



U.S. DEPARTMENT of STATE

Kyrgyz Republic

Country Reports on Human Rights Practices - [2007](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

The Kyrgyz Republic's October 2007 constitution defines the country as a sovereign, unitary, democratic, social state based on the rule of law. The country has a population of approximately 5.3 million. The country has an elected president, an appointed prime minister and cabinet, and an elected parliament. The July 2005 elections of President Kurmanbek Bakiyev, following the March 2005 overthrow of the Akayev regime, marked tangible progress toward meeting international election standards according to OSCE election observers. Only a dozen of approximately 100 registered political parties played a significant role. According to independent election observers, the December 16 nationwide parliamentary election failed to meet many of the country's international commitments and was marred by significant obstacles for opposition parties and the use of government resources to benefit specific political interests. Following the parliamentary elections, three parties received seats in the legislative body, with the president's newly formed Ak Jol party obtaining a majority 71 of the 90 seats. The new constitution established a greater role for political parties, with all seats in the parliament elected by party lists, and empowered the president to appoint the prime minister and other heads of government agencies, executive bodies, and local administrations. The civilian authorities generally maintained effective control over the security forces, although there were isolated cases of serious human rights abuses.

The following human rights problems were reported: some restrictions on citizens' right to change their government; torture and abuse by law enforcement officials; impunity; poor prison conditions; arbitrary arrest and detention; lack of judicial independence; pressure on nongovernmental organizations (NGOs) and opposition leaders, including government harassment; an increase in pressure on independent media, including assaults on staff and vandalism of property; government harassment and detention of assembly organizers; pervasive corruption; discrimination against women, persons with disabilities, ethnic minorities and homosexuals; child abuse; trafficking in persons; and child labor.

Prison conditions improved as authorities promoted the proper handling of prisoners, and prison tuberculosis (TB) mortality rates decreased. The government also took steps to tackle systemic corruption in the public sectors, including arresting several government officials on charges of corruption.

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 arbitrary or unlawful killings.

On October 24, in the southern city of Osh, unidentified gunmen shot and killed Alisher Saipov, an ethnic Uzbek Kyrgyz national and independent journalist known for critical articles about political developments and human rights violations in Uzbekistan. The Ministry of Internal Affairs (MIA) opened an investigation into the case. Ombudsman Tursunbai Bakir uulu publicly accused the Uzbek security service of direct involvement in Saipov's death. The investigation continued at year's end.

On August 13, a Naryn City judge acquitted two police officers for lack of evidence in the November 2006 death in custody case of Akylbek Sakeyev. Authorities initially charged five police officers, but dropped charges against three. Aziza Abdirasulova of Kylym Shamy human rights NGO appealed the acquittal decision. On September 21, the Naryn Oblast Court overturned the acquittal decision of the local court and forwarded the case to the Naryn Oblast Prosecutor's Office for additional investigation. The police officers appealed the decision to the Supreme Court. On December 11, the Supreme Court upheld the Naryn Oblast Court's verdict and forwarded the case for a new investigation. No further information was available at year's end.

On April 5, Azamat Yuldashev died after warrant officer Mairambek Kojomberdiyev beat him at a Balykchy military unit. The military court of the Balykchy Garrison found Kojomberdiyev guilty based on articles 305 (abuse of authority) and 104 (intent to inflict serious bodily harm) and fined him approximately \$700 (25,000 som). Kojomberdiyev provided financial compensation to Yuldashev's family and assisted with funeral arrangements, causing Yuldashev's mother to press the courts for a lighter sentence. The prosecutor of the Balykchy Garrison appealed the lenient sentence, and the military's appellate court increased the fine to \$857 (30,000 som). Yuldashev's mother filed an appeal with the Supreme Court to lighten the sentence, but hearings did not begin by year's end.

There were no developments in the August 2006 killing of Imam Mukhammadrafiq Kamalov, who was killed by security forces in the course of an antiterrorism operation. There were no developments in the October 2006 killing of Aibek Alimjanov, deputy of the Osh City Council and leader of the Uzbek Cultural Center in Osh.

There were no developments in the investigations into the 2005 killings of Usen Kudaibergenov and parliamentarian Jalgarbek Surabaldiyev.

On May 18, the Supreme Court overturned the municipal court convictions of Makhmudjan Ruzimetov and Sabyrkul Batyrov for the 2005 killing of parliamentarian Bayaman Erkinbayev. The Supreme Court returned the case to the prosecutor for further investigation. On November 27, the Sverdlovskiy court in Bishkek reopened hearings into the case, which continued at year's end. In December 2006 the municipal court had sentenced Ruzimetov to 17 years in prison and Batyrov to death as accomplices to the crime.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices; however, police and State Committee on National Security (GKNB) forces employed them. At times police beat detainees and prisoners to extract confessions for multiple crimes in order to close unsolved cases.

On April 14, Bektemir Akunov, a participant in opposition-led demonstrations in Bishkek, returned to his hometown of Naryn and expressed opposition demands to the local authorities, who arrested him. The day after his arrest and detention police found him hanged by his own shirt in his cell. Contrary to the official autopsy report of suicide, independent experts reported finding signs of torture on Akunov's body. Authorities charged two police officers on duty that day with negligence, and the trial began August 13. On August 27, the Naryn municipal court returned the case to the Naryn Prosecutor's Office for further investigation, and Supreme Court hearings were scheduled for December 20. Akunov's family filed suit against four officers of the Naryn City MIA. No further information was available at year's end.

On June 25, the president signed into law changes to the criminal code, abolishing the death penalty, replacing life imprisonment with 30-year prison terms, introducing jury trials, and providing for alternate punishments to incarceration. With the exception of jury trials, all changes were in effect by year's end.

During press conferences in March and October 2006, Zulhumor Tohtonazarova claimed police officers tortured and raped her at the temporary detention center of the Bazar-Korgon district police station in 2003. She claimed she became pregnant as a result, and male officers watched as she gave birth while handcuffed to a bed. The premature baby died days after birth. After eight months in custody, authorities released Tohtonazarova as a result of demands by human rights activists. The Prosecutor General's Office investigated the accusations but found no truth to her claims. On April 12, prosecutors dropped criminal charges they had filed against human rights activist Azimjan Askarov, who defended Tohtonazarova, for his alleged involvement in spreading false information about law enforcement officials.

In 2005 police detained Tohtonazarova again and, according to reports by human rights activists, tortured her by putting needles under her fingernails. She was released after appeals by human rights activists. In July 2006 the Bazar-Korgon district court sentenced Tohtonazarova to five years' imprisonment for a petty theft she allegedly committed in 2005. In August 2006 the Jalal-Abad Oblast Court reduced the sentence to a three-year suspended sentence and released her.

In March and August 2006 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. In June 2006 the Ministry of Justice (MOJ) established the Internal Security Service (ISS) to investigate and curb corruption and abuse within penitentiaries. The unit was investigating eight cases of alleged violations at year's end.

According to the NGO Committee of Soldiers' Mothers, military hazing decreased in the past two years. Hazing included physical abuse and extortion by noncommissioned officers. According to the NGO, military authorities took reported incidents seriously and developed measures to eliminate problems, including the employment of officers to provide

psychological support and lawyers to offer legal advice to servicemen.

On April 6, according to an Interfax report, 350 cadets at the Dair Asanov Military Lyceum participated in a mass brawl, pitting senior versus junior cadets. After an official investigation, the school fired 12 cadets for organizing the fighting and disciplined college instructors who failed to prevent the incident.

On July 8, local media reported the stabbing of a Ministry of Internal Affairs soldier, A. Esenaliev. The military prosecutor's office continued an investigation at year's end.

On February 12, the military court in Kadamjay convicted Nachmidin Mirzayev and Saparaly Karabayev, two peers of Gairat Torakeldiyev, a serviceman of the National Border Service, who sustained bodily injuries due to a 2006 hazing incident. Human rights activists appealed the decision in March, claiming the sentences were light and that officers should have been held accountable as well, but the decision was upheld. The activists again appealed, and on August 8, the military court in Kadamjay acquitted Mirzayev and Karabayev. After a third appeal the trial was scheduled to take place on October 9 and again on October 17, but the defendants did not appear in court. No further information was available at year's end.

No additional information was available on the investigation of the November 2006 beating of two border servicemen by their peers. The military prosecutor's office and the senior leadership of the National Border Service continued to investigate both cases.

