



2008 Human Rights Report: Kyrgyz Republic

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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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, with a population of approximately 5.3 million, has an elected president, an appointed prime minister and cabinet, and an elected parliament. According to independent election observers, the December 2007 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. Three parties are represented in parliament, with the pro-presidential Ak Jol party holding 71 of the 90 seats. 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: 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; pressure on independent media; government detention of assembly organizers; refoulement of Uzbek refugees; pervasive corruption; discrimination against women, persons with disabilities, ethnic and religious 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.

There were no developments in the investigation of the October 2007 shooting death of the ethnic Uzbek Kyrgyz national and independent journalist, Alisher Saipov, known for writing articles critical of the Uzbek government. The investigation continued at year's end.

In December 2007 the Supreme Court upheld the Naryn Oblast Court decision to overturn the acquittal of two police officers in the 2006 death in custody case of Akylbek Sakeyev and to forward the case to the Naryn Oblast Prosecutor's Office for a new investigation. Due to his family's refusal to allow Sakeyev's body to be exhumed for examination, the prosecutor's office closed the case.

On July 3, Almazbek Sagaliyev, a private in the military unit No. 29713, died of injuries that allegedly resulted from

beatings by higher ranking servicemen. The military prosecutor's office opened an investigation into the case.

There were no developments in the 2006 killing of Imam Mukhammadrafiq Kamalov by security forces or in the 2006 killing of Aibek Alimjanov, deputy of the Osh City Council and leader of the Uzbek Cultural Center in Osh.

On July 16, the Sverdlovski District Court reopened the cases of Makhmudjan Ruzimetov and Sabyrkul Batyrov and sentenced them to 20 years of imprisonment for the 2005 murder of parliamentarian Bayaman Erkinbaev.

b. Disappearance

There were no reports of politically motivated disappearances. Ruslan Shabatoyev, a member of parliament for the opposition Social Democratic Party of Kyrgyzstan, disappeared during the night of September 30, and has not been heard from since. There is an ongoing investigation, and at year's end, no information had emerged that his disappearance was politically motivated.

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.

On July 23, the Bishkek newspaper *Tribuna* reported that officials fired seven police officers and opened criminal cases against an additional two officers in the Issyk-Kul Oblast for alleged use of torture.

No further information was available in the court case against two Naryn City police officers accused of negligence in the April 2007 death of Bektemir Akunov, a participant in opposition-led demonstrations in Bishkek. According to the official autopsy report, he hanged himself in his cell, but independent experts reported finding signs of torture on Akunov's body. The city courts convicted one of the two Naryn City police officers, Bakyt Kojomberdiev, of criminal negligence and sentenced him to three years' imprisonment. The ruling was later reduced to a one-year suspended sentence.

June 2007 changes to the criminal code abolished the death penalty, replaced life imprisonment with 30-year prison terms, and provided for alternate punishments to incarceration.

The Committee of Soldiers' Mothers, a nongovernmental organization (NGO) reported seven registered cases of military hazing during the year, including physical abuse and extortion by noncommissioned officers. Military authorities took steps to deal with the problem, providing psychological support and legal advice to all servicemen and medical treatment and legal protection to the victims of hazing. The NGO questioned the quality of the psychological and legal assistance.

There were no further developments in the military prosecutor's investigation into the July 2007 stabbing of Ministry of Internal Affairs (MIA) soldier A. Esenaliyev.

In February 2007 the military court in Kadamjay convicted Nachmidin Mirzayev and Saparaly Karabayev of injuring Gairat Torakeldiyev, a fellow serviceman of the National Border Service, in a hazing incident in 2006. In November 2007 after three appeals of the case, the military prosecutor's office decided to halt the criminal proceedings against Mirzayev and Karabayev due to a lack of evidence. No further information was available at year's end.

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 tuberculosis (TB). As of October 1, the prison population was approximately 9,750; 740 persons had TB, down from 1,400 in 2007. In the first nine months of the year 74 prisoners died; 30 of those from TB.

Male and female prisoners were held separately. Juveniles were generally held separately from adults but 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.

The government continued to permit domestic and international human rights observers to visit prisons. The government allowed the International Committee of the Red Cross (ICRC), Organization for Security and Cooperation in Europe's Office of Democratic Institutions and Human Rights (OSCE/ODIHR), and the NGO Penal Reform International to visit detainees in Ministry of Justice and GKNB prisons and temporary detention centers. Although the government abolished the death penalty in 2007, the ICRC continued to conduct visits to prisoners formerly on death row.

According to an August 5 Internet Press Service (IPS) interview, Ombudsman Tursunbek Akun stated that the country's prison conditions "do not meet the minimum international prison living standards."

On March 3, 20 inmates of the Karakol No. 3 prison sewed their mouths shut and began a hunger strike demanding improvements to food and medical care, use of cellular telephones, and access to the penitentiary grounds for walks. After lengthy negotiations with prison officials, the hunger strikers ended the protest peacefully.

On August 14, prisoners rioted in Belovodskoe No. 16 prison, resulting in the deaths of two prison officers and two prisoners.

The minister of justice was dismissed on September 10 following allegations of mismanagement in prisons.

The NGO Citizens Against Corruption monitored prisons Number 1, 3, 14, and 16 during the year and reported poor living conditions, corruption of prison personnel, drug activity, and excessive use of force by both prison and investigative officials.

