



# HUMAN RIGHTS IMPACT ASSESSMENT OF THE COVID-19 RESPONSE IN KYRGYZSTAN

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This paper has been prepared within the framework of an initiative of International Partnership for Human Rights (IPHR) and its partners from Central Asia to monitor and document the human rights impact of governments' responses to the COVID-19 pandemic in this region. The primary focus of this initiative is the protection of the fundamental freedoms of expression, association and assembly; the rights to liberty and security and access to justice; as well as the rights of vulnerable groups. The Central Asian papers, planned to be compiled into a common, regional report when they have all been finalised, are also part of a broader IPHR initiative to assess governments' responses to the COVID-19 pandemic across the Former Soviet Union (FSU). All country reports prepared in this context are based on information and data provided by national focal points – local researchers working with IPHR – and local civil society organisations with which IPHR has been collaborating for many years, as well as on information obtained through additional research conducted by IPHR. While collecting the data we paid particular attention to rights violations that occurred exclusively in the context of restrictive measures and policies that were introduced by the local authorities in relation to the COVID-19 pandemic. However, we also documented developments related to pre-existing trends of concern that were reinforced during the pandemic.



**IPHR** - International Partnership for Human Rights (Belgium)

**W** [IPHROnline.org](http://IPHROnline.org)

**T** @IPHR

**E** [IPHR@IPHROnline.org](mailto:IPHR@IPHROnline.org)

**F** @IPHROnline



Legal Prosperity Public Foundation

**W** <http://lpf.kg/>

**F** @legalprosperityfund

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# Summary<sup>1</sup>

The first Covid-19 cases were registered in Kyrgyzstan in mid-March 2020 and by the end of the month, more than 100 cases had been reported.<sup>2</sup> The authorities responded to the increasing number of Covid-19 cases by announcing an emergency situation in the country as of 22 March 2020, and by declaring a stricter state of emergency in the capital Bishkek, the second largest city Osh, as well as several other areas of the country as of 25 March. The state of emergency was prolonged through 10 May, while the emergency situation remained in force beyond this date, with more extensive quarantine regulations continuing to be applied in Bishkek and several other areas also under this regime. The emergency regimes featured a series of restrictions, in particular, on the freedoms of movement and assembly of residents. In view of these restrictions, Kyrgyzstan's government informed the UN Secretary-General about its derogation from the provisions of the International Covenant on Civil and Political Rights (ICCPR) that protect these rights, thus becoming the only Central Asian country to take the exceptional step of derogation under the ICCPR in the context of the Covid-19 pandemic. The implementation of the emergency regimes also negatively affected the protection of other rights and freedoms than those whose enjoyment was formally suspended.

As part of the enforcement of the emergency regimes, law enforcement authorities stopped, warned, and fined thousands of people for violating curfew rules and other regulations imposed under these regimes. Civil society raised alarm that police detained people accused of curfew violations, without granting them access to legal assistance and holding them for hours in crowded police cells, where they were exposed to a heightened risk of contracting Covid-19. In addition to pre-existing legal provisions setting out penalties for violations of rules applicable in times of emergency, the authorities introduced new such provisions, some of which are vaguely worded and provide for disproportionately harsh penalties, such as heavy fines and even imprisonment.

Lawyers were not exempted from the restrictions on people's movement that applied in Bishkek and other regions during most of the period when the state of emergency was in force. As a result, they experienced difficulties in providing legal assistance to clients at this time of crisis. Civil society also criticised a decision to suspend the operations of local courts and replace them with an on-duty system for judges during the state of emergency, warning about the implications of this arrangement for defendants.

As in other countries, there have been concerns about the vulnerability of prisoners during the Covid-19 pandemic, especially as prison visits of lawyers and monitors also were restricted during the state of emergency lockdown. An amnesty adopted in mid-May 2020 provided for the release of certain categories of prisoners, among others, elderly and disabled people. However, those convicted of a number of crimes were not eligible for release even if they fell within these categories. For that reason, among others, human rights defender Azimjan Askarov did not qualify for release, in spite of his advanced age. While civil society representatives welcomed the amnesty initiative, they regretted its limited impact in practice and the failure of the authorities to agree to release seriously ill prisoners.

Media outlets have faced serious obstacles in providing access to information for citizens during the pandemic. For weeks, journalists were not accredited to work in the capital and other areas where the

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<sup>1</sup> This briefing paper covers developments through June 2020.

<sup>2</sup> See statistics provided at official site about the Coronavirus in Kyrgyzstan, <https://covid.kg/>

state of emergency was in force and, thus, could not effectively carry out their professional activities. Journalists also reported problems with obtaining adequate information from the authorities on the measures taken in the struggle against Covid-19 as government press briefings did not feature question and answer sessions and officials responded to inquiries with great delay, if at all. Media and human rights organisations criticised the restrictive media policy as unlawful and found it discriminatory since the restrictions did not apply equally to state and independent media, with the former being used as platforms for communicating government information about the pandemic.

In another development raising free speech concerns, security services detained and intimidated individuals posting allegedly “false” information about the pandemic, pressuring them to “publicly apologise” at the threat of criminal prosecution. Those targeted included medical professionals drawing attention to the lack of appropriate means of protection against Covid-19 at medical facilities. There are also concerns that new legislation on spreading “false” information introduced during the pandemic might be used to stifle the legitimate exercise of freedom of expression. The media community has rallied against a draft law on the “manipulation of information”, which sets out a broadly worded ban on disseminating “false” information through the internet and grants authorities powers to block access to such information without a court decision. The parliament passed this draft law in late June 2020, and at the beginning of July, it was pending the president’s signature.

During the Covid-19 pandemic, the parliament has also continued its consideration of draft legislation setting out new reporting obligations for NGOs. Civil society has criticised this draft legislation as an unjustified attempt to step up control of NGOs and fears that it might be used to intimidate NGOs working on issues that do not please the authorities. With reference to Covid-19 related restrictions, only selected NGO representatives were invited to a public hearing on the draft law held in May 2020 and, thus, many of those who would be directly affected by the new law were not granted any opportunity to comment on it. Most of those who participated in the hearing supported the adoption of the law. Having approved the draft legislation on first reading in March 2020, the parliament passed it on second reading in June 2020, in spite of the civil society objections, which were echoed by representatives of the international community.

The discussion surrounding the draft NGO law has contributed to reinforcing suspicion and mistrust against NGOs, with its proponents accusing NGOs of being “foreign agents” and of threatening national security. Thus, those advocating for the adoption of the law have re-invoked arguments used during the consideration of an earlier controversial, Russia-inspired draft NGO law, which the parliament eventually rejected in 2016. At the same time, civil society representatives have been subjected to growing pressure, with criminal investigations opened against two activists fighting against injustice and corruption.

