SUBMISSION FOR THE UNIVERSAL PERIODIC REVIEW ON THE SITUATION WITH TORTURE AND IN-HUMAN TREATMENT IN KYRGYZSTAN

Prepared by World Organisation against Torture (OMCT) and International Partnership for Human Rights (IPHR)

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1. The Kyrgyz authorities have taken certain measures to combat torture and ill-treatment in fulfillment of the state's obligations under ratified international treaties and in response to recommendations from international human rights mechanisms. However, these efforts have largely been focused on the development and adoption of documents outlining target frameworks for combating torture and ill-treatment, as well as plans for achieving these goals, rather than on implementing specific legislative or practical measures.

2. There are positive measures taken in the recent years that worth highlighting. Among them:

   - On November 28, 2022, by Order No. 655-r, the Cabinet of Ministers of the Kyrgyz Republic approved the Human Rights Action Plan for 2022-2024, which outlined a range of tasks and activities aimed at ensuring and protecting freedom from torture and ill-treatment[1]. On July 4, 2024, the Human Rights Coordination Council under the Cabinet of Ministers of the Kyrgyz Republic approved the Action Plan for implementing the recommendations of the UN Committee against Torture for 2024-2025. Some work is currently underway to implement these plans; however, comprehensive information about the scope of activities carried out and their results is not available in public sources.

   - By Resolution No. 562 of the Cabinet of Ministers of the Kyrgyz Republic, dated September 13, 2024, Rules for the Medical Documentation of Violence, Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment were adopted, fully based on the principles of the Istanbul Protocol. This document aims to address the issue of insufficient involvement of departmental medical services in the practical application of the standards of the Istanbul Protocol and establish a unified and standardized procedure for medical documentation of violence, torture, and ill-treatment in all healthcare institutions, regardless of departmental affiliation or ownership form.

   - The Kyrgyz Republic regularly interacts with UN human rights mechanisms related to the fight against torture and other forms of ill-treatment. For example, Kyrgyzstan submitted its third periodic report on the implementation of the Convention against Torture and the ICCPR to the Committee against Torture and the Human Rights Committee, which were reviewed in December 2021 and November 2022, respectively.

[1] https://cbd.minjust.gov.kg/219365/edition/1272237/ru

In 2023, Kyrgyzstan submitted a follow-up report on the implementation of the Concluding Observations of the UN Committee against Torture.

- In December 2020, the Kyrgyz Republic issued a standing invitation to thematic special procedures, expressing its readiness to accept any requests for visits from special procedures to the country.

3. However, these efforts lack practical measures to be implemented and have not led to significant changes in the prevention and fight against torture and impunity. For the same reason, most recommendations from international human rights bodies, as well as recommendations from the previous UPR cycle, remain unfulfilled or only partially implemented.

4. The use of torture remains widespread that is confirmed by official statistics from law enforcement agencies in Kyrgyzstan, as well as research findings from local and international human rights organizations. For instance, in a study aimed at identifying the Torture Practice Index, out of 444 participants held in temporary detention facilities (IVS) of the Internal Affairs Departments (OVD) and pre-trial detention centers (SIZO) of the State Penitentiary Service (SINS) under the Ministry of Justice of the Kyrgyz Republic, every fifth person (20.6%) reported having been subjected to torture, physical violence, or psychological pressure.

5. The incomplete definition of the crime of "Torture" in the Criminal Code of the Kyrgyz Republic allows a wide range of potential torturers those "acting in an official capacity" to avoid responsibility.

6. Due to delays in investigations and court proceedings in the rare cases involving torture, no official has been convicted for the use of torture in the last ten years. In practice, there have been instances of pardoning individuals serving sentences for torture. In the rare cases where courts rule for moral compensation for victims of torture and ill-treatment, the amounts awarded do not meet the criteria of reasonableness and fairness.

