

[Home](#)[Issues & Press](#)[Travel & Business](#)[Youth & Education](#)[About State Department](#)

Kyrgyz Republic

Country Reports on Human Rights Practices - [2005](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 8, 2006

The 1993 constitution defines the Kyrgyz Republic as a democratic republic; the country has a population of approximately 5,092,800. The February-March parliamentary elections were marred by numerous, serious violations, particularly in the pre-election period, which subsequently sparked protests. On March 20 and 21, opposition demonstrators took control of the southern cities of Osh and Jalalabad. On March 24, President Akayev fled the country after opposition demonstrators overran the main government building in Bishkek. Following Akayev's departure, Prime Minister Kurmanbek Bakiyev assumed the interim presidency. Although acting President Bakiyev was the only serious contender, the July 10 presidential election marked tangible progress towards meeting international standards. A new parliamentary election was held on November 27 in two districts; although some violations were reported, the Central Election Commission (CEC) ruled that the violations were not sufficiently serious enough to alter the results. The civilian authorities generally maintained control of the security forces, although some members committed serious human rights abuses.

The March overthrow of the Akayev regime resulted in a considerable improvement in the government's respect for human rights, although problems remained. The following human rights problems were reported during the year:

- security force abuse of persons, particularly detainees
- poor prison conditions
- impunity of security forces
- arbitrary arrest and detention by the Akayev government
- limitations on due process
- restrictions on freedoms of speech, the press, and assembly by the Akayev government
- corruption
- violence against women and children
- trafficking in persons
- discrimination against ethnic minorities
- child labor

The government's human rights record improved considerably following the change in leadership between March and July. Numerous ministry of internal affairs (MVD) officials were dismissed or prosecuted for abuses or misconduct. Harassment of opposition groups and independent media, including honor and dignity lawsuits against newspapers, decreased considerably. After the March 24 revolution the government did not restrict peaceful meetings or demonstrations, although prior notification to local authorities of such activities was still required.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed any arbitrary or unlawful killings; however, unknown persons killed a number of prominent political figures between March and December.

On April 10, well-known stuntman and political figure Usen Kudaibergenov was killed in his home in Bishkek. Kudaibergenov took an active role in organizing "citizen patrols" to stop looting in Bishkek after the March 24 overthrow of the Akayev government. On June 10, parliamentarian Jalgarbek Surabaldiyev was shot and killed in Bishkek. Surabaldiyev was rumored to have ties to organized crime. On September 21, parliamentarian Bayaman Erkinbayev was shot and killed. There were strong allegations that Erkinbayev was a prominent organized crime figure and drug kingpin and that he had been embroiled in a number of ongoing property disputes. Investigations into these deaths were ongoing at year's end.

On October 20, prisoners killed parliamentarian Tynychbek Akmatbayev while he visited a prison colony near Bishkek in connection with his duties as chairman of the parliamentary committee on defense, security, law enforcement and information policy. Akmatbayev was

reportedly beaten by prisoners; when he drew his gun in self-defense, prisoners seized the gun and shot him. Prisoners also shot and killed three other officials accompanying Akmatbayev. Akmatbayev was also reportedly linked to organized crime through his brother Ryspek Akmatbayev. Suspects included Aziz Batukayev, an inmate and organized crime boss. An investigation into the deaths continued at year's end.

On December 11, Uzbek border guards shot and seriously wounded a Kyrgyz citizen. According to press reports, the Kyrgyz citizen had just driven his vehicle through the Uzbek border post, where his documents were checked by Uzbek border officials. Shortly after the car pulled away from the border post, a border guard opened fire on the car. An investigation into the incident continued at year's end.

An investigation continued into the October 2004 death of Tashkenbay Moidinov while held in a police station in the Bazarkorgon district of Jalalabad Oblast.

The 2003 killing of 19 Uighur Chinese citizens on a bus remained under investigation, and no arrests had been made by year's end.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

Officials continued to investigate the November 2004 two-week disappearance of opposition politician Tursunbek Akunov. Akunov claimed he was taken by the MVD and held in a basement before reappearing in a Bishkek hospital. Akunov further alleged that National Security Service (SNB) members were involved in his disappearance.

There were no developments in the 2003 disappearance of mullah Sadykjan Rahmanov, which investigators attributed to the Uzbek National Security Service.

Local human rights advocates reported that there were approximately 12 Kyrgyz citizens serving sentences in Uzbek prisons who were kidnapped from the Kyrgyz Republic by Uzbek security services between 2000 and the present. Most of these individuals had earlier lived and studied religion in Uzbekistan.

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

The law prohibits such practices; however, police and SNB forces employed them. At times police beat detainees and prisoners to extract confessions. Conditions for pretrial detainees remained poor. In September the human rights ombudsman expressed concern over a number of incidents involving abuse of detainees, blaming the abuse on corruption and a low level of professionalism among jail and police officials.

On August 22, police Special Forces units beat 30 inmates in a pretrial facility in Karakol for up to 5 hours. A human rights nongovernmental organization (NGO) investigation concluded authorities carried out the beating to intimidate certain prisoners who had assumed a leadership role among inmates. Several prisoners sustained bodily injuries. One detainee announced a hunger strike and sutured his mouth to protest the assaults. An official investigation into the incident was ongoing at year's end.

On September 10, three minors in a pretrial facility near Voznesenovka village sewed their mouths shut to protest alleged abuse of other detainees by police special forces.

Also in September human rights activists reported that police beat 15-year-old Sukhrab Rakhmanov while he was in a pretrial facility in Jalalabad. Following complaints by human rights activists, authorities opened an investigation into the incident, but later closed the case after Rakhmanov's mother withdrew abuse charges against police officials. According to Spravedlivost, a human rights NGO in Jalalabad, the abuse charges were withdrawn under pressure from police and prosecutor's office officials. Rakhmanov remained in custody at year's end.

Prison and Detention Center Conditions

Prison conditions were very poor and included overcrowding, food and medicine shortages, poor health care and disease prevention facilities, and lack of heat and other necessities. Penal Reform International reported that both food supplies and medical services provided to inmates improved during the year. Morbidity and mortality rates also declined, particularly those resulting from tuberculosis (TB). Pretrial detention facilities were particularly overcrowded, and conditions and mistreatment generally were worse than in prisons.

In March an inmate of the Chym-Koprogon hospital died due to negligence (see section 5).

A fellow inmate was convicted for the beating death of Ulugbek Kadirov, who in February 2004 was found dead in his cell in an MVD temporary detention center in the town of Kara-Suu.

The Ministry of Justice (MOJ) and the International Committee of the Red Cross (ICRC) continued to implement a successful nationwide TB program in prisons. As of May 2004, 68 percent of prison inmates reportedly suffered from serious diseases such as TB, hepatitis, HIV infections, and sexually transmitted diseases. During the year the number of prisoners suffering from TB declined from 2,837 to 2,725. The Department Supervising Penal Institutions (DSPI) also reported that timely diagnosis and better treatment reduced TB death rates by almost fifty percent during the first half of the year. Throughout the year the DSPI continued to work with the ICRC and NGOs to improve prison and jail conditions throughout the country, including seminars for prison officials on human rights and hygiene and health care projects.

A series of riots took place at several penitentiary facilities throughout the country between September 1 and November 2. The riots began at the N1 prison colony for minors in Voznesenovka village, where approximately 50 inmates protested poor conditions. Police were called in to quell the demonstration and several detainees were subsequently transferred to other facilities. The riots later spread to the N3 prison colony, a maximum-security prison with approximately two thousand prisoners near Novopokrovka village. Prisoner grievances included poor conditions, the lack of proper medical care, the excessive use of force by correction officers, and the high level of security. Authorities also reported the unrest stemmed in large part from a dispute between criminal gangs inside the prison. Representatives of the DSPI met with the rioters, other prisoners, and prison officers to resolve the prisoners' concerns; however, the riots continued and reached their peak after parliamentarian Tynychbek Akmatbayev and three officials accompanying him were killed during a visit to N31 prison colony near Bishkek on October 20 (see section 1.a.). The riot also resulted in two prisoners' deaths. Following this incident, protests of varying intensity continued at several penitentiary facilities until November 1, when police SWAT units raided prison colony 31 and removed notorious crime boss Aziz Batukayev and other inmates who had coordinated the riots; Batukayev and the other prisoners were transferred to the SNB holding facility in Bishkek. The government reported that three people were killed during the raid. Similar actions to stop the riots happened at other facilities. Also on November 1, the police thwarted a prison break at prison colony #8, which resulted in two prisoner deaths and the injuring of a third. In November the government allocated additional funding to DSPI to improve prison conditions. In December the government began developing a program to reform the penal system and introduce alternative punitive measures, in order to reduce the number of inmates and improve prison conditions.