All protests, demonstrations, rallies, pickets, strikes and other assemblies were banned during the state of emergency that was in force in the capital and several other areas of the country from 25 March through 10 May 2020. This ban continued even after the end of the state of emergency, under the quarantine that replaced it. Moreover, already several weeks before the declaration of the state of emergency, local authorities in Bishkek sought court bans on assemblies in the capital until 1 July, citing the need to prevent the spread of Covid-19. However, this argument was undermined by the fact that the authorities proposed allowing official events to take place. In the end, the authorities backed off from their controversial initiative and dropped their requests for such bans. In practice, law enforcement authorities have allowed some peaceful protests to take place during the emergency regimes, while dispersing others, including a protest against violence against women held in Bishkek by picketers standing two meters apart and wearing face masks.

Domestic violence was already previously widespread in Kyrgyzstan, but the problem deteriorated further during the Covid-19 state of emergency. At the same time, it became more difficult for victims to escape abuse and seek help because of the lockdown measures, which also meant that crisis centres were not able to provide shelter and assist victims in their premises as usual. In a positive move, legal amendments adopted during the pandemic broadened the grounds on which suspected perpetrators of domestic violence may be temporarily detained to protect victims and their families. There have also been renewed calls for increasing penalties for domestic violence, which is treated as a misdemeanour under national law and currently is not punishable by imprisonment. However, lack of access to justice for victims of domestic violence remains a key problem.

After the state of emergency ended and the restrictions imposed in response to the Covid-19 pandemic gradually were lifted, the number of Covid-19 cases surged in Kyrgyzstan. From mid-May to the end of June 2020, the number of reported cases increased more than four times, reaching a total of 5296 Covid-19 infections and 57 Covid-19 deaths by 30 June. In addition, there was a growing number of pneumonia cases and deaths not classified as Covid-19 cases at that time. The rapid increase in the number of patients needing medical assistance overstretched the capacity of the health care system, with reports of overwhelmed ambulance services, overfull hospitals, and shortages of medical staff and equipment, including ventilators. A considerable share of all those diagnosed with Covid-19 was also made up of medical workers. High-ranking government officials acknowledged the difficulties to cope with the rise in Covid-19 cases and called for measures to increase health care capacity. At the same time, they said that more stringent restrictions would only be re-introduced as a last resort because of the damaging impact of lockdown measures on the economy.

## The introduction of emergency regimes

The Kyrgyzstani authorities have adopted emergency measures in response to the Covid-19 pandemic. As the number of Covid-19 cases was on the rise in the country, an emergency situation was announced as of 22 March 2020. It was still in force at the end of June. In addition, as of 25 March, a state of emergency featuring more stringent restrictions was declared in the capital Bishkek, the second largest city Osh, as well as the city of Jalal-Abad and several districts in the Osh and Jalal-Abad regions in the south of the country. The state of emergency was initially in force until 15 April, but was later prolonged and extended to parts of the Naryn region in the east of the country. On 28 April, the state of emergency was lifted in some of the affected areas and on 10 May, it expired in Bishkek, Osh and Jalal-Abad. In accordance with Kyrgyzstan's constitution and national emergency legislation, the national emergency situation was announced by the government<sup>3</sup>, while the state of emergency was introduced based on presidential decrees<sup>4</sup> approved by the parliament. The parliament held a discussion on the issue of the state of emergency but approved the presidential decrees without amendments.

The emergency regimes, in particular the state of emergency featured a number of restrictions on the rights and freedoms of residents. In accordance with the law regulating the declaration of a state of emergency<sup>5</sup>, the restrictions in the areas where this regime was in force included: a curfew; a special scheme for entering and exiting these areas; temporary bans for residents to leave their homes or places of treatment or observation; and restrictions on the movements of vehicles. The conduct of

<sup>3</sup> Government order no. 93 of 22 March 2020.

<sup>4</sup> Presidential decrees no. 54, 55, 56 of 24 March 2020.

<sup>5</sup> Constitutional Law on State of Emergency, available (in Russian) at: <http://cbd.minjust.gov.kg/act/view/ru-ru/142?cl=ru-ru>

any sports or other public events, as well as strikes, rallies, marches, demonstrations, pickets or other assemblies was prohibited.

The authorities (so-called commandant's offices) overseeing the state of emergency in the different regions where it applied introduced additional restrictions. For example, a decree issued by the commandant in Bishkek on 30 March 2020 prohibited all movement of people and individual means of transportation in the city, except for in a number of listed cases. These cases included getting to and from one's place of work, buying groceries or medicine, using bank services, walking one's pets, or obtaining assistance because of a medical or other emergency. The same decree suspended the regular operations of all organisations and companies based in the capital during the state of emergency, with the exception of those whose activities were deemed crucial, and whose employees therefore were eligible for exception from the ban on movement on the grounds of work related travel. The decree also prohibited gathering in groups of more than three people, except for people from the same family.<sup>6</sup> A later decree of the Bishkek commandant introduced a procedure for obtaining permits to move around in the city on grounds deemed permissible.<sup>7</sup>

With reference to the rights limitations introduced, on 14 April 2020, Kyrgyzstan's government informed the UN Secretary-General about "temporary restrictions" on freedom of movement and freedom of assembly under the International Covenant on Civil and Political Rights (ICCPR, articles 12 and 21) in the territories of Kyrgyzstan where the state of emergency was in force.<sup>8</sup> The communication was submitted in the form of a notification under ICCPR article 4 (3), which requires states parties to the ICCPR to inform other states parties, through the intermediary of the UN Secretary-General of any derogations from their obligations under the covenant. In its communication, the government stated that the state of emergency, under which the restrictions were introduced, was needed to protect the "life and health of citizens, their safety and public order" and to prevent the spread of the Coronavirus infection to other parts of Kyrgyzstan. In a later communication, in which the government informed the UN Secretary-General that the state of emergency had been extended through 10 May, it argued that the restrictions imposed under this regime had made it possible to "contain" the spread of the Coronavirus in Kyrgyzstan and to "preserve the life and health of citizens".<sup>9</sup> The communications did not explain why the authorities found it necessary to submit a notification of derogation under the ICCPR, rather than using the possibility to restrict the rights protected by the relevant ICCPR provisions within the scope allowed for by the covenant when necessary to protect public health.