The UN Commission on Human Rights (UNCHR) continued to review the case of an Uzbek citizen, Otabek Ahadov, regarding claims of torture sustained by Ahadov while in custody in 2000.

Prison and Detention Center Conditions

Prison conditions were very poor and included overcrowding, food and medicine shortages, poor health care, limited disease prevention facilities, and lack of heat and other necessities. Nevertheless, morbidity and mortality rates continued to decline, particularly those resulting from TB. As of December 30, the prison population was approximately 11,000; 1,338 persons had TB, down from 2,300 in 2006. During the year 83 prisoners died from complications due to TB, a decline from 135 deaths in 2006. The reduction of mortality rates was due to improved preventive and treatment measures, provided through the assistance of international organizations, including the International Committee for the Red Cross (ICRC).

Male and female prisoners were held separately. Juveniles were generally held separately from adults; however, juveniles were occasionally held with adults in overcrowded temporary detention centers. There are no special prisons for political prisoners because there is no legal definition of a political prisoner. At times, convicted prisoners were held in pretrial detention centers when their cases were accepted for appeal to a higher court.

The government continued to permit domestic and international human rights observers to visit prisons. The government allowed ICRC, Organization for Security and Cooperation in Europe's Office of Democratic Institutions and Human Rights (OSCE/ODIHR), and Penal Reform International to visit detainees in MOJ and GKNB prisons and temporary detention centers and granted them access to inmates on death row.

On February 14, inmates protested the poor, overcrowded living conditions at the temporary detention center in Cholponata. Authorities claimed that the inmates demanded narcotics, and riot police were brought in to suppress the demonstration.

On February 21, human rights activists inspected conditions at the temporary detention center in Cholponata and at the pretrial detention center in Karakol. They reported that prison terms were extended without the adherence of proper procedures, cells were overcrowded, and there was an overall lack of food, water, and medical assistance.

In March the human rights ombudsman visited the temporary detention center in Nookat of the Osh Oblast, where inmates complained of being tortured by corrections officers and many lacked proper legal counsel.

On May 8, an inmate of the pretrial detention center No. 3 in Karakol slashed his wrists, and two other inmates sutured their mouths to protest the restrictive internal procedures at the center. Authorities of the center and representatives of the Prosecutor's Office negotiated with the inmates and resolved the disputes.

In May a trial began in the case of two corrections officers charged with excessive use of force and exceeding official powers in the beating of a teenage inmate from penal colony No. 14. During the trial the inmate recanted his story of abuse, and authorities acquitted former colony chief Amangeldy Ramankulov and correction officer Jenish Kamchibekov.

Pretrial and temporary detention facilities were particularly overcrowded, and conditions and mistreatment generally were

worse than in 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 their release.

On September 4, police arrested Almaz Tekebayev, a brother of opposition leader Omurbek Tekebayev, on petty crime charges. On October 30, Osh City court acquitted and released him.

On September 24, a judge sentenced Maxim Kuleshov, a human rights activist from Tokmok and leader of the "Tokmok Resource Center," to ten days in custody for taking pictures and audio taping the Tokmok mayor's speech at a public event devoted to discussion of the draft constitution. His lawyer filed a complaint, but on October 17, the Chui Oblast Court confirmed.

Role of the Police and Security Apparatus

Law enforcement responsibilities are divided between the MIA for general crime, the GKNB for state-level crime, and the Prosecutor's Office for both types of crimes. 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 January decree that increased police officers' salaries by 50 percent.

Police impunity remained a problem; however, during the year numerous MIA officials were dismissed and prosecuted for various offenses, including corruption, abuse of authority, and police brutality. According to the Ministry of Interior, the internal investigations unit received 1,661 complaints about various offences committed by law enforcement officers. During the year, 449 internal investigations were conducted; based on the results of the investigations, 44 criminal cases were opened and 42 officers were dismissed.

Arrest and Detention

On June 24, the president signed into law changes to the criminal code, authorizing the courts to determine who may be detained, arrested, and prosecuted, thus removing that authority from the Prosecutor General's Office. 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. There were no reports of incommunicado detention of prisoners.

All 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 law enforcement officials selectively incarcerated persons suspected of minor crimes, while other persons suspected of more serious crimes remained at large. There was a functioning bail system.

During the year the government developed the mechanisms and guidelines of a witness protection program in support of the September 2006 law on witness protection. The government designed the program to ensure the personal security and safety of witnesses. The government also provided additional support such as new identification documents and employment opportunities for those under protection.

On June 19, the government arrested Jyparkul Arykova, a senior staffer of the parliamentary press service, on charges of espionage that were then changed to high treason. She was held in solitary confinement at the GKNB and was questioned for three hours without an attorney present, according to her lawyer. On October 16, the GKNB completed its investigation and forwarded the case to the General Prosecutor's Office. On October 23, proceedings began at the Pervomaisky Court in Bishkek. Charges against Arykova were based on article 292 (high treason) and 302 (transferring secret data to foreign entities). On November 26, court proceedings began, but on December 26, the judge suspended the hearings and ordered another evaluation of case materials allegedly containing state secrets. No further information was available at year's end.

The government continued to express concern about perceived extremist groups with radical religious or political agendas. Although the banned extremist political organization Hizb ut-Tahrir (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. The MIA reported that the government detained or

prosecuted 63 persons for distribution or possession of HT literature; those arrested typically were charged for distribution of literature that incited ethnic, racial, or religious hatred.

The courts have the discretion to hold suspects in pretrial detention for as long as one year, after which the courts are required to release the suspect.

Amnesty

On February 23, the president signed into effect the one-time decree on amnesty to prisoners convicted of minor crimes, resulting in the release of 116 prisoners and the reduction in sentences of approximately 6,200 prisoners. As a result of the June 25 changes to the criminal laws, courts reviewed 530 criminal cases, released 456 prisoners, and reduced the sentences for 68 prisoners.

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 judges were open to bribes or susceptible to outside pressure, and low salaries remained a contributing 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 because of their location in remote regions. However, decisions of elders' courts can be appealed to the corresponding regional court. Military courts and elders' courts follow the same rules and procedures as general courts.

Under the October 2007 constitution, the president nominates justices to the Constitutional Court, pending approval by the parliament; justices to the Supreme Court are nominated by the National Council for Judicial Affairs (NCJA), and the president forwards nominations to the parliament for election. The president can propose the dismissal of Supreme and Constitutional Court justices, subject to parliament's approval by two-thirds of the votes. Parliament adopted and the president signed into effect a law regulating the National Council for Judicial Affairs (NCJA), originally established in 2004 by a presidential decree. The law stipulates that the NCJA be composed of 16 members, consisting of four nominees from each branch of power--judiciary, executive and legislative--and four from civil society. The NCJA nominates and the president appoints local judges. Local judges can be relieved of duty by the president at the proposal of the NCJA.

On June 25 the law that shifted warrant power from procuracy to judiciary went into effect, allowing the courts to approve search and arrest warrants. Additionally, the newly established detention hearings in court place the burden of proof with the prosecutors, who must convince the judge that a defendant should be detained pending trial. On May 4, the president signed a decree increasing the number of local judges by 43 to 369.

Trial Procedures

Prosecutors bring cases before courts, and judges direct criminal proceedings. A prosecutor participating in a trial is called the state prosecutor, whose role is to maintain the indictment at all stages of the criminal process. The defendant may refuse attorney support and defend himself. A criminal case is conducted by one judge; appellate cases, by three judges; and cases brought for supervisory consideration, by a judicial board of the 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 indeterminable, 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 follow customs and practices 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. Official permission for such visits is required and usually granted.

The law permits defendants and counsel the right to access all evidence gathered by the prosecutor, attend all proceedings, question witnesses, and present evidence. However, these rights were not always respected in practice. Witnesses generally 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.

At year's end the government had not implemented the June 25 changes to the law on trials allowing for juries. Defendants and prosecutors 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.

