

# **KYRGYZ REPUBLIC 2022 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The Kyrgyz Republic has a presidential system of government, adopted in 2021. President Sadyr Japarov was elected in January 2021 through elections considered by international observers to be generally free and fair.

The Ministry of Internal Affairs, which reports to the President, is responsible for domestic law enforcement and investigates most crimes. The State Committee for National Security, which also controls the presidential security service, investigates certain crimes such as terrorism and corruption. The Prosecutor General's Office prosecutes all crimes. Civilian authorities at times did not maintain effective control over the security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: use of torture by law enforcement and security services; harsh and life-threatening prison conditions; arbitrary arrest; serious problems with the independence of the judiciary; arbitrary interference with privacy; serious restrictions on free expression and media, including violence and threats of violence against journalists and censorship; serious restrictions on internet freedom; interference with freedom of association including overly restrictive laws on the funding and operation of nongovernmental organizations and civil society organizations; serious government corruption; lack of investigation of and accountability for gender-based violence; crimes involving violence or threats of violence targeting members of minority groups and lesbian, gay, bisexual, transgender, queer, and intersex persons; threats of violence motivated by antisemitism; 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 and those involved in corrupt activities, official impunity remained a problem.

## **Section 1. Respect for the Integrity of the Person**

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

There were no reports 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. There were no updates during the calendar year in the investigation into the disappearance of Orhan Inandi, a dual Kyrgyz-Turkish citizen who disappeared from Bishkek in May 2021 and reappeared in Turkish custody 35 days later.

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

The law prohibits such practices. Nevertheless, physical abuse, including inhuman and degrading treatment, reportedly continued in prisons. Police abuse reportedly remained a problem, notably in pretrial detention and detention facilities under the control of the State Committee for National Security (GKNB).

Defense attorneys, journalists, and human rights monitoring organizations, including Golos Svobody, Bir Duino, and international nongovernmental organizations (NGO) Human Rights Watch (HRW) and Transparency International, reported incidents of torture by police and other law enforcement agencies. Authorities reportedly tortured individuals to elicit confessions during criminal investigations. Through September the Antitorture Coalition reported 63 allegations of torture registered by the Prosecutor General's Office, including 54

by police officers and one by the GKNB. According to the Antitorture Coalition, 12 of the 63 investigations into torture were dropped on administrative grounds. During the year, the Prosecutor General's Office did not bring criminal charges in any cases of alleged torture. 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 Prosecutor General's Office to track complaints of torture. The Antitorture Coalition also accepted complaints of torture and passed them to the Prosecutor General's Office 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 contributed to case dismissal.

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 to elicit confessions, and that courts often dismissed allegations of torture, claiming that the defendants were lying to weaken the state's case. 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, overcrowding, substandard health care, lack of heat, and mistreatment.

**Abusive 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 where 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 some prison officials allegedly ignored such activity. 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.

Inmates reported they did not have access to appropriate medical care in prisons, including medications. Advocates noted that pretrial detention facilities, and notably facilities under control of the GKNB, lacked appropriate medical personnel and standardized medical care regulations.

Marat Kazakpaev, a political analyst, died in a public hospital on June 10 following a stroke he suffered while in GKNB pretrial detention. Kazakpaev was

detained in April 2021 on suspicion of high treason, despite not being a civil servant and having “no access to secret documents,” according to the Kyrgyz Ombudsman’s Institute. Kazakpaev’s wife accused the GKNB of using “psychological torture” against him, leading to a hospitalization in May. The Prosecutor General’s Office launched an investigation into his death on June 11.

On June 18, Bakyt Asanbaev, former deputy chair of the board of state-owned Aiyl Bank who was detained on corruption charges in February, was found hanged in his cell in GKNB pretrial detention. The GKNB ruled the incident a suicide. The Bishkek Military Prosecutor’s Office launched an investigation into Asanbaev’s death the same day.

On June 20, President Japarov formed a presidential commission to study the deaths of Kazapaev and Asanbaev. The commission included several high-ranking government officials, including the Ombudsman, relatives of the victims, members of parliament, and other government officials.

**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 allows the National Center to Prevent Torture (NCPT), an independent and impartial body, to monitor detention facilities. NGO representatives stated that NCPT officials monitored and documented 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 sufficient 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 so that they could provide technical assistance, such as medical and psychological care for inmates.