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.

Role of the Police and Security Apparatus

Law enforcement responsibilities are divided between the Ministry of Internal Affairs (MIA) for general crime, the State National Safety Committee (GKNB) for state-level crime, and the Prosecutor's Office for both types of crimes. 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 50 percent increase in officers' salaries.

Police impunity remained a problem; however, MIA officials were dismissed and prosecuted for various offenses, including corruption, abuse of authority, and police brutality. During the first six months of the year, the MIA's internal investigations unit received 594 complaints from citizens about law enforcement officers. Internal investigations were conducted in 378 of those cases; 17 subsequent criminal cases were opened; and 34 officers were dismissed.

According to the Ombudsman's Office, 58 criminal cases were opened on employees of the MIA, GKNB and Financial Police Service, and 43 of them were found guilty.

Arrest and Detention

On July 14, the parliament passed amendments to the criminal procedure code, returning many judicial powers to prosecutors, including authority to issue search and seizure warrants. The amendments partially reverse a June 2007 law that transferred those powers to the courts. Prosecutors have the burden of proof in convincing the judge that a defendant should be detained pending trial. On September 5, the parliament approved amendments to Article 97 of the code, which reduced the detention time for murder suspects from 72 to 48 hours before releasing them or charging them with a crime. The 72-hour limit 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. 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.

All persons arrested or charged with crimes have the right to defense counsel at public expense. By law defense counsel can see the accused immediately, but in practice the first meeting often did not happen until trial. Human rights groups noted that arrested minors were usually denied lawyers, often held without parental notification, and questioned without parents or lawyers present, all despite laws to the contrary. Children often were intimidated into signing confessions.

The law 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.

On February 22, the Bishkek Pervomaisky Court judge acquitted Jyparkul Arykova, a senior staffer of the parliamentary press service arrested in June 2007 on charges of espionage and high treason but convicted her of passing secret information to a foreigner and sentenced her to three years in prison.

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 Prosecutor General's Office reported that, during the first 10 months of the year, it opened 43 criminal cases on religious extremism.

Amnesty

An August 5 one-time amnesty to female and minor prisoners convicted of minor crimes resulted in the release of 32 prisoners and reduced sentences for 358 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 is limited to constitutional questions and cannot intervene with other courts except concerning constitutionality. The court has specific authority to determine the constitutionality of NGO activities, political parties, and religious organizations. Traditional elders' courts handle 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, their decisions can be appealed to the corresponding regional court. Military courts and elders' courts follow the same rules and procedures as general courts.

The president nominates and parliament approves justices to the Constitutional Court; justices to the Supreme Court are nominated by the National Council for Judicial Affairs (NCJA) and approved by the president and parliament. The president can propose the dismissal of Supreme and Constitutional Court justices, subject to a two-thirds vote by parliament. The NCJA nominates and the president appoints local judges, who can be relieved of duty by the president at the proposal of the NCJA.

Trial Procedures

State prosecutors bring cases before courts, and judges direct criminal proceedings. A criminal case is conducted by one judge; appellate cases, by three judges. The defendant may refuse attorney support and defend himself. 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 testimony can be presented at trial via audio or video recording. Indigent defendants were provided attorneys at public expense.

At year's end, the government had not implemented the June 2007 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.

On November 27, the Osh regional court convicted 32 ethnic Uzbek and Kyrgyz Muslims for their involvement in an October 1 protest in Nookat following local authorities' decision to ban a public gathering for the Muslim holiday Orozo Ait (Eid al-Fitr). They received lengthy sentences ranging from nine to 20 years in prison. Court authorities denied access to observers and family members of the accused until the third day of the five-day trial. Human rights activists claimed that the defendants had inadequate legal counsel and planned to assist the defendants in

appealing their verdicts.

On March 7, the Bishkek Military Court convicted former parliamentarian and governor of Jalalabad Oblast, Sultan Urmanayev, for his involvement in the shooting deaths of six protesters in Aksy in 2002. Uramanayev received a suspended sentence of five years and three years of probation. In 2007 the prosecutor general charged five government officials in relation to the Aksy event. The military courts convicted two midlevel officials and acquitted a former deputy minister of internal affairs. The trial for the fifth suspect, Amanbek Karypkulov, had not begun by year's end.

Political Prisoners and Detainees

Authorities again released Adilet Aitikeyev of the Kanjar Youth Movement under orders not to leave Bishkek. In December 2007 prosecutors forwarded to the court Aitikeyev's case in connection with the April 2007 antigovernment demonstrations. The courts eventually found Aitikeyev guilty but passed a suspended sentence and released him. The trials for two other participants in the April 2007 protests, Bolotbek Suyerkulov and Bakytbek Saptayakov, were pending at year's end.

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.

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.

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. During the year reports of lawsuits against opposition newspapers increased.

On June 3, President Bakiyev signed a law on television and radio broadcasting that placed significant regulations on broadcast companies and established new Kyrgyz-language and local content requirements. Human rights activists asserted that the law is unconstitutional because it conflicts with constitutional rights. The law also kept state control over the State Radio and Television Company, rather than creating a national public interest broadcaster as the president had previously pledged to do.

There were continued reports of media harassment. The NGO Committee to Protect Journalists (CPJ) reported several incidents of opposition news media facing harassment by security agents. In contrast to 2007, there were no reports of cases of violent attacks on journalists or cameramen.

