



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE:GH/fup-120

8 August 2017

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 14, 15, and 24 of the concluding observations on the report submitted by Kyrgyzstan ([CCPR/C/KGZ/CO/2](#)), adopted by the Committee at its 110th session in March 2014.

On 31 October 2016, the Committee received the reply of the State party. At its 120th session, held in July 2017, the Committee evaluated this information. The assessment of the Committee and the additional information requested from the State party are reflected in the Report on follow-up to concluding observations (see [CCPR/C/120/2](#)). I hereby attach a copy of the relevant section of the said report (advance unedited version).

The Committee considered that the recommendations selected for the follow-up procedure have not been fully implemented and decided to request additional information on their implementation. The Committee requests the State party to provide this information in the context of its next periodic report due on 28 March 2018.

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Mauro Politi'.

Mauro Politi
Special Rapporteur for Follow-up to Concluding Observations
Human Rights Committee

His Excellency Mr. Daniar Mukashev
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
Email: kyrgyzmission@bluewin.ch

Report on follow-up to concluding observations of the Human Rights Committee, CCPR/C/120/2:

Assessment of replies¹

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- A Reply/action largely satisfactory:** The State party has provided evidence of significant action taken towards the implementation of the recommendation made by the Committee.
 - B Reply/action partially satisfactory:** The State party has taken steps towards the implementation of the recommendation, but additional information or action remains necessary.
 - C Reply/action not satisfactory:** A response has been received, but action taken or information provided by the State party is not relevant or does not implement the recommendation.
 - D No cooperation with the Committee:** No follow-up report has been received after the reminder(s).
 - E Information or measures taken are contrary to or reflect rejection of the recommendation**
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Kyrgyzstan

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| Concluding observations: | CCPR/C/KGZ/CO/2 , adopted 25 March 2014 |
| Follow-up paragraphs: | 14, 15 and 24 |
| First reply: | CCPR/C/KGZ/CO/2/Add.1 , 31 October 2016 |
| Committee's evaluation: | Additional information required on paragraphs 14[B][B], 15[C] [B] [B] and 24[C] |

Paragraph 14: Inter-ethnic violence

The State party should take effective measures to ensure that all alleged human rights violations related to the 2010 ethnic conflict are fully and impartially investigated, that those responsible are prosecuted, and that victims are compensated without any discrimination based on ethnicity. The State party should urgently strengthen its efforts to address the root causes of obstacles to the peaceful coexistence between different ethnic groups on its territory and to promote ethnic tolerance and mutual trust.

Summary of State party's reply

All reports of violations committed in connection with the events in June 2010, including torture and ill-treatment, were considered by the procuratorial authorities. 16 complaints of torture were registered, criminal proceedings were initiated in five cases while the remaining 11 complaints were dismissed. Two criminal cases were brought in connection with attacks on lawyers defending the interests of persons accused of rioting. Court proceedings were conducted in full compliance with the law and without any discrimination based on ethnicity.

Preventive events and outreach activities were organized to prevent and combat potential inter-ethnic and other conflicts. In 2016, a total of 603 prevention initiatives were carried

¹ Full assessment available from CCPR/C/119/3 and http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/INT_CCPR_FGD_8108_E.pdf

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out.

Committee's evaluation

[B]: The Committee notes the information provided, but requires further and specific information on: (a) the outcome of the 5 criminal proceedings initiated for torture and of the two criminal cases for attacks on lawyers; (b) measures taken since the adoption of the concluding observations to investigate fully and impartially all allegations of torture and ill-treatment, serious breaches of fair trial standards, including attacks on lawyers defending ethnic Uzbeks, and discrimination in access to justice based on ethnicity committed in connection with the 2010 ethnic conflict; to prosecute those responsible; and to compensate victims without any discrimination based on ethnicity; (c) the number of investigations, prosecutions and convictions secured for violations referred to above. The Committee reiterates its recommendation.

[B]: The Committee notes the efforts made to prevent inter-ethnic conflicts, but requires additional information on the content of the prevention initiatives and any other measures taken to address the root causes of ethnic intolerance and to promote the peaceful coexistence between different ethnic groups, and on the impact of such measures. The Committee reiterates its recommendation.