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

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government did not observe these requirements. 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.” NGOs reported that security services monitored the social media accounts of ethnic Uzbeks and frequently arrested individuals whom they allegedly were associated with “extremist groups.” Attorneys reported that police would often file false charges and then solicit bribes from the accused in exchange for their release.

#### **Arrest Procedures and Treatment of Detainees**

According to the criminal procedure code, only courts have the authority to issue search and seizure warrants. 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 hours before filing charges. Experts on torture and abuse reported police and security services often chose not to register criminal cases to avoid the procedural requirements limiting the period of detention. They would then apply harsh interrogation methods and torture to extract confessions or bribes. 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 order a suspect held in pretrial detention for as much as one year, depending on the severity of the charges. Once a case goes to trial the law permits courts to prolong detention until the case is closed with no time limitations. 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. The accused has the right by law to consult with defense counsel immediately upon arrest or detention, but in some reported 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, 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 or those with significant political connections.

**Arbitrary Arrest:** As in previous years, NGOs and monitoring organizations, including Golos Svobody, Bir Duino, and Spravedlivost, recorded complaints of arbitrary arrest. Observers asserted it was impossible to know the number of cases because most 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.

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 March 17, law enforcement detained outside of the Russian Embassy human rights activists Aziza Abdirasulova, Dinara Oshurakhunova, and Ondurush Toktonasyrov for protesting the Russian invasion of Ukraine. They were fined for “disobeying police orders” and released the same day.

On October 23, police and state security agents detained 27 journalists, activists, and politicians after they criticized a recent Kyrgyz-Uzbek border agreement. Most were detained for “seeking to organize mass riots,” “inciting ethnic hatred,” or “plotting a coup.” While most were initially detained for a 48-hour period, the government held middle of the night hearings and subsequently extended the period of pretrial detention to two months for the majority of the detained. One activist was released under house arrest following a heart attack in pretrial detention.

**Pretrial Detention:** Defendants frequently suffered lengthy pretrial detention, according to civil society groups. Political influence, complex legal procedures, poor access to lawyers, and limited investigative capacity often lengthened defendants’ time in pretrial detention. Judges had discretion to extend detention for over one year, depending on the severity of the charges. Seven pretrial detention facilities held approximately 1,886 persons.

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

The constitution and law provide for an independent judiciary, but judges were



subject to influence or corruption, compromising judicial independence and impartiality. 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.

## **Trial Procedures**

While the law provides for the right to a fair and public trial, the judiciary generally did not enforce this right. Judicial proceedings 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 most 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 support a conviction.

Courts generally opened trials to the public unless the judge or prosecution claimed the case 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 had trouble 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 that several high-profile trials for corruption and other crimes appeared to be politically motivated, targeting political opposition and members of the former presidential administrations. 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.

## **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, and was therefore insufficiently independent to provide effective civil remedies for human rights abuses. 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**

The law prohibits such actions, and there were reports that the government failed to respect these prohibitions. 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 during investigations and wiretapping suspects without court orders. Seven government agencies have legal authority to monitor citizens' telephone and internet communications.

In connection with the government's case against independent journalist Bolot Temirov (see Section 2.a.), an investigation published on January 30 by Kloop, Azattyk, and the Organized Crime and Corruption Reporting Project described months-long government efforts to monitor Temirov and his employees, including by installing hidden cameras in offices and covert surveillance of employees. According to the investigation, one of Temirov's female employees was subject to sexual blackmail when an individual with whom she was romantically involved was revealed to be a GKNB agent; the agent pressured her for information on Bolot Temirov and threatened to release covertly recorded sexually explicit material from their relationship if she did not comply. The video was later released by an alleged GKNB proxy social media account, but quickly taken down after a public outcry over the violation of privacy.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provide for freedom of expression, including for members of the press and other media, and the government generally respected this right. Self-censorship increased, and pressure reportedly existed from editors and political figures to bias reporting. Media organizations reported that online harassment and hate speech directed towards independent media outlets continued to increase.

**Freedom of Expression:** Multiple civil society groups noted an increase in the application of provisions of law on the "incitement of interethnic, racial, religious,

and interregional hatred,” “public calls for violent seizure of power,” and “attempted mass riots.” Observers stated in some cases authorities broadly interpreted these provisions to sanction speech, which affected the ability of civil society activists and independent journalists to operate. Civil society organizations called the process to confirm such violations of law as arbitrary, politicized, and unprofessional.

Some journalists reported intimidation related to coverage of sensitive topics, such as interethnic relations, “religious extremism,” the border conflict with Tajikistan, Russia’s invasion of Ukraine, or the rise of nationalism.

