

KYRGYZ REPUBLIC 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Kyrgyz Republic has a parliamentary form of government intended to limit presidential power and enhance the role of parliament and the prime minister. Voters elected the parliament in 2010 and the president a year later. In the 2011 presidential election, Almazbek Atambayev, then serving as prime minister, received 63 percent of the vote. Independent observers considered the election generally transparent and competitive, despite some irregularities. Atambayev's election marked the first peaceful transfer of power in the country's 20-year history. The current three-party majority coalition in parliament dates from August 2012. Authorities failed at times to maintain effective control over the security forces, particularly in the South, where there were instances in which elements of the security forces committed human rights abuses.

The most important human rights problems included abuses related to continued ethnic tensions in the South; denial of due process and lack of accountability in judicial and law enforcement proceedings, as well as law enforcement officials' use of arbitrary arrest; and various forms of domestic violence, mistreatment, torture, and extortion against all demographic groups, particularly against ethnic Uzbeks.

The following additional human rights problems existed: poor prison conditions; lack of judicial impartiality; harassment of nongovernmental organizations (NGOs), activists, and journalists; pressure on independent media; restrictions on religious freedom; authorities' failure to protect refugees adequately; pervasive corruption; discrimination and violence against women, persons with disabilities, ethnic and religious minorities, and persons based on their sexual orientation or gender identity; child abuse; trafficking in persons; and child labor.

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

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

a. Arbitrary or Unlawful Deprivation of Life

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

At year's end, the four Bazar Korgon officers (Jalalabad Oblast) charged with abuse of power, torture, extortion, and manslaughter in the 2011 death of Osmonjon Kholmurzayev remained under house arrest while investigations continued. The victim, an ethnic Uzbek citizen of Russia, died of internal bleeding and organ failure following his detention by the Bazar Korgon police. The trial has been administratively delayed since March 2012 for "further investigation." Kholmurzaev's widow left for Russia and was not participating in the judicial process.

b. Disappearance

During the year human rights organizations reported disappearances and instances of abductions by law enforcement agencies. Many of the cases seemed related to the continuing ethnic tensions in the South. Local and international observers continued to report numerous instances in which law enforcement officers held detainees incommunicado for long periods. According to multiple NGOs monitoring the situation, authorities in the South continued to arrest and detain ethnic Uzbeks for crimes committed during the 2010 interethnic violence, such as "participating in mass disturbances," "inciting ethnic hatred," and murder. The NGOs alleged that in many cases police did not immediately record arrests or communicate them to family members. Some NGOs also reported that the arrested individuals often had no connection with the 2010 violence and police detained them simply on suspicion of knowing, or being related to, another suspect.

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

The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment. Despite widespread acknowledgement of torture by government officials and NGOs, very few cases of alleged torture made it to trial during the year, and no accused torturers received a criminal conviction. As in 2012, numerous defense attorneys and multiple human rights monitoring organizations, including Golos Svobody, Citizens against Corruption (CAC), and Human Rights

Watch (HRW), continued to report numerous incidents of torture by police and other law enforcement agencies throughout the year. In 2012 Golos Svobody estimated that Ministry of Internal Affairs personnel were involved in 88 percent of all torture cases.

In July 2012 the president signed a law authorizing the establishment of a National Center to Prevent Torture and other Inhumane and Offensive Treatment and Punishment that parliament passed the previous month. The law established an independent and impartial national body empowered to monitor and prevent torture at detention facilities throughout the country. The body has the authority to make unannounced inspections of detention facilities. On August 2, the coordination council for the center selected former regional ombudsman representative Bakyt Ryspekov as director.

In spite of the widespread reports of abuse in detention, most detainees did not file torture claims while in pretrial detention because of fear of retribution from detention facility personnel, and allegations of torture frequently went uninvestigated. Where there were official allegations of misconduct, investigators took two weeks or longer to review torture claims, at which point physical evidence of torture on the bodies of the detained was generally no longer visible. Consequently, defense attorneys presented most allegations of torture only during trial proceedings, which made it more difficult to prove, and the courts typically rejected them. In some cases, detainees who were allegedly tortured filed claims that they later recanted in the face of intimidation by law enforcement personnel. Based on credible NGO reports, most victims were ethnic Uzbeks in the southern portion of the country.

On July 7, HRW reported that six ethnic Uzbeks, on trial for crimes related to the 2010 violence, reported to the court that they had been tortured while in police custody. HRW noted that the judges dismissed their claims and prosecutors refused to investigate.

Between January and September, Golos Svobody recorded 58 instances of torture in detention centers. Although it submitted complaints for each of the cases, the Prosecutor General's Office did not open any criminal investigations. The Antitorture Coalition registered 92 cases of torture in the first six months of the year.

Prison and Detention Center Conditions

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

Physical Conditions: According to the government, the prison population was 10,060. This total was substantially less than the total prison capacity of 14,000 listed by the government. The problem of overcrowding diminished from previous years, and Organization for Security and Cooperation in Europe (OSCE) officials reported that sanitary conditions improved in some prisons due to international donor assistance.

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

The incidence of disease for the first half of the year increased 39 percent (3,482 to 4,826 prisoners) compared with the same period in 2012. The mortality rate decreased by 20 percent for the first half of the year (from 40 to 32 prisoners). There were 14 cases of death from tuberculosis in prisons, a 30 percent reduction from the same period in 2012.

Administration: The Office of the Ombudsman for Human Rights is empowered to request alternatives to incarceration for nonviolent offenders, improvements to pretrial detention, oversee recordkeeping, and supervise the proper release of prisoners at the end of their sentence. The ombudsman frequently made such requests. Unlike previous years, the ombudsman's office indicated that it no longer maintained statistics on the number of appeals the office received. There was no separate ombudsman for the prison system.

