the president.

NGOs reported that security services have shifted to online monitoring of social media accounts, and media reported that the government targeted bloggers and social media users for critical internet posts. On July 15, the GKNB interrogated comedian Nazgul Alymkulova over satirical posts about the president and the government. Two days later, police detained Argen Baktybek uulu, an administrator of the Facebook group Memestan, over posts critical of the government. Baktybek was detained due to “the dissemination of information that demeans the authorities.” On July 28, the GKNB interrogated Eldiyar Zholdoshev after he posted a video online that criticized the government’s response to COVID-19 and called President Jeenbekov the worst president in the history of the country. The GKNB claimed that Zholdoshev had violated the law against incitement of racial, ethnic, religious, or interregional hatred.

Members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community reported that authorities regularly monitored chatrooms and dating sites in an effort to punish and extort those who were seeking homosexual sex through online venues.

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, although it limited peaceful assembly in Bishkek and Talas, with local governments refusing to issue permits for peaceful marches. 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.

Throughout the COVID-19 pandemic, the government reportedly used public health concerns as a pretext for preventing peaceful protests. On March 5, during preparation for the annual Women’s March, a district court ruled that the event would not be allowed to proceed due to concerns about COVID-19. On March 6, the court reversed its decision, and allowed the march to take place. During the march, ultranationalists attacked the demonstrators, in some cases physically assaulting women marchers. The police allowed the attack to continue with impunity, and arrested the peaceful marchers. After the arrests, multiple human rights NGOs reported lawyers were denied access to their clients. After several hours, the police released the detainees, and the Prosecutor General’s Office declined to press charges. On March 10, members of Kyrk Choro (Forty Knights), the ultranationalist group that attacked the march, were fined for their part in the violence.

Freedom of Association

The law provides for freedom of association, although the government increased harassment of NGOs. 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.

During the first half of the year, targeted harassment of NGOs and their workers by the government and ultranationalist groups increased significantly. These attacks appear to have centered on NGOs opposing proposed legislation to increase the requirements for the registration of NGOs. NGOs reported harassment from government security agencies, including unannounced visits to NGO offices, and threats. Additionally, ultranationalist groups repeatedly threatened NGOs. During one public meeting on the potential effects of the proposed legislation, a group of ultranationalists assaulted the security staff, gained entrance to the meeting, and publicly threatened to burn down the office of an NGO. Under pressure from civil society groups, parliament decided to delay consideration of the proposed law.

The government continued to maintain bans on 21 “religiously oriented” groups it considered to be extremist, including al-Qa’ida, the Taliban, the East Turkestan Islamic Movement, the Kurdish People’s Congress, the Organization for the

Liberation of Eastern Turkistan, Hizb ut-Tahrir, the Union of Islamic Jihad, the Islamic Movement of Uzbekistan, 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.

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.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://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.

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

Citizenship: The law on combating terrorism and extremism revokes the citizenship of anyone convicted of terrorist and extremist activities. The government did not use the law during the year.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

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. In April the State Migration Service reported there were 193 refugees in the country, including 87 from Afghanistan.

Refoulement: In August the GKNB arrested Bobomorud Abdullayev, an Uzbek journalist who alleged he was tortured in Uzbekistan for his work. According to the GKNB, the government of Uzbekistan requested his arrest. Despite his request for asylum, the GKNB allegedly refused to permit Abdullayev access to his lawyers, the UN Office of the High Commissioner on Human Rights, or the UNHCR. Despite calls from civil society not to extradite Abdullayev, the government handed over Abdullayev to Uzbek authorities on August 22, without an extradition hearing as required by law. On August 28, Abdullayev's lawyers alleged that the GKNB tortured Abdullayev during his detention.

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 UNHCR did not grant refugee status to when they left their country of origin and extends the validity of documents until a final decision on status is determined by a court. Despite local law the government has ignored asylum requests from asylum seekers likely to be tortured upon their return to their home country.

Employment: The government grants legal permission to work to individuals UNHCR has determined are refugees and to whom the government has granted official residency status in the country. Not all refugees qualify for residency status according to the government. Individuals whom UNHCR has determined are refugees, but to whom the government has not conferred legal residency, are not legally permitted to work, access medical services, or receive identity documents. Therefore, they are susceptible to exploitation by employers paying substandard wages, not providing benefits, and not complying with labor regulations. They could not file grievances with authorities.