On October 8, the Kyrgyz National Television and Radio Broadcasting Corporation (NTRK) ended transmissions for Radio Free Europe/Radio Liberty's (RFE/RL) Kyrgyz Service, known as Radio Azattyk. The state-run broadcasting

corporation also cancelled two TV Azattyk news shows. The NTRK said that the cancellations were due to RFE/RL's failure to meet its financial obligations, but it also criticized RFE/RL programs for favoring the political opposition, and it did not restore transmission after RFE/RL showed that it had paid all outstanding bills. On December 1, the NTRK also withdrew broadcasting rights for the BBC's Kyrgyz language service. BBC broadcasts resumed December 10, but its contract was not officially renewed. At year's end Azattyk's productions were still off of NTRK channels, but some private FM channels continued to broadcast Radio Azattyk.

On August 26, Radio Azattyk reported that Osh City Deputy Mayor Ainura Shayimkulova filed a defamation case against the *Jany Zaman* newspaper for insulting her honor and dignity. The following day, Azattyk reported that Erkin Kojogeldiyev, editor-in-chief of *Jany Zaman*, filed a counter-suit against Shayimkulova.

A December 17 RFE/RL article reported that Cholpon Orozobekova, editor-in-chief of *De Fakto* newspaper, was seeking asylum in a European country. On June 14, local media reported that police officers raided the newspaper's office and confiscated five computers and documents. The Bishkek Prosecutor's Office opened a criminal case against the newspaper and Orozobekova, on charges of deliberately publishing false statements accusing the head of the Kyrgyz Taxes and Duties Committee of corruption. Orozobekova suspended publication following a second office search and the freezing of the newspaper's bank accounts. At the first hearing of the case on July 28, the district court judge sent it back to the prosecutors for further investigation.

On September 9, police arrested *Alibi* editor-in-chief Babyrbek Djeenbekov on the charge of "failing to comply with a court ruling" regarding a lawsuit against *Alibi* and *De Fakto* by the president's nephew. The June 2 ruling by the Pervomaisky District Court ordered both newspapers to print a retraction and pay 1,000,000 soms (\$29,000) to the plaintiff. Authorities opened a criminal case against Djeenbekov for failing to obey the June court order, punishable by up to two years in prison. Djeenbekov claimed the arrest was illegal because he was a candidate for local office and by law, candidates can be arrested only with the consent of the Central Election Commission. The authorities released Djeenbekov on September 11, and on September 18, the Bishkek City Prosecutor's Office canceled the investigation.

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 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 Ministry of Justice, and therefore the government considered them domestic media. Although several broadcast media companies have applied for new licenses and frequency assignments, the government has not approved any requests for new media outlets since 2006.

The Ministry of Justice requires all media to register and receive ministry approval to operate. The registration process is nominally one month, but in practice the process often takes much longer. Part of the process includes 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, pro-governmental media outlets published numerous negative articles about several parliamentary deputies, NGOs, and their leaders. Although the law prohibits censorship, a few independent journalists reportedly faced government pressure over critical press coverage, were denied access to public meetings, and/or were not given information freely provided to state-run outlets. 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. *Religious higher educational institutions must follow strict reporting policies. Kyrgyzstan's National Security Service demanded to see confidential documents about students of Bishkek's Protestant United Theological Seminary in June. The director, a foreign national, refused and was expelled from the country. Similarly, The Islamic University must inform the Muftiate, the State Agency for Religious Affairs, and the district police about its student enrollment.*

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for limited freedom of assembly, and the government generally respected this right in practice, although authorities placed restrictions on this right.

On March 17, police officers detained 15 participants of a protest against the outcome of the December 2007 elections. The Pervomaisky court judge fined nine of the activists between 1,000 soms (\$28) and 2,000 soms (\$57). On January 29, police detained approximately 20 participants of the student-organized "I do not believe..." campaign, for "just standing" at four entrances of parliament.

On April 11, the Internet-based news agency 24.kg reported that police officers detained 52 participants of a protest against the government's agreement to relinquish land and resorts in the Issyk-Kul Oblast to the government of Kazakhstan. The Pervomaisky court judge sentenced two protesters to three and ten days in prison and fined an additional ten activists 2,000 soms (\$57) each.

On April 26, in Tyup City, activists marching in protest of the government's transfer of land in the Karkyra Valley to Kazakhstan clashed with a group of counter-protesters. Ten of the activists, including ex-parliamentarian Bolotbek Sherniyazov, were injured, causing them to cancel the march and a related conference.

On June 11, local media reported that Bishkek City Pervomaisky District police detained 20 women near the parliament building as they protested the closure of the Elnur market in the Issyk-Kul Oblast by the local administration. The Pervomaisky Court fined each of the women 1,000 soms (\$28) and ordered their release.

On August 6, the president signed into law nationwide restrictions on public assembly similar to those enacted in

November 2007 by the Bishkek City Council. The new law prohibits protesters from gathering near government entities, including parliament, presidential residences, schools, military establishments, motorways, and gas pipelines. The law also requires that organizers apply for permits at least 12 days prior to the event, thus preventing any spontaneous demonstrations. On July 1, the Constitutional Court overturned the city ordinance on the grounds that the local council did not have the power to make restrictions on issues of national importance.