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

Independent Monitoring: The government permitted international and domestic nongovernmental observers, including from the Office of Democratic Institutions

and Human Rights of the OSCE as well as the NGOs Penal Reform International and Golos Svobody, to visit inmates in prisons as well as detainees in temporary detention centers. The International Committee of the Red Cross (ICRC) also conducted visits. Monitoring groups generally received unfettered access. In June 2012, government agencies, international organizations, and domestic NGOs concluded a memorandum of understanding (MoU) on human rights and fundamental freedoms, which allowed the signatories to make unannounced visits to places of detention. Some signatories, including NGO representative, still encountered restrictions, despite the MoU.

On July 22, the Ministry of Foreign Affairs indicated that it had restricted access to imprisoned Uzbek human rights defender Azimjon Askarov because of the increased frequency of visits to Askarov by international diplomats and organizations.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

General and local crimes fall under the authority of the Ministry of Internal Affairs, while national-level crimes fall under the authority of the State Committee for National Security (GKNB). The GKNB also controls the presidential security service. The Prosecutor General's Office prosecutes both local and state crimes.

In the years since the 2010 violence, international observers noted that law enforcement officials have engaged in widespread arbitrary arrests, detainee abuse, and extortion, particularly in the South. Authorities dismissed or prosecuted few Ministry of Internal Affairs officials for corruption, abuse of authority, extortion, or police brutality. During the year the ministry's internal investigations unit conducted 309 internal investigations. The ministry reported that the Prosecutors' Office, an external government body, investigated 196 cases involving law

enforcement employees who were suspected of committing official and economic crimes that resulted in filing 63 criminal cases. The GKNB does not have an internal investigation unit, but does have an anticorruption unit that investigates crimes involving corruption committed by law enforcement officials.

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, detention without a warrant remained common, particularly for ethnic Uzbek defendants accused of crimes in connection with the interethnic violence in 2010. Once detained, authorities can hold a detainee legally for 48 to 72 hours before filing charges; authorities generally respected these limits. The law requires investigators to notify a detainee's family of detention within 12 hours, but officials inconsistently enforced this provision. Following official charges, the courts have discretion to hold a suspect in pretrial detention up to one year, after which they are legally required to release the suspect. There is a functioning bail system.

All persons arrested or charged with a crime have the right to defense counsel at public expense. By law, the accused has the right to consult with defense counsel immediately upon arrest or detention, but in many cases the first meeting did not occur until the trial. Human rights groups noted that authorities usually denied attorneys to arrested minors, often holding them without parental notification and questioning them without parents or attorneys present, despite laws forbidding these practices. There were reported incidents of authorities intimidating minors into signing confessions.

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

Arbitrary Arrest: As in previous years, NGOs and monitoring organizations, including Golos Svobody, CAC, HRW, the UN Office of the High Commissioner for Human Rights, and the OSCE continued to record complaints of arbitrary arrest during the year. Although various estimates placed the number of such arrests in the thousands, there was no official count. Most observers asserted that it was impossible to know the number of cases because the majority went unreported.

According to NGOs in the South, fewer ethnic Uzbeks reported arbitrary arrests, but they did not believe the practice was becoming less common. Rather, several sources reported that persons who were detained sought to avoid physical abuse or the court system by quickly paying off the arresting officers. The sources said that reporting arbitrary arrests had not produced results for those arrested, so most simply sought to resolve the situation as quickly as possible.

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

During the year the Prosecutor General's Office conducted 1,798 unannounced inspections of temporary detention facilities. The office did not publish the results of the inspections.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but judges were subject to influence or corruption, and there were instances where the outcomes of trials appeared predetermined. Multiple sources, including NGOs, attorneys, government officials, and private citizens, asserted that judges paid bribes to attain their positions. Authorities generally respected court orders.

In July the government completed the selection and appointment of the members of the Constitutional Court. The court handles appeals from lower courts involving constitutional issues. There was a three-year backlog of cases on the court's docket, including cases involving religious freedom and appeals regarding the 2010 violence. On July 6, President Atambayev urged the new members of the court to "regain public trust" in the legal system.

During the year trials of ethnic Uzbeks arrested for instigating or carrying out violence against ethnic Kyrgyz during the 2010 unrest continued not to comply with legal requirements or international standards of fairness. Numerous NGOs described pervasive violations of the right to a fair trial, including coerced confessions, use of torture, denial of access to counsel, threats and acts of violence against defendants and defense attorneys within and outside the courtroom,

intimidation of trial judges by victims' relatives and friends, and convictions in the absence of sufficiently conclusive evidence or despite exculpatory evidence. Although the number of cases has decreased since 2010, NGOs reported that these practices persisted during the year. CAC noted that defendants from ethnic minorities convicted for crimes in 2010 in politicized trials received the overwhelming majority of life sentences, including Azimjon Askarov and four other ethnic Uzbeks.

Trial Procedures

While the law provides for defendants' rights, including the presumption of innocence, the government regularly violated these rights. The customs and practices of the judicial system continued to contradict the principle of presumption of innocence, and pretrial investigations focused almost exclusively on the collection of sufficient evidence to prove guilt. If a court ruled that it cannot determine guilt or innocence and there is insufficient evidence to bring the case to trial, the case was returned to the investigative bodies for further investigation and suspects may remain under detention. The law requires courts to inform defendants promptly and in detail of the charges against them. In a majority of trials, procedure required that defendants sit in caged cells within the courtroom.