7. In addition, in the last years civil society organisations face additional stigmatization and restrictions in relation to their work due to the recently adopted a controversial law on non-governmental organizations (NGOs) that resembles foreign agent legislation. While the law is ostensibly aimed at ensuring transparency and accountability for groups funded from abroad, its true intent appears to be to suppress oversight, discussions, and criticism of those in power. For more details see also the submission by IPHR "Key issues regarding civic space and the protection of fundamental freedoms".

8. The present submission provides detailed information on the general situation with torture in the Kyrgyz Republic, as well as the situation regarding investigation of torture, compensation for victims, conditions of detention, national preventive mechanism, implementation of decisions of UN human rights bodies and the situation with civil society in the country.

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List Of Abbreviations

IVS - Temporary Detention Facility
KR - Kyrgyz Republic
CSHR - Coordinating Council on Human Rights under the Cabinet of Ministers of the Kyrgyz Republic
ICCPR - International Covenant on Civil and Political Rights
NCPT - National Center for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
IA - Internal Affairs
CSO - Civil Society Organization
UN - United Nations
SIZO - Pre-trial Detention Facility
PES - Penitentiary Execution Service under the Ministry of Justice of the Kyrgyz Republic
CC - Criminal Code
CPC - Criminal Procedure Code
UPR - Universal Periodic Review

1. Prevalence of Torture and Inhuman Treatment

9. The trend of decreasing officially registered complaints and reports of torture by law enforcement, which had been observed for several years since 2016, was interrupted in 2022. Although the number of complaints in 2023 did not exceed that of the previous year, dozens of registered cases demonstrate that torture remains a widespread issue, as confirmed by official statistics for the first six months of 2024.

Registered Torture Claims Over the Years

- **2020:** 93 registered claims of torture by law enforcement
- **2021:** 73 registered claims of torture by law enforcement
- **2022:** 178 registered claims of torture by law enforcement
- **2023:** 126 registered claims of torture by law enforcement
- **First 6 months of 2024:** 66 registered claims of torture by law enforcement

10. In most cases, torture is inflicted by law enforcement officials with the intent of obtaining confessions, thereby aiming to "investigate" crimes.

11. The crime clearance rate remains an important measure of the effectiveness of both individual officers and the units in which they serve. Most convictions in criminal cases are based primarily on confessions obtained during investigations. Furthermore, courts tend to encourage this practice, overly relying on confessions when assessing evidence.

12. Of the 59 torture complaints received in 2023 directly by the National Center for Prevention of Torture (NCPT), 71% were complaints against officials of the internal affairs bodies, while 29% were against national security officials[2].

13. The most common methods of torture continue to be the infliction of physical pain through beating with hands and feet (58%) and asphyxiation using plastic bags or gas masks (13%). Other methods of torture include the use of electric shocks, pouring cold water, sexual assault with a police baton or the threat of such, as well as various forms of psychological abuse[3].

Recommendations:

- Ensure strict adherence to the regulation of exclusion of any evidence in all cases when the accused claims that it was obtained through torture.
- Intensify efforts to reform the police, including improving the criteria for evaluating the performance of law enforcement agencies, in order to eliminate any criteria that encourage officers to focus on clearance rates, and to develop a policy of zero tolerance for torture and ill-treatment by police officers.

2. Lack of Effective Investigation and Impunity

14. The absence of comprehensive, effective, timely, and impartial investigation mechanisms remains a primary obstacle that torture victims face in accessing justice.

[2] Ежегодный доклад НЦПП за 2023 год, с.39.
[3] Ежегодный доклад НЦПП за 2023 год, с.39.

15. On December 1, 2021, a new Criminal Procedure Code (CPC) of the Kyrgyz Republic came into force, which reinstated old ineffective practices. Specifically, it reintroduced the stage of initiating a criminal case following a preliminary investigation of the complaint regarding the commission of a crime—one of the most unfortunate remnants of the Soviet criminal process.

16. The essence of this reinstated practice is that a thorough investigation of a torture complaint no longer automatically begins upon its official registration. Now, a torture victim can only expect a comprehensive investigation if the investigator identifies sufficient grounds during the preliminary inquiry and issues a decision to initiate a criminal case.