Although the government generally permitted domestic and international human rights observers to visit prisons, in August police in Tokmok obstructed an authorized visit of representatives of the ombudsman and an NGO to observe conditions at a pretrial detention center. The ICRC was allowed to visit detainees in MOJ and SNB prisons and pretrial detention centers and was granted access to inmates on death row. DSPI authorities held briefings on penitentiary facilities and organized several visits of journalists to prisons.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, police at times used false charges to arrest persons and solicited bribes in exchange for release.

Role of the Police and Security Apparatus

Law enforcement responsibilities are divided between the MVD for general crime, the SNB for state-level crime, and the prosecutor's office for both types of crime. Corruption, particularly the payment of bribes to avoid investigation or prosecution, was a major problem at all levels of law enforcement. The government took steps to address corruption in the police force, including public commitments to fight corruption and a government decree, effective as of July, increasing the salary of police officers by 50 percent.

Police impunity remained a problem; however, during the year numerous MVD officials were dismissed and prosecuted for various offenses, including corruption, abuse of authority, and police brutality. According to the MVD, during the first 6 months of the year, 13 criminal cases were opened against police officers. Disciplinary actions were taken against 407 MVD employees, 26 employees were fired, and 43 were demoted. The MVD reported that during the first 6 months of the year, 259 complaints were filed for abuse or illegal conduct by police officials.

Arrest and Detention

The Prosecutor General's Office determines who may be detained, arrested, and prosecuted. An arrest warrant from the prosecutor's office is required to detain an individual, and there were no reports that this provision was abused. The law permits law enforcement officials to detain suspects for 72 hours before releasing them or charging them with a crime, and this was generally enforced in practice. The law requires that investigators notify a detainee's family within 12 hours of detention; however, this requirement often was not observed in practice.

Persons arrested or charged with crimes have the right to defense counsel at public expense. By law, defense counsel is permitted to visit the accused immediately upon delivery to a detention facility. In practice the accused at times did not see defense counsel until trial. Human rights groups noted that arrested minors were usually denied lawyers; police often did not notify parents of children who were arrested, and generally neither parents nor lawyers were present during questioning, despite laws to the contrary. Consequently children often were intimidated into signing confessions. The law also authorizes house arrest for certain types of suspects. There were reports that at times law enforcement selectively incarcerated people suspected of minor crimes, while other people suspected of more serious crimes remained at large. There was a functioning bail system.

The government continued to express concern about perceived extremist groups with radical religious or political agendas. During the year security forces detained 103 persons on charges related to extremist Islamist political organization Hizb ut-Tahrir activities and initiated 37 criminal cases, mostly for disseminating leaflets and booklets of an extremist nature. Although HT maintained that it was committed to nonviolence, the party's virulently anti-Semitic and anti-Western literature called for the overthrow of secular governments, including in Central Asia, to be replaced with a worldwide Islamic government called the caliphate.

Although HT was banned, police officials publicly stated that membership in the organization itself is not a crime. Rather, HT members charged with crimes were usually accused of possession and distribution of its literature (see section 2.b.).

Since the change of the government in March there were no political detentions.

The prosecutor has the discretion to hold suspects in pretrial detention for as long as one year, after which the prosecutor is required to seek

an extension from the parliament or release the suspect. There were no known instances in which the parliament was asked to extend a detention.

On August 13, President Bakiyev signed a law on amnesty, which was being implemented until March 2006.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, the executive branch at times interfered with the judiciary. Lawyers and citizens commonly believed that most judges were open to bribes or susceptible to outside pressure, and low salaries remained a mitigating factor.

Cases originate in local courts and can move to appeals courts at the municipal or regional level and finally to the supreme court. There were separate military courts as well as a separate arbitration court system for economic disputes. Civilians may be tried in a military court if one of the codefendants is a member of the military. Military court cases can be appealed to a military appellate court and ultimately to the supreme court.

The constitutional court has responsibility for determining the constitutionality of laws, resolving disputes concerning the interpretation of the constitution, and determining the validity of presidential elections. The constitutional court may not intervene in actions of the supreme court, except in cases related to the constitution. The court has specific authority to determine the constitutionality of NGO activities, political parties, and religious organizations.

Traditional elders' courts consider property and family law matters and low-level crime. Local elders' courts are under the supervision of the prosecutor's office but do not receive close oversight since many are located in remote regions. However, decisions of elders' courts can be appealed to the corresponding regional court.

Trial Procedures

Prosecutors, rather than judges, direct criminal proceedings. Prosecutors bring cases to court to try them before a judge and two "peoples' assessors." If a court renders a case indeterminate, it is returned to the procurator for further investigation, and suspects may remain under detention.

The judge conducts court hearings in accordance with the law and passes the sentence. A prosecutor participating in a trial is called the state prosecutor—his/her role is to maintain the indictment at all stages of the criminal process. The defendant's attorney defends the rights and interests of the defendant. The defendant may refuse attorney support and defend himself/herself. A criminal case is conducted by one judge; appellate cases--by three judges; and cases brought for supervisory consideration--by the entire supreme court. In the course of court proceedings, prosecutors provide support to charges against the defendant, and the attorney defends the accused. If a court renders a case indeterminate, it is returned to the investigative bodies for further investigation, and suspects may remain under detention.

The law provides for defendants' rights, including the presumption of innocence. In practice, however, such rights were not always respected. The judicial system continued to operate in many cases according to Soviet laws and procedures in which there was no presumption of innocence, and the focus of pretrial investigation was to collect evidence sufficient to show guilt. The law provides for an unlimited number of visits between an attorney and a client. Although official permission for such visits is required, it was usually granted.

The law permits defendants and counsel the right to access all evidence gathered by the prosecutor, attend all proceedings, which were usually public, question witnesses, and present evidence. However, these rights were not always respected in practice. Witnesses have to present their testimony in court; however, under certain circumstances specified in the law, witness testimony given during the investigation can be presented during the trial via audio or video recording without the witness being physically present. Indigent defendants were provided attorneys at public expense.

The law does not provide for juries. Defendants have the right to appeal the court's decision. The law provides for transparency of court proceedings. Generally, trials are open to the public, unless state secrets or the privacy of defendants are involved; however, even in closed proceedings, the verdict is announced publicly.

Military courts and elders' courts follow the same rules and procedures as general courts.

Political Prisoners

On March 24, after Akayev's overthrow, Kulov was released from jail, where he was serving concurrent 7- and 10-year sentences. On April 6 and 11, the supreme court overturned Felix Kulov's 2001 and 2002 convictions for abuse of power and embezzlement, believed to be politically motivated. He was appointed the acting first vice prime minister in May but resigned from the position for the duration of the presidential election campaign. Following the July 10 presidential election, he was reappointed as the acting first vice prime minister, and on September 1, the parliament approved him as the prime minister.

There were no reports of other political prisoners.

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

The law prohibits such actions; however, the government at times violated these prohibitions. The law requires general prosecutor approval for wiretaps, home searches, mail interception, and similar acts.

There were unconfirmed reports by citizens active in politics or human rights that their communications were monitored prior to the March revolution. SNB colonel Kelsinbek Akimaliyev was prosecuted on charges of divulging state secrets for a January 2004 incident in which listening devices were found in the offices of five parliamentary deputies. Akimaliyev was offered amnesty, but he refused the amnesty because he had never pleaded guilty, and thus additional charges of abuse of power, illegal possession of ammunition, and stealing ammunition were pressed against him. The case was forwarded to the Bishkek garrison military court. Akimaliyev claimed the charges were fabricated and in August claimed in a newspaper article that the SNB had made him a scapegoat in the bugging scandal. At year's end the case continued.