Trials were generally open to the public, unless they involved state secrets or the privacy of defendants, and verdicts were announced publicly, even in closed proceedings. Some observers at politically charged trials were not allowed in the courtroom. State prosecutors bring criminal cases before courts, while judges direct criminal proceedings. Criminal cases featured a single judge while three-judge panels conducted appellate cases. Judges have full authority to render verdicts and determine sentences. A law adopted in 2010 calls for jury trials in criminal cases in certain jurisdictions to begin in 2012, but the government delayed its implementation until 2015 due to funding difficulties and inadequate courtroom size.

The law provides for unlimited visits between an attorney and a client during trial. Official permission for such visits is required and was not always granted. The government provided indigent defendants with attorneys at public expense, and defendants could refuse attorney support and defend themselves. HRW and other NGOs reported that some state-provided criminal defense lawyers were complicit with prosecutors and did not properly defend their clients. In some cases, NGO observers accused defense attorneys of being incompetent. The law permits defendants and their counsel to access prosecution evidence, although this was not

always granted in advance of a trial, and to attend all proceedings, question witnesses, and present evidence. Courts frequently did not follow these requirements. Typically, witnesses were required to testify in person. Under certain circumstances, courts allowed testimony via audio or video recording. Defendants and prosecutors have the right to appeal a court's decision.

As in previous years since the 2010 violence, trials of ethnic Uzbeks arrested for instigating or carrying out violence against ethnic Kyrgyz during the 2010 unrest violated legal requirements and international standards of fairness. Numerous NGOs described pervasive violations of the right to a fair trial, including coerced confessions, use of torture, denial of access to counsel, threats and acts of violence against defendants and defense attorneys within and outside of the courtroom, intimidation of trial judges by victims' relatives and friends, and convictions in the absence of condemning evidence or despite exculpatory evidence. Although the number of cases has been decreasing since 2010, NGOs reported that these practices persisted. In regard to these cases on July 7 HRW stated that "justice... remains elusive and the authorities' commitment to accountability is in doubt."

Azimjon Askarov (see Political Prisoners), an ethnic Uzbek human rights activist convicted along with seven codefendants for the 2010 murder of a Bazar Korgon police officer, remained imprisoned at year's end. Despite new evidence--including notarized, videotaped testimony of witnesses who corroborated Askarov's assertion that he had not been at the scene of the murder--the government did not re-open the case. In 2011 Askarov's defense team submitted a formal complaint to the UN Human Rights Committee, referencing repeated judicial inadequacies in his initial trial and in the handling of subsequent appeals. Askarov's complaint to the committee also alleged that authorities denied "medical treatment for the effects of the repeated torture and other potentially life-threatening medical conditions." On September 11, following earlier court denials on August 1 and 27, Askarov's lawyer appealed to the Supreme Court charging that local investigators failed to act on legitimate claims of torture. On October 16, the Supreme Court upheld the lower court's decision in favor of the local investigators not to investigate charges of torture during Askarov's detention.

Crowds of spectators including victims' family members regularly disrupted trials of ethnic Uzbeks charged with crimes related to the 2010 violence as well as trials related to the deaths of anti-Bakiyev protesters in 2010. Crowds often threatened the security and safety of defendants, attorneys, and judges. Authorities typically did nothing to stop these widespread incidents. NGOs reported that spectators

attacked their employees during trials, as assailants voiced disapproval of the activities of human rights trial monitors.

On April 2, court spectators attacked Shamshidin Niyazaliyev, an ethnic Uzbek charged with participation in the 2010 violence, and his lawyers in the Supreme Court chambers after justices overturned his acquittal.

HRW reported separate courts sentenced ethnic Uzbek defendants to life imprisonment in October 2012 for crimes related to the 2010 violence in trials that independent observers deemed significantly flawed. An Osh Oblast court sentenced Mahamad Bizurukov, an ethnic Uzbek citizen of Russia, to life in prison for the 2010 murder of Almaz Askarov, an ethnic Kyrgyz. The decision overruled a September 2012 lower court judgment that had found him guilty of “unlawful deprivation of freedom” but not murder and resulted in a seven-year prison sentence. During both trials the victim’s relatives physically attacked the defendant, his attorneys, witnesses, and judges. In February the Supreme Court returned his case to the regional court for retrial due to accusations that Bizurukov’s family attempted to bribe the victim’s family. HRW reporting indicated that in actuality, it was the victim’s family that demanded compensation. Due to the repeated delays in the proceedings, the Supreme Court ruled to return the case to the regional court for retrial. During the May 15 retrial, HRW reported that victim’s relatives interrupted the trial when they pelted the defendant with rocks, shoes, and bottles while guards watched. Bizurukov did not attend his subsequent hearing on July 5 out of fear for his own safety, and his lawyer submitted a motion to transfer the case to another court. On November 14, the Supreme Court ruled in favor of the motion and the case was scheduled to be moved to the Chui Regional Court in Bishkek. Courtroom spectators also physically and verbally abused HRW staff in attendance.

Political Prisoners and Detainees

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

On March 29, a Bishkek court convicted opposition members of parliament Kamchybek Tashiyev, Sadyr Japarov, and Talant Mamytov of attempting to seize power through violence and issuing public calls for violence. The charges stemmed from a rally and subsequent attempt by the Ata-Jurt Party leaders and

their followers to enter the premises of the presidential palace/parliament in October 2012. The court sentenced the men to six months imprisonment with time served. On June 17, an appellate court overturned the conviction. On August 6, the Supreme Court symbolically reinstated the punishment and ruled that the members of parliament had to relinquish their seats due to the criminal conviction.