The UN Human Rights Committee has acknowledged that the measures taken by states to protect the right to life and health of citizens in the context of the COVID-19 pandemic may result in restrictions on some rights guaranteed by the ICCPR. However, the committee has stressed that states should not resort to derogation from their obligations under the ICCPR when they can attain their public health objectives by using the possibility to limit certain rights protected by the ICCPR, in accordance with the provisions of the covenant.<sup>10</sup> Both article 12 and 21 of the ICCPR provide for this possibility. While

<sup>6</sup> Order of the Bishkek Commandant's Office issued on 30 March 2020, available (in Russian) at: <http://cbd.minjust.gov.kg/act/view/ru-ru/200426>

<sup>7</sup> Order of the Bishkek Commandant's Office issued on 1 April 2020, available (in Russian) at: <http://cbd.minjust.gov.kg/act/view/ru-ru/200468?cl=ru-ru#pr>

<sup>8</sup> Notification submitted by Kyrgyzstan under ICCPR article 4 (3), 30 March 2020: <https://treaties.un.org/doc/Publication/CN/2020/CN.129.2020-Eng.pdf>

<sup>9</sup> Update on notification submitted by Kyrgyzstan under ICCPR article 4 (3), 29 April 2020: <https://treaties.un.org/doc/Publication/CN/2020/CN.160.2020-Eng.pdf>

<sup>10</sup> Human Rights Committee, "Statement on derogations from the Covenant in connection with the COVID-19 pandemic", 30 April 2020: <https://www.ohchr.org/Documents/HRBodies/CCPR/COVIDstatementEN.pdf>

a derogation entails the suspension of the rights in question, restrictions are less far-reaching. Both types of limitations are nevertheless exceptional in nature and must meet strict requirements, including requirements of legality, necessity, proportionality and non-discrimination.<sup>11</sup>

Other UN experts have also warned against sweeping restrictions on rights in response to Covid-19. For example, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association has stressed that it “is inadmissible to declare blanket restrictions on human rights and fundamental freedoms”, saying that exemptions should be made, for example, for civil society actors, trade unions and journalists covering the management of the crisis.<sup>12</sup>

When the state of emergency ended on 10 May 2020, then prime Minister Mukhammedkalyi Abylgaziev announced that a so-called quarantine would instead be introduced in Bishkek, Osh and several other areas as part of the emergency situation that remained in force across the country. He said this was necessary because the epidemiological situation in these areas remained difficult.<sup>13</sup> Both the government and local authorities may introduce a quarantine when there is a threat that an infectious disease may occur or spread.<sup>14</sup> New legislation, adopted by the parliament on 30 April 2020 and signed by the president on 8 May 2020, lists restrictions on the rights and freedoms of residents that a quarantine entails. These restrictions include, among others, strict control of the entrance and exit of citizens to the affected areas, limitations on the movement of people and means of transportation, and a ban on mass events such as rallies and meetings.<sup>15</sup> Thus, even after the end of the state of emergency, residents of the capital and other areas remained subject to stricter restrictions on their freedom of movement and assembly than residents of the country as a whole.

Violations of restrictions imposed as part of emergency regimes are punishable under national law, and law enforcement authorities have taken measures in relation to individuals accused of violating the regulations enforced during the current public health crisis (see more in the next section).

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<sup>11</sup> OHCHR, “Emergency measures and Covid-19: Guidance”, 27 April 2020: [https://www.ohchr.org/Documents/Events/EmergencyMeasures\\_COVID19.pdf](https://www.ohchr.org/Documents/Events/EmergencyMeasures_COVID19.pdf)

<sup>12</sup> “‘States responses to Covid 19 threat should not halt freedoms of assembly and association’ – UN expert on the rights to freedoms of peaceful assembly and of association”, Mr. Clément Voule, 14 April 2020: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25788&LangID=E>

<sup>13</sup> “Режим ЧП и комендантский час снимут. Режим ЧС и карантин останутся”, 10 May 2020: <https://kloop.kg/blog/2020/05/10/rezhim-chp-i-komendantskiy-chas-snimut-rezhim-chs-i-karantin-ostanutsya/>

<sup>14</sup> “Режим ЧП заканчивается сегодня ночью. Комендантский час отменяют”, 10 May 2020: [https://24.kg/obschestvo/152376\\_rejim\\_chpzakanchivaetsya\\_segodnya\\_nochyu\\_komendantskiy\\_chas\\_otmenyat/](https://24.kg/obschestvo/152376_rejim_chpzakanchivaetsya_segodnya_nochyu_komendantskiy_chas_otmenyat/)

<sup>15</sup> Law on amendments to some legislative acts of the Kyrgyz Republic, including the laws on public health and civil protection, 7 May 2020, available (in Russian) at: <http://cbd.minjust.gov.kg/act/view/ru-ru/112033>

# Liberty and security, access to justice, and the situation of people in detention

## Penalties for violations of emergency measures

Following the declaration of the emergency regimes discussed above, the authorities warned that people violating the rules and restrictions introduced as part of these regimes might be held accountable.<sup>16</sup> However, civil society actors raised concerns that the communication on these issues was not clear enough on what all actions might give rise to liability, or on what grounds.<sup>17</sup>

It is of further concern that some of the applicable provisions, including new provisions introduced during the pandemic might result in arbitrary implementation because of their broad wording and that they might be used to hand out disproportionately harsh penalties. In its guidance to states on how to ensure compliance with international human rights standards in their response to Covid-19, the Office of the High Commissioner for Human Rights (OHCHR) has instructed states to refrain from such implementation, stressing the importance of respecting the principle of proportionality and ensuring that penalties are not imposed in an arbitrary or discriminatory way.<sup>18</sup>

A series of legal amendments adopted by Kyrgyzstan's parliament on 1 April 2020 and signed into law by the president on 3 April provided for new penalties for violations of emergency measures.<sup>19</sup> Among others, new provisions on violating quarantine rules (article 127-1) and violating the "requirements" of emergency regimes (article 119-1) were added to the Code of Offenses. Both offenses are punishable by fines of up to 60 000 Som (around 700 EUR) – an amount significantly higher than the average monthly salary, which was less than 17 000 Som (200 EUR) in 2019<sup>20</sup>. The latter offense might also result in a sentence of court-imposed freedom of movement restrictions for up to one year, or community work for up to 60 hours. Under part 2 of Criminal Code article 280, people found guilty of the "deliberate violation of sanitary-epidemiological norms" that is "associated with the risk of mass disease" during an emergency regime might face up to five years in prison. Under part 1 of this article, violation of similar norms due to negligence, which results in serious harm, carries the same maximum penalty.

The new provisions have been applied in the context of the Covid-19 emergency regimes. According to official information, as of 27 May 2020, 28 people had been charged under article 127-1 of the Code of Offenses, nine people under article 119-1 of the same code, and eleven people under Criminal Code

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<sup>16</sup> See, for example, government communication from 31 March 2020 (in Russian) at: <https://www.gov.kg/ru/post/s/apparat-pravitelstva-kyrgyzstansy-dolzhny-pomnit-o-primenyaemykh-merakh-administrativnoy-otvetstvennosti-zanarushenie-rezhima-chp>

<sup>17</sup> See, for example, analysis conducted by the Adilet Legal Clinic: "Разъяснение ОФ "Правовая Клиника" Адилет" относительно привлечения граждан к ответственности за нарушения условий карантина во время ЧС и ЧП", 3 April 2020, at: <http://www.adilet.kg/ru/news/full/409>

<sup>18</sup> OHCHR, "Emergency measures and Covid-19: Guidance", 27 April 2020: [https://www.ohchr.org/Documents/Events/EmergencyMeasures\\_COVID19.pdf](https://www.ohchr.org/Documents/Events/EmergencyMeasures_COVID19.pdf)

<sup>19</sup> Law on amendments to some legislative acts of the Kyrgyz Republic, including the Criminal Code, the Code of Offenses, the Code of Violations, 3 April 2020, available (in Russian), at: <http://cbd.minjust.gov.kg/act/view/ru-ru/112024?cl=ru-ru>

<sup>20</sup> "В Кыргызстане размер средней зарплаты составил 236\$", 5 November 2019, <http://kabar.kg/news/v-kr-razmer-srednei-zarplaty-sostavil-236-natcstatkom/>

article 280.<sup>21</sup> The details of all these cases are not known, but some of them have been covered in the media. In one case that appears to illustrate the unwarranted application of criminal provisions to people without any intent of spreading Covid-19, police opened an investigation under Criminal Code article 280 against a group of women in the city of Naryn who left the hospital where they had given birth without waiting for the results of Covid-19 tests administered to them.<sup>22</sup>

New legislation prohibiting the dissemination of “false” information, adopted in the context of the Covid-19 pandemic, is also of serious concern (see more in the section on the freedom of expression and the media below).