On December 19, local police arrested eight persons from the Ata Meken political party who were collecting signatures on petitions at a local outdoor market. They were charged with failure to obey law enforcement and with holding an unauthorized demonstration. After spending several hours in police custody, some members of the group were released with a nominal fine, and the rest were sentenced to three days in jail and released pending appeal.

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 Ministry of Justice. NGOs are required to have three members to register, and all other organizations require at least 10 members. The Ministry of Justice 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: Hizb ut-Tahrir (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.

According to news reports and a press release by the Norwegian Helsinki Committee (NHC), on June 9, MIA officers raided the Bishkek office of the NHC, ransacked its files, and photographed and filmed documents. According to a statement from the permanent delegation of Norway to the OSCE, international and local staff were questioned by the MIA and agreed to suspend operations until the Ministry of Justice approved the NHC's registration. The authorities charged the head of the NHC, a Norwegian citizen, with operating the NHC without proper registration. On September 5, judges of the Bishkek Sverdlovskiy District Court acquitted the NHC representative of all charges. However, the Ministry of Justice had not registered the NHC by year's end. On October 12, the Kyrgyz border guards denied entrance to the head of the NHC and forced him to depart on the next available flight out of the country. Airport authorities also stated that he would not be allowed to return for 10 years.

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 conservative 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 2006 decree recognized Islam and Russian Orthodoxy as "traditional religions." The government also recognizes two Muslim holy days (Kurman Ait, or Eid al-Adha, and Orozo Ait, or Eid al-Fitr) and Orthodox Christmas as national holidays.

On November 6, the parliament approved a restrictive religion law that gives the state the responsibility to prevent

"religious fanaticism and extremism, as well as actions aimed at confrontation and exacerbation of relationships."

The law increases the membership threshold for registration of a religious organization from 10 to 200 individuals, which excludes many smaller faith groups. The law also bans proselytizing and grants local authorities the power to ban activities of groups registered in another district. By year's end the president had not signed the bill into law.

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 2006 SARA moved its headquarters to Osh, reportedly to monitor the predominantly Muslim Ferghana Valley more closely.

Although several groups have had difficulties registering, almost all were eventually registered. Exceptions included the Hare Krishna, the Church of Jesus Christ of Latter-day Saints, and the Universal Church, whose registration was suspended in 2003 for noncompliance with government regulations. Since 1996 SARA has registered 270 religious groups and nearly 1,200 foreign citizens as religious missionaries.

Each congregation of a religious organization must submit registration documents to SARA, which can deny registration 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. Thereafter, the organization must register with the Ministry of Justice, which gives the organization legal status and allows it to own property and conclude contracts. An applicant whose registration is denied may reapply and may appeal to the courts.

The country's largest Protestant church, with an estimated 11,000 members, complained of government attempts to hamper its activities in the past.

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

The government forbids the teaching of religion (or atheism) in public schools, but a 2006 decree allows the teaching of "the history of world religions" and "religion in general." It also acknowledges the rights of students to wear clothing indicative of their religious preference. However, there were continued reports of girls in southern areas, particularly in the Jalalabad Oblast, being banned from school or dropping out because of restrictions on wearing the headscarf.

Societal Abuse and Discrimination

The investigation into the 2006 case of vandalism of Baptist Sarygulov's home and the throwing of Molotov cocktails at the church facilities in Karakulja was closed with no arrests made. Forum 18 has documented numerous cases of *Kyrgyz Protestants, Baha'is, Jehovah's Witnesses, and Hare Krishna being denied access to community cemeteries to bury relatives due to tension with Muslim neighbors. The Muslim Council, the Muftiate, issued a decree forbidding the burial of non-Muslims in Muslim cemeteries. Meetings with the State Agency for Religious Affairs failed to achieve a solution to the discriminatory practice.*

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

For a more detailed discussion, see the *2008 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

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

The law on internal migration provides for freedom of movement. The government generally respected the right in practice, and citizens were able to move within the country with relative ease. 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. Individuals who do not register, or are registered in their hometown, can be denied access to subsidized health care or schooling.

The law on migration prohibits travel abroad of citizens who had access to information classified as state secrets. In 2007 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.

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

In May 2007 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 simplifies naturalization procedures and reduces 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 protection for some refugees against expulsion or forced return to countries where their lives or freedom would be threatened. The government also provided temporary protection to individuals who may not have qualified as refugees under the 1951 Convention and the 1967 protocol, although the Office of the UN High Commissioner for Refugees (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.

According to the State Committee for Migration and Employment (SCME), there were 260 refugees and 439 asylum seekers in the country as of December 1. Refugees were primarily from Afghanistan (238), along with 22 from Syria, Iraq, Iran, and North Korea. Among the asylum seekers were 144 from Afghanistan, 163 from Uzbekistan, 120 from Chechnya in Russia, and 12 from other countries.

During a World Refugee Day press conference on July 20, the SCME chairperson, Aygul Ryskulova, stated that the government had naturalized 9,517 Tajik refugees over the past five years.

On May 14, authorities forcibly returned Erkin Holikov, an Uzbek citizen and asylum seeker, to Uzbekistan. On March 6, a Jalalabad City court convicted him for concealing a crime and illegally crossing the border with Uzbekistan and sentenced him to four years in prison. On April 30, Holikov's lawyer attempted to register him at the SCME, but the SCME rejected his application. A June report by Moscow-based Memorial Human Rights Center stated that on May 22, eight days after his extradition, an Osh District court ruled that the refusal of Holikov's registration by the SCME was illegal.