Azimjon Askarov, an ethnic Uzbek human rights activist convicted with seven codefendants for killing a police officer during the interethnic violence in 2010, remained in prison after appellate courts refused to reopen the case for further investigation (see section 1.e., Trial Procedures).

At year's end, the trial of 28 individuals accused of complicity in the shooting deaths of protesters in 2010 continued in Bishkek. After more than three years of procedural delays, the trial continued to languish in the criminal court system. Defendants included Oksana Malevanaya, former head of the Presidential Secretariat; Murat Sutlaltinov, former chairman of the GKNB; and several special GKNB operations officers. During the year human rights activists continued to claim that the charges against the defendants were arbitrary and that the government denied the legal right of the defendants to see all the evidence against them during the trial.

Civil Judicial Procedures and Remedies

The constitution and law provide for an independent and impartial judiciary in civil matters. As with criminal matters, citizens believed the civil judicial system was subject to influence from the outside, including by the government. Local courts address civil, criminal, economic, administrative, and other cases. The Supreme Court is the highest judicial authority.

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

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

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

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

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

There were no reports of violent clashes during the year.

Killings: Investigations and trials related to the deaths as part of the violence in the South in June 2010 continued during the year.

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

Physical Abuse, Punishment, and Torture: According to a 2010 HRW report, law enforcement officials used prolonged and extensive beatings by fists, clubs, or rifle butts as the primary form of abuse. Victims also reported that officials employed suffocation with hoods or gas masks and burned detainees with cigarette butts. Although government officials in oblasts where such abuses were alleged denied the claims, HRW reported finding 65 credible cases of torture.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

There were several reports of threats or assaults against the media. In certain cases, even when authorities knew some perpetrators' identities, the government did not prosecute them. Some threats against journalists were anonymous, but

others came from politicians and government officials. As in the previous year, some journalists reported threats for covering sensitive topics, such as interethnic relations, the events of June 2010, or the rise of nationalism in the country. The trend was particularly salient against Uzbek-language media outlets. Others felt threatened for reporting critically on public figures. Many journalists, even those not assaulted or threatened, admitted to self-censoring their reporting due to fear of reprisals.

Freedom of Speech: On April 21, the parliament approved a law criminalizing the mistreatment of the country's flag or national symbols. The law sets the punishment at a fine of no more than 10,000 soms (\$200) or one year in prison or both.

Press Freedoms: All independent Uzbek-language media in the South stopped operating after the 2010 violence, but there was a resurgence of Uzbek-language media since then, including a bi-lingual radio station and an Uzbek-language newspaper. Uzbek-language journalists continued to suffer from harassment and intimidation. In 2011 some media outlets stopped operating because of local government pressure and remained closed at year's end.

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

Foreign media generally operated freely. While the law prohibits foreign ownership of domestic media, there was a small degree of foreign ownership of media through local partners. Russian-language television stations dominated coverage and local ratings. A number of Russia-based media outlets operated freely in the country, and the government treated them as domestic media. Authorities issued some new broadcast licenses prior to 2013, but the cumbersome awards process required one license for content and one for broadcast spectrum. The process also lacked transparency.

Violence and Harassment: There were reports of protesters assaulting journalists and activists covering political demonstrations and trials. The most notable event occurred outside of the trial for the Ata-Jurt members of parliament accused of attempting to seize power. On July 16, two female assailants attacked an observer from Golos Svobody who was waiting outside of the courtroom. Police arrested

the women. Bishkek courts sentenced one of them to three days in jail, and the other paid a 300 som (\$6) fine.

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

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

In its annual report on freedom of the press, Freedom House characterized the press in the country as “not free,” the same classification the country had received in the six previous annual reports. Among the reasons for its conclusion, Freedom House noted attacks and intimidation of journalists, limited access to minority language media in the South, and the continued imprisonment of Azimjon Askarov.

Libel Laws/National Security: Under the new constitution, libel is no longer a criminal offense. This opened journalists and media outlets to significant libel suits in civil courts that could bankrupt the outlets or journalists. In its report, Freedom House noted that “insult” and “insult of public officials” continue to be criminal offenses. Media NGOs reported that there were no libel cases filed during the year.

Internet Freedom

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

According to the International Telecommunications Union, the internet penetration rate in 2012 stood at 21.7 percent. An independent survey in 2011 found that 16 percent of respondents reported using the internet.

In February 2012, in response to a 2011 parliamentary resolution, the government ordered state-owned internet provider Kyrgyz Telecom to block access to the independent news website fergananeews.com (formerly fergana.ru). The parliament justified its decision by stating that the site, which most observers considered independent and balanced, incited ethnic hatred. Activists asserted the move was unconstitutional. An attempt by the website's owners to overturn the resolution in November 2012 failed. All local internet service providers, including Kyrgyz Telecom, opened access to the site following an April 5 letter from the State Communications Agency lifting its block on access to the site.

The NGO Civic Initiative on Internet Policy reported that, as of year's end, 12 websites remained blocked to users in the country. The government did not publish a list of those sites.

Academic Freedom and Cultural Events

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

As in 2012, the trend of government officials attempting to censor cultural events continued. Government officials unsuccessfully attempted to block a production of "The Vagina Monologues" in Bishkek in April. The Ministry of Culture sent a letter to local media outlets stating that the production promoted "unnatural and perverted sex." In addition, the 2012 ban on the film *I am Gay and Muslim* remained in effect. Following a protest in Bishkek against the showing of a documentary about Azimjon Asakarov on September 18, authorities in Osh and Cholpon-Ata indefinitely postponed a human rights-themed film festival scheduled to be held in those cities.

b. Freedom of Peaceful Assembly and Association

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

Freedom of Assembly

The law provides for the right of peaceful assembly. Organizers and participants are responsible for notifying authorities about planned assemblies, but the constitution prohibits authorities from banning or restricting peaceful assemblies,

even in the absence of prior notification. Local authorities have the right to demand an end to a public action and, in the case of noncompliance, are empowered to take measures to end assemblies. There were numerous peaceful public demonstrations throughout the country during the year. Statistics indicated that an average of 1.5 protests per day took place in the capital, Bishkek, and three per day took place across the country, the vast majority of which were conducted peacefully and without interference.