The possible liability for not wearing face masks in public has been the subject of controversy in the context of the current pandemic. A government communication published at the end of March 2020 (and later updated) stated that the failure to wear face masks in public places during the state of emergency declared in the capital and other regions was punishable by fines under the Code of Violations.<sup>23</sup> The communication refers to article 150 of this code, which penalises violations of public health related regulations and provides for fines of 1000 Som (about 10 EUR) for individuals and 5000 Som (about 55 EUR) for legal entities. However, lawyers questioned the legal basis for holding residents accountable for not wearing masks in public under this provision given the absence of any legal document setting out such an obligation.<sup>24</sup> They also noted that not all residents might not be able to obtain masks due to the deficit of them and increasing prices during the pandemic.<sup>25</sup> In response to media inquiries, the commandant’s office overseeing the state of emergency in Bishkek and the Ministry of Health confirmed that there was no legal obligation to use face masks in public, only recommendations.<sup>26</sup> After the state of emergency ended, and a quarantine instead was introduced in the capital, the Bishkek mayor again warned residents that the failure to wear face masks might result in fines.<sup>27</sup> Later, the deputy mayor explained that no one would be fined for not wearing a mask in public, saying that liability only concerned the use of masks indoors, with managers being responsible to make sure that their subordinates comply with such requirements.<sup>28</sup> The minister of interior said that no one had been fined for not wearing a face mask.<sup>29</sup>

<sup>21</sup> “МВД: 98 граждан привлечены к ответственности за нарушение карантинных мер, 11 - к уголовной”, 27 May 2020, <http://kabar.kg/news/mvd-98-grazhdan-privlecheny-k-otvetstvennosti-za-narushenie-karantinnykh-mer-11-k-ugolovnoi/>

<sup>22</sup> “На рожениц, покинувших роддом без результатов теста на COVID-19, возбудили дело”, 27 May 2020, [https://24.kg/obshchestvo/153937\\_narojenits\\_pokinuvshih\\_roddom\\_bez\\_rezultatov\\_testa\\_naCOVID-19\\_vozbudili\\_delo/](https://24.kg/obshchestvo/153937_narojenits_pokinuvshih_roddom_bez_rezultatov_testa_naCOVID-19_vozbudili_delo/); “COVID-19. В Нарыне из обсервации сбежали женщины - наказали чиновников”, 28 May 2020, <https://rus.azattyk.org/a/30638824.html>

<sup>23</sup> “Аппарат Правительства: Кыргызстанцы должны помнить о применяемых мерах административной ответственности за нарушение режима ЧП”, 31 March 2020, <https://www.gov.kg/ru/post/s/apparat-pravitelstva-kyrgyzstantsy-dolzhy-pomnit-o-primenyaemykh-merakh-administrativnoy-otvetstvennosti-za-narushenie-rezhima-chp>

<sup>24</sup> “В правительстве КР наконец разобрались: людям без масок на улице штраф не грозит”, 23 April 2020: <https://vesti.kg/obshchestvo/item/70863-v-pravitelstve-kr-nakonets-razobralis-lyudyam-bez-masok-na-ulitse-shtraf-ne-grozit.html>

<sup>25</sup> See, for example, analysis conducted by the Adilet Legal Clinic: “Разъяснение ОФ “Правовая Клиника “Адилет” относительно привлечения граждан к ответственности за нарушения условий карантина во время ЧС и ЧП”, 3 April 2020, at: <http://www.adilet.kg/ru/news/full/409>

<sup>26</sup> В правительстве КР наконец разобрались: людям без масок на улице штраф не грозит”, 23 April 2020: <https://vesti.kg/obshchestvo/item/70863-v-pravitelstve-kr-nakonets-razobralis-lyudyam-bez-masok-na-ulitse-shtraf-ne-grozit.html>

<sup>27</sup> “Суракматов: За отсутствие маски предусмотрен штраф от 1 до 5 тысяч сомов”, 11 May 2020: <https://rus.azattyk.org/a/30605504.html>

<sup>28</sup> “Вице мер Бишкека рассказала кого будут штрафовать за ношение масок”, 19 May 2020, <https://elgezit.kg/2020/05/19/vitse-mer-bishkeka-rasskazala-kogo-budut-shtrafovat-za-nenoshenie-masok/>

<sup>29</sup> “МВД Кыргызстана: Пока никто за отсутствие маски не оштрафован”, 13 May 2020: <https://knews.kg/2020/05/13/mvd-kyrgyzstana-poka-nikto-za-otsutstvie-maski-ne-oshtrafovan/>

## Law enforcement measures in response to violations of emergency rules

Law enforcement authorities were tasked with monitoring the compliance with the rules and requirements introduced under the emergency regimes. For example, the Bishkek commandant's decree from 30 March 2020 set out that police would patrol the capital around the clock and "immediately take measures" in case of non-compliance with the restrictions on people's movement established by this decree.<sup>30</sup> The Civic Union – a network of NGOs and civil society activists – concluded that the lack of sufficiently well-defined rules, for example, concerning the circumstances under which people were allowed to leave their homes during the day or pass through police checkpoints made it possible for police to interpret and implement these rules in different ways in different cases. The responses to a survey conducted by the Civic Union illustrated such differences in law enforcement practice.<sup>31</sup> As discussed above, some of the provisions penalising violations of emergency measures are also open to arbitrary application.

In addition to stopping, checking, warning and fining people, police carried out detentions as part of their enforcement of the rules applicable under the emergency regimes. In particular, during the state of emergency that was in force in Bishkek and several other cities and districts in the period from 25 March through 10 May 2020, police detained thousands of people for curfew violations. According to official information, as of 11 May, police had detained 5027 people for violating night curfews and held them until the morning when the curfew ended. Out of those detained, 3628 were warned and 1399 fined.<sup>32</sup> In accordance with amendments to the Code of Violations (article 82-1) adopted at the beginning of April 2020, curfew violations are punishable by fines of 3000 Som (about 35 EUR).