17. The problem is that establishing these grounds forces the investigator to operate under limited conditions. During the preliminary inquiry, the investigator can only carry out a limited range of investigative actions. Essential investigative actions such as identification, confrontation, searches, and seizures can only be conducted after a criminal case has been initiated.

18. This has led to a situation where nearly 90% of torture-related complaints are refused in the initiation of criminal cases. During pre-investigative checks, investigators often fail to take active steps to establish the facts of the crime, which is confirmed by specific examples in the annual reports of the National Center for the Prevention of Torture (NCPP).

19. Existing forms of institutional reporting have created a dependence of investigators on the ultimate outcome and the need to assess the judicial prospects as early as the stage of receiving a torture complaint. This dependence primarily hinders the investigator's decision to initiate a case and most often leads to a refusal to initiate a criminal case.

20. The lack of guarantees for state protection of torture victims from possible reprisals leads to refusals to support charges in torture cases.

21. The UN Human Rights Committee has issued dozens of opinions recognizing the official investigations conducted by Kyrgyzstan's investigative authorities as ineffective. Despite this, the quality of investigations has not improved, leading to new unfavorable findings.

Registered Torture Complaints and Refusals to Initiate Criminal Cases

Year	Registered TortureComplaints	Refusals to Initiate Criminal Cases
2020	93	51 (54.8%)
2021	73	63 (86.3%)
2022	178	149 (83.7%)
2023	126	104 (82.5%)
6 months 2024	66	60 (90.9%)

22. The UN Human Rights Committee has expressed concern over the restoration of the preliminary investigation stage.

23. In most cases, the decision to refuse to initiate a criminal case is made by the investigator despite overwhelming evidence, such as photographic documentation of torture marks, medical reports fully compliant with the principles of the Istanbul Protocol, witness

testimonies, etc[4].

24. Often, the unlawfulness of the decision to refuse to initiate a criminal case regarding allegations of torture is confirmed by higher-ranking prosecutors or an investigative judge. As a result, the unlawful decision of the investigator is overturned, and an additional examination is conducted, which often ends again with a refusal to initiate a criminal case. This cycle of examination-refusal-overturn-examination can take a considerable amount of time, resulting in the irrevocable loss of evidence in many cases.

25. The decision to initiate a criminal case under the article "Torture" is made in extremely rare cases.

26. In 2023, following preliminary checks of 126 torture allegations, 18 criminal cases were initiated; however, all these cases were opened not under the article "Torture," but under related ("near-torture") articles, such as "Abuse of Power," "Exceeding Authority," etc. This often allows torturers to avoid real punishment, as the composition of "near-torture" crimes provides for lighter penalties, and those convicted for committing them may benefit from amnesty, be released from punishment with probation, or be conditionally released from serving their sentence.

27. No criminal cases have been initiated under the article "Torture" in the first six months of 2024.

28. Despite numerous allegations of torture, no official has been convicted for torture in the last ten years[5].

29. Judicial proceedings in the rare cases where individuals are accused of torture end either with an acquittal or release from criminal liability.

30. According to data from the Supreme Court of the Kyrgyz Republic, from 2012 to 2023, only five criminal cases against 17 officials were considered—13 individuals were acquitted, and criminal prosecution against two individuals was terminated[6].

31. The definition of "torture" in the Criminal Code of the Kyrgyz Republic still does not fully comply with Article 1 of the Convention against Torture, as it limits the subject of the crime to only official persons and does not provide for criminal liability for torture committed by other persons "acting in an official capacity." The incompleteness of the subject of the crime allows a large number of potential torturers to evade responsibility.

32. Current legislation allows individuals convicted of torture to apply for clemency from the moment the verdict becomes legally binding. In practice, there have been cases of pardoning individuals serving sentences for torture.