Human rights organizations urged reopening the case of the Aksy shooting event of 2002, which resulted in the deaths of six protesters. On May 22, Prosecutor General Satybaldiyev charged four former government officials with abuse of power. On October 23 in Jalalabad City, the military court acquitted ex-deputy Minister of Interior Sadyrbek Dubanayev but convicted Zootbek Kudaibergenov and Kubanychbek Tokobaev, two mid-level government officials, who received five-year suspended sentences. Prosecutors postponed the trial for the fourth suspect, Amanbek Karypkulov, while he was hospitalized. Karypkulov has since been released from the hospital, but prosecutors did not begin his trial by year's end. On October 30, the prosecutor general pressed charges on a fifth suspect, Sultan Urmanayev. As a member of parliament (MP), Urmanayev was immune from prosecution until October 22, when the president dissolved parliament. The trials for Karypkulov and Urmanayev did not start by year's end.

Political Prisoners and Detainees

On April 23, authorities detained opposition leaders Omurbek Suvanaliyev and Omurbek Abdrakhmanov of the United Front, and Adilet Aitikeyev of the Kanjar Youth Movement, on charges of organizing mass disorder in connection with April antigovernment demonstrations in Bishkek. On April 27, they were released under orders not to leave Bishkek for the duration of the investigation. On August 1, prosecutors filed similar charges against opposition leader and former prime minister Felix Kulov. Authorities announced they were searching for a second Kanjar leader, Jalyn Mamatkazyev. On August 17, the Prosecutor General's Office announced suspension of the investigation, but the search continued for Mamatkazyev at year's end. On September 15, authorities dropped charges against Suvanaliyev. On October 25, Adilet Aitikeyev, who had fled to Kazakhstan, returned to Bishkek; the GKNB detained him for violating the court orders confining him to Bishkek. On December 13, prosecutors completed the investigation and forwarded the case to the court. Authorities again released Aitikeyev under orders not to leave Bishkek. No further information was available at year's end.

The government pressed charges against six active participants of the April protests: Bolotbek Suyerkulov, for disorderly conduct and the intent to inflict harm to others; Baktybek Saptayakov, for actions resulting in damage; and Jyldyzbek Kenjebayev, Amantai Seitliyev, Erkin Aknazarov, and Joldoshbek Abdiyev, for participation in mass disorders. On August 24, district courts sentenced Abdiyev and Aknazarov to four years' and four-and-a-half years' imprisonment, respectively, for participation in mass disorders on April 19. On October 22, a court sentenced Kenjebayev and Seitliyev to four years in prison. The trial for Suyerkulov and Saptayakov had not occurred by year's end.

On August 10, police detained Erkin Bulekbayev, the leader of the Green Party and member of the United Front, in Bishkek on charges of disorderly conduct. Police caught Bulekbayev videotaping the seizure of documents from the Issyk-Kul Invest Bank by law enforcement officials. The court sentenced Bulekbayev to ten days in prison. Prisoners arrested in connection with political activity received the same protections as other prisoners.

Civil Judicial Procedures and Remedies

The constitution and law provide for an independent and impartial judiciary in civil matters. As with criminal matters, citizens believed the civil judicial system was subject to outside influence, including from the government. Local courts address civil, criminal, economic, administrative, and other cases. The Supreme Court is the highest judicial authority that oversees the proceedings of the local courts and rules on appellate cases.

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 approval from the prosecutor general for wiretaps, home searches, mail interception, and similar acts.

Following the April protests, the GKNB searched the Osh branch office of the United Front opposition movement, assaulted the staff, and confiscated several items. The Ata-Meken party also reported that the GKNB searched its office in Osh and confiscated several official documents. Law enforcement officials denied that the searches took place.

The government continued to conduct occasional document checks of foreigners of all nationalities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, although the government at times restricted these rights in practice. After the 2005 change of government, there were notable improvements, such as the state television's offer of airtime to various politicians. Lawsuits against independent media decreased, and independent media experienced new, albeit limited, freedom of operations and news coverage. Nevertheless, during the year reports continued that politicians critical of the Bakiyev government generally were not allowed on the state television.

Despite some improvements, there were increased reports of harassment characterized as reprisal for criticizing the government. The Committee to Protect Journalists (CPJ) reported several incidents of opposition news media facing harassment by security agents and receiving death threats by unidentified callers demanding cessation of reporting in support of the opposition. The CPJ and the International Helsinki Federation for Human Rights (IHF), together with local media, reported cases of violent attacks by unknown assailants on numerous journalists and cameramen from progovernment and opposition news agencies.

On March 16, unknown assailants severely beat Kairat Birimkumov of the State Television and Radio Company, according to IHF and CPJ. Although no perpetrators were caught, the journalist speculated that the attack stemmed from an earlier report revealing alleged corruption, negligence, and illegal business activities at the Kyrgyz Temir Zholu railroad company.

On March 26, unidentified assailants attacked and beat Daniyar Isanov, a reporter from the independent television station NTS. Police made no arrests.

The IHF and CPJ reported that on March 31, several dozen protesters attacked Talantbek Sopuyev, a cameraman for September television station, a private station owned by the brother of opposition figure Omurbek Tekebayev. Sopuyev sustained a concussion but, according to local media, police took no action against the perpetrators.

On September 6, the AKIpress news agency reported that unknown assailants attacked and beat Talantbek Sopuyev near the September television station's broadcast tower in Jalalabad. Sopuyev registered a complaint with the district police, but they did not apprehend the assailants.

On October 30, the AKIpress news agency reported that assailants attacked the correspondent Gulmira Rayimbek kyzy and cameraman Alexander Yakovlev of TV Company NBT while they researched a lead about the provision of quality medicine at the Osh market in Bishkek. The MIA opened an investigation that continued at year's end.

On November 11, two unidentified individuals attacked and beat Anna Mostfa, a reporter for the newspaper *Obschestvenny Rating*. Authorities opened an investigation but made no arrests.

There were 40 to 50 regularly printed newspapers and magazines, eight of which were state owned, with varying degrees of independence. The independent printing press run by the nongovernmental Media Support Center (MSC) surpassed the state printing house, Uchkun, as the leading newspaper publisher in the country. Approximately 50 state-owned and private television and radio stations operated in the country, with two television stations, both state-owned, broadcasting nationwide.

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. Russian television stations Channel One and RTR dominated coverage and local ratings. Mir Interstate Television and Radio Company, a member-funded Commonwealth of Independent States (CIS) television network, increased its television and radio broadcasts throughout the country. 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 domestic media. Although several broadcast media companies applied for new licenses and frequency assignments since May 2006, the government had not approved any requests for the creation or expansion of media outlets.

In March President Bakiyev rescinded his earlier veto of a bill to allow changing the Government Television and Radio Company (GTRK) from state to public control. A supervisory board is composed of five members nominated each by the president, parliament, and civil society. The board was scheduled to elect a president, but eight members resigned when it became clear that Elvira Sarieva, former director of Internews Kyrgyzstan and a strong advocate of independent media, was likely to win. The government appointed Melis Eshimkanov as acting president of the TV station and the board, lacking a quorum, was rendered powerless. No further information was available at year's end.

The MOJ required all media to register 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. New

licensing/frequency distribution procedures continued to be reviewed by the government.

Government newspapers, television, and radio continued to receive state subsidies, and the government remained the primary source of scarce advertising revenue, which allowed the government to influence media content.

During the year progovernmental media outlets published numerous negative articles about several parliamentary deputies, NGOs, and their leaders.

The government used law enforcement agencies and state-run media to intimidate independent media. Following the April demonstrations, agents of the National Security Service raided the Media Support Center, an independent printing press implemented by Freedom House, and confiscated the newly printed copies of *Agym* and *Kyrgyz Rukhu*, both critical of the government. The security forces also removed the printing plates and demanded the newspapers's electronic files be deleted. After two days security forces returned the confiscated items, and Prime Minister Almaz Atambayev issued a formal apology.

On October 17, MIA officers confiscated 2,500 copies of the independent newspaper *Alkak*. The edition contained several articles about the upcoming referendum. The following day, the MIA returned the newspapers and apologized for the incident.

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. There were no reports of government interference in newspapers' editorial policies.

Following the Saipov killing on October 24, media representatives in the southern part of the country reported that the MIA and GKNB called for questioning many of the 205 journalists registered with the Media Resource Center in Osh. Several journalists reported aggressive interrogation and threats of criminal charges for their reports on the killing. According to journalists, law enforcement agencies strongly advised all southern media outlets not to cover the case. After airing a commemoration show about Alisher Saipov, authorities warned Osh City's Mezon TV not to air it again or face prosecution.

Libel remains a criminal offense punishable by up to three years in prison.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in peaceful expression of views via the Internet, including by e-mail, forums, and Web logs.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice, although authorities occasionally tried to place restrictions on this right.

