



Kyrgyzstan

Country Reports on Human Rights Practices - 2000

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Although the 1993 Constitution defines the form of government as a democratic republic, President Askar Akayev dominates the Government. Both presidential and parliamentary elections were held during the year, and both were marred by serious irregularities. In October President Akayev was elected to his third term. Although the Constitution only allows an individual to serve two presidential terms, the Constitutional Court ruled that Akayev could serve a third term because he had been elected to his first term under the old Soviet-era Constitution. The Government disqualified otherwise qualified candidates through conviction on questionable criminal charges. Observers reported instances of ballot box stuffing, voter intimidation, discrepancies in vote counts, and the presence of a large number of local and regional administration officials in and around the polling stations. Parliamentary elections were held in February and March, the second such elections since independence in 1991. For the first time, 15 of the Legislative Assembly's 60 seats were distributed proportionally based on party lists; however, political parties remain weak, and the Government took numerous actions that disadvantaged opposition political parties. The Government used judicial proceedings in numerous instances to prevent prominent political opposition candidates from participating in or winning office in the parliamentary and presidential elections. The Parliament has become increasingly active and on occasion has blocked presidential initiatives; however, in many areas it still does not check the power of the President effectively. The judiciary also is dominated by the executive branch. Beginning in August, there were continuous military engagements in the southwest of the country, near the border with Tajikistan, between government forces and armed insurgents.

Law enforcement responsibilities are divided among the Ministry of Internal Affairs (MVD) for general crime, the Ministry of National Security (MNB) for state-level crime, and the procurator's office for both types of crime. Both the MVD and the MNB deal with corruption and organized crime. These ministries inherited their infrastructure from their Soviet predecessors. Both appear to be under the general control of the Government and generally conform their actions to the law.

Border guards are under the full control of the Government. Some members of the police committed human rights abuses.

The country is poor and mountainous, with a rough balance between agricultural and industrial production. Cotton, tobacco, vegetables, and sugar are the primary agricultural exports. The country also exports hydroelectric power, gold, antimony, and mercury. The Government has carried out progressive market reforms, although some reforms have not been implemented fully. The economy was stable during the year. According to government figures, gross domestic product growth (GDP) growth was 5 percent. Inflation was estimated at 9.6 percent. The country faces an external debt of roughly \$1.69 billion. Industrial production remains significantly below preindependence levels. The level of hardship for pensioners, unemployed workers, and government workers with low salaries or unpaid benefits continues to be high. Government figures indicate the average annual salary is \$165 (8,072 soms), while the subsistence level is estimated at \$295 (14,463 soms). Foreign assistance plays a significant role in the country's budget.

The Government's human rights record worsened and was poor in several key areas. The Government limits citizens' ability to change their Government. Prison conditions are very poor, and there were many cases of arbitrary arrest and detention. Executive domination of the judiciary limited citizens' rights to due process. Executive branch interference affected verdicts involving prominent opposition figures. The Government restricted freedom of speech and of the press. Authorities pressured journalists who criticized individual members of the Government. The Government used bureaucratic means to harass and pressure the independent media, nongovernmental organizations (NGO's), and the opposition. The Government at times restricted freedom of assembly; in particular, there were serious problems with political parties' rights to free

assembly. The Government at times inhibited freedom of association. The Government generally respected freedom of religion; however at times it infringed on this right. The Government harassed and pressured human rights groups. Violence against women is a problem that authorities often ignore, and societal discrimination against women persists. Trafficking in women and girls for the purpose of forced prostitution also is a persistent problem. Child abuse is a problem, and there is a growing number of street children. Discrimination against ethnic minorities and child labor are problems.

Armed insurgents in the country's southwest areas along the Tajik-Kyrgyz/Kyrgyz-Uzbek border took citizens and foreign nationals hostage in August.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

There were no further developments in the January 1998 beating death by police of Muratbek Sulaimanov.

The criminal investigation of the 1998 police beating and killing by burial alive of Sergei Skromnov continues. Two police officers suspected of the killing are in detention. A third police officer was released on bail.

Nigmat Bazakov, a leading representative of the ethnic minority Uighur community was murdered on March 28. The identity of the perpetrator is unknown. Figures in the Uighur community indicated that the killing likely was a criminal, business-related act, and not linked to government discrimination against Uighurs. Bazakov had run for a seat in the legislative assembly in the second parliamentary election but lost in Bishkek's eighth district.

In early August, fighters of the Islamic Movement of Uzbekistan (IMU), an organization opposed to the present Uzbek Government, crossed the Tajik-Kyrgyz border and engaged Kyrgyz security forces. As of October 9 when fighting ended, a total of 30 government troops were killed. It was estimated that 120 IMU partisans died and 200 were injured. No new attacks had occurred by year's end.

b. Disappearance

There were no reports of politically motivated disappearances due to action by the Government or domestic groups.

In August armed insurgents entered the Southern Batken Oblast from Tajikistan and took a number of citizens and foreign nationals hostage. There were military engagements between the Government and the insurgents, who identified themselves as members of the IMU. Some of the hostages escaped uninjured after 6 days of captivity. The other hostages were released unharmed several days later.

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

The Constitution prohibits such practices; however, the supervision of conditions for pretrial detainees is poor, and abuses, such as beatings to extract confessions, sometimes occur. Police patrols are supervised poorly, are not always paid promptly, and sometimes commit crimes. Police sometimes used ill-defined charges to arrest persons (see Sections 1.d. and 2.d.).

On March 22, police in Kara Bura, Talas Oblast, reportedly used excessive force to break up a peaceful demonstration. Between 70 and 120 demonstrators were arrested. Approximately half were released the following day, and the remainder were eventually released. The participants were protesting irregularities in the February 20 and March 12 rounds of parliamentary elections (see Section 2.b.).

Several police officials were charged with issuing passports specifically for use in the trafficking of persons (see Section 6.f.).

In the past, local elders' courts have exceeded their authority by trying major crimes, using torture to extract

confessions, or even levying capital punishment. However, abuses such as stoning and death sentences have abated, and there were no reports of such action during the year (see Section 1.e.).

Prison conditions (including overcrowding, food shortages, and lack of heat and other necessities) are very poor. Those detained by the MNB rather than the MVD are kept in MNB facilities; after conviction, they go to a regular prison. In June 1999 a new Criminal Procedure Code went into effect, replacing the previous 1994 Soviet-era Criminal Code. The new code contains the right for attorney-client visits of unlimited number and duration; however official permission still is required. The code also greatly expands the rights of defense lawyers to obtain all evidence gathered during the course of the investigation. Prison visits by family members are at the discretion of the investigator during the investigation phase. After conviction, family members may visit regularly.

In principle nonfamily visitors seldom are permitted. However, some citizens, including local human rights monitors, usually can obtain official permission for a visit through personal connections. The International Commission of the Red Cross (ICRC) visited Feliks Kulov, an opposition political leader, in March when he was in jail; however, it does not have full access to prisons (see Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile

The judicial system continues to operate, in many cases, under Soviet laws and procedures, and authorities generally respect these provisions in practice; however, there were many cases of arbitrary arrest and detention related to the Parliamentary and presidential elections. The Procurator's Office determines who may be detained, arrested, and prosecuted. The MNB, the MVD, and the General Procurator carry out investigations. Since 1990 persons arrested or charged with crimes have had the right to a defense counsel, who is required to visit the accused within the first 3 days of incarceration. However, sometimes the accused first sees the defense counsel only at the trial.