Access to Basic Services: The government deemed individuals whom UNHCR determined ineligible for refugee status, as well as asylum seekers who lacked official status, as ineligible to receive state-sponsored social benefits. Refugees with official status in the country have access to basic services.

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 authorities and party officials responsible for administering elections engaged in some procedural irregularities.

Elections and Political Participation

Recent Elections: On October 4, voters went to the polls to elect a new parliament. OSCE initially reported that the election was competitive and that the voting process was generally efficient, well organized, and peaceful, although noted along with press and civil society that there were credible allegations of widespread vote buying, abuse of administrative resources, and fraud with form “number two” that allows voters to vote away from their homes. In some cases political parties placed operatives at polls to confirm that voters who had sold their votes were voting for their candidates. Initially the Central Election Commission (CEC) reported that only four parties had crossed the 7 percent vote threshold required to participate in parliament, including three progovernment parties: Birimdik (Unity), Kyrgyzstan, and Mekenim Kyrgyzstan (My Homeland Kyrgyzstan). Birimdik and Mekenim Kyrgyzstan received the largest share of votes, and multiple sources reported that both parties had engaged in widespread vote-buying. Birimdik was closely associated with former president Sooronbai Jeenbekov, and Mekenim Kyrgyzstan was funded by former deputy customs head and organized crime leader, Raimbek Matraimov, who was implicated in a multimillion-dollar corruption scheme during his tenure with the customs service.

In response numerous opposition groups that failed to meet the 7 percent parliamentary threshold took to the streets of the capital to protest the outcome of the election. Protests began peacefully, but groups of young men eventually stormed the parliament and presidential administration building. On October 6, the Central Election Commission officially annulled the outcome of the election. On October 14, after days of legal wrangling, parliament elected Sadyr Japarov as prime minister of an interim government. Adilet Legal Clinic issued a report detailing significant irregularities in the election of Japarov as prime minister and questioned the constitutionality of the decision. President Jeenbekov stated that he would resign from his position once the country returned to “a legal path.” The government has tentatively scheduled a second parliamentary election for an unspecified date prior to June 2021 and early presidential elections for January 10. On October 15, after ongoing pressure from opposition, President Jeenbekov resigned as president. The speaker of parliament refused to assume the role of acting president per the constitution, so the role of acting president fell to Prime Minister Japarov, who was next in line. Japarov assumed the role of acting president while remaining prime minister before resigning as acting president so he

could run in the rescheduled presidential election. Japarov's allies currently serve at the head of the executive.

Political Parties and Political Participation: Members of parliament are selected through a national "party list" system. A November change to election law required that political parties obtain at least 7 percent of votes nationally, and 0.7 percent in each region, in order to be eligible for parliament. In November then acting president Japarov signed into law a number of electoral reforms which lowered the threshold to 3 percent and reduced the registration fee for candidates by 80 percent.

Participation of Women and Members of Minority Groups: 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. After voting occurred, party leaders regularly reordered the lists, often to the disadvantage of women. The law on elections requires that MPs who resign their mandate be replaced by persons of the same gender. Women held fewer than 10 percent of parliamentary seats.

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. Civil society and media reported numerous incidents of government corruption during the year. According to Transparency International, the government appears to selectively investigate and prosecute corruption cases. The practice of officials in all levels of law enforcement accepting the payment of bribes to avoid investigation or prosecution is a major problem. 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 GKNB's anticorruption branch is the only government body formally empowered to investigate corruption. It is not an independent

government entity; the branch's work is funded from the GKNB's operating budget. The branch limits its cooperation with civil society. The State Service to Combat Economic Crimes, also known as the Financial Police, investigates economic crimes, which sometimes includes corruption-related crimes.

A joint investigative report started in 2019 and continued this year by RFE/RL affiliate Azattyk, the OCCRP, and Kloop, uncovered a large corruption scheme centered on smuggling goods into and out of the country. The investigation relied upon Aierken Saimaiti, a self-confessed money launderer, who was later killed in Istanbul after he was revealed as the source of the reporting. Saimaiti identified former deputy customs head Raimbek Matraimov as the ringleader of the scheme, using his official position to move shipments of goods through customs without inspection or fees in exchange for payments from smugglers. The GKNB conducted an initial investigation into the claims, but did not directly investigate Matraimov.