On November 30, the Bishkek City Council approved a decree limiting the rights to hold protests, rallies, and other public gatherings to three locations in the city. Organizers are also required to notify city officials ten days in advance and pay for the removal of trash after the event. On December 17, police arrested approximately 20 youth activists of the "I don't believe" group for staging an unauthorized demonstration in Bishkek regarding what they considered to be fraudulent parliamentary election results. On December 20, police arrested 31 individuals at another "I don't believe" protest. A court sentenced 11 protesters to five to seven days in jail and gave minor fines to four others. The following day, police dispersed a third protest organized by the same group and detained up to 30 participants, according to AKIpress news agency reports. The protesters appealed the sentences with the Bishkek court, but the judge did not accept the appeal.

On November 10, Maxim Kuleshov led a rally in Bishkek's Ala-Too Square entitled "Say no to dictatorship." Police detained Kuleshov, five other demonstrators, and three passers-by for disobeying a police officer and displaying lewd images on placards. Police released the three passers-by and two demonstrators several hours later. The Bishkek City court found the remaining four guilty, including Kuleshov, but let them off with a warning. Kuleshov and other defendants filed an appeal, but there were no further updates at year's end.

During the year, more than 400 rallies were held in the country. Law enforcement authorities provided security for many of these demonstrations. Authorities tried to place certain restrictions on the right to assemble.

Citizens organized protests in November 2006, on January 27, and February 7 in opposition to the government's proposed participation in the Heavily Indebted Poor Countries Initiative. Protesters orchestrated group hunger strikes, road blockades, and street marches. Protests also took place both for and against the presence of a foreign military base in the country.

Beginning on April 11, protesters gathered daily in Bishkek's Ala-Too Square in support of opposition-led demands for constitutional reforms and new presidential elections. On April 19, the demonstrations ended when police dispersed the crowds using tear-gas and stun grenades after an apparent provocation by unidentified protesters. Local media reported that approximately 150 protesters were arrested, but they were released days later.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right, although the government at times used law enforcement agencies to intimidate organizations. NGOs, labor unions, political parties, and cultural associations must register with the MOJ. NGOs are required to have three members to register, and all other organizations require at least 10 members. The MOJ did not deny any domestic NGOs registration during the year. The law prohibits foreign-funded political parties and NGOs, including their representative offices and branches, from pursuing political goals.

The government continued its ban on four organizations it deemed to be extremist due to alleged ties to international terrorist organizations: HT, the Islamic Party of Turkestan, the Organization for Freeing Eastern Turkestan, and the Eastern Turkestan Islamic Party. Arrests and prosecution of persons accused of possessing and distributing HT literature continued during the year. Although most arrests of alleged extremists in the past occurred in the south and involved ethnic Uzbeks, media reports track a marked increase in ethnic Kyrgyz being detained for HT-related activity in the north. The majority of those arrested were charged with distribution of literature inciting ethnic, racial, or religious hatred. Reported cases of women being detained for distributing HT leaflets and brochures also increased during the year.

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 extremist and a threat to the country. The constitution provided for the separation of state and religion. Islam is the most widely practiced faith. The government did not officially support any religion; however, a May 2006 decree recognized Islam and Russian Orthodoxy as "traditional religions."

The State Agency for Religious Affairs (SARA) is responsible for promoting religious tolerance, protecting freedom of conscience, and overseeing laws on religion. Under the law all religious organizations, including religious schools, are required to register with SARA, and each congregation is required to register separately. In July 2006 SARA moved its headquarters to Osh, reportedly to monitor more closely religious extremists within the predominantly Muslim Ferghana Valley.

Although there has been a history of several groups having difficulties registering, almost all were eventually registered. Some exceptions include the Hare Krishnas, the Church of Jesus Christ of Latter-day Saints, and the Universal Church, whose registration was suspended in 2003 for non-compliance with government regulations. Since 1996 SARA has registered 270 religious groups and nearly 1,200 foreign citizens as religious missionaries.

Organizations applying for registration must have at least 10 members who are adult citizens and must submit an application form, organizational charter, minutes of an institutional meeting, and a list of founding members. Each congregation must register separately. A religious organization then must complete a registration process with the MOJ to obtain legal status, which is necessary to own property, open bank accounts, and conclude contracts. If a religious organization engages in commercial activity, it is required to pay taxes. In practice the MOJ has never registered a religious organization without prior registration by SARA. The registration process with SARA is often cumbersome, taking one month on average, but in the past it could take several years. According to SARA regulations, registration is rejected if a religious 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. An applicant whose registration is denied may reapply and may appeal to the courts.

The government was concerned about political extremism it believed was disguised as conservative Islam, particularly Wahhabist interpretations of Islam.

The country's largest Protestant church, with an estimated 11,000 members, complained of government attempts to hamper its activities in the past. The police detained 158 persons for allegedly illegal religious activity and opened criminal

cases regarding most of these detainees. There were 63 HT-related cases reported during the year.

Missionary groups of various religious organizations operated freely, although they are required to register with the government.

On August 7, a final decision by a governmental interagency commission allowed Muslim women to wear headscarves in passport photographs. Government authorities had previously banned the wearing of all headwear in passport photos.

The government forbids the teaching of religion (or atheism) in public schools, but the Concepts of State Religious Policy, a May 2006 decree drafted by an interagency council addressing state policy on religious issues, allows the teaching of subjects such as "the history of world religions" and "religion in general." It also acknowledges the rights of students to wear clothing indicative of an individual's religious preference. However, there have been reports of girls in southern areas being banned from school or dropping out because of restrictions on wearing the headscarf.

Societal Abuse and Discrimination

In July 2006 a group of citizens attacked Zulumbek Sarygulov, a Protestant pastor in Osh, vandalized his home, and burned his religious books. In a second incident in November 2006, perpetrators threw Molotov cocktails at Sarygulov's church facilities, but church staff quickly extinguished the flames and the fire caused little damage. There were no further reports in the investigation of these incidents, but the church came under pressure from SARA to end its activities.

There were no reports of anti-Semitic acts. Approximately 1,600 Jews lived in the country.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees and Stateless Persons

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

The law requires an official residence registration in order to work and live 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.

Citizens were able to move within the country with relative ease. However, many internal labor migrants coming from rural areas to cities looking for work were still registered in their hometown and consequently had limited access to subsidized healthcare and other government benefits.

The law on migration prohibits travel abroad of citizens who had access to information classified as state secrets. The International Organization for Migration (IOM), with the support of foreign governments, opened two additional passport offices and a training facility for passport officers, producing instructions for filling out passport forms, and posting official fees associated with the passport process to stem corruption. By year's end the government eliminated most delays experienced during the issuance process.

The law does not provide for or prohibit forced exile, and there were no reports that the government employed it in practice.

On May 21, the president signed into effect the Law on Citizenship, article 22, which allows for the recognition of dual citizenship for citizens. The new law also simplified naturalization procedures and reduced the amount of time needed to qualify for residency for select applicants, such as ethnic Kyrgyz and those with one parent of Kyrgyz citizenship. Article 13 of the law establishes a five-year residency qualification for the naturalization of recognized refugees, those married to citizens, prominent scientists, and business investors.

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. In practice the government provided some protection against refoulement, the return of persons to a country where they faced persecution. The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol, although the UNHCR reported no persons received such protection during the year. While the government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers, during the year the government did not grant refugee status or asylum to any Uzbeks or Uighurs or adequately protect such individuals.

The European Commission, together with the UNHCR and Kyrgyz government, opened the first refugee reception center in Central Asia. The State Committee for Migration and Employment contributed sufficient office space for the establishment of the center. UNHCR's High Commissioner, António Guterres, attended the opening of the center and praised the government for naturalizing more than 9,000 Tajik refugees.

In August 2006, the government forcibly returned four refugees registered with UNHCR and one asylum seeker to Uzbekistan. No further information was available at year's end.

There was no further information about the August 2006 disappearance of five Uzbek asylum seekers reported by the Office of the UN High Commissioner for Refugees (UNHCR). UNHCR and local NGOs claimed that at least two of the Uzbek men were being held in a pretrial detention center in Andijon, Uzbekistan.