Recommendations:

- Ensure that investigations into allegations of torture are conducted by an independent body, and that preliminary investigations into torture complaints are carried out and concluded promptly upon receiving a complaint.
- Establish appropriate procedural practices to guarantee effective investigation and judicial

[4] Ежегодный доклад НЦПП за 2022 год, с. 24. https://npm.kg/wp-content/uploads/2023/03/Ezhegodnyj-doklad-za-2022-god-na-ofitsialnom-yazyke.pdf
[5] Ежегодный доклад НЦПП за 2023 год, с. 25.
[6] Ежегодный доклад НЦПП за 2023 год, с. 24.

review of each case of torture and ill-treatment, holding accountable those responsible in accordance with the severity of the crime and restoring the violated rights of torture victims.

- Consider the possibility of abolishing the preliminary investigation stage in the cases related to torture as a concept and practice that violates fair trial standards, as it undermines the human rights guarantees that should be provided to crime victims and suspects.
- Revise institutional reporting forms and accountability that create dependency for investigators on the final outcome and necessitate assessing judicial prospects even at the stage of receiving a torture complaint.
- Regularly conduct training sessions for investigators to enhance their knowledge and skills in investigating criminal cases involving allegations of torture.
- Analyze judicial practices concerning cases of torture allegations and identify reasons for the failure to ensure the inevitability of punishment for torture.
- Align the definition of torture in the criminal law of Kyrgyzstan fully with the conventional definition, specifically by expanding the range of subjects of the crime "torture" specified in Article 137 to include the phrase "other persons acting in an official capacity."
- Amend legislation to exclude the possibility of clemency for individuals convicted of torture.

3. Documentation of Torture

33. Emphasizing the importance of unifying and standardizing medical documentation of torture and ill-treatment across all healthcare facilities, regardless of departmental affiliation and ownership, the Cabinet of Ministers of the Kyrgyz Republic approved Resolution No. 562 on September 13, 2024. This resolution established the Rules for Medical Documentation of Violence, Torture, and Other Cruel, Inhuman, or Degrading Treatment and Punishment.

34. The rules will outline the procedures for conducting medical examinations in accordance with the principles of the Istanbul Protocol, regulate a unified process for interaction among state bodies and officials when identifying, registering, and informing about suspected cases of torture and ill-treatment, and establish standards for conducting forensic medical and psychological-psychiatric examinations in cases of torture and ill-treatment.

35. The vast majority of medical personnel still lack special training in assessing and documenting cases of torture and ill-treatment. To date, medical staff in healthcare services affiliated with law enforcement agencies rarely apply the principles of the Istanbul Protocol in practice.

36. Activities aimed at enhancing the training of medical personnel and integrating the principles of the Istanbul Protocol into the practices of healthcare professionals in departmental medical services were included in the draft Action Plan originally proposed by the Ministry of Health of the Kyrgyz Republic along with the Rules for Medical Documentation for approval by the Cabinet of Ministers. However, at this stage, the draft Action Plan has remained outside the government's attention.

Recommendations:

- Intensify efforts to effectively and fully implement the Rules for Medical Documentation of Violence, Torture, and Other Cruel, Inhuman, or Degrading Treatment

and Punishment in the practices of healthcare professionals at all levels of healthcare and within the operations of medical services in law enforcement agencies and their territorial subdivisions.

- Approve and ensure the effective implementation of an Action Plan for integrating the principles of the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman, or Degrading Treatment and Punishment (Istanbul Protocol).

4. Compensation for Victims of Torture and Rehabilitation

37. A mechanism for compensation for harm caused by torture and ill-treatment has not been established; in practice, victims of torture do not receive fair and appropriate compensation and rehabilitation as a result of acts of torture and ill-treatment.

38. State compensation payments to victims of torture, based on decisions made by the UN Human Rights Committee, are rare. Moreover, the amount of compensation paid is inadequate compared to the harm caused[7].