On September 19, registered asylum seeker Haiotjon Juraboev disappeared in Bishkek. Juraboev left Uzbekistan in 2007. Human Rights Watch cites a witness who said that Juraboev was stopped outside a mosque by a man in plain clothes who introduced himself as a security official. According to the witness, he followed the man to a car and was not heard from again. **In August 2006 the government forcibly returned four refugees registered with UNHCR and one asylum seeker to 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.

According to the UNHCR, the Kyrgyz government agreed that Uzbeks already in country could reregister for refugee status. Family members of Uzbeks in country could also register after joining their families, but newly arrived Uzbeks could not. 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 the UNHCR, there was no authoritative source for the number of stateless persons. Estimates ranged from 400 to 60,000. According to the UNHCR, the Department of Passport and Visa Control of the Ministry of Interior reported there were 21,337 persons holding obsolete USSR passports as of January, of whom they had processed more than 60 percent as of August.

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 September 17, GKNB officers raided the Naryn regional office of the opposition party Ata-Meken, confiscated computer equipment and documents, and sealed the office doors. According to the head of the Naryn regional police directorate, the discovery of "anticonstitutional leaflets" in three public places led the authorities to the Ata-Meken office, where they seized a further 147 leaflets.

Elections and Political Participation

On October 5, local elections were held nationwide. Observers were allowed to be present at voting precincts on Election Day, but the Central Election Commission (CEC) rejected applications from international observers on the basis that they missed the application deadline. Although the human rights ombudsman declared the elections fair, civil society claimed that the government unfairly promoted members of the pro-regime Ak Jol candidates to win seats.

On September 26, opposition leaders released a video message from CEC Chair Klara Kabilova in which she claimed she had been pressured by the president's son over registering an opposition candidate, Ishenbay Kadyrbekov, for local council elections. Kabilova left the country prior to the video's release.

During the year, there were cases of government harassment of members of the political opposition. In January a leader of the Ata Meken party accused the tax police of harassing the opposition by initiating tax audits against multiple opposition parties.

According to a CEC report, more than 80 percent of the country's 2.7 million registered voters participated in the October 2007 referendum, and 81.58 percent of voters approved the new constitution and electoral code. However, local and foreign 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.

Following the constitutional referendum, the president dissolved the parliament and called for new elections in December 2007. The elections were marred by numerous and wide-spread irregularities, and representatives of the OSCE election monitoring mission stated that the elections "failed to meet a number of OSCE commitments."

The CEC certified that three parties passed the thresholds to gain seats in parliament: Ak Jol party with 71 seats, the Social Democratic Party of Kyrgyzstan (SDPK) with 11 seats, and the Party of Communists of Kyrgyzstan with eight seats. Opposition party Ata-Meken, which did not gain any seats, accused the government of vote rigging, but the Supreme Court upheld a December 2007 CEC ruling that Ata-Meken had failed to pass the regional voting threshold in the city of Osh. After the December 2007 elections, the president formed a new government without any opposition party representatives.

Twenty-three women representing three political parties secured seats in parliament following the December 2007 elections. 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 (until September) chair of the CEC.

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 2007 elections.

Government Corruption and Transparency

Corruption remained endemic 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 arrests of government officials on corruption charges.

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 National Anticorruption Agency received complaints and phone calls regarding corruption among governmental officials. The complaints were related primarily to unlawful actions of law enforcement and judiciary bodies.

In October 2007 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 Prosecutor General's Office, 394 corruption charges were registered by July. The corruption cases were in relation to allegations of malfeasance, illegal examinations by state agencies, mismanagement of government funds and unauthorized procurements, embezzlement, illegal commercial activity, and bribery.

On December 16, the Prosecutor General's Office announced that it had arrested a judge of the Naryn oblast court for accepting a 10,000 som (\$254) bribe from a defendant.

On November 14, the Commissioner of the National Anticorruption Agency reported the results of an inspection of universities. It found violations of admissions processes at Kyrgyz National University and Jalal-Abad State University. As a result the minister of education dismissed the rectors, and the Prosecutor General's Office charged university admission personnel with abuse of power and forgery.

On May 2, Kabar News Agency reported that GKNB officers detained the judge of the Moscow District Court of the Chui Oblast for extorting and receiving a bribe for 98,545 soms (\$2,500). Officials launched a criminal case against the judge.

On April 28, the Jalalabad courts convicted former first deputy governor of Osh Oblast, Kushbak Tezekbayev; former head of the regional administration's financial and economic department, Seitkasym Dzheenbekov; and the head of the March People's Revolution public association, Timur Kamchybekov, for abuse of power. Tezekbayev claimed the charges stemmed from his criticism of the Bakiyev administration. The judge sentenced Tezekbayev to five years in prison but delivered suspended sentences to his codefendants.

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 of Human Rights and Nongovernmental Investigation of Alleged Violations

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.

A February 2 decree disbanded the State Commission on Human Rights and transferred its authority to the Office of the Ombudsman. 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. Ombudsman's Office representatives stated that during the first nine months of the year, they received 1,706 complaints. The Ombudsman's Office stated that in a number of cases, its advocacy had been effective in reversing court verdicts against complainants.

Harassment and pressure by law enforcement agencies and unknown persons on human rights activists remained a problem.