The Criminal Code permits the Procurator to detain suspects for 72 hours before releasing them or charging them with a crime. The Procurator must issue an arrest warrant before a person can be detained. If a suspect is charged, the Procurator must advise defense counsel immediately. The accused usually remains in detention while the Procurator investigates and prepares the case for trial. The Procurator has discretion to keep the accused in pretrial detention for up to 1 year, but there are conditions for provisional release before trial. After 1 year, the Procurator must release the accused or ask Parliament to extend the period of detention. Since independence there have been no known instances in which Parliament has been asked to extend a detention. The Criminal Procedure Code requires notification of a detainee's family by the investigator within 12 hours of detention. This requirement often is not observed in practice.

The Government used judicial proceedings in numerous instances to prevent prominent political opposition candidates from participating in or winning office in the parliamentary and presidential elections. For example, on January 25, the Government began criminal proceedings against People's Party opposition leader and registered parliamentary candidate Daniyar Usenov based on 4-year-old assault charges that had been withdrawn long before the person allegedly assaulted (see Sections 1.e. and 3).

The Government arrested opposition party Ar-Namys activist Emil Aliyev on March 9, 3 days before the second round of the parliamentary elections. The charges related to alleged fraud in a 1994 loan transaction. Aliyev was released from custody on August 14 for reasons of poor health. Also on March 9, the Government declared the Issyk-Kul election invalid. The Government subsequently charged Omurbek Suvanaliyev, a leader of the Ar-Namys party and candidate in that election, with fraud, which made him ineligible to run in the repeat election.

On March 22, the Government arrested opposition political leader Feliks Kulov at a hospital where he was receiving treatment for cardiac problems. The arrest followed his defeat in a parliamentary election and the announcement of his intention to run in the presidential election. He was arrested on suspicion of participating in illegal activities by members of the Kalkhan antiterrorist squad, while he headed the Security Ministry in 1997-1998. Kulov also was suspected of misappropriating some \$22,000 that the Security Ministry received from commercial firms. After his arrest, demonstrations were held demanding his release. On April 5, the Government terminated People's Party leader Daniyar Usenov's conditional release and took him into custody, despite no violation of the terms of his conditional release. He was released later that same day by intervention of President Akayev.

The MNB continues to monitor the Uighur community (a Turkic people native to western China) closely. In the past, it arrested Uighurs on ill-defined charges. In March the MNB arrested a resident ethnic Uighur from China for lacking a residence permit and for possession of Islamic literature that was deemed fundamentalist by the authorities. He reportedly was deported forcibly to China (see Section 2.c.).

In Jalalabad Oblast, throughout the year, the MNB detained more than 20 persons for membership in the Khib-Ut-Takhrir Islamic organization and distribution of its literature. The Government has prosecuted criminally 11 of those detained for alleged possession of material containing appeals of an extreme character.

The Government does not employ forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, despite extensive reforms in the court system and a large body of new law, the executive branch continues to dominate the judiciary.

Cases originate in local courts; they may move to appeals courts at the district or regional level and finally to the Supreme Court. Separate courts of arbitration handle civil disputes, and traditional elders' courts handle low-level crime in rural areas.

Defendants are afforded the same constitutional protections in both military and civilian courts, although military court proceedings can be closed to the public. A civilian can be tried in a military court if one of the codefendants is a member of the military.

Local elders' courts are found in almost every oblast and region. They exercise their authority by trying petty crimes, such as robbery, hooliganism, or theft. In the past, local elders' courts have exceeded their authority by trying major crimes, using torture to extract confessions or even levying capital punishment. However, abuses such as stoning and death sentences have abated, and there were no reports of such action during the year. Local elders' courts are under the supervision of the Procurator's Office, but they may not receive close oversight due to the fact that many such courts are located in remote regions, which makes monitoring difficult.

The Procurator brings cases to court and tries them before a judge and two "people's assessors" (pensioners or citizens chosen from labor collectives). The accused and the defense counsel have access to all evidence gathered by the Procurator. They attend all proceedings, which are generally public, and are allowed to question witnesses and present evidence. In practice, all members of the court have equal rights. Anyone in the courtroom may question witnesses. Witnesses do not always recapitulate their evidence in court; instead they affirm or deny their statements in the Procurator's files.

The court compares the facts as presented by the Procurator and the defense, and in most cases makes its decision after receiving all available information in each case. The court may render one of three decisions: innocent; guilty; or indeterminate, that is, the case is returned to the Procurator for further investigation. The decision of a court to return a case to the Procurator for further investigation may not be appealed, and accused persons are returned to the Procurator's custody, where they may remain under detention. In practice there was considerable evidence of executive branch interference in verdicts involving prominent political opposition figures.

The Procurator, not the judge, is in charge of criminal proceedings. Thus the courts are widely perceived as a rubber stamp for the Procurator and for high-ranking Government officials and not as the protectors of citizens' rights. In addition very low judges' salaries have led to a well-grounded view among lawyers and citizens that all but a very few scrupulously honest judges are open to bribes or pressure.

The Government introduced in 1999 several judicial reform measures, including a proposal to establish an independent judicial budget, creation of judicial judgment enforcement procedures, and independent judicial training; however, but no progress was made during the year in implementing these measures. Generally accepted international practices, including the presumption of the innocence of the accused, exist in law but are not always respected.

Judges do not hold positions for life. As provided in the Constitution, terms for judges range from 15 years for Constitutional Court judges to 3 years for first-term local judges. In 1993 a new system of court administration was introduced; judges are tested on their knowledge of the law and new civil codes. If judges fail these tests, they may be disqualified from holding office. The process appears to have increased judicial professionalism, and a number of judges have been removed due to poor performance on the exams. Some removals appear to have been subjective, but most lawyers and judges consider the system to be a fair measure of competence.

The appointment of ethnic Kyrgyz to key positions in the judicial system has led to charges by non-Kyrgyz that the system is arbitrary and unfair and that the courts treat Kyrgyz more leniently than members of other groups; however in December an ethnic Korean was appointed head of the Supreme Court. Although

systematic discrimination is not clearly evident, allegations that it exists are credible in some cases. There are also complaints by Uzbeks, and even by ethnic Kyrgyz, that the southern portion of the country is underrepresented in the judiciary.

Economic crimes such as tax evasion, embezzlement, and theft of government property, including electric power, are common. Prosecution for these crimes is relatively rare and sometimes appears to be directed at opponents of the Government. Legislators in the past have used their parliamentary immunity to avoid being brought to court. However, an October 1998 referendum included an amendment that limited immunity to official acts only.

Trials took place in March and September for two of the three Members of Parliament (M.P.'s) who were arrested in 1999 for misappropriation of state property, abuse of power, and tax evasion. One M.P. was found guilty and sentenced to time served during the course of the investigation. The other was sentenced to 14 years' imprisonment and confiscation of his property. The case of the third MP remains under investigation.

The Government frequently used the judicial process to eliminate key political opposition leaders from participation in elections and narrow the range of choice for voters. A number of judicial actions against individuals apparently were motivated politically.

