



REFERENCE: Follow-up/CAT – Kyrgyzstan

26 October 2023

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the third periodic report of Kyrgyzstan, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of its 72nd session held from 8 November to 3 December 2021, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/KGZ/CO/3, para. 38) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 13, 19 and 25 of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 17 March 2023 providing your Government's response to the above-mentioned paragraphs (CAT/C/KGZ/FCO/3) and to make the following comments:

National preventive mechanism (para. 13 of the Committee's concluding observations)

The Committee takes note of the information provided by the State party regarding increases in funding for the National Centre for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment, including pay rises for the Centre's staff. However, it is concerned by information received which indicates that a number of the proposed increases in remuneration were ultimately rolled back. The Committee is also concerned over the continued lack of human resources available to the Centre, notably in the territorial offices in Naryn, Batken and Talas provinces, which reportedly only have one staff member each, and which are thus prevented from independently carrying out preventive visits, given that article 25(2) of the Law on the National Centre requires at least two staff members to carry out visits.

The Committee is further concerned over information received indicating that the National Centre has experienced difficulties in carrying out its mandate, notably with regard to its ability to carry out preventive visits without notice. While the

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Committee takes note of Presidential Order No. 220 of 14 November 2022 establishing a working group to update criminal and criminal procedure legislation by re-criminalizing interference with and obstruction of the activities of the National Centre, it regrets that, to date, no measures are in place to punish such interference and obstruction, jeopardizing the National Centre's effectiveness (3/B1).

Violence against women, including bride kidnapping (para. 19 of the Committee's concluding observations)

The Committee appreciates the information provided by the State party on measures taken to combat violence against women, including the introduction of a bill to increase the penalties for domestic and sexual violence and ensure timely protection for victims, along with the establishment of a new hotline for the provision of legal aid. It also welcomes increased efforts to combat violence against women at the local level, including through the use of mobile police units and the establishment of 17 new domestic violence prevention committees. However, the Committee would appreciate further information on steps taken to ensure that complaints or allegations regarding domestic violence are investigated promptly, efficiently, and independently.

The Committee takes note of the increase in cases of domestic violence brought before courts in 2022, along with information provided regarding the number of temporary protection orders granted. However, it is seriously concerned that the maximum penalty for domestic violence under article 70 of the Code of Offences is set at seven days of administrative detention, a penalty which is not commensurate with the gravity of the crime. The Committee also expresses its concern over the high numbers of criminal court cases relating to domestic violence which were terminated as a result of reconciliation of the parties and stresses the importance of ex officio prosecutions in combating impunity for gender-based violence.

The Committee welcomes information provided by the State party regarding the adoption of the State Legal Aid Act, which expands the categories of persons entitled to State-funded legal assistance to include victims of domestic violence. It also notes with satisfaction the substantial increase in funding provided by the State party to crisis centres in 2022, initiatives taken to develop a "one-stop mechanism" for victims of gender-based violence, and the development and organization of various trainings on violence against women and girls for state officials, including law enforcement, civil servants, and prosecutorial and investigatory staff. Nevertheless, the Committee regrets that it did not receive sufficient information from the State party with regard to the provision of free and specialized medical and psychological assistance to victims of gender-based violence. The Committee also regrets that it did not receive sufficient information from the State party with regard to initiatives designed specifically to combat bride kidnapping, nor was any information provided on trainings on gender-based violence for the judiciary (2/B1).

Investigation of acts of torture and ill-treatment (para. 25 of the Committee's concluding observations)

The Committee welcomes meetings organized by the Office of the Procurator General with representatives of the Office of the High Commissioner for Human Rights regarding mechanisms for preventing torture and ill-treatment. It also notes the information provided by the State party relating to the number of reports of torture and other cruel,

inhuman or degrading treatment or punishment in the first nine months of 2022, along with information relating to the number of criminal proceedings instituted. However, the Committee regrets that the information provided by the State party lacks detail on measures taken to improve the effectiveness of investigations. In particular, it regrets that no information was provided with regard to investigating torture and ill-treatment faced by lesbian, gay, bisexual and transgender persons, who allegedly continue to face torture, ill-treatment and extortion at the hands of law enforcement officials. The Committee notes that the lack of specific reference to sexual orientation as grounds for discrimination and lack of comprehensive hate crime legislation pose obstacles to the adoption of targeted actions to decrease the risk of torture and ill-treatment faced by members of this community, including due to their invisibility in data collection.

The Committee also regrets the lack of information provided by the State party with regard to redress and compensation measures, including means of rehabilitation, ordered by the courts or other bodies in the State party that have been provided to victims of torture or ill-treatment, including the amounts paid (1/B2).

Implementation plan

Lastly, the Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, the recommendations included in its concluding observations (C).

The Government of Kyrgyzstan is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern cited above. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the third periodic report of Kyrgyzstan or other future periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of Kyrgyzstan on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.



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against Torture