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. Many crimes against women were not reported due to psychological pressure, cultural traditions, and the 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 in 2007, the latest year for which crime statistics are available, and 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 an upwards trend in rape cases, although this may have been due to increased reporting of attacks. NGOs claimed that rape cases were dramatically underreported and were rarely brought to court. Experts noted that bribery was often used to curtail rape investigations.

Although prohibited by law, the traditional practice of kidnapping women and girls for forced marriage continued in rural areas. Cultural traditions discouraged victims from going to the authorities.

On August 5, the president signed a law providing for equal rights for men and women. According to the presidential press service, the "document establishes state guarantees in terms of providing equal rights and opportunities for persons of various sexes in political, social, economic, cultural, and other fields...and aims to protect men and women against discrimination on the basis of sex." Women have the same rights as men, including under family law, property law, and in the judicial system, although discrimination against women persisted in practice. 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. In the countryside, traditional attitudes toward women relegated them to the roles of wife and mother and curtailed educational opportunities. 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.

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 those 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.

According to the Operational Response Center of the Interior Ministry, police respond to almost 10,000 cases of family conflict each year. Nearly 15 percent of crimes committed during family conflicts resulted in deaths or serious injuries.

According to a poll conducted by the Women's Development Fund of the UN, 80 percent of respondents said that there was physical violence against women in the home.

The National Council on the Issues of Family, Women and Gender Development, under the president, is responsible for women's issues.

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. According to Articles 19 and 20 of the children's code,

every child born in the country has the right to receive a birth certificate, local registration, and citizenship. In 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. 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. Families who kept children in public schools often had to pay burdensome and illegal administrative fees. In September 2007 the government decreed that parents of schoolchildren should not pay administrative fees to schools.

The government continued to fund two programs for low-income children and children with mental or physical disabilities that provide school supplies and textbooks. Legally, all textbooks should be free, but the government was unable to provide them to all students.

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 commercial sexual exploitation continued to be a problem. According to monitors from the Department on Child Rights Defense under the State Agency for Physical Culture and Sports, administrators and school guards at a school in Chui Oblast physically abused children.

The practice of bride kidnapping remained a concern, with some underage abductions reported during the year. 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 commercial 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. 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.

State orphanages and foster homes also faced a lack of resources and often were unable to provide proper care. Some older children were transferred to mental health care facilities, even when they did not exhibit mental health problems. According to the Social and Gender Issues Department within the presidency, the number of children in state shelters continued to grow, with the total number of children in the 39 state shelters estimated at 5,390 at the end of the year. Of these children, 20 percent were orphans.

The MIA-maintained Rehabilitation Center for Street Children in Bishkek continued to lack sufficient food, clothes, and medicine and remained in poor condition. It sheltered approximately 70 children, according to UNICEF. IOM, together with foreign government funding and assistance from 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.

The League for Protection of Children's Rights stated in September that children's rights were violated regularly at the Lebedinovka Gymnasium School #2. They reported instances of physical abuse and illegal money collection by

the school administration, and they also reported that the number of students at the school had dropped from 1,700 to 700 over the last three years. The Ministry of Education had not made any public response by year's end.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country. Trafficking remained a persistent problem, and victims alleged 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 supported a countrywide information campaign and trained 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. International organizations and NGOs reportedly provided assistance to 67 victims of trafficking as of September 1. Most trafficking cases were reported after the agricultural labor season ended and forced laborers wished to return home. According to SCME estimates, up to 300,000 Kyrgyz citizens worked in Kazakhstan, 250,000--400,000 were employed in the Russian Federation, and an estimated 4,000 Kyrgyz citizens worked in the United Arab Emirates (UAE). The number of these citizens working abroad who were trafficking victims was unknown.

During the year the State Committee for Migration and Employment (SCME)'s offices provided consultations to more than 7,000 persons through its hot line and in person. Citizens learned about legal labor migration and the dangers of trafficking from the "Stop Trafficking" hot lines. According to the SCME, governmental agencies assisted in the repatriation of 134 Kyrgyz victims of trafficking during the year. According to the IOM's estimates, law enforcement agencies and aid organizations learned about one out of every six to eight cases of women victims and one out of 20 cases involving men.

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. 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.

The most recent development in trafficking is the use of "collateral." Victims of trafficking are forced by their traffickers to leave relatives, usually children, as hostages to the traffickers until a suitable labor replacement has

been found, forcing victims to assist traffickers in recruiting other victims.

Trafficking in persons, including organizing illegal migration and smuggling, is a criminal offense punishable by up to 20 years in prison. Other provisions of the criminal code used to prosecute traffickers included kidnapping, recruiting persons for exploitation, coercion into prostitution, rape, and deprivation of freedom. The maximum sentence for those prosecuted under these laws is 15 years.

According to IOM there were increased numbers of Bangladeshi and other South Asian migrants transiting the country en route to Europe. The IOM estimated there were 2,000--3,000 Bangladeshi citizens in the country in transit to western countries. IOM reported that during the year there was one case of trafficking victims being prosecuted for the possession of false documents and crossing the border illegally. The trafficking victims were later acquitted, and at year's end the trafficker was on trial. In two other reported prosecutions, traffickers were sentenced to five years in prison and forced to pay damages to the victims.