There were no refugee camps for Uzbek citizens in the country. The media and some NGOs reported that Uzbek refugees continued to hide in the country for fear of persecution by the Uzbek authorities. The number of current refugees was not available.

As with Uzbek asylum seekers, the government continued to deny Chechen refugees official refugee status but granted them asylum seeker status and provided 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. Uighurs also risked deportation at the request of the Chinese government.

According to UNHCR, there were no consistent figures of stateless persons from the government. The Ministry of Interior reported only 45 stateless persons but the Citizenship Commission under the President and UNHCR estimated the number to be more than 10,000.

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

The law provides citizens with the right to change their government peacefully, although some restrictions remained. Under the October 2007 constitution, the president can veto any legislative act and dismiss members of the government, nominate Constitutional Court judges and Supreme Court judges proposed by the NCJA, appoint and dismiss regional governors and the heads of local administrations, control defense and security bodies, and direct foreign policy. The president has immunity after leaving office. The parliament can override presidential vetoes.

On October 21, the country held a nationwide referendum on a new constitution and a new electoral code. According to a Central Election Commission (CEC) report, over 80 percent of the country's 2.7 million registered voters participated in the referendum, and 81.58 percent of voters approved the new constitution and electoral code. However, independent local and Western election monitors reported "rampant" violations, including voter fraud and ballot box stuffing, and estimated that voter turnout had been significantly lower than the 50 percent needed to make the vote valid. On October 22, the president dissolved the parliament on the grounds that parliament had created an "insurmountable crisis" between the legislative and judicial branches, and the next day called for snap elections to be held in December.

On December 16, the country held nationwide parliamentary elections to form a new legislature. The elections failed to meet many of the country's international commitments; it was marred by significant obstacles for opposition parties, use of government resources to benefit specific political interests, uncertainty over election rules, widespread vote count irregularities, exaggerations in voter turnout, late exclusions from voter lists, and revision of precinct protocols. Representatives of the OSCE election monitoring mission stated that the elections "failed to meet a number of OSCE commitments." Independent observers and opposition parties ascribed blame for violations and fraudulent activity to the precinct election commissions operating the polling stations.

During the year there were cases of government harassment of members of the political opposition.

On April 20, security services raided the offices of several opposition parties involved in organizing the April antigovernment demonstration, including Ar-Namyz and Ata-Meken, along with political movements such as the United Front. Party members reported the seizure by authorities of party property, including computers and documents.

On October 26, security forces stopped a motorcade of opposition leaders, including Omurbek Tekebayev, Kubatbek Baibolov, Temir Sariyev, and Omurbek Abdrakhmanov, traveling from Naryn to Bishkek, and assaulted members of their entourage. The MIA publicly stated that the incident was a case of mistaken identity and that their true targets were members of organized crime.

On October 30, the government dismissed Galiya Alymbekova, spouse of former MP and opposition member Erkin Alymbekov, from her position as a CEC senior level staffer. Opposition leader Omurbek Tekebayev reportedly stated that the government dismissed Alymbekova for criticizing the fraudulent activity during the October referendum.

On October 31, the Bishkek City Council voted to remove Nurjamal Baibolova, spouse of opposition member Kubatbek Baibolov, from the position of chair of the council. Baibolova claimed the campaign to have her removed was orchestrated by the government.

There were no further reports on the investigation into the November 2006 grenade attack on the house of opposition parliamentarian Isa Omurkulov.

After a pretrial reconciliation, the court closed the case of Ata-Meken party activist Bakyt Kalpekov, charged with assaulting the deputy director of the State Television station during the opposition-led demonstrations in November 2006.

There were no further reports on the investigation into the April 2006 and November 2006 assaults on Edil Baisalov, then the head of the NGO Coalition for Democracy and Civil Society.

In December 2006 the financial police detained and questioned Beyil Aidakeyeva, wife of opposition member Omurbek Abdrakhmanov, on charges of tax evasion. The charges were widely believed to be directly tied to her husband's political activities. Aidakeyeva filed and won a lawsuit in the district and municipal courts claiming law enforcement agents acted arbitrarily. Authorities appealed the decision and on September 26, the Supreme Court ruled in favor of Aidakeyeva.

Elections and Political Participation

Following former president Akayev's March 2005 departure from government, Prime Minister Kurmanbek Bakiyev assumed the interim presidency. The country elected him president in July 2005 in an election the OSCE reported marked tangible progress towards international standards. The government generally respected fundamental civil and political rights, such as the freedom of expression and the freedom of assembly, 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 were improper. 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.

During the year the government held parliamentary by-elections in five districts: the Otuzadyrskiy district on May 13, the Keminskiy district on June 10, and the Balykchinsky, Karakuldjinsky, and Kermetoosky districts on October 14. In the Keminskiy district, Bermet Akayeva, the daughter of former president Askar Akayev, attempted to run for parliament, but a local judge rejected her application for not meeting the residence qualifications. With a crowd of Akayeva's supporters surrounding the courthouse, the judge rescinded his ruling. The Supreme Court, however, upheld the ban on her candidacy. On August 6, the State Committee for National Security investigated and formally charged Akayeva with obstruction of justice, contempt of court, and the destruction of court documents. On September 13, the government dropped the charges against Akayeva, reportedly in exchange for her promise to leave the country. On September 16, Akayeva departed the country, and authorities pronounced her competitor, Erik Arsaliyev, winner of the election.

After March 2005 the political party landscape changed significantly. Out of more than 100 registered political parties, only a dozen were active. Many government officials were affiliated with progovernmental parties. The October 2007 constitution increased the legislature from 75 to 90 seats, with the election to be held by party lists. The new electoral code provided that each list should include no more than 70 percent of candidates of one gender, at least 15 percent under age 35, and at least 15 percent belonging to an ethnic group other than Kyrgyz. The electoral code set extremely high thresholds for a party to enter parliament: 5 percent of all registered voters nationwide, plus 0.5 percent of all registered voters in each of the seven oblasts, and in the cities of Bishkek and Osh. Fifty parties expressed interest in participating in the December 16 parliamentary elections, 22 applied for registration, and the CEC registered 12 parties. Several disqualified parties filed appeals, but the Bishkek City courts upheld the CEC's ruling. Following the December 16 elections, the CEC certified that three parties passed the thresholds to gain seats in parliament: the new propresidential Ak Jol party with 71 seats, the Social Democratic Party of Kyrgyzstan (SDPK) with 11 seats, and the Party of Communists of Kyrgyzstan with 8 seats. Opposition party Ata-Meken, which did not gain any seats, accused the government of vote rigging, but the Supreme Court upheld a December 20 CEC ruling that Ata-Meken had failed to pass the regional voting threshold in the city of Osh.

In March the president appointed Almaz Atambayev, opposition leader of the Social Democratic Party (SDPK), to the position of prime minister and fellow SDPK member Sooronbay Jeyenbekov to be minister of agriculture; no other opposition party representatives were in the cabinet. After the December 16 elections, the president formed a new government without any opposition party representatives.

As a result of the December 16 parliamentary elections, 23 women representing three political parties secured positions in parliament. Women held several high-level government posts, including minister of finance, minister of education and science, minister of labor and social development, chief justice of the Constitutional Court, the chair of the State Committee on Migration and Employment Issues, and chair of the CEC. No women occupied the positions of governor or head of local government. In August the president signed into effect the action plan on achieving gender balance for 2007-2010.

Based on initial seat allocations, there were 17 members of six minorities represented in the new 90-seat legislature. Russians and Uzbeks, the two largest ethnic minority groups, remained underrepresented in government positions. Members of minority groups held senior posts, including an ethnic Russian promoted from minister of energy, industry, and fuel to prime minister following the December 16 elections. Russian-speaking citizens alleged that a "ceiling" precluded promotion beyond a certain level in government service.

Government Corruption and Transparency

Corruption remained a serious problem at all levels of society. The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials engaged in corrupt practices with impunity. During the year the government took limited steps to address the problem, including reports of arrests of government officials on corruption charges. The World Bank's worldwide governance indicators reflect that corruption was a severe problem.

At a meeting on combating corruption held on February 21, Chairman of the National Anticorruption Council and parliamentarian Rashid Tagayev stated that corruption eroded all sectors of society from schools to government offices. In April the National Anticorruption Agency released the results of a survey stating that law enforcement agencies were considered to be the most corrupt government bodies, with the Prosecutor General's Office at the top of the list, followed by the Ministry of Interior, the Ministry of Defense, and the Ministry of Justice. According to polls conducted by the International Arbitration Court at the beginning of the year, 70 percent of businessmen did not trust the judicial system due to rampant corruption.