Kyrgyzstan's NGO Coalition against Torture expressed concerns that those detained for violating curfew rules were not granted access to lawyer and that they were held for hours in crowded police cells, thereby exposing both them and police officers to a heightened risk of contracting the Coronavirus.<sup>33</sup> The Civic Union pointed out that the fact that curfew violators were locked up together with other violators for several hours – typically without providing them with face masks and other means of individual protection – defied the purpose of the curfew rules: to reduce contacts between residents.<sup>34</sup> The Adilet Legal Clinic noted that the Code of Violations requires police officers, as a rule, to draw up protocols at the place of violation and only allows them to detain violators in exceptional cases.<sup>35</sup>

Following the declaration of the state of emergency, the government announced that those violating the rules applicable under this regime with respect to leaving their homes during the day might be held liable under article 193 of the Code of Violations.<sup>36</sup> This provision penalises non-compliance with

<sup>30</sup> Order of the Bishkek Commandant Office from 30 March 2020, available (in Russian) at: <http://cbd.minjust.gov.kg/act/view/ru-ru/200426>

<sup>31</sup> Civil Union, "Обзор результатов мониторинга действий силовиков в условиях ЧС/ЧП в Кыргызской Республике", 13 April 2020: <https://www.reforma.kg/media/post/postpdf/2020-04-13-2235441573.pdf>

<sup>32</sup> "В Кыргызстане в территориальные ОВД за нарушение комендантского часа доставлены 38 человек", 11 May 2020: <http://kabar.kg/news/mvd-prizyvaet-grazhdan-sobliudat-trebovaniia-chrezvychainogo-situatsii-po-vsei-strane/>

<sup>33</sup> "коалиция против пыток обратилась к генеральному прокурору с просьбой принять меры по обеспечению надзора", 16 April 2020, <https://notorture.kg/?p=2949>

<sup>34</sup> Civil Union, "Обзор результатов мониторинга действий силовиков в условиях ЧС/ЧП в Кыргызской Республике", 13 April 2020: <https://www.reforma.kg/media/post/postpdf/2020-04-13-2235441573.pdf>

<sup>35</sup> Adilet Legal Clinic, "Актуальные вопросы привлечения к ответственности за распространение фейков в условиях режима чрезвычайного положения", 1 April 2020: <http://www.adilet.kg/ru/news/full/407>

<sup>36</sup> "Аппарат Правительства: Кыргызстанцы должны помнить о применяемых мерах административной ответственности за нарушение режима ЧП", 31 March 2020, <https://www.gov.kg/ru/post/s/apparat-pravitelstva-kyrgyzstansy-dolzhy-pomnit-o-primenyaemykh-merakh-administrativnoy-otvetstvennosti-za-narushenie-rezhima-chp>

the orders and requirements of authorities and provides for fines of 3000 Soms (about 35 EUR) for individuals. According to official figures presented at the end of May 2020, 98 people had been held accountable under this provision since March.<sup>37</sup> In some cases, police also detained residents accused of violating curfew rules applicable at daytime. One such case was documented in a video that was widely shared on the internet. This video showed how police officers in the city of Kara-Suu in the Osh region harshly detained three men in the street, seated them next to each other in a police car, and only then asked them where they were going and if they had the forms required for leaving their homes. All men said that they were on their way to the bank. According to a press release later issued by the commandant's office overseeing the state of emergency in the region, the men violated the rules of the state of emergency and were taken to a local police station for the purpose of establishing their identity and administering express Covid-19 tests to them.<sup>38</sup> The Coalition against Torture criticised the actions of the police officers in this case, saying that they exceeded their authority. The coalition noted that the lack of the form required for leaving one's house during the state of emergency was not in itself a ground for detention.<sup>39</sup>

In another law enforcement practice of concern during the Covid-19 pandemic, security services have detained and intimidated social media users accused of disseminating allegedly false information about the pandemic (see more in the section on freedom of expression and the media below).

In its guidance to states on emergency measures taken in response to Covid-19, the OHCHR stressed that all law enforcement operations must comply with international standards also at this time of crisis. The OHCHR also said that states should only deprive persons of their liberty as a last resort, and with appropriate procedural safeguards. When assessing the appropriateness of detaining someone, states should pay specific attention to the public health implications of overcrowding in places of detention and to the particular risks to detainees created by the Covid-19 emergency.<sup>40</sup>

## Restrictions on access to legal assistance and justice

As discussed in the section on emergency measures above, the regular operations of all institutions and establishments whose activities were not considered crucial were suspended during the state of emergency declared in Bishkek and other areas. The work of lawyers' offices was not included among those listed as crucial and accordingly, lawyers were not exempted from the restrictions on people's movements that applied. This resulted in that lawyers experienced difficulties in providing legal assistance to clients at this time of crisis. In an appeal to the General Prosecutor from 20 April 2020, Kyrgyzstan's Advokatura (bar association) stated that the restrictions on the work of lawyers were unconstitutional and asked the General Prosecutor to address the issue and ensure that lawyers were able to carry out their professional activities without hindrance. The association noted that it had repeatedly appealed to the authorities (commandant's offices) overseeing the state of emergency in the affected areas, but these

<sup>37</sup> "МВД: 98 граждан привлечены к ответственности за нарушение карантинных мер, 11 - к уголовной", 27 May 2020: <http://kabar.kg/news/mvd-98-grazhdan-privlecheny-k-otvetstvennosti-za-narushenie-karantinnykh-mer-11-k-ugolovnoi/>

<sup>38</sup> "Кыргызстан: нарушителей чп задерживают как опасных преступников", 8 April 2020: <https://notorture.kg/?p=2913>

<sup>39</sup> Кыргызстан: нарушителей чп задерживают как опасных преступников", 8 April 2020: <https://notorture.kg/?p=2913>

<sup>40</sup> OHCHR, "Emergency measures and Covid-19: Guidance", 27 April 2020: [https://www.ohchr.org/Documents/Events/EmergencyMeasures\\_COVID19.pdf](https://www.ohchr.org/Documents/Events/EmergencyMeasures_COVID19.pdf)

had failed to respond.<sup>41</sup> The NGO Coalition against Torture also expressed concerns that restrictions on the freedom of movement of lawyers could result in that citizens were unable to access qualified legal assistance in a timely manner. The Coalition urged the Minister of Justice to take adequate measures to safeguard the activities of the bar and to regulate the provision of legal assistance in the context of the Coronavirus pandemic.<sup>42</sup> On 28 April 2020, Prime Minister Muhammetkalyi Abylgaziev finally gave assurances that lawyers would be allowed to move around and resume their work as of 1 May.<sup>43</sup>

The Coalition against Torture also expressed concerns about another measure restricting access to justice during the Covid-19 pandemic. On 27 March 2020, the Supreme Court announced that the work of courts in Bishkek and other areas where the state of emergency was in force would be temporarily suspended. This measure was later extended for the remainder of the period of the state of emergency. During this time, judges took turns in being on duty to consider urgent issues such as the lawfulness of detentions and the application of preventive measures, while the hearings of other cases were postponed, even if in violation of statutory time limits. In a letter sent to the chair of the Supreme Court on 30 April, the Coalition against Torture concluded that the decision to suspend the work of courts during the state of emergency was unconstitutional and warned about its negative implications for defendants.<sup>44</sup>

A Guidance Note on Ensuring Access to Justice in the Context of Covid-19, developed by the UN Development Programme (UNDP) and the UN Office on Drugs and Crime (UNODC), stressed that states must respect the rights to access to justice and due process in their responses to this crisis. It also said that states must ensure that emergency measures do not negatively affect the rights of defendants. According to the note, states should categorise justice services as “essential” and take necessary measures to mitigate the suspension or postponement of these services.<sup>45</sup>

## Concerns about the situation of prisoners

As in other countries, prisoners have been deemed to be at heightened risk of contracting Covid-19 in Kyrgyzstan, in particular due to the overcrowding, poor hygiene, and lack of adequate health care often seen within the country's prison system<sup>46</sup>.