According to Eurasianet, the interim Japarov administration arrested the crime kingpin and issued a statement claiming Matraimov has since 2016 operated a corrupt scheme to "extract shadow income during [his] administration of the customs system." In the aftermath of his arrest, Matraimov reportedly agreed to pay \$24.5 million in compensation for damage caused through his activities to the country's coffers, though the investigative reporting indicated his criminal activity resulted in the embezzlement of over \$700 million.

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 the government did not regularly enforce this punishment.

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 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 acts as an independent advocate for human rights on behalf of private citizens and NGOs and has 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, factors that 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.

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

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal. As in previous years, the government failed to enforce the law effectively, and many rape victims did not report their rape or sexual assault to police or NGOs. 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 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 2019 HRW criticized the government for failing to prevent and punish violence against girls. In 2017 the Ministry of Internal Affairs reported that the number of registered cases of domestic violence was more than 7,000. In 2018 this figure increased by 14 percent to approximately 8,000 cases. HRW reported that, within the first 14 days of the year, at least three women were killed in domestic violence cases. The

Ministry of Justice reported 6,145 domestic violence cases registered by the police in 2019, but only 649 resulted in criminal cases. Four of the criminal cases were for killings. Among the domestic violence cases brought to court, prosecutors classified a significant number as administrative offenses or misdemeanors, which carry a lighter sentence. A 2019 revision to the Code of Misdemeanors, however, includes a provision that criminalizes domestic violence. During the state of emergency due to COVID-19, media reported that domestic violence increased by as much as 60 percent, with a 65 percent increase in domestic violence cases in Bishkek from the prior year. Both the Ombudsman's Office and the prime minister called for stronger laws against gender-based violence in response to the increase in domestic violence.

Many women did not report crimes against them due to psychological pressure, economic dependence, cultural traditions, fear of stigma, and apathy among law enforcement officers. Civil society and media reported instances of spouses retaliating against women who reported abuse. The government provided offices to the Sezim Shelter (*Sezim* is the Kyrgyz word for crisis) in Bishkek for victims of domestic abuse and paid some of its expenses. International NGOs and organizations contributed funding to other shelters throughout the country. Despite this funding, NGOs such as Human Rights Watch questioned the government's commitment to address the problem.

On June 12, a video surfaced on social media depicting a man torturing and humiliating his wife in public while an unknown individual filmed the abuse at his demand. Although the woman in the video declined to press charges against her husband, prosecutors charged him with torture, a charge that does not require a complaint by the victim. On July 2, the Suzak District Court of Jalal-Abad Province found the man guilty of torturing his wife, sentenced him to two years of probationary supervision, and released him from custody. The court ruled on a number of obligations that the accused must fulfill; otherwise, the sentence may be reviewed in favor of imprisonment. According to lawyers from the human rights organization Spravedlivost, probationary supervision is a new norm in the law that allows the court to make a decision based on the gravity of a crime, identity of a perpetrator, and their behavior.

Other Harmful Traditional Practices: Although prohibited by law, the practice of kidnapping women and girls for forced marriage continued. In 2018 the United Nations estimated kidnappers forced 13.8 percent of girls younger than age 24 into marriage. Men married to kidnapped brides were more likely to abuse their wives and limit 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. In 2018 the Ministry of Internal Affairs reported that over the previous five years, 895 individuals complained to the law enforcement authorities regarding bride kidnapping. In 727 cases victims did not file criminal cases against the perpetrators. Police and prosecutors criminally investigated 168 cases.

Some victims of bride kidnapping went to the local police to obtain protective orders, but authorities often poorly enforced such orders. NGOs continued to report that prosecutors rarely pursue kidnappers for bride kidnapping. The law establishes penalties for bride kidnapping of 10 years in prison and a fine.

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

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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

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 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. 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: No specific law covers child abuse in the country. The Children Code regulates the role of different state institutions in ensuring, providing, and protecting children's rights. According to NGO and UN reports, child abuse, including beatings, child labor, and commercial sexual exploitation of boys and girls continued to occur. According to the National Statistics Committee, more than 277,000 children were without parental care due to labor migration to Russia and other countries. The Child Protection League stated that violence against children left under guardianship of the migrants' relatives occurs in almost all cases.

Child, 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 2016 law criminalizes religious marriages involving minors; however, prosecutors did not file any cases of criminal charges for religious marriages involving minors.

Sexual Exploitation of Children: The law prohibits the sale of children younger than age 18, child trafficking, child prostitution and child pornography, as well as other sexual crimes against children. The law criminalizes the sale of persons and forced prostitution. It 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 government made limited efforts to enforce the law.