In some isolated instances, police failed to prevent violent actions by protesters. On October 7, a group protesting mining rights in Karakol forcefully detained the region's governor, despite the presence of a group of local police at the scene. The official police report stated that "no incidents [were] reported."

Freedom of Association

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

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

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

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The law on internal migration provides for freedom of movement. The government generally respected this right, and citizens generally were able to move within the country with relative ease. Certain policies continued to restrict internal migration, resettlement, and travel abroad. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other organizations to provide some protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

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

Internally Displaced Persons (IDPs)

According to the UNHCR, the 2010 violence in Osh and Jalalabad oblasts displaced approximately 300,000 persons internally as well as 75,000 persons who temporarily fled to Uzbekistan and later returned. At the beginning of the year, the UNHCR estimated that 172,000 IDPs remained in the country. According to the Internal Displacement Monitoring Center (IDCM), IDPs continued to face problems concerning physical and food security, arbitrary arrest, the replacement of documentation, and limited access to employment, health care, education materials, and sanitation. According to the UNHCR, there were no IDPs registered during the year.

Protection of Refugees

The UNHCR reported that there were 490 refugees in the country at year's end. In previous years, the UNHCR estimate of the number of refugees included 4,504 persons of Kyrgyz ethnicity in refugee-like status from Uzbekistan. The UNHCR reportedly changed its definition of refugee for 2013 to remove the designation of refugee from those persons. Of the 490 refugees, 137 were UNHCR convention refugees and 300 were UNHCR mandate refugees. The majority of the non-Uzbek refugees (131 persons total) originated from Afghanistan, four from Iran, and two from DPRK.

There were 326 asylum-seekers registered, of which the Ministry of Labor, Migration, and Youth registered 210 and the UNHCR registered 116. There were 174 asylum seekers from Afghanistan, 87 from Uzbekistan, 46 from the Syrian Arab Republic, nine from Iran, four from China, three from Morocco, two from Pakistan, and one from Iraq.

Access to Asylum: The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In March 2012 the parliament amended the law on refugees to add nondiscrimination provisions covering persons who were not refugees when they left their country of origin. The amendments sought to bring the definition of asylum seeker into compliance with international law. The amendment extended the validity of documents until a final decision on status is determined by a court.

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

In October 2012 authorities detained Uzbek imam Khabibullo Sulaimanov following an Uzbek government request to extradite him on charges of religious extremism offences. Officials also charged him with the possession of a forged passport. Sulaimanov officially requested asylum in the country following his detention. The Ministry of Youth, Labor, and Employment failed to register his claim for asylum until after a Bishkek court provided a stay of extradition on March 11. In April a court in Osh sentenced Sulaimanov to pay a fine of approximately \$625 following his conviction of possession of the forged passport. On June 11, a Bishkek court ruled the extradition order unlawful.

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

On February 26, HRW reported that the government had forcefully returned more than 12 asylum seekers to Uzbekistan since 2005.

Employment: Refugees who lack official status in the country do not have legal permission to work. They were therefore subject to exploitation by employers

paying substandard wages, not providing benefits, and not complying with labor regulations. They could not file grievances with authorities.

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

Stateless Persons

UNHCR officials stated that the country's stateless persons fell into several categories. They included Uzbek women who married Kyrgyz citizens but never received Kyrgyz citizenship (many such women allowed their Uzbek passports to expire, and regulations obstructed their efforts to gain Kyrgyz citizenship) and numbered between 2,000 and 4,000 individuals. Other categories included half of the 3,700-person migrant population who did not have official documents; 18,850 persons who had expired Soviet documents; uncounted numbers of children born to one or both parents who were stateless; and children of migrant workers who had renounced their Kyrgyz citizenship in the hope of becoming Russian citizens. The government denied stateless persons access to social benefits and official work documents, and they lacked sufficient legal standing to challenge exploitative conditions in court. By the end of June, 20,479 individuals were estimated to be living in the country without documents. The State Registration Service maintained its database of stateless people only on the basis of those who contacted them.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right through periodic elections based on universal suffrage. Observers considered the 2011 presidential election to have been transparent and competitive, despite some irregularities.

Elections and Political Participation

Recent Elections: Local and international observers judged the country's most recent presidential election in 2011 to have been open and transparent but not without problems and accusations of fraud. Although not widespread, observers reported instances of fraud, including ballot stuffing and manipulation of polling

stations and precinct results as well as problems with voter lists, but in general concluded that they did not change the outcome of the election. Local elections in cities and oblasts occurred throughout 2012 and 2013 without serious incident.

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

Women held the positions of finance minister, healthcare minister, prosecutor general, president of the National Bank as well as one of the vice prime ministerial posts under the parliamentary coalition formed in September 2012. A woman held the position of vice speaker of parliament, and altogether 25 women representing five political parties occupied seats in the 120-member parliament. As of 2011, women occupied 19 percent of the 675 senior government positions.