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.

In March the GKNB closed independent broadcaster NextTV after the outlet posted an article to its Telegram social media channel, which cited a Kazakh source falsely claiming that the Kyrgyz Republic and Tajikistan may provide military assistance via the Russia-led Collective Security Treaty Organization (CSTO) in the wake of Russia’s invasion of Ukraine. The GKNB charged NextTV’s director Taalaibek Duishenbiev with “inciting ethnic hatred” and placed him in pretrial detention. On July 26, the Supreme Court upheld a lower court decision declaring the NextTV post “extremist material.” On September 21, a Bishkek district court found Duishenbiev guilty of “inciting ethnic hatred” and sentenced him to five years in prison; the judge immediately commuted his sentence to three years’ probation and banned him from leaving the capital.

**Violence and Harassment:** Journalists reported harassment by police and 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 connected and wealthy individuals, harassed them for reporting on those individuals’ alleged corruption

and other kinds of wrongdoing. Journalists also reported that they noticed an increase in attempts to hack into their private online accounts.

On January 22, authorities arrested investigative journalist and Anti-Corruption Champion Bolot Temirov on drug charges days after his outlet reported on an alleged corruption scheme involving the family of GKNB Chairman Kamchybek Tashiev. Temirov claimed that drugs were planted on him during his arrest. Following Temirov's arrest, media reported that authorities had harassed journalists from his outlet for months using a variety of pressure tactics, including sexual blackmail. On April 20, the Bishkek Department of Internal Affairs charged Temirov with document forgery and illegal border crossing, citing his alleged possession of a valid Russian passport and saying he had concealed his Russian citizenship to obtain a Kyrgyz passport. On September 21, a Bishkek district court acquitted Temirov on charges of drug possession and document forgery but found him guilty on two counts of using falsified data when obtaining a passport and illegally obtaining an identity card. The judge ruled that Temirov would not face jail time because the statute of limitations for the counts had expired. On October 28, the Prosecutor General's Office appealed Temirov's acquittal. On November 23, during Temirov's final hearing, the Bishkek City Court ruled that Temirov be deported, although they upheld the Bishkek District Court's previous acquittal. Following the judge's ruling, Temirov was forcibly handcuffed and removed from the court by Ministry of Internal Affairs officers. He was deported to Moscow that evening.

On October 13, approximately 30 protesters gathered outside the RFE/RL-affiliate Azattyk office demanding the closure of independent media outlets Azattyk, Kloop, and Kaktus Media. The protesters accused the outlets of spreading "Western propaganda," demanded the passage of a "foreign agent" law and threatened to burn Azattyk's offices.

**Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:** Journalists sometimes practiced self-censorship

to avoid reprisals for their reporting. 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.

**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. The government and oligarchs used these laws to restrict public discussion or retaliate against journalists and political opponents.

### **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 460 websites that are blocked by the government.

On June 15, the Ministry of Culture, Information, Sports, and Youth Policy reported that it had received its first complaint under the law “On Protection from Inaccurate (False) Information” and blocked the website of *ResPublica* newspaper, reportedly in response to a complaint from a government official who had been accused of corruption by the newspaper. The owner of the website reported to the media that the site was summarily blocked without her knowledge or a court order.

On October 26, the Ministry of Culture blocked the Radio Free Europe / Radio Liberty (RFE/RL) Kyrgyz affiliate Azattyk’s website for a two-month period under

the law “On Protection from Inaccurate (False) Information.” The Ministry said that a September 16 Current Time video report on the September Kyrgyz-Tajik border violence, published on Azattyk’s website, had contained false information. On October 31, Kyrgyz DemirBank blocked Azattyk’s bank account. In an official letter to Azattyk, DemirBank said the outlet’s account was frozen in accordance with Article 14 of a Kyrgyz law to counter money laundering and financing of terrorist activities, which obliges financial institutions to suspend transactions of entities suspected of “participation in the legalization (laundering) of criminal proceeds.”

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

## **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 some instances. 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, including arrests, to end assemblies.

Following the February 24 Russian invasion of Ukraine, on March 11 a Bishkek district court banned protests outside of the Russian Embassy, Presidential Administration, and Ala-Too square from March 11 to April 11, reportedly at the



request of the Russian Embassy. On April 2, police arrested participants in a rally against “Putinism,” who planned to march from downtown Gorky Square to the Russian Embassy. On April 3, a Bishkek Court dismissed charges of “disobedience of law enforcement officials” against march participants.