Unlike in the previous year, there were no reports of national or Uzbek security services covertly videotaping worshipers at mosques.

The government continued to conduct widespread document checks of some foreigners.

Family law prohibits divorce during pregnancy and while a child is younger than one year of age.

Official harassment of family members of Tynchtyk Duulatov, a member of the political council of the Ar-Namys party, ended after March 24. Tynchtyk Duulatov fled the country in 2003 to avoid prosecution for kidnapping, charges believed to be politically motivated. During the year the MVD continued to investigate the kidnapping charges, but was reportedly also trying to prove that the original charges were politically motivated.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press. Prior to March 24, the Akayev government frequently restricted these rights in practice. After the March 24 change of government, National TV offered airtime to various politicians, lawsuits against independent media decreased, and independent media experienced new, although limited, freedom of operations and news coverage. Nevertheless, by the end of the year there were reports that politicians critical of the Akayev's government were not allowed on National TV.

The MVD reported that during the first half of the year, 37 persons were prosecuted for distribution or possession of HT literature; those arrested typically were charged for distribution of literature inciting ethnic, racial, or religious hatred.

There were approximately 40 to 50 regularly printed newspapers and magazines, 8 of which were state-owned, with varying degrees of independence. Although the state printing house, Uchkun, was the primary newspaper publisher in the country, an independent printing press run by the nongovernmental Media Support Center (MSC) provided a competitive alternative to state-owned printing presses. Approximately 50 television and radio stations operated in the country, with 5 television stations broadcasting nationwide. Two nationwide television stations, Government TV and Radio Company (GTRK) and Mir Interstate TV and Radio Company, which is a Commonwealth of Independent States member-funded regional television station network, were directly influenced by the government. The rest were privately owned.

All media were required to register with the MOJ and receive ministry approval to operate. The media law states that registration should take no longer than one month, but in practice the process often took much longer. Part of the process included background checks on each media outlet's owner and source of financing, including international donor organizations.

Following the March events, the new government initiated a series of far-reaching reforms of government-owned media outlets, including plans to privatize all government-owned newspapers. However, at year's end government newspapers, television, and radio continued to receive subsidies, which allowed the government to influence news coverage and apply financial pressure on independent media by fostering unfair competition for scarce advertising revenue.

Although the GTRK initially was to become a public broadcaster, in November the government announced that it was instead turning its southern branch, then called Osh3000, into a public broadcaster. The new broadcaster, dubbed EITR, started operating in December, although it did not have a separate channel. EITR depended on the GTRK for three hours of its national broadcasting.

In November the government dismissed Azima Abdimaminova, the producer of Zamana Studio of the GTRK, in what seemed a rollback in the reforms that would give more freedom to the journalists of the GTRK. Abdimaminova, who was appointed immediately following the March 24 events, claimed the unofficial reason for her demotion was her reporting on sensitive issues.

Although the government announced the start of the privatization process of state-owned newspapers during the year, the government continued to interfere in newspapers' editorial policies, in one case replacing the editor with a government-appointed individual.

On February 24, the Akayev government revoked the broadcasting license of Radio Azzatyk, the local Radio Liberty/Radio Free Europe affiliate, to silence the station before the elections. The station resumed broadcasting following the change in government.

Foreign media operated freely. The law prohibits foreign ownership of domestic media; however, there was a small degree of foreign

ownership of media, through local partners. A number of Russia-based media outlets also operated freely in the country, although they were registered with the MOJ and therefore the government considered them local media.

During the year harassment of journalists decreased, although unknown persons continued to intimidate members of the media. For example in August the Public Association of Journalists reported that Aliyma Sharipova, a journalist with the independent newspaper *Itogi Nedeli* in Osh, was threatened after she wrote an article critical of local municipal officials. Other journalists of *Itogi Nedeli* also reportedly received threatening phone calls after the appearance of articles critical of political and business leaders.

Although the law prohibits censorship, a few independent journalists reportedly faced occasional government pressure over critical press coverage or were denied access to public meetings and information freely provided to state-run outlets.

According to the Public Association of Journalists, throughout the year the Naryn province governor's office only invited state-owned media outlets to government meetings. Journalists with independent Almaz-Naryn Radio were frequently denied access to the meetings.

In November Internews reported that National TV took the *Zoe Pero* talk show off the air; National TV's president stated one of the participants' remarks damaged the honor and dignity of the people and, if aired, would invite lawsuits against the station. *Zoe Pero* producers then switched to television station NTS to broadcast the show. In July a similar incident occurred, when National TV cancelled a show in which then prosecutor general, Azimbek Beknazarov, participated.

In November Timur Sharshenaliev, editor of independent NBT television station, reported that during prison riots in Moldovanovka, the military confiscated NBT video camera and tapes.

Libel is a criminal offense. A media NGO reported that the vast majority of "honor and dignity" suits filed against newspapers prior to March 24 had been dropped. However, the same NGO reported that numerous similar suits had since been filed and were still pending in the courts.

Four pending lawsuits filed in 2004 by then ombudsman Tursunbay Bakir-uulu against *Vecherniy Bishkek* and government media outlets, as well as the antimonopoly suit filed by *Vecherniy Bishkek* against the MSC, were dropped following the March revolution.

On February 22, five days before the first round of parliamentary elections, the Akayev government cut off the electricity to the MSC in an attempt to stop the printing of several pro-opposition newspapers. The MSC continued to print using generator power. Electricity was restored on March 15 two days after the elections were completed.

There are no laws regarding Internet media. In July Ulan Melisbek, owner and editor of independent, foreign-based Internet newspaper *Gazeta.kg*, alleged that authorities were blocking access to and hacking the Web site because of articles critical of the new government. In September Melisbek reported his family was being threatened and was forced to seek asylum abroad.

The government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly; however, the Akayev government frequently restricted this right in practice. The beginning of the year was marked with many demonstrations by citizens expressing their disagreement with the suppression of democracy and freedom. Demonstrations escalated and resulted in the overthrow of President Akayev's regime on March 24. After the revolution the government did not restrict peaceful meetings or demonstrations.

A 2004 proposed draft law to limit public demonstrations did not go into effect and was accordingly not used to limit opposition activity in this year's elections.

Protests, rallies, and demonstrations occurred regularly in public places throughout the country, including in proximity to government buildings. In most cases demonstrations took place without interference from authorities. However, there were several instances in which security forces forcibly disrupted demonstrations or meetings.

On March 23, the Akayev government used police and unarmed civilians to disrupt a peaceful demonstration in central Bishkek. Police detained at least 20 demonstrators for several hours. Progovernment thugs, bussed to the protest site by the government, beat an unknown number of demonstrators.

On March 24, the Akayev government again used civilians, this time armed with clubs and shields, to attack peaceful demonstrators on Ala-Too square in central Bishkek. A number of demonstrators were injured when a clash broke out between opposition protestors and persons bussed in by the government. Opposition demonstrators pushed back progovernment supporters and overran the main government administration building, including the offices of then president Akayev. President Akayev, who was not in the building at the time, fled the country shortly thereafter.

On April 22, demonstrators demanding the resignation of the chairman of the supreme court seized control of the supreme court building and

held it for 40 days; government authorities made no attempt to retake the building. On June 1, a large group of private citizens entered the building by force and ejected the demonstrators. Several persons suffered minor injuries during the incident.

On June 17, law enforcement forcibly prevented the seizure of the main government building and the supreme court by supporters of Urmat Baryktbasov, who was denied registration as a presidential candidate. After approximately 200 antigovernment protestors forcibly entered the building, police ejected them and then used tear gas to disperse the crowd outside of the main government building in central Bishkek. Thirteen demonstrators and police were injured in the demonstration, none seriously.

Freedom of Association

The law provides for freedom of association. NGOs, labor unions, political parties, and cultural associations all must register with the MOJ; they also must have at least 10 members to register, except for NGOs, which are required to have only 3 members. No domestic NGOs were denied registration by the MOJ during the year, although the MOJ did not reregister the Kyrgyz Human Rights Committee (see section 4). The law prohibits activities of foreign political parties and NGOs, including their representative offices and branches that pursue political goals.

During the year (domestic) foreign-funded NGOs were generally able to pursue their work free from government interference. However, prior to March 24, state-owned and pro-government media frequently published articles critical of some foreign-funded NGOs.