During the year, the agency received 237 complaints and 71 phone calls regarding corruption among governmental officials. The complaints were primarily related to unlawful actions of law enforcement and judiciary bodies.

In October, the NGO Kyrgyz Parliamentarians Against Corruption analyzed the implementation of the National Anti-Corruption Strategy, adopted in 2005. Noting several positive steps, such as the ratification of the UN Convention Against Corruption and establishment of the National Anticorruption Agency and the National Anticorruption Council, the NGO reported delays in implementation of the strategy, lack of compliance of the domestic legislation with international standards, and insufficient involvement in anticorruption activities by civil society.

According to the MIA, 198 cases of bribe taking, 83 cases of negligence of official duties and fraud, 478 cases of embezzlement, and 1,520 cases of malfeasance took place between January and November. The MIA reported that criminal charges were filed against 352 government officials as a result.

On June 15, the government detained Colonel Mairambek Jumabekov, a senior officer in the anticorruption police, on suspicion of corruption; he was allegedly caught taking a bribe in his office.

On August 3, the Prosecutor General's Office instructed the Ministry of Interior to stop the search for Kamchy Kolbayev, a person considered to be the leader of the most influential criminal group of the country, and to stop the criminal investigation against him. The decision was made with reference to the law on amnesty even though the law applies only to cases with previous conviction.

The law gives persons the right to request information from the government. The government generally complied with such requests.

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

Although the government made some efforts to reach out to human rights groups and civil society, during the year harassment and pressure by law enforcement agencies and unknown persons on human rights activists remained a problem.

On August 3, Radio Free Europe/Radio Liberty (RFE/RL) reported that Tolekan Ismailova of the Citizens Against Corruption Center and Aziza Abdrasulova of Kylum Shamy reported an increase in government pressure on female human rights activists. Among the women listed were Valentina Gritsenko of the NGO Spravedlivost and Arzykan Momuntaeva of the Coalition for Democracy and Civil Society for protesting against alleged corruption at a gold mining company in Talas.

The trial of Valentina Gritsenko, Abdumalik Sharipov, and Mukhamdjan Abdujaparov, resumed in September and on November 21 the plaintiff dropped all charges. The MIA also closed the criminal case against the human rights activists without pressing charges. In March 2006 Jalalabad local police filed a case against the human rights activists who were employees of Spravedlivost, headed by Valeriy Uleyev. The government charged that the three published false information about the police concerning a cover-up of the alleged torture of a pregnant woman. The trial began in June 2006 and was

postponed.

On August 10, Aziza Abdurasulova attended the trial of a defendant in the death of Akylbek Saakeyev, a detainee of the Naryn detention facility who allegedly was beaten by police and died in November 2006. During the trial a group of women attacked Abdurasulova apparently for her involvement in the trial. Abdurasulova filed a complaint, but the authorities did not open a case against the assailants due to lack of evidence. No further action was taken by year's end.

Early in the year the Prosecutor General's November 2006 investigation into local activities of three international NGOs ceased, and these organizations were generally able to pursue their work free from government interference. No local NGOs reported any attempts by the government to investigate their activities.

The government generally cooperated with the numerous international organizations that reported on human rights problems in the country and with international organizations generally, and permitted visits by UN representatives and other organizations, including the OSCE, ICRC, and IOM.

The ombudsman's mandate is to act as an independent advocate for human rights on behalf of private citizens and NGOs, and he has the authority to recommend cases to courts for review. The ombudsman's office actively advocated for individual rights. It claimed that after the March 2005 events, the number of complaints grew to 62,012. The ombudsman's office noted that during the year, the number of complaints received was significantly lower than in previous years. At year's end the total was 17,166 complaints. The ombudsman's office confirmed that in a number of cases its advocacy was effective in reversing court verdicts against complainants.

Under the previous parliament, the parliamentary Committee on Constitutional Law, State Structure, Legality, Court, Judiciary Reform, and Human Rights drafted or reviewed legislation affecting human rights before it went before the full parliament for approval. The committee also reviewed all draft legislation that has a human rights component.

The responsibilities of the presidential State Commission on Human Rights include 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; however, 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 300 reported crimes committed against women at year's end; the majority of those cases 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. The government provided offices for the Sezim Shelter and paid its bills.

Rape, including spousal rape, is illegal. Activists noted that the official number of rape cases continued to increase, 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 259 registered cases of rape, 235 of which resulted in convictions. NGOs estimated the actual number of cases could be up to 10 times the reported figure. The NGO Sezim estimated that 90 percent of cases brought against alleged rapists would never be brought to court. All experts concurred that most of the cases would be mired in corruption; however, as bribery was used commonly to curtail investigations regarding rape.

Although prohibited by law, rural inhabitants continued the traditional practice of kidnapping women and girls for forced marriage. During the year there were 35 reported cases of forced marriage, but the actual figure may have been much higher. In 23 of these cases, the investigations resulted in convictions of 33 individuals. Cultural traditions discouraged victims from going to the authorities. IOM financed and trained NGOs to maintain antitrafficking hot lines, using toll-free numbers provided by the government, to help potential and actual trafficking victims. The IOM established hot lines, staffed by lawyers and social workers, in each province during June and July 2006. The State Committee for Migration and Employment (SCME) provided free-of-charge office space for the IOM-sponsored hot line staff. The IOM, together with the SCME, continued a countrywide antitrafficking information campaign, including awareness advertisements on television, radio, and billboards.

On March 26, parliament voted against a measure to decriminalize polygamy. Although no official statistics were available, Minister of Justice Marat Kaiypov stated that the ministry prosecutes two to three polygamy cases each year.

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 ongoing problem. The NGO Tais-Plus continued to defend the rights of people in prostitution.

Sexual harassment is prohibited by law; however, according to an expert at the local NGO Shans, it was rarely reported or prosecuted. Penalties range from fines to imprisonment.

Women enjoy the same rights as men, including under family law, property law, and in the judicial system, although 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. After the demise of the Soviet Union, traditional attitudes toward women reemerged in the countryside, where women were relegated to the roles of wife and mother and educational opportunities were curtailed. Data from NGOs working on women's issues indicated that women were less healthy, more abused, less able to work outside the home, and less able to dispose of their earnings independently than men.

Children

The government was generally committed to the rights and welfare of children, although it lacked resources to address fully basic needs for shelter, food, and clothing. In September 2006 the government initiated a program providing each elementary student with a free glass of milk and a roll every morning. Rural and urban schools administered the program effectively.

The law provides for compulsory and free education for the first nine years of schooling, 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 who kept children in public schools often had to pay burdensome--and illegal--administrative fees. In September the government issued a decree stating that parents of schoolchildren should refrain from paying administrative fees to schools. 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 the UN Children's Fund (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 sporadically enforced, particularly in rural areas. In 2006 and 2007, 71,900, or 6.5 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. Benefits included 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 them.

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 health care and education for certain children, such as refugees, migrants, internally displaced persons, and noncitizens.

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

The practice of bride kidnapping remained a concern, with 21 underage abductions reported during the year. Nineteen of these cases went to trial, resulting in 14 convictions. Information on the outcome of the remaining investigations was not available at year's end. Children ages 16 and 17 may legally marry with the consent of local authority, although marriage before age 16 is prohibited under all circumstances.

Trafficking of children for the purposes of sexual exploitation and labor remained a problem.

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

As in previous years, there were numerous reports of child abandonment due to parents' lack of resources, leading 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 2,000 to 15,000, depending on the time of the year. Approximately 80 percent of street children were internal migrants. Police detained street children and sent them home (if an address was known) or to a rehabilitation center or orphanage. The MIA-maintained rehabilitation center in Bishkek continued to lack sufficient food, clothes, and medicine and remained in

poor condition. IOM, together with foreign government funding and free labor provided by the SCME, renovated a second center for minors in Osh, staffed it with an IOM-trained NGO, and stocked it with necessary food and supplies. Since January an estimated 310 children received assistance in the Osh rehabilitation center.

Trafficking in Persons

The law prohibits trafficking in persons (TIP); however, there were reports that persons were trafficked to, from, and within the country. Trafficking remained a persistent problem, and victims alleged that government officials facilitated, or were complicit in, trafficking. However, the government continued to make significant efforts to address trafficking, including improved assistance to victims.