Additionally on April 2, all four Bishkek administrative district courts prohibited all public meetings and rallies on the Russia-Ukraine conflict from April 1 to July 1. That decision was subsequently extended until December 1.

### **Freedom of Association**

The law provides for freedom of association, although the government increased harassment of NGOs, which are required to have at least three members and all other organizations at least 10 members. The law prohibits foreign-funded political parties and NGOs, including their representative offices and branches, from pursuing political goals. A 2021 law requires all NGOs to submit annual reports on financial and programmatic activities, the requirements of which several civil society organizations described as onerous and restrictive. To date civil society contacts have not reported any instances of the law being applied in a restrictive manner.

As in previous years, NGOs reported harassment from government security agencies, including unannounced visits to NGO offices, publication of personnel details, and threats.

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 and the Right to Leave the Country**

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 this year.

### **e. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing some protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern. In December 2021 UNHCR reported there were 319 refugees in the country, including 213 from Afghanistan. The country hosts more than 1,000 persons of concern to UNHCR, including 320 refugees and 683 asylum-seekers from Afghanistan, Syria, Ukraine, and other countries. As of the

end of 2021, the country hosted 178 refugees recognized by the national authorities and 142 refugees recognized by UNHCR according to its mandate.

**Access to Asylum:** The law provides for the granting of asylum or refugee status, and the government has a system for providing protection to refugees. The law on refugees includes nondiscrimination provisions covering persons to whom UNHCR did not grant refugee status 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. These individuals 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. In December 2021, the government made two Global Compact on Refugee pledges: to issue machine-readable travel documents for refugees and stateless persons recognized by the country in line with ICAO standards and to ensure refugees and asylum-seekers have access to healthcare and social protection on par with citizens of the country. Historically the government has provided education access to refugee children but could not provide them with school materials. The UN Refugee Agency provided school kits and one-off cash assistance to facilitate refugee

children's education.

### **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. Authorities and party officials responsible for administering elections engaged in some procedural irregularities during recent elections, as reported by international observers.

#### **Elections and Political Participation**

**Recent Elections:** In January 2021, voters elected Sadyr Japarov as President, with approximately 79 percent of the total vote. He had served as interim president since October 2020, following political upheaval that resulted in the annulment of parliamentary elections and the forced resignation of his predecessor. The Organization for Security and Cooperation in Europe (OSCE) reported that the voting process during the presidential elections was well organized and free, although it noted that the campaign was dominated by one candidate with disproportionate financial means and administrative resources. It also reported that an overall lack of critical media reporting, partially due to a restrictive legal media environment, limited the voter's ability to make an informed choice.

Elections were held in November 2021 for the 90-seat unicameral parliament. Progovernment parties won a majority of seats. According to the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the elections were competitive and generally well run, although it noted significant procedural problems during the vote count and the initial stages of tabulation, and technical problems with biometric identification equipment and electronic ballot scanners. OSCE/ODIHR reported that election day was peaceful with low voter turnout, and that there was less gender and ethnic diversity in the new parliament. Changes to the electoral law and the shift to a hybrid ballot with both party lists and single

mandate district candidates contributed to some confusion among voters and a high rate of spoiled ballots.

**Political Parties and Political Participation:** Parliament has 90 seats. Of these, 36 seats represent single mandate geographic districts, and the remaining 54 are divided proportionally among political parties from the national vote.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority groups 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. 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. The 30 percent women's quota for MPs does not include single mandate seats.

## **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 this year. According to Transparency International, the government appears to selectively investigate and prosecute corruption cases. Observers allege that law enforcement authorities routinely accept bribes from accused persons to avoid investigation or prosecution. 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 and the Prosecutor General's Office are empowered to investigate corruption under the new Criminal Procedure Code, adopted in November 2021.

On June 2, law enforcement authorities arrested Minister of Health Alymkadyr Beishenaliev on seven different charges including corruption, extortion of a bribe, and abuse of official position. The Prosecutor General's Office accused Beishenaliev of misallocation and improper procurement of COVID-19 vaccines, resulting in \$18 million in damages to the state. The charges were dismissed on August 16. He was subsequently removed from his ministerial post and appointed Director of a children's center.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Numerous domestic and international human rights organizations generally operated without government restriction, investigating and publishing their findings on human rights cases. 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, International Committee of the Red Cross, Norwegian Helsinki Committee, and International Organization for Migration (IOM). The government provided international bodies largely

unfettered access to civil society activists, detention facilities and detainees, and government officials.