The government continued its ban of four organizations it deemed to be extremist due to alleged ties to international terrorist organizations: HT, Islamic Party of Turkestan, Organization for Freeing Eastern Turkestan, and Eastern Turkestan Islamic Party. Arrests and prosecution of persons accused of possessing and distributing HT literature continued during the year (see section 2.a.).

Most arrests occurred in the south and involved ethnic Uzbeks. Those arrested typically were charged for distribution of literature inciting ethnic, racial, or religious hatred. The MVD reported that during the year 103 persons were detained, and 37 persons were prosecuted for distribution or possession of HT literature.

c. Freedom of Religion

The law provides for freedom of religion. The government generally respected this right in practice, although there were some restrictions, particularly regarding the activities of Islamic groups that it considered to be extremists and a threat to the country. Islam was the most widely practiced faith.

The State Commission on Religious Affairs (SCRA) is responsible for promoting religious tolerance, protecting freedom of conscience, and overseeing laws on religion. Under the law all religious organizations, including schools, are required to register with the SCRA, and each congregation is required to register separately. According to the State Agency for Religious Affairs, 46 new religious entities (17 mosques and 29 Christian churches) were registered between August 2004 and June. Although several groups, including the Roman Catholic Church (RCC), had had difficulties registering, almost all, including the RCC, were eventually registered, except for the Hare Krishnas. Representatives of the Hare Krishna Society reported that they still were not registered by the SCRA, despite repeated attempts since 2003. In September the society filed another application for registration and was awaiting a reply at year's end.

Religious organizations are also required to register with the MOJ to obtain status as legal entities to own property, open bank accounts, and otherwise engage in contractual activities. The ministry's registration process was cumbersome, taking a month on average. In practice the ministry did not register religious organizations without prior SCRA registration. According to SCRA regulations, registration is rejected if an organization does not comply with the law or is a "threat to national security, social stability, interethnic and interdenominational harmony, public order, health, or morality." Applicants whose registration is rejected may reapply and appeal the decision in court. Over the past year the SCRA registered several new organizations that had had trouble registering previously. The Church of Jesus Christ reported that the SCRA registered all six affiliates that attempted to register between August 2004 and July. Despite numerous attempts, the registration of the Church of Jesus Christ of Latter-day Saints, however, was not yet approved.

In October the president signed a decree abolishing the SCRA's status as a separate body. The commission was to become an office under the prime minister, a change that had not taken effect by year's end.

The government was concerned about political extremism it believed was disguised as conservative Islam, particularly Wahhabist interpretations (see section 2.b.). In contrast to previous years, however, no incidents of domestic or foreign security services monitoring worshippers at mosques were reported.

Law enforcement authorities, including the MVD and the SNB, often played a role in investigating religious organizations and resolving inter-religious disputes. Representatives of smaller churches, such as the Church of Jesus Christ, complained of government attempts to hamper their activities in the past. During the year the police detained 103 persons for religious activity and opened criminal cases in 37 occasions, mostly for HT related activities (see section 2.a.).

In June both the SCRA and an official with the Jalalabad Oblast Kaziye confirmed that all of the mosques closed in May 2003 by local administration head Asan Erkinbayev in the Karadarya district had been reopened and were functioning normally.

Female students who attended public schools continued to be forbidden from wearing religious headscarves (hijab) while in school.

Societal Abuse and Discrimination

During the period covered by this report, there were no acts of violence, harassment, or vandalism reported against the Jewish community, its institutions, schools, synagogues or cemeteries. Approximately three thousand Jews lived in the country.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The law on internal migration provides for freedom of movement, and the government generally respected the right in practice; however, certain policies continued to complicate internal migration, resettlement, and travel abroad.

The law requires an official residence registration to work and settle in a particular area of the country. Applicants for residence registration must file a request with the local police and be able to prove that they have a place to live in the area. Local administrations also tied the availability of social services to registration; individuals who did not register could be denied access to subsidized health care or schooling. Authorities detained and fined individuals without residence registration.

The law on external migration prohibits travel abroad of citizens that had access to information classified as state secrets. The delay in issuance of new passports created problems for citizens traveling abroad and within the country.

The law does not provide for or prohibit forced exile, and there were no reports that the government employed it in practice. Following the March overthrow of the Akayev government, the president of the Kyrgyz Committee for Human Rights (KCHR) returned from self-imposed exile abroad.

On July 4, Uzbek border guards arrested a Kyrgyz police officer, Aldayar Satybekov, as he returned home from shopping in Uzbekistan and charged him with illegal border crossing. Satybekov's relatives were not allowed to visit him and alleged that he was detained by the Uzbeks to exchange him for Uzbek refugees who fled to Kyrgyzstan following the May events in Andijon. After four months in custody, he was fined approximately \$350 (470 thousand som) and released.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution.

The government granted refugee status or asylum and cooperated with the office of the UN High Commission on Refugees (UNHCR) and other international humanitarian organizations in assisting refugees and asylum seekers.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol and provided it to approximately 23 persons during the year.

The government's record in protection and asylum issues was mixed. In May the government provided temporary shelter to approximately 500 Uzbek asylum-seekers fleeing violence in the Uzbek city of Andijon. On June 9, the government forcibly returned four of these asylum seekers to Uzbekistan. Neither the ICRC nor any diplomatic mission had access to these individuals since their repatriation and ensuing imprisonment in Uzbekistan. In July and September the government released 450 of the refugees to the UNHCR for third-country resettlement. At year's end five remaining Uzbek asylum-seekers remained in detention in Osh while their cases were being decided by the Kyrgyz courts. Although the UNHCR determined four of the five asylum-seekers met the criteria for refugee status, authorities refused to recognize this status and surrender them to UNHCR for resettlement in a third country. The government did not allow UNHCR access to one asylum seeker from Uzbekistan to make a decision on his status.

Human Rights Watch, Amnesty International (AI), and other sources reported that Uzbek authorities coerced relatives of the Andijon refugees to travel to refugee camps in Kyrgyzstan to ask them to return. Uzbek security forces were also seen outside camps in the country, and in some cases plainclothes officers infiltrated the refugee population; there were reports that in some instances they attempted to remove persons from a refugee camp by force. According to AI, armed local persons also reportedly entered camps and threatened to force the refugees out if they did not return to Uzbekistan voluntarily.

On December 13, Kyrgyz police arrested Makhambet Abjan, an opposition political activist from Kazakhstan who requested political asylum. Despite human rights groups' protests, on December 23, law enforcement officials extradited Abjan to Kazakhstan at the request of Kazakh authorities.

According to the UNHCR and the Ministry of Foreign Affairs migration services department, authorities provided temporary protection to 314 Chechen asylum seekers. The government did not grant Chechen refugees official refugee status but granted them asylum seeker status if they so qualified, providing them with some legal protection.

According to the UNHCR, Uighurs remained at risk of deportation or extradition, particularly if they were involved with political and religious activities in China.

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

While the law provides citizens with the right to change their government peacefully, the government restricted citizens' ability to do so. February-March parliamentary elections were marred by numerous, serious violations, particularly in the pre-election period. After a buildup of protests around the country, opposition demonstrators overran the main government building in Bishkek and, on March 24, President Akayev fled the country. Following Akayev's departure, Prime Minister Kurmanbek Bakiyev assumed the interim presidency and was elected president in the July 10 election; a new parliamentary election was held on November 27 in two districts.

Improvements in the right of citizens to change their government peacefully followed the overthrow of the Akayev government. The new government allowed peaceful protests, and new elections demonstrated improvements over previous elections.

Under the constitution the president has a virtual veto on any legislative act and may dissolve the legislature and dismiss members of the government; the president also has immunity after leaving office. The parliament may override presidential vetoes, which it has occasionally done in the past. Despite constitutional limitations, parliament demonstrated a degree of independence in September by rejecting 6 of 16 candidates nominated for Bakiyev's cabinet.

In April the government established a constitutional council to draft a new constitution. In September President Bakiyev signed a decree expanding the size of the council from 114 to 289 members, a move some members of civil society complained was an attempt to pack the council with Bakiyev supporters.