The National Antitrafficking Council, chaired by the vice prime minister, is responsible for coordinating the efforts of government agencies in fighting trafficking. Together with the OSCE and IOM, the SCME drafted a national anti-trafficking action plan, to be submitted for parliamentary ratification.

In the spring the Ninth Department, a separate division of the MIA that focuses on immigration and registration violations and reports to the Passport Office began to lead investigations into trafficking crimes. According to the MIA, 34 trafficking-related crimes were investigated from March 2007 to March 2008. According to the IOM, there were three convictions during the year.

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 2006 amendments to Article 124 of the criminal code protect trafficking victims from being prosecuted if they cooperate with an investigation, and also in some cases grants temporary or permanent residence status. Some trafficking victims cooperated with investigations, but many feared possible retaliation from traffickers. There were no reports that the government deported foreign victims of trafficking during the year. The IOM reported a decrease in reports from returning overseas workers that they had to pay bribes to avoid imprisonment for false documents. Kyrgyz embassies abroad assisted victims of trafficking by issuing new authentic travel documents to replace the false documents the victims used to exit Kyrgyzstan.

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 anti-trafficking programs and cooperated with international organizations and other countries to combat trafficking. Central and local governments worked on an information campaign with approximately 36 domestic NGOs that operated within the IOM-operated anti-trafficking network. The IOM also financed and trained NGOs to maintain antitrafficking hot lines in each province, using toll-free numbers provided by the government, to help potential and actual trafficking victims. The SCME provided free office space for the IOM-sponsored hot line staff.

As of August five domestic NGOs in the Osh and Batken oblasts continued to facilitate an OSCE-supported project on prevention of trafficking in women and children in the south of the country. The project opened three hot lines, conducted education and public awareness campaigns, issued information bulletins, supported journalists' investigations of trafficking cases, and organized training for human rights activists.

In the spring, the IOM and the Norwegian government, with support from the local government, moved the Rehabilitation Center for Children in Osh to a new, larger location. The center provided shelter to child victims of trafficking and labor exploitation. With the new facilities, the IOM increased its capacity for assisting victims of trafficking as well as providing assistance to victims of domestic violence and other crimes.

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

According to several 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. By November 13, victim shelters had provided rehabilitation services to 15 women. After suffering damages during an earthquake, the Osh shelter opened a new facility on November 1 with building space provided by the government and refurbishments paid for with grants from the IOM and the Norwegian government. 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.

During the year, the IOM provided assistance to 84 trafficking victims, including repatriation, psychological support, shelter upon arrival in Bishkek or Osh, vocational training, and monthly stipends. The IOM, the 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.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

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 the provision of other state services for persons with disabilities. The law mandates access to buildings for persons with disabilities and 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, the government generally did not enforce these provisions of the law. 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. Although children with disabilities have the right to an education, Gulbara Nurdavletova of the Association of Parents of Children with Disabilities stated that most were denied entry into schools for spurious reasons. Their parents sometimes established special educational centers for their children, but they did not receive government assistance.

Serious problems continued within psychiatric hospitals. The government was unable to provide basic needs such as food, water, clothing, heating, and health care, and facilities were often overcrowded. Inadequate funding played a critical factor. Children with mental disabilities were put into psychiatric hospitals rather than socially integrated with other children. Other patients were also often admitted involuntarily, including children without mental disabilities who were too old to remain in orphanages.

The Youth Human Rights Group 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 Office of the Prosecutor General is responsible for protecting the rights of psychiatric patients and persons with disabilities. According to local NGO lawyers, the members of the Prosecutor's Office had no training and little knowledge of the protection of these rights and were ineffective in assisting citizens with disabilities. 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.

A parliamentary commission reported violations of patients' rights in a number of mental hospitals. According to the report, the lack of funding was the main contributing factor. The Prosecutor General's Office was investigating allegations of embezzlement of grant money at the Chym-Korgon mental hospital that arose from the commission's work. The commission planned to present its full report in March 2009.

National/Racial/Ethnic Minorities

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

On January 1, two Kyrgyz teenagers were beaten by a group of ethnic Uzbeks in the Osh City district of Turan. Following the incident local media reported that ethnic Kyrgyz men were patrolling the area and physically assaulting ethnic Uzbeks. A criminal investigation resulted in the capture of two ethnic Uzbeks. No further information was available at year's end.

The law designates Kyrgyz as the state language and Russian as an official language, and it 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 for office were disqualified by unfair language examinations. Both Uzbek and Russian were widely used officially and unofficially. The government's initiative to increase official use of Kyrgyz raised concerns among non-Kyrgyz ethnic groups about possible discrimination.

Other Societal Abuses and Discrimination

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. Incarcerated gay men were often openly victimized in prisons by inmates and officials alike. In October Human Rights Watch reported that lesbians and transgender men suffered violence in the home and in public. Some lesbians reported being raped to "cure" them of their sexual orientation. Forced marriages for lesbian and bisexual women also occurred.

According to news reports, on April 8, MIA officers raided a dinner hosted by the gay rights group Labrys and demanded identification documents from the 30 local and international advocates gathered. After negotiations brokered by human rights lawyers, the police officers left the location without further disruptions.

A single NGO provides services for lesbian and transgender individuals.

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.

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.

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 most of the time. In February, a district court suspended Sagyn Bozgunbaev, the democratically elected president of the Federation of Trade Unions of Kyrgyzstan, from his office. The International Trade Union Confederation reported that the decision was influenced by pressure from state authorities.