On June 27, the Government began the trial of opposition Ar-Namys Party leader Feliks Kulov in a closed military court on charges of instigation of and accessory to fraud and abuse of power for personal interests. He was held in custody from March 22 through August 7. Legal provisions allow the judge discretion to release Kulov pending trial; however, he was not released. The military court acquitted Kulov of all charges on August 7, but the military Procurator appealed the acquittal. On September 11, the Appeals Court ruled in the Procurator's favor and returned the case to the lower court for possible retrial. The Supreme Court denied Kulov's appeal of the Appellate Court's decision. The Government began a new trial on the same charges on October 3. The Government denied Kulov the right to representation by two Russian lawyers on the grounds that his case involved sensitive information and therefore foreign attorneys could not participate.

There were no reports of political prisoners; however, the Government detained Feliks Kulov, Emil Aliyev, and Daniyar Usenov on grounds that appeared to be politically motivated (see Section 1.d.).

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

The Constitution prohibits unlawful entry into a home against the wishes of the occupant and states that a person's private life, privacy of correspondence, and telephonic and telegraphic communications are protected. The law and procedures require the General Procurator's approval for wiretaps, searches of homes, interception of mail, and similar acts. A change in the law in 1995 weakened these protections by allowing the Procurator to give approval for searches over the telephone; thus no written proof exists to verify that the search was approved. Furthermore, in certain cases, law enforcement officers first may carry out a search and then get approval ex post facto within 24 hours. If approval is not given, any evidence seized is inadmissible in court.

Organizational structures responsible for violations during the Soviet era have remained largely in place; however, there were no reports of violations of citizens' privacy. There were concerns by citizens active in politics or human rights problems that the privacy of their communications was violated, but evidence to that effect is not available.

The MNB continues to monitor the Uighur community (see Section 1.d.)

Section 2 Respect for Civil Liberties, including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the Government restricted these rights.

The 1992 law on the mass media provides for freedom of speech and of the mass media and outlines registration procedures. It identifies prohibited material: Government and commercial secrets; material advocating war, violence, or intolerance toward ethnic or religious groups; desecration of national norms, ethics and symbols such as the national seal, flag, or anthem; pornography; and encroachment on the honor and dignity of a person. Two laws related to the media, On Guarantees and Free Access to Information and On The Protection of the Professional Activities of Journalists, were adopted in December 1997.

The Government closed three newspapers during the year by refusing to publish them. Kapitalism and Litsa stopped publishing in October, and Res Publica was closed for 4 months. One journalist was arrested as a direct result of journalistic activities.

All media must register with the Ministry of Justice and wait for ministry approval before beginning to operate. The media law states that the registration process requires 1 month. During the year, there were no reports of media organizations that could not register in a timely manner.

Libel is a criminal, not a civil, action. The Government attempted at the end of 1997 and the beginning of 1998 to amend the Criminal Code to remove libel; however, its efforts were defeated in Parliament by an overwhelming majority. As a result of the October 1998 referendum, the Constitution now includes language that precludes Parliament from passing laws that infringe on free speech. However, to date there has been no implementing legislation for this amendment.

There are approximately 40 to 50 independent newspapers and magazines, including some with local, not national, standing. There are also several hours daily of independent television and radio broadcasting. However, state television, radio, and government newspapers receive government subsidies, which permit the Government to influence media coverage. Additionally, the State's printing house, Uchkun, is the only newspaper publisher in the country.

Uchkun refused to print the independent newspaper Res Publica for 4 months during the year. This action was taken pending Res Publica's full payment of a fine awarded to the president of the state television and radio corporation in an earlier honor and dignity suit. Uchkun also refused to deliver Res Publica to the regions via its distribution system after it resumed publishing the newspaper. Res Publica also experienced distribution problems with the state postal system prior to the presidential elections, and the newspapers were confiscated from kiosks by authorities in Osh and Jalalabad.

The opposition Kyrgyz-language newspaper Asaba again was subjected to pressure and intimidation shortly after the newspaper's owner declared his candidacy to run in the Presidential election. Two honor and dignity suits were lodged against the newspaper, a longstanding tax dispute continued, and a long-dormant debt case was reactivated against the newspaper. A Bishkek district court ruled on October 20 that Asaba must pay \$105,000 (5 million soms) in compensation to parliamentary deputy Turdakun Usualiyev for having insulted him repeatedly over a period of 8 years. Seven Asaba journalists also were ordered to pay \$20 to 30 (1,500 soms) each for articles critical of Usualiyev. The newspaper had lodged a counter suit against Usualiyev accusing him of insulting the newspaper and its journalists. The judge ruled in favor of the counter suit, Usualiyev must pay the newspaper \$1,000 (50,000 soms).

After a year of government harassment, tax investigations, and change of its editorial leadership and direction, the independent daily newspaper Vecherny Bishkek muted its criticism of the Government.

In June an independent journalist from Jalalabad was sentenced to 2 years' imprisonment and fined \$2,250 (108,000 soms) for libeling a judge. After spending 5 weeks in jail, the journalist upon appeal was released and his fine was reduced to \$210 (10,080 soms). Three NGO's, Internews, the Association of Journalists, and the Osh Media Resource Center provided legal representation for the journalist. On October 27 the independent newspaper Res Publica was fined \$5,000 (25,000 soms) for an article it published 2 years earlier that criticized the Ministry of Justice's decisions to revoke the registration of the Kyrgyz Committee for Human Rights in September 1997 and to register in 1998 an alternative body with the same name that was loyal to the Government.

The Government harassed the owner, the editor, and a journalist of the independent newspaper Delo No. These journalists underwent lengthy interrogations by the Ministry of Internal Affairs, and their offices and homes were raided and searched. A case is pending against the newspaper, alleging that it published state secrets during its coverage of the closed trial of Feliks Kulov. The Government also pressured independent television stations. The Government interfered with the stations' programming, particularly their coverage of politics, elections, and candidates. During Feliks Kulov's pretrial incarceration, the Government directed stations to air a documentary program that was highly critical of Kulov. Government interference with independent television and radio stations continues.

There are two television stations in Osh that broadcast in Uzbek: Osh Television broadcasts in Uzbek part of the time--although the station has been criticized by the Government for airing too much Uzbek language programming--and Mezon Television, all of whose programs are in Uzbek. The latter was founded by the Mezon Uzbek Ethnic Center to serve the needs of the large Uzbek population in Osh. A case was pending against Mezon Television for broadcasting a candidate's political advertisement, which allegedly had the potential to inspire interethnic hatred during the parliamentary elections.

Although Osh Television has a license to broadcast, its dispute with the National Agency for Communications (NAC) continues. The NAC required Osh Television to change its broadcast frequency. The station and the association of journalists continue to protest the change as unfair and not justified technically. It also would impose a financial hardship on the station. The NAC's directive that Osh Television switch channels was postponed until the end of the year. In addition Osh television is engaged in an ongoing dispute with the tax authorities for what it considers unfair tax assessments.

Some independent media continue to operate despite these pressures.

Academic freedom is respected.

b. Freedom of peaceful assembly and association

The Constitution provides citizens with the right to assemble freely; however, at times the Government restricted this right in practice. The Government on occasion used force to disrupt peaceful demonstrations and officials, including those at local levels, sometimes use regulations that require registration of rallies and demonstrations to restrict this right. The law requires official written permission for holding assemblies, rallies, and demonstrations.