Elections and Political Participation

In January 2004 then president Akayev signed a new election code into law. Domestic NGOs and opposition parties largely saw the new election code as a significant improvement over the previous law. The new code incorporated numerous suggestions from the OSCE and NGOs to improve transparency as well as NGO and political party participation in the electoral process. However, the OSCE determined it did not meet international standards due to vague provisions that could be used to restrict candidates, media, and party rights. The code prohibits publishing the results of public opinion polls, forecasts of election results, or other such research materials, in the mass media. As a result, public knowledge of candidates and their platforms was inhibited.

Even though the law provides a five-day moratorium on de-registration of candidates, a few days before the second round of the parliamentary elections in March two candidates were de-registered and removed from the ballot for controversial reasons.

The law's five-year residency requirement barred five opposition candidates who were former diplomats from parliamentary election in February and March.

February and March parliamentary elections were highly flawed, particularly due to pre-election violations. Violations included pressure on independent media, use of progovernment media to discredit particular candidates, selective deregistration of candidates by courts prior to the election, illegal election campaigning, interference by local authorities, low quality of voter lists, and poor organization of the electoral process by election commissions. Election observers also noted widespread electoral violations, including government pressure and intimidation against the media and opposition candidates, disqualification of opposition candidates for spurious reasons, illegal busing of voters to the polls, and rampant vote buying. Nevertheless, independent and opposition political parties and NGOs took advantage of provisions in the new electoral code allowing for their participation on electoral commissions.

Run-off elections in the second round of the February-March parliamentary election were held in 23 out of 75 districts. Election results were appealed through the CEC or courts in at least 11 districts.

The July 10 presidential election was a major improvement over the 2000 presidential elections. The OSCE/ODIHR concluded in its July 11 election assessment that the election "marked tangible progress" and noted "a good measure of political will from the authorities to conduct a democratic election." Fundamental civil and political rights, such as the freedom of expression and the freedom of assembly, were generally respected leading up to the election, and the media provided all candidates with opportunities to present their views. Despite concerted efforts to improve voter lists, however, some aspects of the revision of voter lists breached legal provisions. Unexplained fluctuations in the number of voters on the main voter lists, up to and on election day, raised questions about the accounting of ballots.

On November 27, parliamentary by-elections were held in two districts. Independent observers reported numerous violations in the Tunduksky district in Bishkek. For example, authorities bribed and provided free transportation to voters, and the local election commission disregarded violations committed by one of the candidates, Janysh Kudaibergenov. On December 29, after reviewing a complaint filed by the losing candidates, the CEC ruled that the violations did not affect the final voting results and recognized Kudaibergenov the winner.

The government occasionally sought to impede the functioning of opposition political groupings and the expression of opposition views in the media (see section 2.b.). Numerous opposition politicians and members of prominent NGOs reported incidents of harassment and intimidation prior to March 24. For example, in January and February unknown persons spray-painted graffiti on the homes of a number of prominent opposition figures. In February unknown persons threw a hand grenade onto the balcony of the apartment of then opposition figure Roza Otunbayeva. The apartment was unoccupied at the time, and no one was injured. A spokesperson for former president Akayev publicly suggested that Otunbayeva carried out the attack as a publicity stunt.

In addition one of the leaders of the March events, Azimbek Beknazarov, alleged that his September 19 dismissal from the post of prosecutor general, which he occupied between March and September, was politically motivated.

There were no women in the 75-seat legislature. Women did hold several high-level government posts, including chief justice of the constitutional court, the chair of the State Committee on Migration and Employment Issues, and chair of the Social Fund.

There were 12 members of 4 minorities represented in the 75-seat legislature. Russians and Uzbeks, the two largest ethnic minority groups, remained underrepresented in government positions. Members of minority groups held top posts, including the minister of labor and social protection and chair of the Social Fund. Russian-speaking citizens alleged that a "ceiling" precluded promotion beyond a certain level in government service and alleged that some otherwise qualified candidates were disqualified in elections in previous years on the basis of exams, the fairness of which was questioned (see section 5).

Government Corruption and Transparency

Corruption remained a serious problem at all levels of society. During the year the government took limited steps to address the problem.

Tax authorities released to the media a list of officials that did not submit income declarations. There were no reports of any action taken against officials that failed to comply with the income disclosure law.

Following the change of government, a special commission was established to identify assets that had belonged to former president Akayev and his entourage. After the results of the commission were released, the Office of the Prosecutor General launched several investigations to assess the legality of these acquisitions and businesses. The investigations continued at year's end.

On June 21, the government adopted and began implementation of an anticorruption strategy, aimed at combating corruption in all sectors of society. On September 8, the financial intelligence service was established to prevent terrorist funding, fight money laundering, and to gather and forward relevant information to law enforcement agencies. And on October 21, the Anticorruption Council, consisting of 11 governmental officials and representatives of civil society and the media, was established. This council coordinated the government's overall anticorruption work. The government also reduced staff in government offices and began a wide anticorruption information campaign.

The law gives persons the right to request information from the government. The government generally complied with such requests but sometimes took a long time to do so.

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

Under the Akayev administration, human rights groups operated in a generally hostile environment and were faced with occasional government pressure to curtail their activities. Harassment of human rights activists, particularly those active on election-related issues, increased considerably during the first three months of the year. However, the Akayev Government also made limited efforts to interact with some NGOs, and most domestic independent human rights organizations were able to investigate and publish their findings on human rights cases. After March the Bakiyev government made significant efforts to reach out to human rights groups and civil society in general. Nonetheless, harassment and pressure by unknown persons on human rights activists continued during the year.

In September human rights activist Azziza Abdrasulova and her family received threatening phone calls from unknown persons who demanded that Abdrasulova destroy documents she allegedly held regarding protesting railway workers. Unknown persons approached Abdrasulova's husband and demanded he sign a statement saying he received \$20 thousand (822 thousand som) in return for persuading his wife to stop supporting the railway workers. When he refused to sign the statement the assailants beat him.

In August and September unknown persons threatened a prominent civil society activist with violence after he criticized the growing role of organized crime in the country.

In December the government pressed slander charges against Maxim Kuleshov, leader of human rights NGO Peace, Light and Culture, and coordinator of the resource center in Tokmok. The case was initiated after Kuleshov filed a lawsuit against police officers for interrupting a December 2 peaceful rally in Tokmok against torture in penitentiary facilities. Both cases were under consideration at year's end.

In April Ramzan Dyryldayev, head of the Kyrgyz Committee on Human Rights (KCHR), returned to the country from Vienna where he had been living in self-imposed exile since 2002. The MOJ did not reregister the KCHR during the year and reportedly recommended the group to take its case to court, since there was another KCHR registered by the MOJ, which was created by the Akayev regime in 2003 allegedly to oust Dyryldayev from the human rights movement in the country. Dyryldayev took the case to court, but authorities did not reopen the case; Dyryldayev also claimed the government did not act on most of his appeals.

Police dropped the case regarding the July 2004 assault of Ramazan Dyryldayev's daughter, Ainura Aitbayeva, when she moved abroad.

A number of international groups reported on human rights problems in the country. The government generally cooperated with international governmental organizations.

The ombudsman's office actively worked to advocate for individual rights. The ombudsman's mandate is to act as an independent advocate for human rights on behalf of private citizens and NGOs and has the authority to recommend cases to courts for review. The ombudsman's office claimed that after the March events, the number of complaints grew by nearly 50 percent. During the year the ombudsman's office received over 25 thousand appeals, most having to do with land ownership issues and official corruption.

Parliament's Committee on Constitutional Law, State Structure, Legality, Court, Judiciary Reform and Human Rights drafts or reviews

legislation affecting human rights before it goes before the full parliament for approval. The committee also reviews all draft legislation that has a human rights component. In addition the Democratic Security Council under the president is nominally tasked with protecting human rights in the country; however, it remained relatively inactive during the year.

In April former opposition politician Tursunbek Akunov was appointed chairman of the State Commission on Human Rights under the president. The commission's responsibilities included implementing the government's policy on human rights, improving relevant legislation, conducting information campaigns to increase public awareness about human rights issues, and establishing relations with international human rights organizations.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, although in practice there was discrimination against women, persons with disabilities, ethnic minorities, and homosexuals.