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

Section 4. Corruption and Lack of Transparency in Government

Corruption remained endemic at all levels of society. The law provides criminal penalties for corruption by officials. The government did not enforce the law effectively, and many officials engaged in corrupt practices with impunity. In 2011, President Atambayev created the Anticorruption Agency under the GKNB. As of September, the Anticorruption Agency had received 2,282 complaints, of which 145 involved corruption and 1,279 involved law enforcement misconduct during the first nine months of the year. Law enforcement and GKNB investigation units filed 50 criminal cases as a result of the complaints. At year's end, none of the cases had advanced to trial.

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

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

During the year authorities continued to prosecute former public officials and opposition members for corruption. On July 29, a judge sentenced former Bishkek mayor Nariman Tuleyev, a member of the opposition party Ata-Jurt, to 11 years in prison following his conviction on corruption charges.

On July 31, a district court in Bishkek sentenced Kanybek Bakir, a former investigator at the Batken Region's Prosecutor's Office and the son of member of parliament Tursunbai Bakir Uulu, to 12 years in prison on charges of extortion of bribes in return for not filing cases against police officers who were under investigation for abusive investigation methods. Bakir was found guilty of extortion and receiving a bribe of approximately 170,000 soms (\$3,400).

In May 2012 the Organized Crime and Anticorruption Department detained a Jayil district court judge for accepting a \$400 bribe in exchange for ending a criminal prosecution. On July 27, the Judges Council suspended investigation of this case.

Whistleblower Protection: Whistleblowers are not protected by law.

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

Public Access to Information: The Law on Access to Information Held by State Bodies and Local Self-Government Bodies regulates freedom to government information.

On June 13, Bishkek City Court found Prosecutor General Aida Salyanova guilty of violating the law on access to information and for punishing subordinates that complied with the law.

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

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

There were isolated reports that the government harassed international NGOs. In November 2012 GKNB officials in Osh Oblast detained an International Crisis Group analyst and a local staff member in Uzgen, who were in the South for meetings on human rights and ethnic reconciliation issues. The security services detained and questioned the analyst and his driver for several hours and seized computers, documents, and other materials. Five days later, the security services released a statement accusing the analyst of inciting ethnic hatred and destabilizing the country. Fearing for his safety, he departed the country that week. In March the government returned the seized computers without the hard drives.

UN and Other International Bodies: The government permitted visits by representatives of the UN and other organizations in connection with the investigation of abuses or monitoring of human rights problems in the country, including the OSCE, the ICRC, Norwegian Helsinki Committee, and International Organization for Migration (IOM). The entry ban issued against Kyrgyzstan Inquiry Commission (KIC) chairman Kimmo Kiljunen remained in effect throughout the year. The ban related to Kiljunen's 2011 report investigating the 2010 violence and criticizing the government's efforts at reconciliation and peace building. Kiljunen's report also highlighted institutional shortcomings, lack of capacity and, in some instances, lack of political will to take necessary measures. International bodies received largely unfettered access to civil society activists, detention facilities and detainees, and government stakeholders, aside from the July government restriction on visits to Azimjon Askarov.

Government Human Rights Bodies: The Office of the Ombudsman acted as an independent advocate for human rights on behalf of private citizens and NGOs and had authority to recommend cases to court for review. During the year, however, the office did not raise any complaints to parliament. The atmosphere of impunity surrounding the security forces, and their observed ability to act independently against citizens, potentially limited the number and type of complaints submitted to the Ombudsman's Office. During the year the Ombudsman's Office did not make

available statistics regarding the number of complaints it received. On June 27, the parliament dismissed Tursunbek Akun as ombudsman following charges that he was improperly involved in the early release of organized crime figure Aziz Batukayev from prison. On October 3, parliament selected Bakytbek Amanbayev as the new ombudsman.

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

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

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal; however, as in previous years, the government failed to enforce the law effectively. Activists continued to note a growing number of rape cases, although this may have been due to increased reporting of attacks. NGOs claimed that rape cases continued to be dramatically underreported, and the prosecutor rarely brought rape cases to court. No statistics on the number of cases or convictions during the year were available. NGOs estimated that approximately 90 percent of all rapes were committed by the victim's partner or former partner. Police generally regarded spousal rape as an administrative offense, which carries a fine of 1,000 soms (\$20).

While the law specifically prohibits domestic violence and spousal abuse, violence against women remained a problem. In 2012 the UN Women's Development Fund estimated that between 40 and 50 women and girls were hospitalized in the Bishkek city hospital every month because of domestic violence. According to the Ministry of Internal Affairs, police responded to almost 10,000 cases of family conflict annually, and nearly 15 percent of crimes committed during family conflicts resulted in death or serious injury. Many crimes against women went unreported due to psychological pressure, cultural traditions, and apathy among law enforcement officials. Furthermore, there were reports of spouses retaliating against women who reported abuse. Penalties for domestic violence ranged from fines to 15 years' imprisonment, the latter if abuse resulted in death. Penalties for sexual assault range from three to eight years' imprisonment.

Several local NGOs provided services for victims of domestic violence, including legal, medical, and psychological assistance, a crisis hotline, shelters, and prevention programs. Organizations assisting battered women also lobbied to streamline the legal process for obtaining protection orders. The government provided offices for the Sezim Shelter for victims of domestic abuse and paid its bills. According to the shelter, its hotline received 915 telephone calls during the first six months of the year. Women made 90 percent of the calls, 27 of which involved domestic violence. The shelter provided services to 145 individuals, including 68 children. It reported that 72 women and 66 children were victims of domestic violence.