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 UNICEF and local observers, children younger than age 18 in Bishkek were involved in prostitution. Although precise figures were not known, police stated that typical cases of children in 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 need. NGOs and international organizations reported law enforcement officials' complicity in human trafficking by accepting bribes to drop cases, warning suspected traffickers prior to raids, and allowing traffickers to avoid punishment by offering victims payment to drop cases. Police allegedly threatened, extorted, and raped child sex-trafficking victims. The government reportedly did not always 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 younger than age 16.

Displaced Children: 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. The ombudsman stated the country's sole children's detention 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/reported-cases.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 2019 *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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. 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, the government and families institutionalized one-third of children with disabilities. The government did not adequately provide for basic needs, such as food, water, clothing, heating, and health care, and did not adequately address overcrowded conditions.

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

The PGO is responsible for protecting the rights of persons with mental disabilities. According to local NGO lawyers, members of the PGO had no training and little knowledge of the protection of these rights and did not effectively assist citizens with disabilities. Most judges lacked the experience and training to make determinations 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 hiring quotas for persons with disabilities (approximately 5 percent of work positions).

Members of National/Racial/Ethnic Minority Groups

Tensions between ethnic Uzbeks--who comprised nearly 15 percent of the population--and ethnic Kyrgyz remained problematic, particularly in Southern Osh Oblast where ethnic 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 ethnic 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 were ethnic Uzbeks from the south. Human rights NGO Bir Duino reported that ethnic Uzbeks were overwhelmingly targeted by laws governing extremist materials shared or liked on social media.

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

The country does not criminalize consensual same-sex sexual conduct between adults or speech that supports LGBTI issues. 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. LGBTI NGOs reported harassment and continuing surveillance of their workers by security services.

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 reported that authorities regularly monitored chatrooms and dating sites in an effort to punish and extort those who were seeking homosexual sex through online venues.

LGBTI-friendly NGOs reported that violence against LGBTI persons increased during the state of emergency introduced due to COVID-19, especially family members committing violence against LGBTI persons during quarantine. In the aftermath of the March 8 Women's March, attacked by ultranationalists in part due to rumors that it was a gay pride march, Member of Parliament Zhyldyz Musabekova published posts on social media calling for violence against LGBTI persons. Musabekova wrote, "Tired of these gays turning the holiday into a mess. They did the right thing and drove them away. Now we need to kick them out of the country."

On September 29, unknown entities posted a graphic video on social media targeting the American University in Central Asia (AUCA), opposition parties, and the United States for promoting "Western amoral principles" in the country. The video, which included secret recordings of sex acts between two male members of the AUCA community, paints anyone associated with the university, including the leadership of numerous major opposition parties such as Bir Bol and Reforma, as stooges of the West and "promoters of the LGBTI agenda."

HIV and AIDS Social Stigma

While the law protects against discrimination and stigmatization of persons with HIV or 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. Civil society reported that social stigma of positive HIV/AIDS status led to loss of employment and a lack of access to housing for individuals with such a status or LGBTI persons. A 2019 study conducted by Kyrgyz Indigo, an LGBTI advocacy organization, found that more than 70 percent of gay and bisexual men did not know their HIV/AIDS 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 government effectively enforced these rights. 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. The government did not effectively enforce applicable laws.

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. The government did not require unions to belong to the FTU. Labor rights advocates reported the existence of several smaller unaffiliated unions.

Workers exercised their right to join and form unions, and unions exercised the right to organize and bargain collectively. Union leaders, however, generally cooperated with the government. 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. In June the government presented unspecified criminal charges against trade union leader Kanatbek Osmonov and placed Osmonov under house arrest.

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. Forced labor was found in agriculture, construction, textiles, domestic service, and childcare.

In September, Amnesty International reported that in response to the COVID-19 pandemic, the government forced doctors to work in COVID quarantine zones. Since May doctors in Kyrgyzstan have been working what the Ministry of Health has called a "Barracks Regime" (kazarmennyi rezhim) to cope with the mounting pandemic. Doctors were forced to live near or in their place of work throughout. All doctors dealing directly with COVID-19 patients were on a regime of 14 days

of shifts followed by 14 days of quarantine. The 14 days of quarantine after their shift work were not spent at home, but in hotels, hostels or in designated areas within the hospitals in which they worked.

See also the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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 younger than 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. Violations of the law incur penalties, which are sufficient to deter violations. The government did not effectively enforce the law 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*.