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<sup>41</sup> Advokatura of the Kyrgyz Republic, “Письмо в Генеральную прокуратуру Кыргызской Республики (отправлено электронной почтой)”, 20 April 2020: <http://advokatura.kg/news/pismo-v-generalnuyu-prokuraturu-kyrgyzskoy-respubliki-otpravleno-elektronnoy-pochtoy>

<sup>42</sup> Coalition against Torture, “Открытое обращение к Министру Юстиции Кыргызской Республики”, 24 April 2020: <https://notorture.kg/?p=2971>

<sup>43</sup> Advokatura of the Kyrgyz Republic, “Аппарат Адвокатуры Кыргызской Республики начинает свою работу с 1 мая 2020 г.”, 30 April 2020, <http://www.advokatura.kg/news/apparat-advokatury-kyrgyzskoy-respubliki-nachinaet-svoyu-rabotu-s-1-maya-2020-g>

<sup>44</sup> See letter sent by the Coalition against Torture to the Chair of the Supreme Court, 30 April 2020, available (in Russian) at: <https://notorture.kg/wp-content/uploads/2020/04/ish.%E2%84%9665-ot-30.04.2020-v-vs-.pdf>; “Коалиция против пыток: приостановление работы судов во время чп противоречит конституции”, 1 May 2020: <https://notorture.kg/?p=3153>

<sup>45</sup> “Ensuring Access to Justice in the Context of COVID-19”, May 2020: <https://www.un.org/ruleoflaw/wp-content/uploads/2020/06/Ensuring-Access-to-Justice-in-the-Context-of-COVID-19.pdf>

<sup>46</sup> See, for example, the concerns on detention conditions expressed by the UN Human Rights Committee in its Concluding observations on the second periodic report of Kyrgyzstan (April 2014) and the UN Committee against Torture in its Concluding observations on the second periodic report of Kyrgyzstan (December 2013).

Following the introduction of emergency measures in response to the Covid-19 pandemic, civil society representatives called on the authorities to take effective measures to prevent the spread of the Coronavirus in the country's prisons, including by reducing the prison population. Among others, the NGO Coalition against Torture made such a call<sup>47</sup>, and the Bir Duino Human Rights movement specifically urged the government to release sick, elderly, disabled and underage people on humanitarian grounds.<sup>48</sup> These calls were in line with the recommendations of international human rights bodies. For example, the UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) has urged states to reduce the number of those held in prison and detention facilities by implementing schemes of early, provisional or temporary release for those detainees for whom it is safe to do so.<sup>49</sup> UN High Commissioner for Human Rights Michelle Bachelet has also urged governments to reduce the number of people in detention and examine ways to release those most vulnerable to COVID-19, such as older people and those who are sick. In addition, she stressed: "Now, more than ever, governments should release every person detained without sufficient legal basis, including political prisoners".<sup>50</sup>

In a joint letter to President Sooronbay Jeenbekov sent on 31 March 2020, IPHR and eight other European and international NGOs drew attention to the case of human rights defender Azimjan Askarov, a prominent political prisoner who continues to serve a life sentence for his alleged involvement in the inter-ethnic violence in southern Kyrgyzstan in June 2010. The authorities have failed to comply with a 2016 decision of the UN Human Rights Committee on his case, which called for the quashing of the defender's conviction and his immediate release. Noting that Askarov is among those at risk of being disproportionately affected by the Coronavirus given his advanced age and the fact that he suffers from deteriorating health problems, the NGO letter signatories urged the Kyrgyzstani authorities to protect his health and ensure that he has access to appropriate hygiene, screening and medical assistance. They also urged the authorities to support the humanitarian imperative of his situation and release him, in accordance with the UN Human Rights Committee decision.<sup>51</sup> In a similar vein, the UN Special Rapporteur on the situation of human rights defenders and the EU have voiced concern about the increased risk that Covid-19 poses to Askarov and renewed their calls to the Kyrgyzstani authorities to comply with the UN Human Rights Committee decision and release him.<sup>52</sup> However, Askarov remains in prison and on 13 May 2020, the Supreme Court rejected a final appeal submitted by his defence and upheld his life sentence.<sup>53</sup>

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<sup>47</sup> "Коалиция рекомендует правительству сократить число заключенных из-за угрозы коронавируса", 1 April 2020: <https://notorture.kg/?p=3215>

<sup>48</sup> Appeal by the Bir Duino Human Rights Movement to Prime Minister Mukhammedkaliy Abylgaziev, 30 March 2020, available (in Russian) at: <http://birduino.kg/pressaru/obrashhenie-bir-dujno-kyrgyzstan>

<sup>49</sup> "Advice of the Subcommittee to States parties and national preventive mechanisms relating to the coronavirus disease (COVID-19) pandemic", 7 April 2020, <https://undocs.org/CAT/OP/10>

<sup>50</sup> "Urgent action needed to prevent COVID-19 'rampaging through places of detention' – Bachelet", 25 March 2020: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=E>

<sup>51</sup> See joint NGO letter from 31 March 2020, at <https://www.iphronline.org/wp-content/uploads/2020/03/Askarov-COVID-NGO-letter-to-President-Jeenbekov-31-03-2020-ENG.pdf>

<sup>52</sup> "Kyrgyzstan must uphold its human rights obligations and release human rights defender Azimjan Askarov, says UN expert", 8 May 2020: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25872&LangID=E>; "Kyrgyzstan: Statement by the Spokesperson on the case of Azimjan Askarov", 13 May 2020: [https://eeas.europa.eu/headquarters/headquarters-homepage\\_en/79249/Kyrgyzstan:%20Statement%20by%20the%20Spokesperson%20on%20the%20case%20of%20Azimjan%20Askarov](https://eeas.europa.eu/headquarters/headquarters-homepage_en/79249/Kyrgyzstan:%20Statement%20by%20the%20Spokesperson%20on%20the%20case%20of%20Azimjan%20Askarov)

<sup>53</sup> For more information on this ruling and Askarov's case, see briefing paper by IPHR and Legal Prosperity Foundation published in May 2020, <https://www.iphronline.org/kyrgyzstan-pressure-on-media-and-civil-society-at-covid-19-time-of-crisis.html>

