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№ _____ катка

UN Committee against Torture

The National Centre for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the Kyrgyz Republic (hereinafter referred to as the National Centre) would like to report the following.

1. The annual budget of the National Centre until August 1, 2022 was KGS 13,888,200 (thirteen million eight hundred eighty-eight thousand two hundred). By the Cabinet of Ministers Resolution No. 423 of August 1, 2022, the salaries of the National Centre staff were increased. Also, for the first time in the past decade of the National Centre functioning, quarterly bonuses were approved (no additional payments were stipulated in the budget of the National Centre before August 1, 2022); however, the so-called "13th wage" has been reduced. Thus, the National Centre budget, including pay increases, was KGS 21,651,500 (twenty-one million six hundred and fifty-one thousand five hundred) or 55.9 per cent increase since August 1 to December 2022.

However, five months later, on December 27, 2022, a new Cabinet Decision was approved, withdrawing the quarterly bonuses for the National Centre staff. Consequently, at the end of 2022, neither the outstanding bonuses for the three months of 2022 (October 1 - December 27) nor the "13th wage" were paid. The budget of the National Centre was KGS 20,346,900, with a shortfall of KGS 1,304,600 (one million three hundred and four thousand six hundred), i.e. 6.41%.

Currently, the National Center requires additional funds under the following lines: 1) 2111 (remuneration/salary) - additional four full-time staff; 2) 2215 (procurement of other goods and services), i.e. information services; template expenses; round tables; conference facilities rental, etc.; 3) 2222 (procurement of goods and materials for administrative purposes), i.e. the National Centre expenses for current needs; 4) 3112 (machinery and equipment), i.e. procurement of furniture, office and computer equipment; 5) 2211 (travel expenses); 6) 2214 (transport services).

Considering the state's fiscal capacity, the National Centre identifies three of its total core activities needs and requests funding under the following budget

lines: 1) 2111 (remuneration/salary) - four full-time staff, in accordance with Art. 5(5) and Art. 25(2); 2) 2211 (travel expenses); 3) 2214 (transport services). These needs require funds amounting to KGS 4,081,500 (four million eighty-one thousand five hundred), of which: KGS3,252,800 (three million two hundred fifty-two thousand eight hundred) under 2111 (remuneration/salary); KGS 487,200 (four hundred eighty-seven thousand two hundred) under 2121 (social fund contributions); KGS 76,000 (seventy-six thousand) under 2214 (transport services) and KGS 265,500 (two hundred sixty-five thousand five hundred) under 2211 (travel expenses).

2. The territorial offices of the National Centre in Naryn, Batken and Talas provinces have only one staff each, which causes difficulties in holding preventive visits to places of deprivation and restriction of liberty, since article 25(2) of the Law on the National Centre provides for preventive visits in teams of at least two persons.

To date, the issue of allocating four additional staff members to the National Centre, including a spokesperson, has not been resolved. The territorial offices in three regions continue to have one staff each.

3. Pursuant to Article 25 of the Law on the National Centre, the National Centre has the right to conduct preventive visits to places of places of deprivation and restriction of liberty on any day and at any time of the day, without any prior notice.

However, gross violations occur to date despite the numerous calls of the National Centre to avoid obstruction and interference in the activities of the National Centre.

Under Article 146-2 of the Criminal Code of the Kyrgyz Republic (No. 68 of October 1, 1997) and Article 61-2 of the Code on Administrative Responsibility of the Kyrgyz Republic (No. 114 of August 4, 1998), previously, one of the factors restraining cases of hindrance of the National Centre in its activities was that individuals causing obstructions were aware of inevitability of punishment.

Under Article 18(1) of the Law on the National Centre, interference and obstructing the activities of the members of the Coordination Council, employees of the National Centre shall be prohibited and entail criminal and administrative liability by law.

Article 146-2 of the former Criminal Code of the Kyrgyz Republic of October 1, 1997 stipulated that obstructing in any form the authority of a member of the Coordination Council, or an employee of the National Centre for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment provided for in the relevant law shall be punished by a fine calculated at one hundred to two hundred calculation indexes.

Article 61-2 of the Code of Administrative Responsibility of the Kyrgyz Republic stipulated that unlawful interference with the activities of the Coordinating Council member, or employee of the National Centre for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in connection with his/her powers under the relevant law shall be subject to an administrative fine amounting to three to five calculation indexes for citizens and ten to thirty calculation indexes for officials.

The new Criminal Code, which came into force on October 28, 2021, does not contain an article criminalising and punishing obstruction to the National

Centre activities. The new Code of Offences lacks an article stipulating administrative liability for interfering with the National Centre activities, as it was provided for in Article 61-2 of the repealed Code of Administrative Offences.

Accordingly, since October 28, 2021, no public authority violating the Law on the National Centre in terms of obstructing or interfering with the National Centre activities has been held responsible; and as for Article 18 of the Law on the National Centre in force, setting criminal and administrative liability for interference and obstructing the Centre activities, collides with the adopted regulatory legal acts.

This amendment to the law violated the rights and freedoms of persons held in closed facilities and weakened the National Centre power in its efforts to establish the system to prevent torture and ill-treatment in places of deprivation and restriction of liberty.

4. To date, the territorial offices of the National Centre do not have office space (premises).

Herewith, we would like to inform that on February 3, 2014, following the instruction № 23-3431 of Mr. T. Mamytov, the Vice Prime Minister of the Kyrgyz Republic, Mr. A. Osmonaliev, the Chairman of the State Property Management Fund under the Government of the Kyrgyz Republic should consider the National Center request to provide office premises to all its regional centres.

To implement this order, the offices of the Kyrgyz Government Plenipotentiaries in Talas, Issyk-Kul, Naryn and Osh regions allocated office rooms to the National Centre territorial offices free of charge. To date, however, the Kyrgyz Government Plenipotentiaries in Chui, Issyk-Kul, Naryn and Batken regions have not allocated any office space for the National Centre territorial offices.

Thus, the staff of the Kyrgyz National Centre territorial office in Chui region have to implement their activities in "Agroprom" premises located at 96 "B" Kievskaya street, Bishkek – the location of the central office of the National Centre.

Respectfully,

B. Rysbekov

Director