Permits are required for public marches and gatherings but are routinely available. Rallies and demonstrations are held regularly in front of the Government Building and in other places. Throughout the year, several peaceful protests were held outside the President's office. Those demonstrating included pensioners, political and human rights monitors, and ethnic groups living in the country, such as Uighurs and Kurds. During the year, there were many demonstrations protesting the results of the parliamentary elections and the arrests of opposition figures. On March 25, approximately 500 demonstrators gathered in front of the Constitutional Court in Bishkek to demonstrate against the results of the second round of parliamentary elections. This demonstration was held without incident. Throughout the spring, demonstrations were held by supporters, particularly in the Talas Oblast in support of Feliks Kulov (see Section 3). While the police and local authorities did not disrupt the majority of demonstrations, there were instances when the Government either broke up peaceful demonstrations, or harassed those protesting. There are credible reports that police used excessive force to break up a peaceful demonstration in Kara Bura (Talas Oblast) on March 20. Over 100 demonstrators were arrested. In April demonstrators who were protesting Kulov's arrest throughout downtown Bishkek were required to move from the steps of a government building to a park. Local authorities stated that the demonstrators did not obtain the required permit and that the demonstrations were impeding traffic and creating disturbances. The demonstrators subsequently were moved to another, less public, area of Bishkek. Pro-Kulov demonstrators also gathered in front of various government offices and the White House. They also demonstrated in front of the U.S. Embassy and the office of the Organization for Security and Cooperation in Europe (OSCE). These demonstrations were peaceful and were not broken up by police.

The opposition Democratic Movement of Kyrgyzstan ("DDK") was denied a permit to organize a demonstration in front of the White House.

Demonstrations also were held in support of opposition People's Party Leader Daniyar Usenov, who was arrested and briefly detained after the second round of the parliamentary elections.

The Constitution provides for the right of association; however, while the Government generally respects this right, at times local authorities inhibited it in practice.

The 1991 Law on Public Organizations, which includes labor unions, political parties, and cultural associations, requires registration of these organizations with the Ministry of Justice. Excessive caution by some officials is a contributing element for the delay some organizations experience in registering. Ultimately all organizations that sought registration during the year were registered. The Kyrgyz Committee for Human Rights (KHCR) was reregistered in 1999; however, due to government pressure its president, Ramazan Dyrlydaev, fled the country (see Section 4).

In June 1999 Parliament passed a new law on NGO's. This law distinguishes NGO's from political parties, labor unions, and religious organizations and lowers the required number of members for registration. The President signed this law into effect at the end of 1999.

c. Freedom of Religion

The Constitution and the law provide for freedom of religion, and the Government generally respects this right in practice; however, the Government occasionally infringes on this right. The Constitution provides for a

secular state and the separation of church and state, and the Government does not support any one religion. The Government expressly forbids the teaching of both religion and atheism in public schools.

In 1996 the Government created a State Commission on Religious Affairs (SCRA), officially in order to promote religious tolerance, protect freedom of conscience, and oversee laws on religion. The Commission quickly became active and has overseen the registration of over 300 religious institutions, of which 210 are Christian denominations. According to a 1997 presidential decree, all religious organizations must register with the SCRA, which must recognize the registrant as a religious organization; each congregation must register separately. Subsequently a religious organization must register with the Ministry of Justice to obtain status as a legal entity, which is necessary to own property, open bank accounts, and otherwise engage in contractual activities. However, if a religious organization engages in commercial activity, it is required to pay taxes in accordance with the tax code. In practice the Ministry has never registered a religious organization without prior registration by the SCRA. There were no known instances during the year of the Commission refusing attempts by religious groups to register, although the process sometimes is cumbersome, taking a month on average. The Unification Church, which is registered as a social, rather than a religious organization, has "semiofficial status".

Islam is the single most widely practiced faith. Official sources estimate that up to 80 percent of the populace Muslim. There are approximately 1,225 mosques in the country, of which 700 are registered. Approximately 17 percent of the population is Russian Orthodox. There are 40 houses of prayer for other Christian denominations. There were no reports of interference by authorities with worship services.

A number of missionary groups operate in the country. They operate freely, although they are required to register with the Government. There is anecdotal evidence of periodic tension between followers of conservative Islam and foreign missionaries in rural areas. Government authorities indicated that they would monitor the activities of the Unification Church, which is led by Reverend Moon. The Unification Church currently is not active in the country, but it has a presence through the charity organization of Reverend Moon's wife. There were no reports of interference with its activities during the period covered by this report.

The Government is concerned about the threat of political extremism in the guise of conservative Islam, whose followers it labels "Wahabbis". The sentencing in May of three Uighur Islamic militants who were charged with the 1998 bombings in Osh added to the Government's concern about "Wahhabist" elements operating in the country. Armed incursions of the Islamic Movement of Uzbekistan (IMU) in August, as well as between August and October 1999, also increased the Government's apprehension about radical Islam and the actions of its followers.

According to a March 21 Amnesty International report, Jelil Turadi, an ethnic Uighur Chinese national was arrested in Bishkek for not having a necessary residency permit. Unofficial sources stated that after a police search of his apartment turned up religious material that was deemed fundamentalist, Turadi was taken into custody for possessing "Wahabbist" material, and after being interrogated by Chinese and Kyrgyz security agents, was deported back to China.

On September 6, security forces arrested a 23-year-old man in Kara Suu and charged him with instigating "national, racial and religious enmity." He admitted to security forces that he belonged to the banned fundamentalist organization Hezeb-E-Tahrir. According to press accounts, eight persons were arrested in August for distributing literature produced by the IMU.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

In general government policy allows free travel within and outside the country; however, certain Soviet-era policies continue to complicate internal migration, resettlement, and travel abroad. Under the Soviet-era law still in force, citizens need official government permission (a propiska) to work and settle in a particular area of the country. Strictly speaking the propiska affords the right to reside in a given city or region. In addition home and apartment owners legally can sell their property only to buyers with such permission. In practice many employers traditionally have refused to provide employment to any applicant residing illegally. However, this law has not been enforced recently. Persons now move within the country, purchase homes, and sell businesses without hindrance.

There is no law on emigration. In August 1999, a presidential decree stated that exit visa requirements would be abolished by October 1999, and the law was fully implemented by the end of the year. Citizens now can travel abroad without an exit visa; however, some travelers still may be required to present letters of invitation to validate their passports for international travel for their first trips abroad, or for the purpose of emigration. After validation of the passport, travel is unrestricted. A Soviet-era law prohibits emigration within 5 years of working with state secrets. No one is believed to have been barred from emigration under this statute during

the year. After validation of the passport, travel is unrestricted. All passport applications are reviewed by the Ministry of National Security. Emigration of both ethnic Russian and Russian-speakers has risen significantly since independence due to fears of discrimination, the threat of continued fighting in the south, and the issue of dual citizenship (an agreement recognizing dual citizenship has not been signed between Russia and Kyrgyzstan). Since independence over 300,000 ethnic Russians and 200,000 Russian-language speakers have emigrated from the country (see Section 5).

Emigrants are not prevented from returning to the country, and there is reportedly a small but steady flow of returnees.

The armed militants who crossed the border into southern portions of the country from Tajikistan caused an estimated 1,139 citizens to flee their homes and left them internally displaced. Most of those displaced have returned to their homes. The Government, assisted by NGO's and international organizations, rendered assistance to the displaced.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other international humanitarian organizations in assisting refugees.

According to the UNHCR, there were approximately 140 refugees from Chechnya in the country who were granted first asylum. An additional 11,671 were granted refugee status. Of this number, 1,000 were from Afghanistan, and the remainder from Tajikistan. Twenty-two asylum requests from Tajikistan were denied. Since 1993 the country has offered "first asylum" to those who have qualified for first asylum status.