In May 2020, the authorities took a concrete step towards reducing the number of prisoners by passing an amnesty act in connection with the 75 years anniversary of the end of World War 2 and the 10 year anniversary of the 2010 revolution in Kyrgyzstan.<sup>54</sup> The amnesty act provided for the release of certain categories of prisoners, among others, elderly, disabled people, single mothers, mothers with many children, and parents who are the sole breadwinners. However, those convicted of a number of crimes were not eligible for release even if they fell within these categories. For that reason, Azimjan Askarov did not qualify for release, although he turned 69 in May and thus is older than the age of 60 set as the threshold for male prisoners to be released based on age. In total, the amnesty affected about 1200 people among a prison population of around 10 000. While the NGO Coalition against Torture supported the initiative to implement an amnesty,<sup>55</sup> its representatives regretted that the amnesty law adopted would have only a limited impact in terms of reducing the prison population. They noted that many of those eligible for amnesty would have been released soon anyway as their sentences were nearing an end and that those released were likely to quickly be replaced by hundreds of people in pre-trial detention whose trials were postponed because of the Covid-19 emergency measures. They were also disappointed that the authorities did not agree to the civil society proposal to release seriously ill prisoners.<sup>56</sup>

The prison service has repeatedly reported about measures taken to prevent the spread of Covid-19 within the prison system, such as the disinfection of premises, the use of face masks and antiseptics, and measuring the body temperature of detainees and staff.<sup>57</sup> However, there are concerns that monitors, in some cases, have been prevented from visiting detention facilities to assess the preventive measures taken and the well-being of detainees. The National Centre for the Prevention of Torture (NCPT), Kyrgyzstan's national preventive mechanism established under the Optional Protocol to the UN Convention against Torture<sup>58</sup>, was not included among the institutions whose activities were deemed crucial during the state of emergency in Bishkek and, thus, its members were not excluded from the restrictions on people's movements that applied. According to the head of NCPT, Dinara Sayakova, on 6 April 2020, the commandant's office overseeing the state of emergency in the capital denied the centre's request to grant its monitors special permission to move around and visit detention. She said that she considered this as obstruction of the centre's activities, noting that NCPT monitors in the Osh and Jalal-Abad regions did not face the same problem but had been allowed to visit places of detention during the states of emergency in those regions.<sup>59</sup> The fact that lawyers also faced difficulties in meeting with clients during the state of emergency in the capital, as covered above, reinforced concerns about the lack of opportunities for detainees to communicate concerns about their situation.

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<sup>54</sup> Law on amnesty in connection with the 75th anniversary of Victory in the Great Patriotic War of 1941-1945 and the 10th anniversary of the people's April revolution in 2010, 8 May 2020, available (in Russian) at: <http://cbd.minjust.gov.kg/act/view/ru-ru/112036>

<sup>55</sup> "Открытое обращение Коалиции Против пыток Правительству Кыргызской Республики", 18 March 2020: <https://notorture.kg/?p=2846>

<sup>56</sup> "принятая амнистия в Кыргызстане не разгрузит тюрьмы", 11 May 2020: <https://notorture.kg/?p=3321>, "Правозащитница раскритиковала законопроект об амнистии", 24 April 2020: [https://kaktus.media/doc/411643\\_pravozashitnica\\_raskritikovala\\_zakonoproekt\\_ob\\_amnistii.html](https://kaktus.media/doc/411643_pravozashitnica_raskritikovala_zakonoproekt_ob_amnistii.html)

<sup>57</sup> "Встречи с лицами, содержащимися в учреждениях, допускаются только при наличии отрицательных результатов ПЦР анализа", 18 June 2020: <http://gsin.gov.kg/certainnews/122>; "Продолжается борьба с COVID-19", 2 June 2020: <http://gsin.gov.kg/certainnews/98>

<sup>58</sup> The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment is available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx>

<sup>59</sup> "Кыргызстан: правозащитникам отказали в пропусках для проверок в местах заключения Бишкека", 9 April 2020: <https://notorture.kg/?p=2921>; Civic Union, "Обзор результатов мониторинга действий силовиков в условиях ЧС/ЧП в Кыргызской Республике", 13 April 2020: <https://www.reforma.kg/media/post/postpdf/2020-04-13-2235441573.pdf>

The SPT has stressed that the risk of ill-treatment faced by detainees may be increased because of public health measures taken by states in response to the Covid-19 pandemic. It has said that it therefore is important that national preventive mechanisms continue to visit places of detention at this time, respecting necessary limitations on the manner in which visits are undertaken. The Committee has also emphasised that states must ensure that fundamental safeguards against ill-treatment, including the right to legal assistance remain available and operable during the current pandemic.<sup>60</sup>

In mid-May 2020, after the state of emergency ended in Bishkek, NCPT monitors were able to visit detention facilities in Bishkek, equipped with special protective suits and with certificates indicating that they had passed tests showing that they were not Covid-19 infected. The first visit was carried out together with representatives of the NGO Coalition against Torture on 15 May to assess the measures taken to prevent the spread of Covid-19 at the Ministry of Interior's detention facility in the capital.<sup>61</sup>

According to information from the prison service, as of the end of June 2020, no case of Covid-19 had been registered among the country's prisoners, while there had been 16 such cases among prison staff.<sup>62</sup> At this time, the prison service also recommended refraining from visits to prisons, saying that conditions had been created for prisoners to be in contact with relatives through video communication.<sup>63</sup> Already previously, the service had introduced a requirement for visitors to undergo tests to confirm the absence of Covid-19 infection.<sup>64</sup>

## Freedom of expression and the media

In a trend that began prior to the Covid-19 crisis, independent media and journalists have recently come under growing pressure in Kyrgyzstan. Independent media outlets and journalists covering corruption and other controversial issues have faced punitive defamation lawsuits involving excessive claims for damages; media resources disclosing corruption have been singled out for cyberattacks; investigative journalists have been intimidated and attacked; and bloggers have been criminally charged for exercising their freedom of expression. Measures taken by the authorities in the context of the Covid-19 pandemic have reinforced concerns about attempts to stifle freedom of expression and access to information.

### Restrictions on the work of media during the state of emergency

The state of emergency declared in Bishkek and other cities and regions resulted in restrictions on the work of media and journalists and, consequently, on citizens' access to information about the pandemic and the authorities' response to it.

<sup>60</sup> SPT, "Advice of the Subcommittee to States parties and national preventive mechanisms relating to the coronavirus disease (COVID-19) pandemic", 7 April 2020: <https://undocs.org/CAT/OP/10>

<sup>61</sup> "Коалиция против пыток отмечает усилия руководства ИВС ГУВД города Бишкек за организацию борьбы с вирусом в учреждении", 16 May 2020, <https://notorture.kg/?p=3350>

<sup>62</sup> Information note published by the prison service, 30 June 2020, available (in Russian) at: <http://gsin.gov.kg/certainnews/137>

<sup>63</sup> See the previous footnote.