The country was a source, transit, and to a lesser degree, destination for trafficked persons. Internal trafficking for labor and sexual exploitation also occurred, generally from poor rural areas to larger cities such as Bishkek in the north and Osh in the south. The government recognized that trafficking in persons was a problem. With financial and practical assistance from various international and nongovernmental organizations, the government was able to improve legislation on prosecution of traffickers, participate and support a countrywide information campaign, and train law enforcement and foreign affairs officials on trafficking awareness. The government took additional steps to streamline labor migration by adopting a program on the regulation of migration processes and collaborating with the governments of Russia, South Korea, and Kazakhstan to improve the protection of rights of Kyrgyz labor migrants working abroad.

There were no reliable data on the number of persons trafficked. Most women working in the United Arab Emirates (UAE) in the sex industry were presumed to be victims of trafficking. A significant number of labor migrants who traveled to Kazakhstan and Russia fell victim to traffickers of slave labor. The number of citizens working in these countries who were inadvertent victims of trafficking was unknown.

From January 1, the SCME offices provided consultations to over 7,000 people through their hot line and in person. The "Stop Trafficking" hot lines allow for the education of citizens about legal labor migration, the dangers of trafficking, and other issues related to working and living abroad. According to the SCME, governmental agencies assisted in the repatriation of 32 Kyrgyz citizen victims of trafficking during the year.

The IOM estimated that, in comparison with victims from the north, more than twice the number of trafficking victims assisted through its programs were from the southern provinces of Jalalabad and Osh, where unemployment rates were higher. Women, especially from impoverished southern areas, were trafficked for sexual exploitation to Kazakhstan, Russia, UAE, China, South Korea, Turkey, Greece, Cyprus, Thailand, Germany, and Syria.

Traffickers were often persons who previously operated local prostitution networks. Relatives or close family friends reportedly also were used to recruit trafficking victims. Traffickers also 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 or to foreign labor recruitment firms.

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, recruiting persons for exploitation, coercion into prostitution, rape, and deprivation of freedom. The maximum sentence for those prosecuted under these laws is 15 years.

During the year local media reported two cases of individuals attempting to sell a baby. Law enforcement officials opened criminal investigations in both cases. According to the MIA, 33 trafficking-related crimes were investigated during the year. According to IOM, there were at least three convictions during the year.

In June and July law enforcement officials prevented the trafficking of two groups of Bangladeshi citizens, totaling 19 persons, through the country. The Bangladeshi citizens were returned home, but no traffickers were detained.

The government reported that during the year no known trafficking victims were prosecuted for illegal migration or other charges related to trafficking; the government respected their status as victims.

The government's efforts to address trafficking included participating in and supporting public information campaigns and improving laws to protect against trafficking in persons, and providing training for law enforcement, diplomatic, and government officials.

Due to insufficient evidence, a Jalalabad court acquitted the traffickers arrested for attempting to send 61 women from Osh to Dubai in February 2006.

The MIA has a designated antitrafficking police unit. The National Antitrafficking Council chaired by the vice prime minister is responsible for enforcing a government policy to fight trafficking and oversee the efforts of different government agencies to implement antitrafficking action plans. In late 2005 the government assigned the responsibility for coordinating antitrafficking activities to the trafficking division of the newly established State Committee on Migration and Employment (SCME). Together with the OSCE and IOM, the SCME drafted a national antitrafficking action plan. The Ministry of Finance had not approved the plan by year's end.

Endemic corruption impeded the government's efforts to curb trafficking. Victims reported that 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.

The January 2006 amendments to article 124 of the criminal code protect trafficking victims from being prosecuted if they cooperate with an investigation. With this provision in place, it was reported that trafficking victims cooperated during investigations. There were no known accounts of trafficking victims being treated or prosecuted as illegal migrants for not cooperating or being prosecuted for document fraud or illegal border crossing if they assisted in the prosecution of traffickers. According to the 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 officials. In addition, such individuals may be granted temporary or permanent residence status. However, it was reported that the trafficking victims feared possible retaliation from traffickers for such cooperation. There were no reports that the government deported foreign victims of trafficking during the year. IOM reported that several 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. However, border authorities reported that victims who admitted to the use of false documents or illegal entry into the country were not penalized.

Numerous articles in governmental and independent media outlets publicized the dangers of working abroad, and posters on public transport raised public awareness of the problem.

The government actively participated in and helped implement

numerous NGO and other foreign-sponsored antitrafficking programs and cooperated with international organizations and other countries to combat trafficking. The government carried out or participated in a number of antitrafficking and education campaigns. Central and local governments worked on the information campaign with approximately 36 domestic NGOs that operated within the IOM-operated antitrafficking network.

In April, Golden Goal and five other domestic NGOs in the Osh and Batken Oblasts launched an OSCE-supported project on prevention of trafficking in women and children in the south of the country. The project envisaged opening three hot lines, conducting education and public awareness campaigns, presenting theatrical performances, issuing information bulletins, supporting journalists' investigations of TIP cases, and organizing training for human rights activists.

On April 24, IOM and the Norwegian government, with support from the local government, opened the Rehabilitation Center for Children in Osh. The center provided shelter to child victims of trafficking and labor exploitation.

During the year European Union (EU)-supported antitrafficking projects in Osh, Jalalabad and Batken provided local teachers with training and increased the capacity of administrative and law enforcement bodies to combat trafficking.

According to some NGOs, the government did not directly assist trafficking victims, including those repatriated, with special services or care facilities. The government supported NGOs by providing them with office space, space for two shelters (one in Bishkek and one in Osh), and free advertising in government-owned media outlets. Law enforcement organs increasingly referred trafficking victims to IOM-sponsored shelters such as Sezim, which provided shelter for 17 female trafficking victims as well as legal and employment advice to 10 women in Bishkek during the year. Many foreign-funded NGOs conducted workshops for law enforcement officers.

A number of NGOs, including Women's Support Center, TAIS-Plus, New Chance, Sezim, Podruga, and Golden Goal provided legal, medical, and psychological assistance as well as economic aid to trafficking victims.

At year's end IOM provided assistance to 151 trafficking victims, including repatriation, psychological support, shelter upon arrival in Bishkek or Osh, vocational training, and monthly stipends.

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

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.

Serious problems continued 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. Children with mental disabilities were put into psychiatric hospitals rather than socially integrated with other children. Although they have the right to an education, they were not allowed to go to school. Their parents had established special educational centers to educate their children, but they did not receive government assistance. Other 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. The NGO Mental Health and Society continued its work with the health ministry to develop programs aimed at improving conditions in psychiatric hospitals.

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

Most judges lacked the necessary experience and training to determine whether persons should be referred to psychiatric hospitals, and the practice of institutionalizing individuals against their will continued.

In August 2006 the government issued a decree to create a special independent entity for the protection of psychiatric patients' rights, based on a 1999 law. The Office of the Prosecutor General is the government's implementing body for the decree and facilitates the protection of rights for persons with disabilities. According to local NGO lawyers, the members of the Prosecutor's Office had no training and little knowledge on the protection of these rights and were ineffective in assisting citizens with disabilities.

The Youth Human Rights Group (YHRG) monitored the protection of children's rights in institutions for children with mental and physical disabilities. The group noted gross violations by staff at several institutions, including the deprivation of sufficient nourishment and physical abuse of the young patients.

The YHRG also visited a youth detention facility in Belovodsk, a small town outside of Bishkek, and reported evidence of routine physical abuse of detainees. The activists reported the physical attack on Abdyldabek Turatbek uulu, a young detainee, by his tutor and the facility director's driver. Turatbek uulu sustained head injuries and lacerations to his hands. An investigation by a special commission began into this and other abuses at the detention facility.

National/Racial/Ethnic Minorities

Minorities alleged discrimination, including from officials, in hiring, promotion, and housing, but no official reports were registered with the local authorities.

On January 25, the Supreme Court overturned an appellate court decision and upheld a district court's decision regarding a case arising from ethnic conflict. In February 2006 clashes between ethnic Kyrgyz and Dungans were reported in the Iskra village of the Chui Oblast. After claims of an attack on two young Kyrgyz men, a crowd of 150 ethnic Kyrgyz demanded that ethnic Dungan families immediately leave. Shots reportedly were fired from a car, sparking violence as the crowd hurled stones and burned houses owned by ethnic Dungans. The police detained two Dungan men, Abdulla Biyankhu and Rustam Ainayev, and pressed hooliganism charges. In April 2006 the district court sentenced the two men to four years and six months and four years in prison, respectively. In May 2006 an appellate court reduced the sentences to two years' probation.