There were no reports of expulsion of those having a valid claim to refugee status. However, there were reports of Uighurs opposed to Chinese policies being repatriated forcibly to China where they feared persecution. The UNHCR assisted approximately 669 Tajik refugees to return to Tajikistan during the year.

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

The Constitution provides citizens with the right to change their government peacefully; however, in practice citizens' ability to do so is limited. During the year both presidential and parliamentary elections were held and both were marred by serious irregularities.

The Constitution mandates presidential elections every 5 years. There is a two-term limit. Although the Constitution only allows an individual to serve two presidential terms, the Constitutional Court ruled that Akayev could serve a third term because he had been elected to his first term under the old Soviet-era Constitution. However the Government took steps to disqualify otherwise qualified candidates through conviction on questionable criminal charges.

Akayev was elected to a third term as President on October 29 in an election that did not follow international standards for equal, free, fair, and accountable elections. Restrictions on the registration of candidates limited the field to six candidates, and there was intervention by local officials in the electoral process. The OSCE/ODIHR stated that "international standards for equal, free, fair, and accountable elections were not met." Although six competing candidates offered the electorate some political choice, the restrictive process of candidate registration excluded a number of prominent opposition leaders from the election. Harassment of opposition candidates' activities negatively influenced the fairness of the campaign. Pressure against a major domestic election-monitoring NGO violated fundamental freedoms, a setback from the parliamentary elections. Executive authorities, mostly at local and regional levels, interfered in the functioning of election commissions and the electoral process in general. Campaign restrictions and biased media failed to ensure free and fair conditions for candidates. Central Election Commission chairman Sulaiman Imanbaev conceded that violations occurred but accused the OSCE of bowing to pressure from unnamed political forces to give an overly negative evaluation of the election.

The law requires a demonstration of Kyrgyz language competency before final registration as a presidential candidate. According to the Election Code Article 61, command of the language is the ability to read, write, express one's thoughts and speak publicly. The examination is given by a linguistic commission. The procedure for evaluating the examination is not transparent, and the OSCE noted that the difficulty of the exam was not uniform for all candidates. Examination results eliminated seven candidates from the race, including several native Kyrgyz speakers. In September the Constitutional Court heard and rejected a challenge of the requirement brought by two candidates. According to the OSCE, the language test was used to limit the possibilities of participation by opposition candidates.

The administration of voting procedure technically was correct. All six candidates remained on the ballot

through election day. The independent media continued to appear until election day, although the Government interfered with the distribution of opposition newspapers. There were candidate observers in most, if not all precincts, although they tended to be poorly trained and unwilling to challenge precinct commissions when their rights as observers were violated. The Government excluded independent observers representing the constituent organizations of the "Coalition of NGO's for Democracy and Civil Society" from polling places. A pattern emerged whereby local Coalition representatives were denied admittance to polling places when the polls opened, then allowed to enter later in the day after they sought relief through the courts, then again denied access on technical grounds at the end of the voting day. As a result, Coalition representatives were not present in many polling places for the vote count.

According to information released by the Central Election Commission, Akayev received 74.4 percent of the vote; his closest opponent Omurbek Tekebayev received 13.6 percent. The election was flawed in numerous ways including ballot box stuffing, voter intimidation, discrepancies in vote counts, a large presence of local and regional administration officials in and around the polling stations, and the discovery during opening procedures in a precinct in Bishkek of 700 ballots marked for Akayev in a ballot box that was supposed to be empty. In some instances, election observers were unable to witness the counting procedure to verify that votes were tallied for the candidate indicated on the ballot.

In February and March, the first and second rounds of parliamentary elections were held. The Constitution provides for parliamentary elections every 5 years. For the first time, 15 of the Legislative Assembly's 60 seats were distributed proportionally based on party lists. The OSCE noted that executive and judicial branch interference in the electoral process continued through the runoffs, despite international criticism of these practices following the first round. In decisions that appear politically motivated, a number of prominent opposition candidates were disqualified or deregistered before the runoffs, despite having led the voting after the first round. Although there were improvements in overall election administration on the day of the vote, the process was marred by serious irregularities in a number of key electoral districts. There were allegations of ballot tampering, government intimidation of voters, and harassment of campaign officials in the elections of a number of opposition leaders.

Prior to the parliamentary elections, the Government took numerous actions which disadvantaged opposition political parties. Four political parties, including one of the most popular opposition parties, the People's Party, were blocked from competing because their charters did not state specifically they could compete in elections for state bodies. In a legal challenge, the courts upheld this restriction in the election law. Eight parties were barred from competing because they were registered less than 1 year prior to the announcement of elections. This included a second major opposition party, the Ar-Namys Party, and the progovernment party Adilet. The participation of three registered parties, including the opposition Democratic Movement of Kyrgyzstan, subsequently was challenged on the grounds that their nominating conventions were conducted improperly.

In March a district election commission deregistered opposition candidate Daniyar Usenov from the second round elections on technical grounds related to his alleged failure to include ownership of an apartment in his financial disclosure statement. On March 11, after the parliamentary elections, the Supreme Court reversed the lower court's decision, but neither the Supreme Court nor the Central Election Commission (CEC) would permit a repeat of the election so that Usenov could run in his district. In another instance, on March 9 the Government declared the Issyk-Kul election invalid. The Government subsequently charged Omurbek Suvanaliyev, a leader of the Ar-Namys Party and candidate in that election, with fraud, making him ineligible to run in the second election.

On March 10, the Government attempted to deregister Parliamentarian and candidate Omurbek Tekebayev in Bazar-Korgon for filing an allegedly false financial disclosure form. However, the court did not rule in the Government's favor. Before the court decision was rendered, hundreds of Tekebayev's supporters demonstrated and blocked streets in his district.

Opposition candidate Feliks Kulov competed in both rounds of the elections but lost badly in the second round amid credible allegations of ballot tampering. His supporters demonstrated against the election in his district and in Bishkek for several months. The OSCE determined that in the second round of election, in district 44 (in which Kulov ran) there was clear evidence of systematic fraud committed by both state and election authorities. In the second round, more than 10 candidates were automatically declared winners as a result of their opponents' refusal to run or, in 9 cases, the Government's cancellation of the opponents' registration.

The conduct of elections in many places, especially in Talas and Jalalabad, was seriously flawed. Problems included credible reports of a massive increase in advance voting, vote buying, premarked ballots, ballots shown to officials before being deposited in the ballot box, and an atmosphere of intimidation in the election district, including threats to students of arrest and eviction from dormitories and confiscation of driver's licenses from truck drivers.

Amendments approved in a 1996 constitutional referendum, which was marred by serious flaws, strengthened the formal power of the President and his advisers, who dominate the Government. The Parliament tends to be subordinate to the executive branch but shows increasing signs of independence, such as the overriding of presidential vetoes. During the year, Parliament adopted 33 laws, of which the President signed 11. The overwhelming majority of local government officials, including mayors and governors, continue to be appointed by the President, but the first elections for local legislative bodies were held in October 1999. The elections were flawed but were an improvement over the 1996 referendum.

Political parties remain weak. There are 27 registered political parties, 15 of which qualified for the proportional representation component of the parliamentary elections. To receive any of the 15 seats available under proportional representation, parties must receive 5 percent of the overall vote. The remaining seats are held by single-mandate candidates. In the lower chamber, 29 of 60 members elected in 2000, including those elected to party seats, claimed party affiliation. In addition there is a parallel structure involving 3 factions with a total of 23 members. In the upper chamber, the People's Representatives Assembly, 7 of 45 members claim party affiliation.