Child labor remained a problem. Children continued to be engaged in household-scale work in cotton and tobacco cultivation; growing rice, potatoes, sugar beets, and wheat; and raising cattle and sheep. Reports indicated children worked in the industrial and services sectors as well, in coal mining; brick making; and construction, including lifting and portering construction materials and cutting metal sheets for roofs. In the services sector, children worked in bazaars, including by selling and transporting goods; washing cars; working in restaurants and cafes; begging and shoe shining as part of street work; and providing domestic work, including childcare. Examples of categorical worst forms of child labor in the country included: commercial sexual exploitation, sometimes as a result of human trafficking; and illicit activities, including trafficking drugs, as a result of human trafficking (see section 7.b.).

The PGO and the State Inspectorate on Ecological and Technical Safety (Inspectorate) are responsible for enforcing employers' compliance with the labor code. According to the Inspectorate, an insufficient number of labor inspectors

resulted in 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, the government found it difficult to determine whether work complied with the labor code. Due to the moratorium on unannounced business inspections, the state labor inspectorate was unable to apply penalties against any employers involved in the use of child labor.

See also the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

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 penalties were insufficient to deter violations and were not commensurate to other laws on civil rights. Ethnic Uzbeks in the south also complained that discriminatory practices in licensing and registering a business with local authorities made starting a small business difficult.

On average employers paid women substantially lower wages than they paid to men. Women made up the majority of pensioners, a group particularly vulnerable to deteriorating economic conditions. By law, women are prohibited from working in “dangerous professions,” including energy, mining, water, factories, trucking, agriculture, and certain types of construction. This law is a holdover from the Soviet era, and while it is not clear that it has ever been enforced, it presents a barrier to women’s full and free participation in the economy and affects women’s earning potential. 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 workplace when they publicly disclosed their sexual orientation. LGBTI persons faced a high risk of becoming the victims of deception and labor and sexual exploitation. The most vulnerable group in terms of employment is transgender women, who are frequently forced out of employment opportunities. Persons with HIV/AIDS-positive status faced discrimination regarding hiring and security of employment. Employers discriminated against persons with disabilities in hiring and limited

their access to employment opportunities in the workplace. During the COVID-19 pandemic, members of the LGBTI community lack paid employment, social insurance, and the resources to work at home.

e. Acceptable Conditions of Work

The law provides for a national minimum wage, which is less than the official government's 2017 poverty line. The law on minimum wage states it should rise gradually to meet the cost of living. The government did not effectively enforce laws related to the minimum wage. There was no employer liability for late payment of wages, allowances, or other social benefits. On July 17, the Union of Health workers asked the president for doctors' pay to be increased. They based this request on a 2005 law which required health workers be paid not less than the average wage; this law has never been implemented. Doctors and other health workers are being paid a bonus for working the extra hours required during the COVID-19 pandemic.

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. The labor code also states workers engaged in overtime work must receive compensatory leave or premium pay of between 150 and 200 percent of the hourly wage. Compliance with these requirements differed among employers. For example, large companies and organizations with strong labor unions often abided by these provisions. Employers of small or informal firms where employees had no union representation often did not enforce these legal provisions.

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.

Factory operators often employed workers in poor safety and health conditions. 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 did not sufficiently deter violations. The law does not provide workers the right to remove themselves from a hazardous workplace without jeopardizing their employment.

The State Inspectorate on Ecological and Technical Safety (Inspectorate) is responsible for protecting workers and carrying out inspections for all types of labor problems. The government did not effectively enforce the law because it was not conducting labor inspections following a moratorium on all state inspections. Even prior to the moratorium, the inspectorate limited labor inspectors' activities. The inspectorate did not employ enough inspectors to enforce compliance. According to the International Labor Organization (ILO), the inspectorate also lacked sufficient funding to carry out inspections. The law does not provide for occupational health and safety standards for workers in the informal economy. The government did not effectively enforce occupational safety and health laws. Penalties for violations of these laws were commensurate with those for crimes like negligence.

Amnesty International reported that health workers were dying because of the COVID-19 pandemic but unreliable statistics were undermining the government's response. The head of Human Resources of the Ministry of Health stated that in the period from the beginning of the epidemic in mid-March to July 22, a total of 29 health workers had died. Records kept by nongovernmental groups, however, give higher death figures for health workers, indicating over 40 health workers had died.

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.