**Government Human Rights Bodies:** The Ombudsman's Institute 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 continued to note 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 Institute.

Although the Ombudsman's Institute 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. On March 2, parliament appointed Atyr Abdrakhmatova, former member of the Central Election Commission (CEC), as the country's first female Ombudsman.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The rape of both women and men, including spousal rape, is illegal. 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 the first five months of the year, police recorded 3,988 cases of domestic violence, a 32 percent decrease

compared to the same period last year. During this period, police registered 187 criminal cases of domestic violence, of which 99 were sent to courts. Domestic violence experts explained that societal and cultural norms around gender roles and women's rights remain the primary drivers of domestic violence.

Among the domestic violence cases brought to court, prosecutors classified a significant number as administrative offenses or misdemeanors, which carry a lighter sentence.

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. NGOs noted some women are reluctant to report cases of violence to police because they do not trust the police or the judicial system to handle the cases appropriately. 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. There are 17 crisis centers in the country, of which eight receive limited government funding. Experts note that the centers are under resourced and understaffed.

**Other Forms of Gender-based Violence:** Although prohibited by law, the practice of kidnapping women and girls for forced marriage continued. In 2021 the United Nations estimated that approximately one in five marriages in the country begins after a woman has been kidnapped. 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. 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. In 2021, law enforcement registered 254 cases of bride kidnapping, but only 14 cases were sent to court. Of those, pretrial proceedings have only commenced in three cases. 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.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. The law allows the use of contraception, and individuals are free to choose the method.

Societal attitudes, however, discouraged the use of contraception, especially outside of marriage, and local NGOs and the UN Population Fund reported that women were often unable to access reproductive healthcare due to conservative societal attitudes, family pressure, or their inability to pay for services. NGOs reported that women from low income or rural backgrounds often struggle to access and afford contraceptives.

The government provided access to some sexual and reproductive health services for survivors of sexual violence, including emergency contraception. Reproductive health advocates said that although clinical guidelines mandate the provision of sexual and reproductive health services to sexual violence survivors, many clinics, especially in rural areas, lack the resources to provide a full range of services. The government provided contraceptives for certain groups of women, including those with disabilities and HIV-positive women.

**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. NGOs reported that women migrants are particularly vulnerable to exploitation and discrimination. Disability advocates reported that women with disabilities have limited access to medical and social services, and that only a third of disabled women are employed. NGOs reported that women in rural areas, especially more conservative areas in the south of the country, faced limited opportunities to work outside of the home or own property.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution provides for the right to equality and nondiscrimination on many grounds including race, language, and ethnicity. International human rights groups, including the UN Committee on the Elimination of Racial Discrimination, note that although there are antidiscrimination provisions in the Criminal and Labor Code, there are no specific provisions in other key areas such as education and healthcare. National minorities, who make up 26 percent of the population, remain underrepresented in both elected and government positions, especially in law enforcement bodies.

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 of the population. Discrimination against ethnic Uzbeks in business and government, as well as harassment and arbitrary arrests, were reported. 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. Human rights NGO Bir Duino reported that ethnic Uzbeks were overwhelmingly targeted by laws governing extremist materials shared or liked on

social media.

## **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 citizenship. There is no difference in birth registration procedures between boys and girls.

**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:** On August 11, President Sadyr Japarov signed the “Law on Toughening Penalties for Violence Against Children,” which increased fines and prison terms from 15 years up to life imprisonment for crimes against the sexual integrity and spiritual and moral health of children.

The Children’s 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 occurred in many cases. According to UNICEF data, approximately 80 percent of street children are those of internal migrants who have limited access to water, gas, electricity, sanitation facilities, communications, health services, education, and social

benefits. According to Ombudsman Atyr Abdrakhmatova, 95 of the 104 cases of violence against children opened in 2021 were withdrawn.

On July 4, media reported the rape of a girl, age 13, which had occurred over a six-month period from August 2021 to February. Allegedly, two of the girl's three attackers were police officers. On July 8, around 220 residents in the cities of Bishkek and Osh held rallies protesting violence against children. In Bishkek, approximately 200 protestors demanded the resignation of Interior Minister Ulan Niyazbekov. Lawyers handling the case noted that the trial process was protracted and that the prosecutors had downgraded the charges for the three men accused, charging them with "involvement of a minor in sexual acts," which is punishable with 10 to 15 years in prison, instead of "rape of a minor," which is punishable with up to 20 years.