Women and most ethnic minorities are underrepresented in government and politics. Women hold only 7 of 105 seats in the legislature. The Minister of Justice and the Chief Justice of the Constitutional Court are women. The Democratic Party of Women participated in the parliamentary elections and won two party seats, earning 13 percent of the party-list votes. Russians and Uzbeks are underrepresented in government positions, although the newly named First Deputy Prime Minister, is an ethnic Russian, as was his predecessor. In December an ethnic Korean was appointed head of the Supreme Court.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights groups operated in an increasingly hostile environment and were faced with continuous government pressure to curtail their activities, especially activities related to the parliamentary and presidential elections. Despite this pressure, most groups were able to continue investigating and publishing their findings on government interference with elections, as well as on human rights cases.

The Government repeatedly threatened leaders of the Kyrgyz Committee for Human Rights (KCHR), the NGO Coalition for Democracy and Civil Society (Coalition), and the Republican party with criminal action for their activity on behalf of opposition political leaders and their supporters. On March 29, the Bishkek city prosecutor sent the Coalition a warning that the Coalition, together with the KCHR, the Public Union for Social Defense of the Population, Union of Kyrgyz Children and Women, and several political parties violated a law that prohibits the destabilization of society by preparing and distributing flyers that appealed for public support of Ar-Namys candidate Feliks Kulov (see Sections 1.d, 1.e, and 3). On March 30, the Bishkek city prosecutor summoned KCHR chairman Ramazan Dyryldayev and Republican Party chairman Giyaz Tokombayev and delivered the same warning.

In June the Minister of Justice stated that since the Coalition was not registered as a public association with the Ministry, it did not have the right to receive funds from abroad to support its activities, nor could it assess internal political developments. Although no formal action was taken against the Coalition, threats against and intimidation of the coalition continued throughout the year.

On May 31, the Government opened a criminal case against KCHR chairman Ramazan Dyryldayev for failure to comply with provisions of the Labor Code related to the firing of an employee. The fired employee in question was terminated during the period when the Government deregistered the KCHR and registered a different organization under different leadership under the KCHR's name. Also in May, the Government charged former KCHR deputy chairman Eleman Mambetaipov with misappropriation of furniture located in a room rented by the KCHR from the Ministry of Agriculture. At the trial, the judge would not accept evidence that the property in question was in its proper place. On July 14, Mambetaipov was given a year prison sentence. Dyryldayev has remained abroad since July. In July police attempted to force their way into the office of the KCHR in an effort to locate him.

In June the Government held a political roundtable including some political parties, NGO's, and social movements. The OSCE initially planned to hold such an event under its auspices. A preparatory committee consisting of nine representatives from the Government, nine representatives from NGO's, and nine representatives from political parties was established for the event. During the preparatory stage, two political parties, Ar-Namys, whose leader was in jail, and Kairan El, withdrew from the process because their conditions for participation were not met. On June 3, the Government withdrew from the preparations in favor of holding its own event. The majority of NGO's on the preparatory committee and five political parties refused to participate in the Government's roundtable due to unilateral changes of the agenda and the format of the

discussion introduced by the Government. The OSCE withdrew its support for the event after the Government's refusal to abide by the formulation worked out by the preparatory committee but attended the event as an observer. OSCE observers stated that the meeting had flaws, including the absence of significant opposition elements and a failure to alleviate tensions that arose after the parliamentary election.

The Government formed a progovernment NGO called the Association of NGO's (the Association). There are reports that local authorities apply pressure on independent NGO's to become affiliated with the government-organized Association. Only those NGO's with independent sources of funding are able to resist this pressure.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for the rights and freedom of individuals and prohibits discrimination, including that based on language, and the Government expresses a strong commitment to protecting the rights of members of all ethnic, religious, and linguistic groups, as well as those of women; however, in practice it does not always ensure these rights effectively.

Women

Violence against women is a problem. Research conducted in 1996 on violence against women showed a noticeable increase in such incidents since independence in 1991. Activists note that rape is becoming more common. It is not clear whether the incidence of rape or only the reporting of such attacks is becoming more common, but authorities often ignore such attacks. Government statistics indicate that in 1999, there were 400 to 450 crimes against women, but many crimes never are reported due to psychological pressures, cultural traditions, and apathy by law enforcement officials. The Government has not devised a program to deal with this problem, and the number of shelters for battered women is not increasing to meet the need. The Umut (Hope) Center opened in 1997 to provide basic protection as well as psychological, legal, and medical counseling for battered women and girls. The Umut Center has organized biweekly discussions and training for women to advise and counsel them about their rights. It provides 10 days of emergency shelter, clothing, and meals for battered women as well as employment counseling and legal services. In 1998 the director attributed the rise in the number of women visiting the shelter to the country's severe economic crisis, which had led to increased violence against women. Umut received grants from a variety of foreign sources during the year, and provided shelter for 165 persons and provided advice to 1,524 others through its hot line. Umut also offers psychiatric counseling to victims. There were internationally funded crisis centers for women in need of such assistance in both Talas and Jalalabad.

In 1997 the NGO Tendesh opened a crisis center in Naryn with a hot line to support women affected by violence. It provides psychological, legal, and medical assistance. Another center, Sezim, opened in April 1998 in Bishkek with a staff of lawyers, psychologists, and doctors, and operates a crisis hot line for the public. Staff members conduct training, debates, and seminars on women's rights and family planning. During the year, at least three new programs were introduced to address the needs of women by NGO's. The Congress of Women has set up legal clinics for women throughout the country to help counsel women on legal issues and women's' issues. Center Mercy embarked on a program to find employment in handicraft production for mothers of large families. The Center for Women's Initiative Aigerim introduced programs to assist with needy families.

Trafficking in women and girls for the purpose of forced prostitution is a growing problem (see Sections 6.c. and 6.f.).

Discrimination against women persists. The law gives equal status to women, and they are well represented in the work force, in professions, and in institutions of higher learning. Women are prominent in law, medicine, accounting, and banking. They also play an active role in the rapidly growing nongovernmental sector.

During the parliamentary elections, NGO's embarked on programs to help educate women in the electoral process and on their voters' rights. The Center of Women's Initiative Aigerim helped train women to monitor during the parliamentary elections. According to Counterpart Consortium, 293 NGO's dealing with women's issues operated in the country during the year, of which 25 deal with women's advocacy. In 1999 women's advocacy NGO's sent an appeal to the Government, Parliament, journalists, international organizations, as well as other NGO's in support of women's rights. Nonetheless deteriorating economic conditions have had a severe effect on women, who are more likely than men to lose their jobs. According to a U.N. Development Program report, as of January, the unemployment figures for women were considerably larger (58,300) than those for men (48,100). For women the average wages were lower than \$13 per month (637 soms), and for men \$18 per month (881 soms). Women with children under the age of 16 account for 67 percent of unemployed women. Women make up the majority of pensioners who have felt the negative effects of the country's economic downturn as inflation has eroded pensions that often are paid late. Women's groups

express general concern about the situation of rural women. With the end of communism, traditional attitudes toward women are reasserting themselves strongly in the countryside, where women are relegated to the role of wife and mother, and educational opportunities are curtailed. Data indicate that women are becoming less healthy, more abused, less able to work outside the home, and less able to dispose of their earnings independently.