Women

The law specifically prohibits domestic violence and spousal abuse; however, violence against women remained a problem. Some estimates indicated domestic violence constituted between 40 and 60 percent of all crimes committed against women. Many crimes against women were not reported due to psychological pressure, cultural traditions, and apathy of law enforcement officials. Penalties ranged from fines to 15 years' imprisonment (if abuse resulted in death). There were 4,135 crimes committed against women during the year; most were sent to court.

Several local NGOs provided services for victims of domestic violence, including legal, medical, and psychological assistance, a crisis hot line, shelters, and prevention programs. Organizations involved with battered women also lobbied for new laws on domestic violence.

Rape, including spousal rape, is illegal. Activists noted that rape was becoming more common, although it was not clear whether this was due primarily to increased reporting of attacks. Interior ministry statistics indicated that during the year there were 298 registered cases of rape, 220 of which were sent to court. Actual figures were believed to be significantly higher; NGOs estimated the number could be up to ten times the reported figure.

Although a law prohibits the custom, rural inhabitants continued the traditional practice of kidnapping women and girls for forced marriage. During the year there were 18 reported cases of forced marriage, but the actual figure may be much higher. One study indicated that up to one-third of ethnic Kyrgyz women living in the northern part of the country were married against their will as a result. Many victims of forced marriage also reported to researchers that they were raped at the time that they were kidnapped. Cultural traditions discouraged victims from going to the authorities. In December 2004 the government supported NGO-sponsored Campaign Against Violence and Bride Kidnapping conducted for high school and college students, government officials, law enforcement officers, and medical personnel. Participating NGOs distributed information materials, produced television documentaries, performed a short play on bride kidnapping, and held discussions on domestic violence and trafficking in persons. NGOs maintained antitrafficking hot lines to help potential and actual trafficking victims.

Prostitution is not a crime, although the operation of brothels, pimping, and recruiting persons into prostitution is illegal, with penalties of up to five years. With no legal measures in place to regulate the industry, it was an increasing problem.

Trafficking in women for the purpose of sexual exploitation and forced labor was a problem (see section 5, Trafficking).

Sexual harassment is prohibited by law, but it was a problem. Penalties range from fines to imprisonment.

Women enjoy the same rights as men, including under family law, property law, and in the judicial system, though discrimination against women persisted in practice. The National Council on the Issues of Family, Women and Gender Development, under the president, is responsible for women's issues. Average wages for women were substantially less than for men. Women made up the majority of pensioners, a group that was particularly vulnerable to deteriorating economic conditions. With the end of communism, traditional attitudes toward women reasserted themselves strongly in the countryside, where women were relegated to the roles of wife and mother, and educational opportunities were curtailed. Data indicated that women were less healthy, more abused, less able to work outside the home, and less able to dispose of their earnings independently.

Children

The government was generally committed to the rights and welfare of children, although it lacked resources to fully address basic needs for shelter, food, and clothing.

The law provides for compulsory and free education for the first 9 years, or until age 14; secondary education is free and universal up to age 17. However, financial constraints prevented the government from providing free basic education for all students. Families that kept children in public schools often had to pay burdensome--and illegal--administrative fees. Girls and boys attended school in equal ratios. During the year the primary school enrollment ratio was 99 percent for both girls and boys, according to UNICEF; the secondary school enrollment ratio was 78 percent for boys and 85 percent for girls. The law penalizes parents who do not send their children to school or who obstruct their attendance. This law was only spottily enforced, particularly in rural areas. In the most recent academic year 80,300 or 7 percent of total school age children completed secondary school.

The government continued to fund the work of two programs to provide benefits for low-income children and children with disabilities, such as school supplies and textbooks. Legally, all textbooks should be free, but the government was unable to provide free textbooks to all, and students had to pay for some of the textbooks.

The government provided health care for children, and boys and girls had equal access. The system of residence registration restricted access to social services, including healthcare and education, for certain children, such as refugees, migrants, internally displaced persons, and non-citizens (see section 2.d.).

Child abuse, including beatings, child labor, and sexual exploitation continued to be a problem.

Underage marriage was not a significant problem in the country. Children ages 16 and 17 may legally marry with local authority consent, though marriage before age 16 is prohibited under all circumstances.

Trafficking of children for the purposes of sexual exploitation and labor remained a problem (see section 5, Trafficking).

Child labor was a problem (see section 6.d.).

As in previous years, there were numerous reports of child abandonment due to parents' lack of resources, which led to larger numbers of children in institutions, foster care, or on the streets. State orphanages and foster homes also faced a lack of resources and often were unable to provide proper care. Some children too old to remain in orphanages were transferred to mental health care facilities, even when they did not exhibit mental health problems. Many street children left home because of abusive (8 percent) or alcoholic (10 percent) parents or desperate economic conditions (75 percent). Government and NGO estimates of the number of street children nationwide ranged from approximately 2 to 15 thousand, depending on the time of the year. Approximately 80 percent of street children were internal migrants. Street children were detained by police and either sent home (if an address was known) or to a rehabilitation center or orphanage. The two MVD-maintained rehabilitation centers, one each in Bishkek and Osh, were in poor condition and lacked sufficient food, clothes, and medicine.

Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country. Trafficking remained a persistent problem, and victims alleged government officials facilitated, or were complicit in, trafficking. However, the government made significant efforts to address trafficking, including prosecuting several officials involved in trafficking and improving assistance to victims.

Trafficking in persons, including organizing illegal migration and smuggling, is a criminal offense punishable by up to 20 years in prison. Other provisions of the criminal code used to prosecute traffickers included kidnapping, trading in children, recruiting persons for exploitation, coercion into prostitution, rape, and deprivation of freedom. The maximum sentence for those prosecuted under these laws is 15 years. According to the Office of the Prosecutor General, 30 trafficking-related cases were initiated during the year; 3 cases resulted in the convictions of 4 people. Prosecution was difficult due to victims' reluctance to file charges either out of fear, mistrust, or the social stigma attached to trafficking crimes.

In March then president Akayev signed the Law on Preventing and Combating Human Trafficking. The law stipulates legal aspects of preventing and combating trafficking in persons, provides guidelines for coordination of efforts of law enforcement agencies involved in such activities, outlines measures for victim protection and support, and designates a special entity for preventing and fighting trafficking, consisting of representatives of the government, NGOs and international organizations. The law also provides for better protection of trafficking victims.

The MVD has a designated antitrafficking police unit. The National Antitrafficking Council is responsible for developing a government policy to fight trafficking and oversee the efforts of different agencies as they implement government antitrafficking action plans. Following the change of the structure of the government, a new agency, the State Committee for Migration and Employment Issues, was established and is responsible for streamlining labor migration. This agency, the MVD, the Office of the Prosecutor General, and NGOs continued to work on implementation of the 2004-2005 antitrafficking plan of action. Working with the International Labor Organization (IOM), the government started the development of a new program to combat trafficking for 2006-2008. The IOM began implementation of a program sponsored by a foreign government to combat trafficking. Although the government lacked adequate resources to implement many aspects of the action plan, it actively participated in and helped implement numerous NGO and other foreign-donor sponsored antitrafficking programs. Activities included: improvement of antitrafficking laws, changes to the criminal code decriminalizing trafficking victims; an information and public awareness campaign regarding trafficking; training for law enforcement officers and foreign service officers; and monitoring of companies recruiting labor migrants to prevent illegal recruiting. The government cooperated with international organizations and other countries to combat trafficking.

The country was primarily a source and transit point for trafficked persons, although there were increasing reports of the country being a destination for women trafficked as prostitutes. There were no reliable estimates of the number of persons trafficked annually, and no reliable studies had been conducted. However, in 2004 NGOs and government officials estimated that up to four thousand local women were working in the UAE in the sex industry, most presumed to have been trafficked. The NGOs Podruga and Sezim reported that they received approximately 1,500 calls to their hot lines during the year. Some 300 to 500 thousand citizens were estimated to be working as labor migrants in Russia, and 30 to 50 thousand labor migrants were in Kazakhstan, some of them illegally. The number of these who were trafficking victims was unknown.