39. Court decisions have granted claims for compensation for moral damages to victims of torture or their representatives, paid from the state budget:
    - **200,000 som** ($2,353) to Moidunov Tashkenbay and Turdukan Jumabaeva (torture and death in law enforcement);
    - **200,000 som** ($2,353) to Suyunbay Akmatov (torture and death in law enforcement);
    - **300,000 som** ($3,529) to Mamatkarim Ernazarov (torture and death in a detention facility);
    - **50,000 som** to Ulan Nazaraliev (torture in law enforcement);
    - **50,000 som** to Roza Gorbaeva (degrading treatment conditions while in custody) [8].

40. There are still no specialized state-funded services for the rehabilitation of victims of torture. The rehabilitation is provided by civil society organisations only. Since 2017, the rehabilitation center "Alter-Ego" has been operating based on a program for the rehabilitation of victims of torture, implemented by the non-governmental Public Fund "Voice of Freedom." The center's main task is to provide medical and psychological assistance to individuals who have suffered from torture and ill-treatment, as well as to their family members. Funding for the center and the program comes from grant resources.

Recommendations:

- Improve the mechanism for compensation for harm caused by torture and ill-treatment and ensure that victims of torture receive fair and appropriate compensation and rehabilitation in practice as a result of acts of torture and ill-treatment.
- Establish a state rehabilitation center that provides comprehensive and free services to victims of torture and ill-treatment, and to their family members. Alternatively, ensure funding for rehabilitation programs for civil society organizations with relevant experience.
- Ensure compensation payments to all victims of torture or their representatives for each decision made by the UN Human Rights Committee where violations of the ICCPR have been recognized.

[7] Ежегодный доклад НЦПП за 2023 год, с.52.

[8] Вопросы выплаты компенсации и возмещения ущерба жертвам пыток в Кыргызской Республике https://npm.kg/wp-content/uploads/2023/06/Polisi-8-Vozmeshhenie-vreda .pdf

5. Conditions of Detention in Places of Confinement

41. The conditions of detention in places of confinement, especially in temporary detention centers (IVS), pre-trial detention facilities (SIZO), and places of arrest, are an important subject of study within the monitoring framework of the Ombudsman's Office and the National Center for Prevention of Torture (NCPT).

42. It should be noted that certain measures are being taken by state authorities to improve detention conditions; however, despite this, it is not yet possible to speak of systemic changes and the creation of conditions in places of deprivation and restriction of liberty that meet the minimum requirements of international standards (e.g., the "Mandela Rules") and national standards.

43. Human rights institutions have noted positive changes in some IVS facilities and a decrease in the number of complaints from detainees regarding detention conditions. In some IVS facilities, renovations have been carried out, and plastic utensils for food, bedding, and bed linen have been purchased[9].

44. Nevertheless, according to overall monitoring findings, the majority of IVS facilities in the republic still do not meet international and national standards.

45. The most significant violations in IVS include non-compliance with temperature, humidity, lighting, and ventilation standards; lack of ventilation and artificial lighting in cells; mold on walls and ceilings; and insufficient three meals per day (with the exception of the IVS of the Bishkek City Internal Affairs Directorate). In 29% of IVS facilities, there are no beds, and detainees sleep on the floor or on wooden bunks; 80% of emergency medical kits in IVS are not usable; and all IVS facilities completely lack any specific conditions for detained women that would meet their biological characteristics and needs.

46. Despite the fact that seven of the 45 functioning IVS facilities in the country are already located in basements and two in semi-basements, the practice of constructing new isolation facilities in basements and semi-basements continues[10].

47. None of the premises in law enforcement agencies for serving administrative arrests meet established requirements, and detention in such premises constitutes cruel and inhumane treatment of individuals detained for administrative offenses[11].

48. The detention conditions in penal institutions are assessed as unsatisfactory, partly due to insufficient funding. Medical care and nutrition are not provided at an adequate level[12].

49. One of the main problems is the dilapidation of buildings, structures, and all types of infrastructure in penal institutions. Most of the buildings were constructed more than 60–70 years ago. It should be noted that the Cabinet of Ministers is taking measures to change this situation and resolve the issue.