Family law prohibits divorce during pregnancy and while a child is younger than 1 year of age. A special expert counsel under the State Commission on Family, Women, and Youth Issues reviewed all legislation for a gender perspective and submitted its recommendations to Parliament. The findings demonstrate that while women's rights are supported by legislation, the principle of women's equality is not always observed.

The women's advocacy NGO community is becoming increasingly organized. As a result of conferences held in 1999 an appeal was sent to the Government, Parliament, journalists, NGO's, and international organizations in support of women's rights.

Children

The socioeconomic situation does not effectively provide decent living conditions for all children. Basic needs for shelter, food, and clothing seldom are met, and the Government does not take effective measures to address these needs. After independence, vaccine-preventable diseases such as diphtheria, polio, and measles reemerged. A range of serious nutrition-related problems affects a large number of children, especially in rural areas. Traditional social safety measures are now inadequate to cope with the social pressures that affect families, and in major cities children regularly are observed begging or selling cigarettes. There are increasing reports of abandonment due to parents' lack of resources to care for children.

Education is compulsory for the first 9 years, and the country has a 97 percent literacy rate. However, the educational system has suffered material and financial hardships, and conditions continue to deteriorate due to an acute shortage of budgetary and material resources. The Government established two funds, Jetkinchek and Kadry XXI Veka (Cadres the 21st Century), to provide educational benefits for low-income and disabled children. Jetkinchek, a Presidential Educational Program, created in 1999, provides assistance such as pens, books, clothes to low-income children. The program is funded primarily by the Government but has received assistance from international organizations. Kadry XXI Veka is another government program financed by international organizations that helps talented youth continue their education abroad.

The Law on Education requires that secondary education be free and universal. However, financial constraints prevent the Government from implementing this for all students. According to the Criminal Code, the penalty for infringing on a student's right to obtain free secondary education ranges from receiving a public reprimand to 1 year of forced labor. The law penalizes parents who do not send their children to school or obstruct their attendance. Many of those families who can afford it choose to send their children to more expensive private schools. Moreover those families that keep their children in public schools must pay administrative fees. These costs add up and are difficult for families, particularly large ones, to bear.

The Government and its Commission on the Affairs of Under-age Children disseminate information regarding children's rights among both children and adults. The Ministries of Justice, Education, Science and Culture, and Health as well as the state television and radio company and various NGO's also help disseminate information including by translations into Kyrgyz, Russian, and Uzbek in order to reach those segments of the population that speak different languages. There are also plans to publish textbooks on human rights problems for high school students, with information on children's rights. The Talent Support Fund, an NGO funded by Save the Children and UNICEF, produced a series of educational television programs titled "The Rights of Children in Kyrgyzstan" to help educate the population.

Human rights groups and the Kyrgyz Children's Fund (KCF) monitor the condition of children. Human rights groups note that children who are arrested usually are denied lawyers. Police often do not notify parents of children who are arrested, and neither parents nor lawyers generally are present during questioning, despite laws to the contrary. Children often are intimidated into signing confessions.

The KCF is concerned about the growing number of street children, many of whom have left home because of abusive or alcoholic parents. Social workers and police regularly conduct street sweeps to locate abandoned children. Children who are found are sent to orphanages and police holding centers depending on the amount of space available. The KCF has one shelter in Bishkek to provide food, clothing, and schooling to approximately 30 children. In 1999, the Svetlii Put shelter (formerly known as the Ak Zhol shelter), was reestablished with assistance from UNICEF. During the year, the shelter received training assistance from UNICEF and cared for approximately 32 children. The SOS Children's Village, funded by the Austrian organization Kinder Dorf International and other foreign and domestic organizations, opened in 1998 to care

for orphans. Approximately 110 children and 14 mothers live in this village, which offers housing and a kindergarten.

Girls are trafficked for the purpose of forced prostitution (see Section 6.f.).

The forced marriage of underage girls has become more common, and the authorities often tacitly approve this practice. Cultural traditions and social structures discourage victims from going to the authorities.

People with Disabilities

The Government passed the Law on Social Protection of Invalids in 1991 and adopted amendments in October 1998. The amendments provide for convenient access to public transportation and parking for the disabled; subsidies for mass media sources that make their services available to the hearing or visually impaired; and free plots of land to construct a home. Social facilities for the mentally disabled are strained severely, as budgets have fallen and workloads remain heavy. In one program facilitated by foreign volunteers, local high school students have begun to visit special institutions such as those for the mentally disabled.

National/Racial/Ethnic Minorities

There are reports of discrimination in the treatment of citizens who are not ethnic Kyrgyz. The most recent statistical data reflect the following ethnic breakdown of the population: 61.2 percent are Kyrgyz; 14.9 percent are Russians; 14.4 percent are Uzbeks; 1.1 percent are Tatars; 0.3 percent are Germans; and others constitute 8.1 percent. Members of the minorities allege discrimination in hiring, promotion, and housing. They complain that government officials at all levels favor ethnic Kyrgyz.

Russian-speaking citizens (those who do not speak Kyrgyz) also allege that a ceiling exists in government employment that precludes their promotion beyond a certain level. The representation of ethnic Kyrgyz at senior and intermediate levels of government is disproportionately high, giving credence to perceptions that career opportunities in government are limited for those who are not ethnic Kyrgyz. There also were complaints about discrimination against non-Kyrgyz in the judicial system (see Section 1.e.).

Since independence, over 300,000 ethnic Russians and 200,000 Russian-language speakers have emigrated. In order to help stem the tide of migration, the Government passed legislation elevating Russian to the status of an "official language." On May 20, President Akayev issued a decree to moderate emigration by improving the situation of ethnic Russians and Russian speakers. During the year, a bilateral agreement was signed with Russia on the legal status of Russian citizens living in Russia and Kyrgyz citizens living in Russia. This agreement is to provide maximum social benefits possible under Kyrgyz law for those Russian citizens living in the country.

The Constitution designates Kyrgyz as the state language, but it provides for preservation and equal and free development of Russian and other languages spoken in the country. Kyrgyz increasingly is replacing Russian, and the Government has announced that by 2010 all government documents are to be in Kyrgyz. A new draft law that was introduced in November allows for Russian to be used in the workplace until measures can be established to change to Kyrgyz. On March 20, President Akayev issued a draft decree calling for all high and middle-level government officials to have sufficient proficiency in Kyrgyz, with the aim to have all official business conducted in Kyrgyz by 2005. This draft decree was not enacted into law as a result of widespread criticism. Candidates in the 2000 presidential elections were required to demonstrate ability in Kyrgyz. Some otherwise qualified candidates were disqualified on the basis of exams, the fairness of which was questioned (see Section 3).

University education is carried out largely in Russian (although Kyrgyz instruction is available in some departments in some universities, where textbooks are available), so that Russian-language capability remains an important skill for those who wish to pursue higher learning.

Section 6 Worker Rights

a. The Right of Association

The 1992 Labor law provides for the right of all workers to form and belong to trade unions, and there is no evidence that the Government has tried to obstruct the formation of independent unions. The Federation of Trade Unions of Kyrgyzstan, the successor to the former official union, remains the only trade union umbrella organization in the country, although unions are not required to belong to it. The Federation forms one part of a

bilateral commission, along with the Cabinet. Each year the two parties sign an agreement on "cooperation." There is one small independent union, the Union of Entrepreneurs and Small Business Workers, whose membership reached approximately 80,000. Precise numbers for the Federation's membership are not available, but it is significantly larger than other unions.