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 on the basis of language examinations, the fairness of which was questioned. Both Uzbek and Russian were widely used officially and unofficially. The government's initiative to revive the Kyrgyz language and calls for increased official usage of Kyrgyz raised concerns among non-Kyrgyz ethnic groups fearing possible discrimination on the basis of language.

Other Societal Abuses and Discrimination

According to a 2005 Dutch study, persons of nontraditional sexual orientation, particularly homosexual men, were among the most oppressed groups, although the country does not outlaw homosexuality. Those whose nontraditional sexual orientation was publicly known risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities, particularly lower-ranking officers. 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 citizens to form and belong to trade unions, and workers exercised this right in practice. Approximately 94 percent of workers belonged to a union. The Federation of Trade Unions (FTU) remained the only umbrella trade union in the country. The FTU had 1.06 million members, or 56 percent of the country's employed workforce. Unions were not required to belong to the FTU, and there were several smaller unaffiliated unions. One of the largest of these was the Union of Entrepreneurs and Small Business Workers, with a membership of approximately 60,000.

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 trade unions exercised this right on behalf of their members.

The law grants the right to strike, but the numerous conditions required to receive formal approval made the procedure difficult and complicated.

The law on government service prohibits government employees from striking.

There are Free Economic Zones (FEZs) that function as export processing zones. All local labor laws apply to the approximately 4,900 workers in the FEZs.

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.

In September 2006 the government tightened licensing rules for recruitment companies to include rules for recruiting persons to work abroad and introduced vetting requirements by the SCME for all recruitment companies. The licensing rules placed strict requirements on recruitment companies and allowed for added control by government agencies. The government regularly published the list of licensed and vetted firms.

Recruiters are required to monitor employer compliance with the terms of employment and the working conditions of labor migrants while a work contract is in effect. Recruiters are required to provide workers with the employment contract prior to their departure.

In 2005 local media reported that approximately 20 citizens were being held hostage in China due to their families' inability to pay for goods purchased from Chinese merchants. According to local NGOs, however, the actual number of individuals held in China was more than 100. The IOM claimed that at least one hostage escaped China during the year. The Ministry of Foreign Affairs, according to IOM, continued to negotiate the release of the remaining citizens with the Chinese government.

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 but were rewarded with extra food for their work.

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; however, child labor remained a widespread problem. According to UNICEF, approximately 4 percent of the country's children aged five to 14 years were engaged in child labor. A Kyrgyzstan Television 1 report on October 30 cited experts stating that approximately 17 percent of children between the ages of five and seventeen worked. Child labor was prevalent in the following sectors: tobacco, cotton, rice, cattle breeding, mining, construction, car washing, shoe cleaning, and retail sales of tobacco and alcohol. Children were also

involved in family enterprises, particularly in agriculture and roadside kiosks. Children from low-income families continued to work as street vendors or in markets and were not able to attend school. According to the NGO Center for Protection of Children, the number of children in the south involved in child labor reached 125,000, while the number of children working on tobacco fields was approximately 15,000.

Under the law the minimum age for basic employment is 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 and oil and gas industries, mining and prospecting, the food industry, entertainment, and machine building. Children between 14 and 15 are allowed to work a maximum of five hours a day; children between 16 and 18 are allowed a maximum of seven hours a day. These laws also apply to children with disabilities.

According to reports from various NGOs, child labor continued to be particularly evident in the south. During the fall, schools cancelled classes and sent children to fields to pick cotton. During the summer children were involved in all levels of tobacco production. Some schools required children to participate in the tobacco harvest (some fields were located on school grounds), with the income going directly to the schools, not to the children. An August 27 BBC report highlighted the prevalence of child labor in the coal mining industry. The children were most often from poor families seeking added income. On December 7, the Institute for War and Peace Reporting published a second paper confirming the use of child labor in the coal mining industry.

Internal trafficking of children for the purposes of sexual exploitation and labor remained a problem. Children were generally trafficked from poor rural areas to Bishkek and Osh. The International Labor Organization (ILO) also observed an increase in the employment of trafficked children to sell and distribute illicit drugs.

The parliamentary committees for health protection, women and family, and education, science, and cultural affairs oversees the legal protection of the interests of minors whenever new laws are discussed in parliament.

The Prosecutor General's Office and the State Labor Inspectorate are responsible for enforcing employers' compliance with the labor code. During the year the inspectorate had 62 inspectors throughout the country. During the first six months of the year, the Prosecutor General's Office conducted 21 checks, resulting in eight written notifications, 14 demands for immediate action, 12 warnings, and two disciplinary actions. 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.

According to the State Labor Inspectorate, the inspectorate conducts spot-checks to confirm compliance with child labor law requirements, but these were infrequent and ineffective.

The government was unable to enforce child labor laws adequately due to a lack of resources. Although employers caught violating the labor code could be charged with disciplinary, financial, administrative, or criminal penalties, punishment was usually minimal.

The government supported several social programs to prevent the engagement of children in exploitative child labor. In August the Ministry of Education, in collaboration with ILO, began a program to enhance the capacity of teachers in combating the worst forms of child labor.

e. Acceptable Conditions of Work

There was no minimum wage. A nominal government-mandated national minimum wage of \$9.71 (340 som) was used for administrative purposes rather than to regulate and enforce a minimum wage; the amount would not provide a decent standard of living for a worker and family. However, industries and employers generally paid somewhat higher wages. The FTU and other trade unions are empowered to enforce all labor laws,

The standard workweek is 40 hours, usually within a five-day week. For state-owned industries, there is a mandated 24-hour rest period in the workweek. According to the labor code, overtime work cannot exceed four 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. The small, informal industries had no union representation.

Safety and health conditions in factories were poor. The law establishes occupational health and safety standards, as well as enforcement procedures; however, the government failed to enforce existing regulations. The State Labor Inspectorate is responsible for protecting and educating workers as well as informing business owners of their rights and responsibilities, and is also tasked with carrying out inspections for all types of labor issues; however, it rarely did so in practice. Besides government inspection teams, trade unions are assigned active roles in assuring compliance with these

laws, but business complied unevenly. Workers of all industries have 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.

According to estimates by IOM and the SCME, the number of labor migrants working in Kazakhstan ranged from 50,000 to 150,000, depending on the season. Another estimated 300,000 citizens worked in Russia, with an additional 100,000 working in other countries.

According to World Bank estimates, remittances of labor migrants amount to over 27 percent of Gross Domestic Product. On September 28, the prime minister enacted the State Program on Regulating Migration for 2007-2010, developed by the OSCE, IOM, and SCME. The goal of the program is to reduce illegal labor migration and associated trafficking and to provide legal and social support to labor migrants abroad.

On March 22, parliament approved an agreement with Kazakhstan on mutual protection of each country's labor migrants. In July 2006 the Kazakh president signed a decree protecting the rights of Kyrgyz labor migrants. The decree extends the compulsory registration period for Kyrgyz labor migrants from three to 90 days and obliges Kazakh employers to provide social and medical insurance to all registered Kyrgyz labor migrants. Since September 2006 over 6,000 Kyrgyz labor migrants were registered, thereby gaining legal protection of their rights and social benefits. According to the SCME, the majority of Kyrgyz labor migrants work as individual entrepreneurs in Kazakhstan and are not protected under the Kyrgyz-Kazakh Government Agreement on Protection of Rights of Labor Migrants.

In March the State Committee for Migration and Employment (SCME) signed an agreement with the Russian government to join efforts in legalizing Kyrgyz labor migrants working in Russia. In March the SCME, with the support of IOM and the Swedish Development Agency, opened an information center for potential labor migrants in Osh.

In August the government reached an agreement with the South Korean government to increase the migrant labor quota for Kyrgyz citizens from 2,000 to 2,500.

The 2005 Law on Foreign Labor Migration provides all foreign workers with the same rights and conditions as citizens. According to the SCME, all foreign labor migrants must be properly registered before exercising rights guaranteed by the law, and local employers must be licensed to employ foreign labor.

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