

**Statement**  
**Ms. Jyldyz Mambetalieva**  
**Chief of Delegation of the Kyrgyz Republic**  
**Deputy Minister of Justice**  
**15<sup>th</sup> session of the UN Human Rights Council**  
**Consideration of the National report of Kyrgyzstan**  
**on protection of human rights**  
**UN, Geneva, 21 September, 2010**

Dear Chairman,  
Dear participants of the session,  
Your Excellencies,  
Ladies and Gentlemen!

On behalf of the Kyrgyz Republic and myself, I would like to welcome all of the participants of today's meeting.

I would like to start my speech with a brief about the tragic events that took place in our country this April and June.

The modern history of Kyrgyzstan is a period of stormy and rapid changes. Recently, the mass protests have turned out to be the only available means for the people to express their resentment against the government. At the same time, the social and economic situation in the country facilitated a rapid growth of protests that led to social upheaval on 7<sup>th</sup> of April, 2010.

Major causes of the April turmoil in the republic are as follows: a reduction in the social security level provoked by the increased gap between different layers of the society in the background of impoverishment of a wider population, creation of anti-constitutional state power institutions, high corruption levels, wide scale prosecution of opposition and journalists, closure of independent printed media, radio stations and TV channels.

All of these factors led to mass demonstrations against the state policy implemented by the country's leadership, ultimately resulting in significant number of victims among the protesters.

Regrettably, after the April events the country was shaken by the events in the south of the country. In May and June 2010 a situation involving different ethnicities developed into inter-ethnic clashes that entailed deaths of hundreds of people and destruction of property.

According to the statement of the OHCHR, inter-ethnic clashes in Kyrgyzstan were deliberately organized to inflame a conflict between the two ethnicities, aimed at destabilizing the political situation in the country.

Analyses of the events in the south demonstrate that separate destructive groups attempted to carry out their objectives by inciting ethnic clashes.

Provocations and rumors spread in the conflict area were meant to make an appeal to people's emotions arousing their rage and hatred, tactics exploited by third forces, that works even in the most prosperous society.

The tragic events have caused a serious trauma to the country and broke hearts of thousands of Kyrgyzstan's peoples.

At present the situation in the southern regions of the country is stabilizing. The measures directed to the recovery of destroyed houses, buildings, constructions and streets, restoration of businesses, creation of employment and attraction of investments are being implemented. The Government is working on stabilizing public and political situation and managing the consequences of mass disturbances in the conflict zone.

In this respect it is worthwhile mentioning that to stabilize the situation in Kyrgyzstan, the authorities established the following:

1. The Interagency Commission to stabilize situation in the city of Osh and in Osh and Jalal-Abad oblasts. The Commission is entrusted to develop, through involving international and non-governmental organizations and other stakeholders, a program to strengthen inter-ethnic relations and stabilize the situation.
2. The State Commission to carry out a comprehensive study of causes and conditions and perform a political evaluation of April and June 2010, events in the cities of Talas, Bishkek, Jalal-Abad and the village of Maevka.
3. The National Commission to look into the tragic events that took place in June 2010 in the south of the Republic. The National Commission was composed of eminent public and religious figures, scholars, health experts, representatives of mass media and public human defenders.
4. The State Directorate to restore and develop the cities of Osh and Jalal-Abad.
5. In addition, the Kyrgyz Government accepted the initiative of certain Scandinavian countries to hold international investigation into the events in the south. We are grateful to the UN and the EU for the technical support for the commission.

The Government understands that it cannot address this issue without external assistance. In this respect, people of the Kyrgyz Republic are sincerely grateful to everybody who responded to the call for help, and for cooperation within the Flash Appeal announced by UN for Kyrgyzstan. We are deeply grateful to UN,

international organizations and donor countries for the rendered practical and urgent assistance during the difficult times for us.

In light of recent events, the Kyrgyz Republic intends to focus all its efforts on building a democratic and economically prosperous state that upholds the value of human life and well-being of every citizen as one of its first-priority tasks.

On 27 June, 2010, a nation-wide referendum was held in Kyrgyzstan with the focus being on a new Constitution envisaging the establishment of a parliamentary Republic. The main purpose of these reforms is to create real mechanisms to defend human rights, political diversity, demolish the authoritarian governance system, and ensure accountability of the authority before people.

The constitutional reform will ultimately exclude the possibility of power concentration in one hands and its abuse. The new Constitution provides for the system of checks and balances that will ensure a real equilibrium between the branches of power and give the opposition a possibility to participate in discussing and making decisions important for the country. In doing so, the key role in the state power system will be played by the nationally elected Parliament. I would like to draw your attention to the fact that the section on human rights has been considerably expanded in the new Constitution. The new Constitution reinforces the protection of human rights and freedoms based on the following principle: a citizen is permitted to do everything not prohibited by law, and it is *vice versa* for state bodies and officials – they are allowed to act only according to what is stipulated in the Constitution and laws.