Paragraph 15: Torture and ill-treatment

The State party should urgently strengthen its efforts to take measures to prevent acts of torture and ill-treatment and ensure prompt and impartial investigation of complaints of torture or ill-treatment, including the case of Azimjan Askarov; initiate criminal proceedings against perpetrators; impose appropriate sentences on those convicted and provide compensation for victims. The State party should take measures to ensure that no evidence obtained through torture is allowed to be used in court. The State party should also expedite operationalization of the National Centre for the Prevention of Torture through providing the necessary resources to enable it to fulfil its mandate independently and effectively.

Summary of State party's reply

The inadmissibility of torture and other cruel, inhuman or degrading treatment is enshrined in article 22 of the Constitution.

On 12 July 2016, the Supreme Court referred the criminal case against Mr. Askarov for another appeal with a view to providing for a thorough, full and objective investigation of all the facts of the case as presented in the Committee's Views concerning communication No. 2231/2012. The case was pending before the Chuy province court.

In accordance with article 26 (4) of the Constitution, evidence obtained in violation of the law may not be used as grounds for pressing charges or taking a judicial decision.

The State party repeats information from its replies to the list of issues (see [CCPR/C/KGZ/Q/2/Add.1](#), para. 107) on the establishment of the National Centre for the Prevention of Torture and its objectives, and adds that the Centre has been receiving stable funding since 2015 and that there have been no issues with its independence and timely funding.

A plan of action to combat torture and other cruel, inhuman or degrading treatment or punishment was approved on 23 October 2014 and includes measures aimed at improving the legal and regulatory framework but also outreach activities.

Committee's evaluation

[C]: The Committee notes the general information provided by the State party but requires concrete information on measures taken since the adoption of the concluding observations (a) to combat torture and ill-treatment, including in the framework of the plan of action approved on 23 October 2014, and on their impact; (b) to ensure prompt and impartial investigation of all complaints of torture and ill-treatment, prosecution of perpetrators, imposition of appropriate sentences on convicted persons, and compensation of victims



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(relevant statistics in this regard are required); (c) to ensure that in practice no evidence obtained through torture is admissible in court. The Committee reiterates its recommendation.

[B]: The Committee notes the funding devoted to the National Centre for the Prevention of Torture since 2015 and requires updated information on the amount of funding received and on the results achieved.

[B]: The Committee notes the referral of the case of Mr Askarov to the Chuy province court following the Committee's findings of Covenant violations in his case (communication No. 2231/2012) and requires updated information on the status of the appeal and on the implementation of the said communication. The Committee reiterates its recommendation.

Paragraph 24: Freedom of expression

The State party should ensure that journalists, human rights defenders and other individuals are able to freely exercise their right to freedom of expression, in accordance with article 19 of the Covenant and the Committee's general comment no. 34 (2011) on the freedoms of opinion and expression. Furthermore, the State party should ensure that threats, intimidation and violence against human rights defenders and journalists are investigated, that perpetrators are prosecuted and punished, if convicted, and that victims are provided with compensation. The State party should ensure that all individuals or organizations can freely provide information to the Committee and should protect them against any reprisals for providing such information.

Summary of State party's reply

Under article 31 of the Constitution, everyone has the right to freedom of thought, opinion, expression, speech and freedom of the press. No one may be forced to express or refute their opinions. In 2015, one criminal case was opened on evidence of obstruction of human rights work.

Committee's evaluation

[C]: The Committee notes the information provided, but requires more specific information on measures taken since the adoption of the concluding observations: (a) to investigate incidents of threats, intimidation and violence against human rights defenders and journalists, prosecute and punish perpetrators, and provide victims with compensation (provide statistics on such incidents reported since March 2014 and the outcome of such complaints, including of the criminal case initiated in 2015 for obstruction of human rights work); (b) to protect all individuals or organizations against any reprisals for having provided information to the Committee. The Committee reiterates its recommendation.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report: 28 March 2018