50. On December 25, 2023, a new building for Institution No. 53 (SIZO-53) under the Ministry of Justice of the Kyrgyz Republic was opened. According to the assessment of the NCPT, the new detention facility was built in accordance with international and national standards.

[9] Ежегодный доклад НЦПП за 2023 год, с.18.
[10] Ежегодный доклад НЦПП за 2023 год, с.16.
[11] Ежегодный доклад НЦПП за 2023 год, с.20.
[12] Ежегодный доклад НЦПП за 2023 год, с.21.

51. Construction of a new correctional facility No. 10 is actively underway in the village of Bay-Munduz, Bazar-Korgon District. Design and estimate documentation for the relocation of SIZO-1 outside the city of Bishkek is being developed. Land plots for the construction of new SIZO-3 in the city of Karakol and SIZO-5 in the city of Osh are being identified.

52. In several correctional colonies, construction and installation works have been completed, and three dormitory buildings, rooms for long-term and short-term visits for inmates, have been commissioned, along with repairs to heating systems and replacement of boilers[13].

Recommendations:

- Intensify efforts to improve conditions in places of detention and restriction of liberty, ensuring respect for the dignity of individuals deprived of their freedom, in accordance with Article 10 of the International Covenant on Civil and Political Rights and the United Nations Minimum Standard Rules for the Treatment of Prisoners (Nelson Mandela Rules).
- Take measures to improve the conditions of detention for prisoners, ensuring compliance with sanitary and hygienic standards, requirements for lighting, heating, and ventilation of premises, and promote physical activity and healthy lifestyles among detainees.
- Prohibit the placement of detention cells, particularly IVS, in basement and semi-basement premises when constructing new buildings, especially for law enforcement agencies.

6. Obstacles to the Activities of the National Preventive Mechanism

53. The National Preventive Mechanism (NPM) of Kyrgyzstan was established in 2012, with its functions assigned to a new state body—the National Center for the Prevention of Torture and Other Cruel, Inhumane, or Degrading Treatment or Punishment.

54. In 2019, legislative changes removed criminal and administrative liability for obstructing the activities of the NCPT, resulting in continued practices of obstruction.

55. Typically, this obstruction manifests as the denial of access for preventive visits to closed institutions. Furthermore, instances have been noted where access to facilities is denied, requests for video footage are refused, etc[14]. All these actions violate the requirements of the "Law on the National Center of the Kyrgyz Republic for the Prevention of Torture and Other Cruel, Inhumane, or Degrading Treatment or Punishment."

56. In 2023, six instances of obstruction were recorded. Reports were sent to the prosecutor's office regarding all cases of obstruction; however, as a result of their review, no official faced appropriate penalties[15].

Recommendations:

- Eliminate any instances of obstruction to the activities of the National Center.
- Ensure effective investigations into each case of obstruction and interference with the activities of the National Center for the Prevention of Torture, hold offenders accountable, and take necessary measures to prevent future occurrences of obstruction.

[13] http://www.gsin.gov.kg/news/1683
[14] Ежегодный доклад НЦПП за 2022 год, с. 13–14.
[15] Ежегодный доклад НЦПП за 2023 год, с.6.

7. Implementation of Decisions by International Human RightsBodies

57. The UN Human Rights Committee issued 32 recommendations recognizing Kyrgyzstan's violations of the right to freedom from torture and other cruel, inhumane, or degrading treatment or punishment. None of these recommendations were published to inform the public.

58. Although a Coordination Council on Human Rights was established under the Government of Kyrgyzstan in 2013, and a regulation on the interaction of state bodies concerning messages and decisions from UN human rights treaty bodies was approved in 2017, an effective mechanism for implementing these recommendations has not been established.

59. Out of the 32 recommendations, the Human Rights Committee recognized only one recommendation regarding the case of Jumabaeva against Kyrgyzstan as partially fulfilled. The subsequent dialogue on this decision was concluded since the Committee accepted information indicating that the Supreme Court of the Kyrgyz Republic awarded Jumabaeva (mother of the deceased Mr. Moydunov) 200,000 som in compensation for moral damages due to the violation of rights. The complainant noted that they did not oppose the closure of the subsequent actions, as the Moydunov family saw no reasonable prospects that the state party would take any steps in the future for full implementation of the Committee's recommendations[16].