The country was a transit point for individuals trafficked mostly from Uzbekistan and Tajikistan to the West (mainly to Turkey and Eastern

Europe). The country was also a source for trafficked women and girls, largely to the UAE, Turkey, Germany, Greece, Cyprus, and South Korea for the purpose of sexual exploitation; and for trafficked persons largely to Kazakhstan, Russia, and Ukraine for forced labor. Labor trafficking was predominant. According to the Osh Migration Service, hundreds of destitute southerners were trafficked to Kazakhstan as forced laborers on tobacco plantations, although this practice declined significantly since the signing of a 2003 bilateral labor agreement between the country and Kazakhstan. In addition there was also internal trafficking from poor, rural areas to Bishkek and Osh.

A flourishing commercial sex industry exploited girls as young as age 10 from destitute mountain villages.

Groups targeted by traffickers included young women unable to earn an adequate living. Poor economic conditions, high unemployment--particularly in the south--and gender inequality made young women and poor workers vulnerable to traffickers who offered lucrative jobs or marriage offers to rich men abroad. The IOM estimated approximately 70 percent of trafficking victims were from the south. Often women were lured abroad via newspaper advertisements or even announcements over loudspeakers in local bazaars. Women responding to job offers for waitresses, au pairs, or dancers, or to marriage agencies could find themselves abroad without documents or money for return tickets and forced to work for their traffickers.

Traffickers were often persons who previously operated local prostitution networks. Relatives or close family friends were also reportedly used to recruit trafficking victims. Tour agents, restaurants, and nightclubs supplemented their activities by trafficking young women to foreign prostitution rings. Traffickers of persons for sexual exploitation included organized crime rings that often used former trafficking victims as recruiters. In some cases traffickers provided escorts, usually an older woman, to accompany victims and facilitate border crossings into countries such as the UAE, where young women were generally not allowed to enter alone. Labor trafficking was much less organized and often involved self-employed recruiters who simply loaded persons onto buses and transported them to the country for work on farms, as well as labor recruitment firms (see section 6.c.).

Endemic corruption impeded the government's efforts to curb trafficking. Victims reported local police, immigration officers, and airport security officials often cooperated with highly organized trafficking operations. Observers believed that some government authorities facilitated or were otherwise complicit in trafficking activities. According to Kubanychbek Isabekov, chair of the parliamentary Commission on Labor Migration, law enforcement officers were involved in trafficking. In July a former officer of the border control department at the National Border Service was arrested for facilitating the trafficking of young women through border checkpoints.

According to a March law, the government may provide foreign trafficking victims with criminal immunity and immunity from deportation for violations committed while being trafficked, provided they cooperate with law enforcement. In addition such individuals may be granted temporary or permanent residence status. In the past the majority of trafficking victims refused to cooperate with police for fear they would be prosecuted for offenses committed while being trafficked into or out of the country. Many of those who transited the country were abandoned by traffickers and lived in hiding to avoid discovery by authorities. However, there were no reports that the government deported foreign victims of trafficking during the year. The OSCE and IOM reported that many of those who returned from commercial work overseas stated they were forced to pay bribes to law enforcement officials to avoid imprisonment for having improper or falsified travel documents, although border authorities reported that Kyrgyz victims who admitted to the use of false documents or illegal entry into the country were not penalized. During the past year, five trafficking victims cooperated with law enforcement and were not prosecuted for illegal border crossing and document fraud. The government, working with the IOM, returned over 300 trafficking victims from Russia, Kazakhstan, and other countries.

According to NGOs the government did not directly assist trafficking victims, including those repatriated, with any special services or care facilities, but it increasingly referred victims to private shelters such as Sezim, which provided shelter for 41 women during the year. Numerous NGOs conducted workshops for law enforcement officers. A number of NGOs, including Women's Support Center, TAIS-Plus, New Chance, Sezim, and Podruga, provided legal, medical, and psychological counseling and assistance, and economic aid to trafficking victims. In April an IOM-funded shelter for trafficking victims in Osh closed due to lack of funding; it reopened in September. Several NGO-sponsored media articles, public service announcements, and a traveling theater show publicized the dangers of working abroad, and posters on public transport raised public awareness of the problem. Numerous NGOs ran hot lines for victims. During the year Sezim received 514 trafficking-related calls on its hot line and provided shelter to 41 female victims. Podruga received 923 calls on its hot line. During the year the IOM provided assistance to over 300 trafficking victims. The assistance included repatriation (from Kazakhstan, Russia, and other countries), psychological support, shelter upon arrival in Bishkek or Osh, vocational training as well as a monthly stipend.

The IOM, OSCE, various local organizations, and foreign governments sponsored various preventive programs, including antitrafficking public service announcements, roundtables, and workshops to increase awareness among the government, nonprofit, tourism, and media sectors.

The government carried out or participated in a number of antitrafficking and education campaigns. Regional and local governments worked with 18 domestic NGOs on a 2004-2005 information campaign. The NGO Center for Support to Women prepared a book that reviewed trafficking in the country, analyzed international trafficking, reprinted trafficking legislation, and provided recommendations to law enforcement and medical institutions on how to handle trafficking victims. The book was used in seven training workshops for NGOs and seven seminars for law enforcement throughout the country; additionally, the book was disseminated in five schools and two colleges in seminars.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, but in practice there was discrimination in employment, education, access to health care, and in the provision of other state services for persons with disabilities. The law mandates access to buildings for persons with disabilities, although the government generally did not enforce these provisions in practice. The law provides for access to public transportation and parking for persons with disabilities, subsidies to make mass media available to the hearing or visually impaired, and free

plots of land for the construction of a home; however, in practice, few special provisions were in place to allow persons with disabilities access to transportation, public buildings, and mass media. In addition persons with disabilities often had difficulty finding employment because of negative societal attitudes and high unemployment among the general population. The lack of resources made it difficult for persons with disabilities to receive adequate education. Hospitals, special institutions, and boarding homes for persons with mental disabilities were severely strained, due to low budgets and heavy workloads.

Serious problems remained within psychiatric hospitals. The government was unable to provide basic needs such as food, water, clothing, heating, and healthcare, and facilities were often overcrowded. There were documented cases of animal feed being purchased to substitute normal rations for mentally ill patients. Inadequate funding played a critical factor. Mentally disabled children were put into psychiatric hospitals rather than socially integrated with other children. Though they have the right to an education they were not allowed to go to school. Their parents have created special educational centers to educate their children, but they did not receive any government assistance. Patients were also often admitted involuntarily, including children without mental disabilities who were too old to remain in orphanages. Patients were sometimes engaged in forced labor on hospital grounds (see section 6.c.). The NGO Mental Health and Society continued its work with the health ministry to develop programs aimed at improving conditions in psychiatric hospitals.

During the year under pressure from NGOs, the Chym-Korgon hospital closed down its labor colony, where its patients had worked with no compensation. However, the chief physician of the hospital refused to cooperate with a local NGO project in which patients could work and be paid.

A patient institutionalized at the Chym-Koprgon hospital died under suspicious circumstances three days after the March 24 change of power; foul play rather than neglect was suspected but there was no determination at year's end. The patient had been diagnosed as mentally ill and institutionalized following his attempted murder of Secretary for the State Security Council Misir Ashirkulov.

The lack of transparency in the administration of mental health facilities contributed to abusive conditions.

Some progress in making the work of hospitals more transparent was reported in a Jalalabad hospital, which treats many persons with mental disabilities, and food supply and other conditions improved during the year.

Most judges lacked the necessary experience and training to determine persons should be referred to psychiatric hospitals, and individuals were often institutionalized against their will.

National/Racial/Ethnic Minorities

There were reports of discrimination against nonethnic Kyrgyz citizens. Minorities alleged discrimination, including from officials, in hiring, promotion, and housing. August statistical data reflected the following ethnic breakdown of the population: 67.4 percent Kyrgyz; 10.3 percent Russian; 14.2 percent Uzbek; 1.1 percent Dungan (ethnic Chinese Muslims); and 1 percent Uighur. Other ethnic groups, including Tatars and Germans, comprised 6.4 percent of the population.

Following the March 24 overthrow of the Akayev government, ethnic minority groups, particularly Russians, expressed fears of increased Kyrgyz nationalism. On several occasions flyers with anti-Russian slogans were distributed around Bishkek. However, no incidents of interethnic violence were reported.