Harmful Traditional Practices: Although prohibited by law, the newly “traditional” practice of kidnapping women and girls for forced marriage continued. Recent independent studies estimated that 50 to 75 percent of all marriages in the country involved bride kidnapping. On June 14, Freedom House reported that there were 5,000 nonconsensual bride kidnappings every year in the country and that 2,000 of them involved rape. Cultural traditions discouraged victims from going to the authorities.

Some victims of bride kidnapping reportedly went to the local police and obtained protective orders, but the orders were often poorly enforced. In December 2012, the government strengthened the penalty for bride kidnapping to a maximum of 10 years in prison. Despite the tougher law, NGOs reported that there has been no increase in the reporting or prosecution of the crime.

Sexual Harassment: According to the local NGO Shans, sexual harassment was widespread, especially in private sector workplaces and among university students but was rarely reported or prosecuted. The law prohibits physical sexual assault but not verbal sexual harassment.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. National health regulations require that family planning counseling and services be readily available through a range of health professionals, including not only obstetricians and gynecologists but also family doctors, paramedics, and nurse-midwives. At the level of primary health care, regulations require that women who request contraceptives receive them regardless of ability to pay. UN Population Fund figures for 2010 indicated that 30.3 percent of women between the ages of 15 and 49 used various forms of contraception.

National health protocols required that women be offered postpartum care and counseling on methods and services related to family planning. The government offered special programs to meet the needs of vulnerable target groups, such as adolescents, internally displaced persons, new urban migrants, persons in prostitution, and the very poor. However, in many remote villages, reproductive health services were nonexistent. Where services did exist, the rugged terrain, inadequate roads, or lack of transport made it nearly impossible for people to reach them.

Discrimination: The law provides for equal rights for men and women. Women have the same rights as men, including under family law, property law, and in the judicial system, but because of poor enforcement of the law, discrimination against women persisted. The National Council on the Issues of Family, Women, and Gender Development, which reported to the president, is responsible for women's issues.

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

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

Children

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

Education: The law provides for compulsory and free education for the first nine years of schooling or until age 14. Secondary education is free and universal until age 17. Financial constraints prevented the government from providing free basic education for all students, and the system of residence registration restricted access to social services, including education for children who were refugees, migrants, or noncitizens. Families who kept children in public schools often had to pay burdensome and illegal administrative fees. The government continued to fund programs to provide school supplies and textbooks to low-income children. Legally, all textbooks should be free of charge, but the government was unable to provide them to all students. Despite a constitutional right to education in minority languages, the government continued to convert Uzbek-language schools slowly into Kyrgyz-language schools. There was no Uzbek-language university.

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

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

Displaced Children: As in previous years, there were numerous reports of child abandonment due to parents' lack of resources, and large numbers of children lived in institutions, foster care, or on the streets. Approximately 80 percent of street children were internal migrants. Street children had difficulty accessing educational and medical services. Police detained street children and sent them home if an address was known or to a rehabilitation center or orphanage. The Rehabilitation Center for Street Children in Bishkek, maintained by the Ministry of Internal Affairs, continued to lack sufficient food, clothes, and medicine and remained in poor condition.

Institutionalized Children: State orphanages and foster homes lacked resources and often were unable to provide proper care, sometimes resulting, for example, in the transfer of older children to mental health care facilities even when they did not exhibit mental health problems. According to a 2012 UNICEF estimate, approximately 11,000 children lived in state institutions. UNICEF also pointed to a lack of foster homes in the country, which only has nine.

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

Anti-Semitism

Approximately 1,500 Jews lived in the country.

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

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, but such persons faced discrimination in employment, education, air travel and other transportation, access to health care, and the provision of other state services. The law mandates access to buildings for persons with disabilities, requires access to public transportation and parking, and authorizes subsidies to make mass media available to persons with hearing or visual disabilities and free plots of land for the construction of a home. The government generally did not ensure proper implementation of the law. In addition, persons with disabilities often had difficulty finding employment because of negative societal attitudes and high unemployment among the general population.

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

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

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

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

The country does not have centralized statistics on persons with disabilities, but authorities estimated their number at between 20,000 and 30,000 in a population of 5.5 million persons.

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

National/Racial/Ethnic Minorities

The interethnic situation between ethnic Uzbeks, who comprised nearly half of the population in Osh Oblast, and ethnic Kyrgyz in the South remained tense and problematic, characterized by arbitrary arrests, detention, torture, and extortion of ethnic Uzbeks by members of the security services. Ethnic-Uzbek citizens in Osh and Jalalabad reported discrimination in finding jobs, particularly with the government. There were multiple reports of seizure of ethnic-Uzbek businesses and property.

There were reports of interethnic tension in the southern regions. Following a police stop in Uzgen on July 17, police detained the ethnic-Uzbek occupants of a vehicle for alleged assault. Later that evening, local police had to prevent conflict between crowds of ethnic Uzbeks and Kyrgyz that had gathered at the police station. Authorities in Bishkek dispatched additional security forces to the area to maintain order. Authorities placed Uzgen residents Kamiljan Abdullajanov and Bakhromjan Faizullaev in a temporary detention facility and filed a criminal case against them for use of force against the authorities and hooliganism. At year's end, the investigation was ongoing.

On June 10, commemorations of the third anniversary of the 2010 events occurred throughout the country without incident. In public ceremonies, Prime Minister Jantoro Satybaldiyev reiterated the government's position that it was doing everything it could to prevent further ethnic conflict.

In October 2012 the human rights NGO Kylym Shamy reported that seven of the 20 Uzbek-language middle schools in Nookat, Osh Oblast, had switched to instruction in the Kyrgyz language. The NGO noted that the school district did not fire the Uzbek teachers but did not train them to teach in the Kyrgyz language. The school district cited a lack of adequate textbooks and learning materials as the reason for changing the language of instruction. As a result of the change, observers estimated that more than 3,200 ethnic Uzbek children would not receive instruction in their native language during the 2012-2013 school year.