The section on human rights includes the proposals of human rights defenders and norms of international conventions on the protection of the rights of persons and citizens. In this regard, the Constitution has already received a high evaluation by such reputable organizations as the Venice Commission of the Council of Europe, EU, UN, and OSCE.

In general, Kyrgyzstan views the human rights related issues as an integral part of the state's activity that is called to develop, rigorously implement and be on guard of basic rights and freedoms of our multi-ethnic peoples without differentiating them by ethnicity, gender, language, and religion. Our state supports the necessity of universal recognition of human rights stipulated in the UN Charter and full observation of the human rights standards set forth in the Universal Declaration on Human Rights and other international covenants.

Over the period of independence, 7 out of 9 major UN international human rights conventions have been ratified by the Kyrgyz Republic. In general, the Kyrgyz Republic committed itself to 40 UN international documents in the area of human rights, 42 ILO Conventions, and the Helsinki Conclusive Act, thus,

having re-confirmed its obligations to follow the UN and OSCE principles and norms in the area of defending and encouraging human rights.

In order to ensure the women's rights, Kyrgyzstan ratified five UN Conventions:

- ILO Convention № 103 on protection of motherhood, 1952;
- Convention on elimination of all types of discrimination against women, 18 December 1979;
- Convention on political rights of women, 31 March, 1953;
- Convention on citizenship of a married woman, 1957;
- Convention on marriage, marriage age and registration, 10 December, 1962;
- Convention on fighting against human trafficking, prostitution, exploitation by third persons, 21 March, 1950.

At present there is a monitoring exercise in progress to see which advances have been made in the implementation of the National Human Rights Program of the Kyrgyz Republic for the period 2002-2010. Based on the monitoring outcomes a new National concept for the protection of rights of persons and citizens in Kyrgyzstan will be developed to cover period 2011-2020.

The Government creates conditions for a constructive dialogue with the civil society. "Returning to Democracy" national program, a strategic document for reforming democratic governance institutes aiming at creating an equitable and just society, was created in cooperation with the civil society.

The events in Kyrgyzstan have re-confirmed the fact that the human rights defending activities of the state did not respond to the requirements and needs of people. Despite of political changes that have taken place in our country, the Kyrgyz Government's delegation is here today with you to conduct an open and constructive dialogue. We trust that your objective assessment of the report will serve for the benefit of promoting and encouraging human rights in Kyrgyzstan.

Being committed to the development and improvement of democratic institutes, the Government intends to give the central place to the protection of human rights and freedoms.

Kyrgyzstan welcomes the initiative of the world community to undertake measures against tortures and other types of cruel, inhuman and degrading treatment and punishment. In the light of commitments undertaken by Kyrgyzstan, the work is in progress to create a preventive national mechanism to ensure transparency and openness of the places of deprivation of liberty both for the Kyrgyz and international human rights defenders and experts.

Provision of the best interests of a child, protection of women's rights, and protection from domestic violence have always been our priorities. Kyrgyzstan has already undertaken certain measures in this area, which are reflected in the following legal acts:

- Law "On the measures to improve gender policy";
- National Action Plan to achieve gender equality in the KR, a document determining the state gender policy;
- Children's Code of the Kyrgyz Republic;
- State Program of Actions of the social partners on eliminating of the worst forms of child labor, 2008-2011;
- Law "On social and legal protection from domestic violence".

The Kyrgyz Republic also supports international efforts in achieving consensus in making human rights universal. Within the 8<sup>th</sup> session of the working group there was a Universal Periodic Review (UPR) of the National report of Kyrgyzstan on the human rights situation.

In the course of interactive UPR discussions UN member countries voiced 168 recommendations for the KR in the area of improving situation with the human rights protection. Based on approving the final report of the UN Human Rights working group having considered Kyrgyzstan within the UPR, the Government's delegation confirmed its readiness to accept 127 recommendations as Kyrgyzstan's voluntary commitments.

It is noteworthy, that today there is a draft National Action Plan of the Kyrgyz Republic to implement the adopted HR recommendations: "Development, Security, Rule of Law and Human Rights". We would like to draw your attention that during the Plan's discussions there was a meeting with the involvement of civil society, human rights defenders and international organizations. The active discussions resulted into provision of multiple proposals to improve the Action Plan. At the present time, the Plan is being finalized.

At the same time the authorities of the Kyrgyz Republic note that they have considered 41 pending recommendations of the UN member countries provided during the Universal Periodic Review, and would like to state the following:

On the 1<sup>st</sup> recommendation in relation to the ratification of the second Optional Protocol to the International Covenants on civil and political rights, the Kyrgyz Republic has already acceded to the aforementioned Protocol by the KR Law #52 as of 16 March 2010. Also, we would like to inform that the Ministry of Foreign Affairs, together with the Presidential Administration, is currently working on the text of the ratification statement for the UN.

With regard to recommendation in implementing the Resolution 9/12 of the Human Rights Council, the Kyrgyz Republic supports the norms entailed in it. The Kyrgyz Republic will consider the recommendation 4 on signing and ratification of the Optional Protocol to the International Covenants on economic, social and cultural rights, after the Parliamentary elections.