**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 2021 the UN estimated that 13 percent of girls under 18 are married. The 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, defined as younger than age 18, child trafficking, child commercial sexual exploitation and child pornography, as well as other sexual crimes against children. 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 commercial sexual exploitation. Although precise figures were not known, police stated that typical cases 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 cases where 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 survivors payment to drop cases. There were also reports that 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's Institute stated the country's sole children's detention center did not respect the right of juvenile detainees to

education and medical services. Human Rights Watch reported that institutionalized children with disabilities face segregation, the overuse of psychotropic medications and forced psychiatric hospitalizations, neglect, and lack of access to quality education. In many institutions a single care worker was responsible for 15 to 25 children at a time.

## **Antisemitism**

The Jewish population in the country was approximately 460. In February members of the Jewish community reported that the Bishkek City Council intended to evict the country's only private Jewish school from their premises, citing the need to use the building for other purposes. Following this notification, Jewish community members noted online harassment and antisemitic comments on social media directed toward the Jewish community and the school, including comments such as "Jews must be thrown out," and "Jews should be castrated." Community members noted that the antisemitic comments appeared on social media posts of several Bishkek City Council members. In August, following an intervention by the Presidential Administration, the Bishkek City Council rescinded the eviction notice.

## **Trafficking in Persons**

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

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** The country does not criminalize consensual same-sex sexual conduct between adults or speech that supports LGBTQI+ issues, but the right to equal marriage has been banned in the constitution since 2016.

**Violence against LGBTQI+ Persons:** LGBTQI+ persons faced high levels of homophobia, transphobia, social stigma, and violence, according to Kyrgyz Indigo, an LGBTQI+ NGO, and too often, violence occurred in home environments. Recent data from Kyrgyz Indigo showed 70 percent of the violence experienced by LGBTQI+ persons occurred at home. Additionally, inmates and officials often openly victimized incarcerated gay men. Forced marriages of lesbians and bisexual women to men also occurred. LGBTQI+ NGOs also reported that the gap in data on LGBTQI+ persons who experience violence was due to fear of secondary discrimination or reprisal. The Labrys Public Foundation noted the continued practice of “corrective rape” of lesbians, a form of “conversion therapy”, to “cure” their LGBTQI+ status. LGBTQI+ NGOs reported harassment and continuing surveillance of their workers and offices by security services. LGBTQI+ activists continued to report that LGBTQI+ community members were subject to police harassment and threats, including threats of violence or arrest if they did not pay bribes. These practices, according to representatives of the LGBTQI+ community, continued this year. NGO leaders in the southern part of the country reported an even greater threat. Members of the LGBTQI+ community reported that authorities regularly monitored chatrooms and dating sites to punish and extort those who were seeking homosexual sex through online venues.

A LGBTQI+ NGO reported that a man was blackmailed by law enforcement officers after they discovered that he was homosexual. The victim was forced to pay law enforcement officers approximately 20,000 soms (\$240). After a month, law enforcement officers approached him again and forced him to “lure” other gay men for the officers to arrest. The victim reported that he was forced to do this for six months.

**Discrimination:** The law prohibits discrimination by state on nonstate actors based on gender; however, there are no laws that prohibit discrimination based on sexual orientation, gender identity, or gender expression. LGBTQI+ 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.

**Availability of Legal Gender Recognition:** Ministry of Health guidelines approved in 2017 established a legal framework for transgender, transsexual, and gender nonconforming persons to access legal gender identity documents and receive gender-affirming healthcare. The guidelines comply with the global standard allowing individuals to self-identify their gender.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** LGBTQI+ advocates reported that some LGBTQI+ individuals have been subjected to “conversion therapy,” usually conducted by religious figures who attempt to exorcise supernatural spirits from the individual by beatings or strangulation.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** While there are no laws that directly prohibit LGBTQI+ existence or expression, Article 10 of the constitution indirectly censors LGBTQI+ activities and events as they may be considered contrary to the “moral values and the public consciousness of the people of Kyrgyzstan.”

## **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. 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 Ministry of Education and UNICEF data, approximately 36 percent of children with disabilities are registered as receiving some form of education.

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. Human Rights Watch reported approximately 3,000 children with disabilities are segregated in residential institutions or segregated schools where they face neglect and discrimination.