The law recognizes the right of unions to organize and bargain collectively, and trade unions exercised this right on behalf of their members.

There are no special laws or exemptions from regular labor laws in the Free Economic Zones (FEZs) that function as export processing zones.

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.

Government licensing rules place strict requirements on companies recruiting persons to work both domestically and abroad, including vetting requirements by the SCME for all recruitment companies. The government regularly published the list of licensed and vetted firms.

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

In 2005 local media reported that a number of Kyrgyz citizens were being held hostage in China because they had not paid for goods purchased from Chinese merchants. According to the State Committee on Migration and Employment, there were two such cases registered at the beginning of the year, and negotiations between the Kyrgyz and Chinese governments resulted in the release of one individual during the year. The governments continue to negotiate the second case.

There were additional reports by the NGO Mental Health and Society that patients in psychiatric hospitals were used routinely 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 development; however, child labor remained a widespread problem. The minimum legal age for basic employment is 16, except for certain circumstances, such as selling newspapers. In addition the law bans the employment of persons under 18 in difficult or dangerous conditions, including the metal, oil, and gas industries; mining and prospecting; the food industry; entertainment; and machine building. Between 14 and 15, children can work up to five hours a day, and between 16 and 18 they can work up to seven. These laws also apply to children with disabilities.

In January the government adopted the State Program of Actions of Social Partners on the Worst Forms of Child Labor in Kyrgyzstan for 2008-2011. According to UNICEF approximately 4 percent of the country's children ages five to 14 years were engaged in child labor. A *Kyrgyzstan Television 1* report in October 2007 cited experts stating that approximately 17 percent of children between the ages of five and 17 worked. Child labor was noted in the following sectors: tobacco, cotton, rice, cattle breeding, mining, construction, brick making, car washing, shoe cleaning, and retail sales of tobacco and alcohol. Children were also involved in family enterprises, particularly in agriculture and roadside kiosks. According to the Agricultural Workers Union, the number of children in the south involved in child labor reached 125,000, while the number of children working in tobacco fields was approximately 15,000. A draft of a study conducted by the National Statistical Committee of Kyrgyzstan estimated that 183,480 children were engaged in hazardous work, and that 88 percent of working children labored under conditions that posed risks to their development.

According to reports from various NGOs, child labor continued to be particularly prevalent in the south. During the fall some schools cancelled classes and sent children to pick cotton. During the summer children were involved in tobacco production. Some schools required children to harvest tobacco planted on school grounds, with the income going directly to the schools, not to the children. Several 2007 news reports highlighted the prevalence of child labor in the coal mining industry.

Internal trafficking of children for the purposes of commercial 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 oversee the legal protection of the interests of minors whenever new laws are discussed in parliament.

Reports from ECPAT International indicated that police forced street and working children to give up their earnings in exchange for being released.

The Prosecutor General's Office and the State Labor Inspectorate are responsible for enforcing employers' compliance with the labor code. During the year inspectors conducted spot-checks of child labor law compliance, but these were infrequent and ineffective. During the first six months of the year, the Prosecutor General's Office conducted 52 checks, resulting in 16 written notifications, 33 demands for immediate action, 142 warnings, and four disciplinary actions against five individuals. Since many children worked for their families or were self-employed, it was difficult for the government to determine whether their work complied with the labor code.

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 financial or criminal penalties, punishment was usually minimal.

The government supported several social programs to prevent the engagement of children in exploitative child

labor. The Ministry of Education, in collaboration with the ILO, continued a program to enable teachers to combat the worst forms of child labor.

e. Acceptable Conditions of Work

There was no minimum wage. A nominal national minimum monthly wage of 340 soms (\$9.78) was used for administrative purposes; the amount would not provide a decent standard of living for a worker and family. However, 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, and must be compensated with leave or premium pay of between 150 and 200 percent of the hourly wage. These provisions were mainly enforced at large companies and organizations with strong trade unions. Small, informal firms had no union representation.

Safety and health conditions in factories were poor. The law establishes occupational health and safety standards, but the government generally did not enforce them. The State Labor Inspectorate is responsible for protecting workers and carrying out inspections for all types of labor issues, but its activities were limited, and business compliance was uneven. Workers of all industries have the right to remove themselves from dangerous workplaces without jeopardizing their employment, and workers exercised this right in practice.

According to World Bank estimates, remittances of labor migrants amounted to more than 27 percent of Gross Domestic Product. In September 2007 the prime minister enacted the State Program on Regulating Migration for 2007-2010, developed by the 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.

In March 2007 the parliament approved an agreement with Kazakhstan on mutual protection of each country's labor migrants.

In March 2007 the SCME signed an agreement with the Russian government to join efforts in legalizing Kyrgyz labor migrants working in Russia. According to the SCME, during the year there were SCME representatives in several Russian cities to assist Kyrgyz labor migrants. The SCME representative also said that in cases of violence against Kyrgyz citizens, they have agreements with the Russian government to assist the victims and investigate crimes against them.

In March the SCME, with the support of the IOM and the Swedish Development Agency, opened an information center for potential labor migrants in Osh.

The 2005 Law on Foreign Labor Migration provides all foreign workers with the same rights and conditions as citizens. According to the SCME, foreign workers must be properly registered before exercising those rights.