The Federation has been critical of government policies, especially privatization, and their effect on working class living standards. The Federation still regards itself as being in a process of transition, during which it is adjusting its relations with the Government, with other unions in the countries of the former Soviet Union, and with other foreign unions. Growing numbers of smaller unions are not affiliated with the umbrella organization.

The law calls for practices consistent with international standards.

While the right to strike is not codified, strikes are not prohibited. There were no retaliatory actions against strikers, nor were there instances of abuse generally directed at unions or individual workers. During the year, there were several instances when workers repairing the Bishkek-Osh Highway went on strike against foreign companies that employed them since they did not receive payment for their work. In November vendors at the Dorodoi Market in Bishkek went on strike to protest against the decision of the Dorodoi Market's administration to allocate preferred selling areas to Chinese merchants over local merchants.

The law permits unions to form and join federations and to affiliate with international trade union bodies. Since independent unions are still in their infancy, no meaningful affiliation with international trade union bodies has taken place.

b. The Right to Organize and Bargain Collectively

The law recognizes the right of unions to negotiate for better wages and conditions. Although overall union structure and practice are changing only slowly from those of the Soviet era, there is growing evidence of active union participation in state-owned and privatized enterprises. The Government sets the minimum wage, and then each employer sets its own wage level.

The law protects union members from antiunion discrimination, and there were no recorded instances of discrimination against anyone because of union activities.

There are Free Economic Zones (FEZ's) that can be used as export processing zones. The minimum wage law does not apply to the approximately 3,000 workers in ordinary FEZ's.

c. Prohibition of Forced or Compulsory Labor

The law forbids forced or compulsory labor, as well as forced or bonded labor by children; however, women and girls are trafficked for the purpose of forced prostitution (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

Although the majority of children are enrolled in school, child labor is a problem.

Provisions of the Labor Code, the Law on Public Safety, and the Law on the Protection of Rights of Underage Children address child labor. The Labor Code provides for the protection of children from economic exploitation and from work that poses a danger to their health, or spiritual, physical, mental, or academic development. The Labor Code is contradictory in the requirements it sets for the minimum age of employment in work that can harm their physical and moral well being (i.e. employment in casinos, bars, night clubs, etc.). Article 285 states that such work is prohibited for those under age 21; however, Article 319 prohibits such employment for those under age 18. According to Article 317 of the Labor Code, those between 14 and 16 years of age are permitted to perform strenuous work with parental consent. However, minors less than 18 years of age cannot work in underground conditions. Minors between 18 and 21 years of age may not perform hazardous or manual work. Article 319 sets the maximum daily hours of work for those between 14 and 16 years of age at 5 to 7 hours respectively. Underage children cannot work beyond this limit or during night shifts. These laws also apply to disabled children who work.

Given its budget constraints and lack of resources, the Government is unable to enforce adequately these laws. Although those employers who are caught violating the Labor Code can be charged with disciplinary, financial, administrative, or criminal penalties, the punishment is usually minimal.

Child labor is becoming more widespread both in towns and rural areas. Since many children are "self-employed" (selling newspapers, carrying handcarts at markets, selling cigarettes and candy on the streets, etc.) or work for their families, it is very difficult for the Government to determine if their work schedule and environment conform to government regulations. Families are traditionally large, and it is sometimes necessary for children to work at an early age to help support the family on the family farm or in the family business.

According to reports from various NGO's, child labor is particularly evident in the south. During the fall, classes are cancelled, and children are sent to fields to pick cotton. During the summer, children are used to harvest tobacco and are involved in all steps of production from the actual picking of the leaves to the preparation for shipping. Some fields are located on school grounds, and the income earned goes directly to the schools, not to the children. Children also are involved in family enterprises such as shepherding, bread baking, selling products at roadside kiosks, and growing fruits and vegetables.

The Prosecutor's Office and the State Labor Inspectorate are responsible for enforcing employers' compliance with Labor Code laws. The legislative assembly has established a special commission on education, women's affairs, the family, and minors, which oversees the legal protection of the interests of minors whenever new laws are discussed in Parliament. Public control of compliance with the labor code is enforced by trade unions, a function holdover from the Soviet period.

The Government has undertaken additional initiatives to help protect minors from forced labor. Since the budget is facing severe funding constraints, many children who are entitled to receive help do not.

The Government prohibits forced and bonded labor by children but does not enforce this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work

The Government mandates a national minimum wage at a level theoretically sufficient to assure a decent standard of living for a worker and family. The legal minimum wage is about \$2.50 (100 soms) per month. In practice this wage is insufficient to ensure a decent standard of living for a worker and family, and therefore industries and employers set the minimum level wages that actually are paid. The Federation is responsible for enforcing all labor laws, including the law on minimum wages. Minimum wage regulations largely are observed. However, the enforcement of labor laws is nonexistent in the growing underground economy. Market forces help wages in the unofficial sector keep pace with official wage scales.

The standard workweek is 41 hours, usually within a 5-day week. For state-owned industries, there is a mandated 24-hour rest period in the workweek.

Safety and health conditions in factories are poor. Despite the recent improvement in economic growth, the previous deterioration in enforcement of existing regulations continued to hamper investment to improve health and safety standards. In March 1999, the State Inspectorate of Labor was established to protect and educate workers as well as also inform business owners on their respective rights and responsibilities. A 1992 law established occupational health and safety standards, as well as enforcement procedures. Besides government inspection teams, trade unions are assigned active roles in assuring compliance with these measures, but the deterioration of the economy has led to an uneven compliance record among businesses. Workers have the legal right to remove themselves from unsafe working conditions, and workers who choose not to work in an unsafe environment may find employment elsewhere. However, in practice refusal to work in situations with relatively high accident rates or associated chronic health problems could result in loss of employment, although only if informal methods of resolution failed.

f. Trafficking in Persons

The law provides that those involved in trafficking can be sentenced up to 15 years' imprisonment; however, very few traffickers are caught, and those that are receive lenient sentences or fines. A lack of coordination between government agencies involved in migration issues, the obscure wording of laws regarding trafficking issues, and corruption contribute to the problem. The trafficking of Kyrgyz women and girls, largely to Turkey, Germany, and the United Arab Emirates for the purpose of forced prostitution, is a growing problem. According to the International Office of Migration (IOM), approximately 4,000 women and 7 boys were trafficked abroad in 1999. Often women are trafficked through deception. They are lured abroad under the pretext of legitimate employment (i.e. waitresses, au pairs, dancers, etc.), and by the time they discover the true intent of the traffickers, they find themselves without the money for return tickets, without documents, and are forced to agree to the conditions and terms of the employers. A flourishing sex trade draws girls, as young as age 10, from destitute mountain villages. Several media articles have raised public awareness of the problem. The

Ministry of Interior had planned to establish a special police unit to combat trafficking but was unable to do so due to lack of funding.

According to IOM, fraudulent passports are issued to those being trafficked. Eleven law enforcement officers have been accused of preparing fraudulent documentation for trafficked women, and criminal proceedings have begun against three of the accused officers. During the year, 4 persons were tried and sentenced to prison terms for trafficking; 18 persons were tried and sentenced in 1999.

Trafficked women do not normally receive assistance due to lack of understanding of the problem. Many have reported being victimized by law enforcement officials upon their return.

[End.]