In April President Atambayev signed into law an official ethnic plan with the overall goal of eliminating ethnic divisions. The plan seeks to create a new national identity through shared language and elimination of official ethnic identification on government documents. The plan has three basic policy goals: creation of an early warning system for interethnic conflict; expansion of Kyrgyz as the official state language and an overhaul of early childhood education in order to incorporate Kyrgyz language instruction; and the creation of a new civic identity

through the promotion of interethnic harmony and increased patriotism. At year's end, the government had not provided details on funding or implementation of the plan. Some members of civil society were highly critical of the plan, asserting that it was a language plan and not an ethnic plan. Members of minorities alleged discrimination in hiring, promotion, and housing, but there were no official reports of discrimination, according to local authorities.

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

The government decriminalized consensual same-sex sexual conduct in 1998, although human rights organizations reported that police in Osh continued to arrest individuals for the "crime" of homosexuality.

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

According to local NGOs, LGBT individuals faced severe oppression and the government failed to protect their rights. LGBT persons whose sexual orientation was publicly known risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities. Inmates and officials often openly victimized incarcerated gay men. Doctors sometimes refused to treat LGBT individuals. Forced marriages of lesbians and bisexual women to men also occurred. The Labrys Public Foundation noted the practice of rape of lesbians or their partners by their family members to punish or "cure" their homosexuality. The practice was underreported, and its extent was therefore difficult to estimate. Labrys asserted that the police did not seriously investigate crimes against LGBT individuals.

Other Societal Violence or Discrimination

Observers reported that persons with HIV/AIDS in the country faced societal discrimination.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

Many unions reportedly still operated as quasi-official institutions that took state interests into consideration rather than representing workers' interests exclusively. The Federation of Trade Unions (FTU) remained the only umbrella trade union in the country. Unions were not required to belong to the FTU and there were several smaller unaffiliated unions.

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

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

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The Law on Prevention and Combating Trafficking in Persons, amended in 2011, includes the use of force, fraud, or coercion for the purpose of sex or labor exploitation and prescribes penalties of five to 20 years' imprisonment. The government did not fully implement legal prohibitions, and victim identification remained a concern.

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

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits economic exploitation of children and work that poses a danger to their health or development. The minimum legal age for basic employment is 16 years of age, except for work considered to be “light,” such as selling newspapers. In addition, children as young as 14 may work with the permission of a parent or guardian. The law prohibits employment of persons under 18 at night, underground, or in difficult or dangerous conditions, including in the metal, oil, and gas industries; mining and prospecting; the food industry; entertainment; and machine building. Children who are 14 or 15 may work up to five hours a day; children who are 16 to 18 may work up to seven hours a day. These laws also apply to children with disabilities.

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

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

The Prosecutor General’s Office and the State Labor Inspectorate are responsible for enforcing employers’ compliance with the labor code. Inspectors conducted infrequent and ineffective child labor inspections. The Ministry of Internal Affairs reported that during the first six months of the year there were no cases of illegal child labor registered. Since many children worked for their families or were self-employed, it was difficult for the government to determine whether work complied with the labor code. During the year the Prosecutor General’s Office conducted 397 checks and issued disciplinary reprimands to 243 individuals, administrative reprimands to three individuals, and warnings in 109 cases. Although employers found to be violating the labor code could be given financial or criminal penalties, punishment was usually minimal.

The government piloted a child labor monitoring system and collaborated with trade unions to establish child labor-free zones. It also supported several social programs to prevent the engagement of children in exploitative child labor.

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

d. Acceptable Conditions of Work

During the year the official national minimum monthly wage was 600 soms (\$12.10). Employers generally paid somewhat higher wages. The law on minimum wage states that it should rise gradually to meet the cost of living. The government does not set an official poverty level, but it estimated the monthly minimum cost of living for a family of four to be 17,690 soms (\$358), which was above the country's reported average monthly wage. During the year the National Statistics Committee reported that the average monthly salary was 10,751 soms (\$218).

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

The National Statistics Committee recorded 153 workplace injuries in 2012, 23 of which resulted in death. The mining industry experienced the highest occurrence of injury. There were 1.9 injuries per 1,000 workers in the processing industry; 1.0 in manufacturing and distribution of electricity, gas, and water; 0.6 in transportation and 0.5 in communications. Total benefit payments to compensate for work-related injuries were more than 18 million soms (\$360,000).

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

Safety and health conditions in factories were poor. The law establishes occupational health and safety standards, but the government generally did not enforce them. The State Labor Inspectorate is responsible for protecting workers and carrying out inspections for all types of labor problems, but its activities were

limited, and business compliance was uneven. Workers in the informal economy had neither legal protection nor mandated safety standards.

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

Government licensing rules place strict requirements on companies recruiting citizens to work abroad, and the Ministry of Labor, Employment, and Migration must license such companies before they can recruit. The government regularly published a list of licensed and vetted firms. Recruiters were required to monitor employer compliance with employment terms and the working conditions of labor migrants while a work contract was in effect. Recruiters were also required to provide workers with their employment contract prior to their departure. The government took steps to streamline labor migration by adopting a program on the regulation of migration processes and collaborating with the governments of Russia, the Republic of Korea, and Kazakhstan to improve the protection of the rights of Kyrgyz labor migrants working abroad. The Ministry of Labor, Employment, and Migration had representatives in several Russian cities to assist Kyrgyz labor migrants, who frequently encountered discrimination, poor working conditions, or violence.