60. Other recommendations from the Committee remain unfulfilled. There is no official information about measures being taken by Kyrgyzstan to implement the Committee’s recommendations.

Recommendations:

- Adopt comprehensive measures to implement the decisions of UN human rights treaty bodies, including those recognizing Kyrgyzstan’s violations of the right to freedom from torture and other cruel, inhumane, or degrading treatment or punishment.
- Ensure the publication of recommendations from international human rights bodies that establish violations by Kyrgyzstan on the website of the Supreme Court, the Prosecutor General's Office, or other relevant state bodies.
- Organize regular training events to enhance the knowledge and skills of members of the National Human Rights Commission and Secretariat staff responsible for organizing the implementation of recommendations from international human rights bodies, as well as of focal points in state bodies responsible for interactions with the Secretariat in implementing these recommendations.
- Make a declaration under Article 22 of the Convention against Torture recognizing the competence of the Committee against Torture to receive and consider communications from individuals under the jurisdiction of the Kyrgyz Republic who claim to be victims of violations of the provisions of the Convention.

8. Restrictions on Human Rights Defenders and Civil SocietyOrganizations

61. In March 2024, the country’s parliament adopted a controversial law on non-governmental organizations (NGOs) that resembles foreign agent legislation, which imposes a stigmatizing registration regime for NGOs receiving foreign funding and engaging in "political activities"

[16] Доклад по последующим действиям в связи с соображениями. CCPR/C/127/3, см. стр. 9.

a term broadly defined as influencing decision-making, policy, or public opinion. The law also entails excessive and intrusive government oversight of their activities. Failure to comply with this requirement may result in the suspension of activitiesand potential liquidation of the NGOs.

62. While the law is ostensibly aimed at ensuring transparency and accountability for groups funded from abroad, its true intent appears to be to suppress oversight, discussions, and criticism of those in power.

63. The Cabinet of Ministers of the Kyrgyz Republic is taking gradual actions to implement the so-called "law on foreign representatives." On August 27, 2024, the Cabinet of Ministers approved regulations for maintaining a registry of non-profit organizations acting as foreign representatives, which requires NGOs receiving foreign funding and engaging in "political activities" to register in the Registry within two months.

64. If this requirement is not fulfilled, the Ministry of Justice may suspend the NGO's activities, and the next step could be the liquidation of the organization. Some organizations have already stated that they would prefer to cease their operations to avoid the potential consequences of this law.

65. The implementation of this status significantly increases the risks of stigmatization for NGOs engaged in lawful activities, including advocacy and participation in public debates,as well as the potential for mistrust, fear, and hostility toward such organizations from both the public and state institutions, making their work excessively difficult. For more details see also the submission by IPHR "Key issues regarding civic space and the protection of fundamental freedoms".

Recommendations:

- Take measures to prevent the stigmatization of civil society organizations and civil activists, as well as their harassment, intimidation, and violence due to the adoption of the law on "foreign representatives." Conduct a more thorough and inclusive review of the law, considering the recommendations of UN special rapporteurs and other national and international partners, including civil society.
- Repeal or substantially amend laws imposing excessive, stigmatizing, and discriminatory restrictions on civil society organizations, such as the Law on Foreign Representatives in Kyrgyzstan.
- Bring legislation and practices regulating the activities of civil society organizations into alignment with international human rights standards and collaborate with civil society organizations and international organizations to develop a dynamic and independent civil society sector.
- Provide transparent and fair registration processes for civil society organizations, protect their right to receive funding, and allow them to operate without undue obstacles, interference, or fear of reprisals, such as forced closure.
- Investigate any acts of intimidation or persecution against civil society organizations, hold those responsible accountable, and ensure a safe environment for the functioning of civil society.