In contrast, a representative of the Uighur community expressed hope that the change of power would end discriminatory actions against the Uighur minority that occurred during the Akayev period. Some Uighurs had reported harassment by authorities, as well as discrimination in employment and negative societal attitudes and media coverage of their community. Until the March 24 revolution former State Secretary Ibraimov prevented the Uighur community from holding festivities, demanding that the leader of the Uighur cultural center refute his earlier anti-Chinese statement in the local press. According to the same source this policy changed with the change of administration in March and ethnic Uighurs were able to elect their nominees to local bodies during the last elections.

Representatives of the large ethnic Uzbek minority alleged on several occasions that officials discriminated against their community. The former governor of the Osh region charged that President Bakiyev removed him from his position, in part because of his Uzbek ethnicity.

The law designates Kyrgyz as the state language and Russian as an official language and provides for preservation and equal and free development of minority languages. Russian-speaking citizens alleged that a ceiling precluded promotion beyond a certain level in government service. They also alleged that some otherwise qualified candidates were disqualified in elections in previous years on the basis of exams, the fairness of which was questioned. Both Uzbek and Russian were widely used both officially and unofficially. A 2004 language law requiring, among other provisions, that the president, prime minister, speaker of parliament, and a number of other unspecified public servants be proficient in Kyrgyz was pending implementation until 2015.

Other Societal Abuses and Discrimination

According to a Dutch study, people of nontraditional sexual orientation, particularly homosexual men, were among the most oppressed groups, although the country does not outlaw homosexuality. Those whose sexuality was publicly known risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities, particularly lower-ranking police. Incarcerated gay men were often openly victimized in prisons by inmates and officials alike.

Section 6 Worker Rights

a. The Right of Association

The law provides for the right of all workers to form and belong to trade unions, and workers exercised this right in practice. A new labor code was adopted in July 2004 and on June 30 amendments were made to the Trade Unions Act. The Federation of Trade Unions (FTU) believed these changes strengthened the legal framework for trade union activities and expanded legal protections for employee rights.

The independent FTU remained the only trade union umbrella organization in the country although unions were not required to belong to it. The FTU had 1,040 million members, or 56 percent of the country's employed workforce. Growing numbers of smaller unions were not affiliated with the umbrella organization. The federation must approve all draft legislation affecting workers' rights. The FTU did not experience any antiunion discrimination.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference and the government protected this right in practice. The law recognizes the right of unions to organize and bargain collectively, and approximately one-third of all trade unions exercised this right. The government set the minimum wage, after which each employer set its own wage level.

While the right to strike was not codified, it was also not prohibited. According to the Deputy Chair of the FTU, no strikes occurred because there were no funds to compensate members for workdays lost due to strikes. However, workers protested against delayed salary payments and arbitrary dismissals. Drivers of van taxis protested against low passenger fees, which were established by the local government.

There are Free Economic Zones (FEZs) that function as export processing zones. The minimum wage law does not apply to the approximately 4,700 workers in FEZs; however, all other labor laws apply.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see sections 5 and 6.d.).

The press continued to report that citizens were forced to work without pay on tobacco farms in Kazakhstan, although this practice declined significantly since the signing of a bilateral labor agreement between the government and Kazakhstan. According to different sources, the number of people ranged from several hundred to several thousand.

Local media reported that about 20 Kyrgyz citizens were held hostage in China due to the failure of their relatives to pay for goods purchased from Chinese businessmen. However, according to local NGOs, the actual number of people being held hostage in China was above 100. The Kyrgyz Foreign Ministry continued to negotiate with Chinese authorities for their release.

According to the Chairman of the Parliamentary Commission on Labor Migration Issues Kubanychbek Isabekov, licenses for recruiting labor for work abroad were withdrawn from 15 recruiting companies. Among the companies whose recruiting activities were suspended were Eldorado, which employed workers in South Korea, and Evrozets, which sent labor migrants to Russia. By year's end there were five companies authorized to recruit labor migrants for work abroad, but only two of them--Egemyar and Sara Kountis--were recruiting labor migrants, the former to Kazakhstan and the latter to Turkey.

There were reports that patients in psychiatric hospitals were routinely used for unauthorized labor on hospital grounds and as domestic service for doctors and local farmers. The patients allegedly did not have a choice to refuse and were only paid with food.

d. Prohibition of Child Labor and Minimum Age for Employment

The law 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. According to the State Labor Inspectorate (SLI) Deputy Director Vladimir Tomchenko, the inspectorate only conducts spot-checks to confirm compliance with child labor law requirements at large industrial sites with strong trade unions, which generally do not allow the use of child labor. The lack of employer-employee contracts in small and medium sized businesses made it impossible to investigate child labor exploitation at those businesses. Under the law, the minimum age for basic employment was 16, except for certain limited circumstances including odd jobs such as selling newspapers.

In addition, the law bans the employment of persons under 18 in a wide variety of categories of employment involving difficult or dangerous conditions, including the metal or oil and gas industries, mining and prospecting, the food industry, entertainment, and machine building.

Children between 14 and 15 years of age are allowed to work a maximum of 5 hours a day; children between 16 and 18 years are allowed a maximum of 7 hours a day.

Child labor was a problem and remained widespread. Child laborers were prevalent in the following sectors: tobacco, cotton, rice, cattle breeding, gasoline sales, car washing, shoe cleaning, and retail sales of tobacco and alcohol. Children also were involved in family enterprises, particularly agriculture, domestic duties, and selling products at roadside kiosks.

According to reports from various NGOs, child labor was particularly evident in the south. During the fall, classes were cancelled and children were sent to fields to pick cotton. During the summer children worked during the tobacco harvest and were involved in all steps of production. Schools required children to participate in the tobacco harvest, some fields were located on school grounds, and the income went directly to the schools, not to the children.

Internal trafficking of children for the purposes of sexual exploitation and labor remained a problem (see section 5). Children were generally trafficked from poor rural areas to Bishkek and Osh.

The government did not enforce child labor laws adequately. Although employers caught violating the law could be charged with disciplinary, financial, administrative, or criminal penalties, punishment was usually minimal.

The prosecutor's office and the state labor inspectorate are responsible for enforcing employers' compliance with labor laws. The General Prosecutor's Office conducted 17 checks, resulting in 5 written notifications, 10 demands for immediate action, 11 warnings, and 1 disciplinary action. Since many children worked for their families or were self-employed in such occupations as selling newspapers, pushing handcarts at markets, and selling cigarettes and candy on the streets, it was difficult for the government to determine whether their work schedules and environment conformed to government regulations.

The FTU also had the right to conduct child labor inspections when it received a complaint; there were no inspections during the year.

e. Acceptable Conditions of Work

The government-mandated national minimum wage of approximately \$2.42 (100 som) per month did not provide a decent standard of living for a worker and family. However, industries and employers generally paid somewhat higher wages. The FTU was responsible for enforcing all labor laws, including the law on minimum wages; minimum wage regulations were largely observed. Salaries in the health care field were among the lowest, averaging \$25.74 (1,126 som) per month. According to the National Statistics Committee, 42.9 percent of the population lives in poverty.

The standard workweek was 40 hours, usually within a 5-day week. For state-owned industries, there was a mandated 24-hour rest period in the workweek. According to the labor code, overtime work cannot exceed 4 hours per day and 20 hours per week; premium pay of between 150 and 200 percent the hourly wage or compensatory leave for overtime work are provided for. These provisions were mainly enforced at large companies and organizations with strong trade unions.

Safety and health conditions in factories were poor. The law establishes occupational health and safety standards, as well as enforcement procedures, and the state inspectorate of labor was responsible for enforcement; however, enforcement was lax. Besides government inspection teams, trade unions were assigned active roles in assuring compliance with these laws, but compliance was uneven among businesses. Workers had the right to remove themselves from workplaces that endangered their health or safety without jeopardy to their employment, and workers exercised this right in practice.

[Updates](#) | [Frequent Questions](#) | [Contact Us](#) | [Email this Page](#) | [Subject Index](#) | [Search](#)



The Office of Electronic Information, Bureau of Public Affairs, manages this site as a portal for information from the U.S. State Department. External links to other Internet sites should not be construed as an endorsement of the views or privacy policies contained therein.

[FOIA](#) | [Privacy Notice](#) | [Copyright Information](#) | [Other U.S. Government Information](#)