Kyrgyzstan also accepts recommendations 1, 2, 4, 9, and 11 in part of signing and ratification of the International Convention on protection of all persons from forced disappearances and recommendation.

Recommendation 10 on acceding to the Agreement on privileges and immunities is proposed to be considered after the Kyrgyz parliamentary elections.

The Kyrgyz Republic accepts recommendations 1, 3, 5, 6, 7, and 9 on acceding to and ratification of the Convention on the rights of the disabled and its Optional Protocol. At the same time, we note the necessity of larger financial investments to upgrade the internal conditions of Kyrgyzstan against the requirements of the Convention mentioned above.

Authorities of the Kyrgyz Republic believe it is necessary to repeat the reconciliation procedure with ministries and agencies in relation to the ratification of the Roman Statute of the International Criminal Court, mentioned in recommendations 8, 10, and 11.

Regarding recommendations 12, 15, and 38 to exclude from liability of journalists from the Criminal Code for defamation and disseminating information discrediting reputation, introduce appropriate mechanisms to ensure and facilitate freedom and safety of journalists and human rights defenders, reject introducing measures limiting the activities of the independent civil society.

The Kyrgyz Republic accepts recommendation 14 on harmonizing national legislation in line with recommendations of the Committee on liquidation of race discrimination.

The Kyrgyz Republic accepts recommendations 16, 17, 18, and 19 in bringing the existing Law of the Kyrgyz Republic "On Ombudsman of the Kyrgyz Republic" in line with the UN standards.

The establishment of a National human rights defending institute: according to some experts, the existing Law of the Kyrgyz Republic "On Ombudsman of the Kyrgyz Republic" requires certain amendments to upgrade it to the UN standards set for such like institutions. The Kyrgyz authorities believe it is possible to accept these recommendations.

The Kyrgyz Republic does not accept recommendations 18, 20, and 21 regarding the creation of a separate body on gender issues, since the Ministry of labor, employment, and migration of the Kyrgyz Republic has already been vested with the gender-related functions by Presidential Decree #425 as of 26 October 2009 "On measures to ensure implementation of the KR Law on the Government's structure".

Paragraph 5.9 of the Regulations "On the Ministry of labor, employment and migration of the Kyrgyz Republic" approved by the KR Government's Resolution #709 as of 17 November 2009, the Ministry is vested with the task to ensure gender equality in line with the Kyrgyz legislation with the provision of appropriate functions to be able to carry out this work.

The issue on a possibility of sending permanent invitations addressed to special procedures 22, 23, 24, 26 27, 29, and 30 is left without consideration by the Kyrgyz authorities until the elections to the Parliament of the Kyrgyz Republic.

The Kyrgyz authorities believe it is possible to accept recommendations 13, 32, 33, 34, and 35 on discrimination against women and national minorities on the grounds of sex, and on domestic violence, forced marriages.

With regard to recommendation 36, free movement of people, easing of requirements for persons changing their place of residence within the country, for equal access to social protection, health care, education and pensions, we deem it is subject to further studies, taking into account the existing resources of the country. Thus, there is a need for considerable financial and technical assistance for the implementation of the mentioned recommendation.

The Kyrgyz Republic accepts recommendation 25 on sending an invitation to the Special Reporter on Tortures to visit Kyrgyzstan in 2010, and recommendation 39 on training the military force and militia to observe basic human rights, especially the right to assemblies; imposition of the legislative prohibition on the unjustified use of force against the own population.

The Kyrgyz Republic accepts recommendation 31 on analyzing the implementation of the principle of making the forced repatriation on the national level, and 41 to follow, under any conditions, the principle of non-usage of the forced repatriation; guarantee the appropriate procedure for persons seeking asylum, in line with international standards.

The Kyrgyz Republic accepts recommendation 37 on analyzing the Law on religions, in order to ensure the rights to the freedom of religion according to the international law.

The Kyrgyz Republic accepts recommendation 40 on filing a request for cooperation and provision of technical assistance from relevant UN agencies in order to remove land mines and demarcate border areas, as well as to improve access to drinking water and special conditions.

The Kyrgyz Republic is firmly and decisively following the route of protecting and encouraging all basic rights and freedoms of citizens in line with international standards. At the same time, recognizing the commitment to the principles of tolerance and mutual respect among different ethnic groups and religions, we believe it is legitimate to stand by the established practice of peaceful co-existence of traditional confessions and strive for protection of religious and cultural peculiarities of the country.

We are firmly committed to the international obligations undertaken by the Republic and we fully support the involvement of international organizations, placing an emphasis on the UN Human Rights Council, to which Kyrgyzstan is party in 2009.

In conclusion, I would like to note that the exchange of opinions and experiences with other countries in the area of human rights during this meeting is necessary and useful for the Kyrgyz Republic.

**Thank you for your attention!**