The Prosecutor General's Office is responsible for protecting the rights of persons with mental disabilities. According to local NGO lawyers, members of the Prosecutor General's Office had no training and little knowledge of the protection of these rights and 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).

## **Other Societal Violence or Discrimination**

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 health care organizations, the HIV prevalence exceeded 6 percent among men who have sex with men (MSM), largely due to stigma and lack of access to tailored testing and treatment services. According to LGBTQI+ organizations, HIV-positive persons and those key populations at increased risk for HIV (men who have sex with men, persons who inject drugs, and commercial sex workers) felt fear or experienced verbal abuse, harassment, and threats, with some reporting incidents of physical abuse and assault. This could lead to reduced access or uptake of critical prevention and treatment services. Civil society reported that social stigma of positive HIV and AIDS status led to loss of employment and a lack of access to housing for individuals with such a status or LGBTQI+ individuals. A 2021 survey conducted by the Republican AIDS Center among MSM reported that only 41 percent of HIV-infected individuals in Bishkek knew their status, against an international target of 95 percent. In the same survey, nearly 20 percent of MSM reported being blackmailed and 13 percent reported negative attitudes from close friends and family due to their sexual orientation.

## **Section 7. Worker Rights**

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

The law provides for the right of workers to form and join trade unions, except domestics and migrants. The government effectively enforced these rights. The law provides for the right of unions to organize and bargain collectively and conduct their activities without interference. Workers may strike, but the requirement to receive formal approval made striking difficult and complicated. In April, workers began a lengthy strike for better pay at a Chinese gold mining firm in the Jalal-Abad province of southern Kyrgyzstan. The law on government

service prohibits government employees and medical professionals from striking, but the prohibition does not apply to teachers. The law does not prohibit retaliation against striking workers. Penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Penalties were sometimes applied against violators.

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. Most unions were affiliated with the FTU, although the government did not require such affiliation. Labor rights advocates reported the existence of several smaller unaffiliated unions. In a report published by the ILO in August they noted, the country has been experiencing rapid trade union membership loss since the collapse of the Soviet Union. Union density was more than three million members at one point. As of 2021 the trade union density was at less than 730,000 affiliated with the Federation of Trade Unions of Kyrgyzstan (FTUK). The ILO further reported, there are also small sectoral trade unions in each country that are not affiliated with any trade union federation, but the above federations account for most trade union members in each country. Even before the COVID-19 crisis, economic challenges have been seriously impacting trade union density and their ability to act. These include pressures related to low levels of economic growth, high levels of poverty, intensified outward labor migration, high levels of informal employment and low wages. The report highlighted trade union competition and confrontation among sectoral trade unions affiliated to one trade union confederation or among different trade union confederations. The conflict between sectoral trade unions in the country almost led to a split in the federation and weakened the joint ability of trade unions to fight against government reforms of trade union legislation.

Workers exercised their right to form and join unions, and unions exercised the right to organize and bargain collectively. Union leaders generally cooperated with the government. There were limited reports of government interference with

union activities, including detention of an FTU deputy chairperson ahead of the union's January 2022 congress. Police released the trade unionist following an investigation and dropped all charges. International observers judged that unions represented the interests of their members poorly. In April media reported that workers at a Chinese gold mining firm in the southern part of the country were striking for better pay.

According to labor activists, workers in mines (primarily gold and coal) owned and operated by Chinese firms were not provided the same rights of freedom of association or collective bargaining. Strikes by workers at these mines, often demanding higher wages or safer working conditions, were organized ad hoc and without official representation or mechanisms for negotiating with mine owners. Local authorities were less inclined to interfere with the operations at these mines, including enforcement of worker's rights. Another area of concern are the more than 1.5 million Kyrgyz migrants who work abroad, overwhelmingly in Russia, where, according to labor activists, migrant workers often face violations of their labor rights, including the absence of employment contracts, unpaid wages, and poor OSH conditions. Also, it is often challenging for migrant workers to understand Russian labor and migration laws. To combat this, the Kyrgyz Trade Union of Labor Migrants was founded in 2019 and held its first congress in October of that year. Reports indicate, however, that fewer than 7,000 of the more than one million Kyrgyz migrants working in Russia have joined the Union.

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

The law prohibits and criminalizes all forms of forced or compulsory labor. The law specifically prohibits the use of force, fraud, or coercion for the purpose of labor exploitation and prescribes penalties that were commensurate with those for other analogous serious crimes, such as kidnapping. 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. While the government continues to investigate and open cases regarding forced

labor, they opened far fewer cases than the previous year and secured no convictions for forced labor. Forced labor occurred in agriculture, textiles, domestic servitude, and childcare among men, women, and children, and among migrants predominantly from Uzbekistan, Tajikistan, and Turkmenistan. PRC nationals employed at mining and construction projects under the auspices of the BRI within the country experience conditions indicative of forced labor. Some children are vulnerable to forced labor in agriculture and animal husbandry.

Also see 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**

See 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/>.

### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment and occupation based on sex, race, ethnicity, language, national origin, property, official position (referring approximately to leadership positions in a private or government institution), age, place of residence, religion, political convictions, membership in public organizations, or other circumstances irrelevant to professional capacities. Penalties for violations were not commensurate to other laws on civil rights, such as election interference and were not applied this year.

On average employers paid women substantially lower wages than they paid to men. Women made up most pensioners, a group particularly vulnerable to deteriorating economic conditions. By law, women are prohibited from working in more than 400 “dangerous professions,” including in the energy, mining, water, factories, trucking, and agriculture sectors, as well as in 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. According to data from UN Women, approximately 25 percent of women experience sexual harassment at the workplace, with the majority occurring at government institutions (also see section 6). Nationally, women's economic participation was 46 percent, compared to 76 percent for men, according to the United Nations Working Group on discrimination against women and girls in April.

Members of the LGBTQI+ community reported discrimination in the workplace when they publicly disclosed their sexual orientation. LGBTQI+ persons faced a high risk of becoming the victims of deception and labor and sexual exploitation. The most vulnerable LGBTQI+ group in terms of employment discrimination was transgender women, who were frequently forced out of employment opportunities. Persons with HIV and AIDS-positive status faced discrimination regarding hiring and security of employment. During the height of the COVID-19 pandemic, members of the LGBTQI+ community lacked paid employment, social insurance, and the resources to work at home.

Employers discriminated against persons with disabilities in hiring and limited their access to employment opportunities in the workplace. 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. In June the UN reported nearly 28 percent of the country's population was composed of ethnic minorities – Uzbek, Russian, Dungan, Kazakh and other smaller groups – but fewer than 5 percent of civil servants came from minority groups.

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law provides for a national minimum wage for all sectors of the economy, which is less than the official government's 2021 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 minimum wage and overtime. In June the UN Special Rapporteur on extreme poverty and human rights noted, the country is at a crossroads. The Covid-19 pandemic, followed now by the impacts of the invasion of Ukraine, have shed light on the fragility of an economic model highly dependent on the extractive and tourism industries and on remittances from migrant workers. About 350,000 youth enter the employment market each year, far more than the economy can absorb, and they face unemployment rates that are significantly higher than for the rest of the active population. There was limited employer liability for late payment of wages, allowances, or other social benefits. Penalties were not commensurate with those for similar crimes, such as fraud. 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.

**Occupational Safety and Health:** Occupational safety and health standards were appropriate for the main industries in the country, but the government generally did not enforce them. In Kyrgyzstan, the mining industry, construction, transport, and energy sectors are considered the most hazardous. The law does not clarify that occupational safety and health experts, rather than workers, are responsible for identifying unsafe situations. Factory operators often employed workers in poor safety and health conditions. Penalties for violations of the law, which range from community service to fines, were commensurate with those for crimes like negligence. Penalties were rarely applied against violators. The law does provide workers the right to remove themselves from a hazardous workplace without

jeopardizing their employment.

**Wage, Hour, and OSH Enforcement:** The Ministry of Labor, Social Security and Migration is responsible for protecting workers and carrying out inspections for all types of labor problems. Enforcement on matters of wages were more often enforced; employers often chose to negotiate directly with employees rather than face potential fines. Occupational Safety enforcement remains weak, and penalties are rarely applied against violators. The government resumed labor inspections in 2022 following a three-year moratorium on all state inspections. Although the Ministry conducted 186 inspections during the first half of the year, the International Labor Organization (ILO) notes the ministry lacks funding and personnel to carry out robust inspections.

**Informal Sector:** The law does not provide for occupational health and safety standards for workers in the informal economy. 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 2021 an estimated 30 percent of the population worked in the formal economy, while the rest worked in the informal economy. The Department of External Migration under the Ministry of Foreign Affairs placed strict licensing requirements on companies recruiting citizens to work abroad. 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. Many migrant workers in the informal sector, especially in Russia, face significant vulnerability to labor rights violations.