<sup>64</sup> Information note published by the prison service on 18 June 2020, available (in Russian) at: <http://gsin.gov.kg/certainnews/122>

On 30 March 2020, the government official (commandant) overseeing the state of emergency in Bishkek announced that journalists would not be granted accreditation to work in the capital during this time, saying that the reason was to protect their health. This announcement contradicted the assurances he had initially given that the work of journalists would not be restricted during the state of emergency. As covered in the section on emergency measures above, the same day the commandant decreed to suspend the regular operations of all organisations and companies based in the capital, with the exception of those whose activities were deemed crucial. Media outlets were not among those listed as crucial.<sup>65</sup> Media outlets were also not included on a separate list of institutions and companies allowed to continue their operations during the state of emergency, which was published by the national body set up to coordinate the measures taken in the struggle against Covid-19.<sup>66</sup> As a result of these measures, journalists were not able to move around freely to carry out their professional activities during the state of emergency, and media offices based in the capital and other areas where this regime was in force had to temporarily close their offices and transition to remote work.

Journalists also reported problems with obtaining adequate information from the authorities on the measures taken in the struggle against Covid-19. In addition to issuing press releases and other communications, the government and the commandant's offices overseeing the state of emergency held regular press briefings, which were broadcasted online.<sup>67</sup> Information was provided in both the state language (Kyrgyz) and the country's second official language (Russian). However, there were concerns about the quality of this information and opportunities to receive additional information. Media representatives regretted that the briefings held provided one-sided information and did not feature any question and answer sessions. They also complained about difficulties in communications with officials, with inquiries being answered with several days' delay, if at all.<sup>68</sup>

At the same time, the restrictions on the work of media did not apply equally to state and non-state media outlets. The official press briefings were broadcasted on state and regional TV and radio channels<sup>69</sup> and state media appeared to have access to places closed to other media, with state TV channels, for example, providing footage from hospitals treating Covid-19 patients and on-site interviews.<sup>70</sup> The

<sup>65</sup> Order of the Bishkek Commandant's Office issued on 30 March 2020, available (in Russian) at: <http://cbd.minjust.gov.kg/act/view/ru-ru/200426>

<sup>66</sup> "Режим ЧП в КР. Список разрешенных видов деятельности", 31 March 2020, <http://kabar.kg/news/rezhim-chp-v-kr-spisok-razreshennykh-vidov-deyatelnosti/>

<sup>67</sup> "На период ЧП информирование граждан о ситуации будет проводиться через брифинги и пресс-конференции", 1 April 2020, <http://kabar.kg/news/na-period-chp-informirovanie-grazhdan-o-situacii-budet-provodit-sia-cherez-brifingi-i-press-konferencii/>

<sup>68</sup> See more in: Media Policy Institute, "Обзор по нарушениям конституционных прав граждан на доступ к информации и свободу слова, а также прав журналистов и СМИ в период чрезвычайного положения в Кыргызстане", 8 April 2020, <http://media.kg/publications/obzor-po-narusheniyam-konstitucionnyh-prav-grazhdan-na-dostup-k-informacii-i-svobodu-slova-a-takzhe-prav-zhurnalistov-i-smi-v-period-chrezvychajnogo-polozheniya-v-kyrgyzstane/>; "Медиасообщество требует от коменданта Алмазбека Орозалиева аккредитации СМИ", 9 April 2020, [https://24.kg/obschestvo/149640\\_mediasoobschestvo\\_trebuot\\_otnbspkomendanta\\_almazbeka\\_orozaliva\\_akkreditatsii\\_smi/](https://24.kg/obschestvo/149640_mediasoobschestvo_trebuot_otnbspkomendanta_almazbeka_orozaliva_akkreditatsii_smi/); "Заявление медиа сообщества Президенту КР, Премьер-министру КР, Торага ЖК КР", 30 March 2020, <http://media.kg/news/zayavlenie-media-soobshhestva-prezidentu-kr-premer-ministru-kr-toraga-zhk-kr/>; "СМИ в Кыргызстане работают в ограниченных условиях", 12 April 2020, <https://rus.azattyk.org/a/30548578.html>

<sup>69</sup> "На период ЧП информирование граждан о ситуации будет проводиться через брифинги и пресс-конференции", 1 April 2020, <http://kabar.kg/news/na-period-chp-informirovanie-grazhdan-o-situacii-budet-provodit-sia-cherez-brifingi-i-press-konferencii/>

<sup>70</sup> Media Policy Institute, "Обзор по нарушениям конституционных прав граждан на доступ к информации и свободу слова, а также прав журналистов и СМИ в период чрезвычайного положения в Кыргызстане", 8 April 2020, <http://media.kg/publications/obzor-po-narusheniyam-konstitucionnyh-prav-grazhdan-na-dostup-k-informacii-i-svobodu-slova-a-takzhe-prav-zhurnalistov-i-smi-v-period-chrezvychajnogo-polozheniya-v-kyrgyzstane/>

Bishkek commandant, however, insisted that no media had been accredited to work in the capital during the state of emergency.<sup>71</sup>

Media and human rights organisations criticised the restrictive media policy during the state of emergency as unlawful. They stressed that national emergency legislation does not provide for restrictions on the work of media during states of emergency, and pointed to the constitutional protection of the freedom of the media and expression. In a joint appeal<sup>72</sup>, Kyrgyzstani media groups and representatives called on the authorities to enable media outlets to carry out their work and safeguard access to information of public interest during the pandemic. In a similar vein, members of the IFEX global network for freedom of expression faulted the authorities for failing “to create the enabling environment necessary for journalists to perform their public function during this crisis”.<sup>73</sup> When commenting on the situation in Kyrgyzstan, OSCE Representative on Freedom of the Media Harlem Désir stressed: “Journalists should be able to report and work during the pandemic without undue limitations”.<sup>74</sup> In a joint statement issued in the context of the Covid-19 pandemic, experts from the UN, the OSCE and the Inter-American Commission for Human Rights said that journalism “serves a crucial function at a moment of public health emergency” and that governments must make “exceptional efforts” to protect the work of journalists and ensure that they have access to information.<sup>75</sup>

In mid-April 2020, the president’s office recommended that the officials overseeing the state of emergency reconsider the issue of accreditation of the media.<sup>76</sup> On 20 April, the commandant’s office in Bishkek finally announced that it would start accrediting journalists wishing to carry out their work during the state of emergency.<sup>77</sup> However, while some types of institutions and companies that had not been exempted from the restrictions introduced under the state of emergency were allowed to resume their operations as of 1 May, media outlets were only allowed to do so and, thus, to re-open their offices after the state of emergency ended on 10 May.<sup>78</sup>

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<sup>71</sup> “Комендатура Бишкека: С момента введения ЧП никаким СМИ не давали аккредитаций”, 2 April 2020, <https://vesti.kg/obshchestvo/item/70162-komendatura-bishkeka-s-momenta-vvedeniya-chp-nikakim-smi-ne-davali-akkreditatsij.html>

<sup>72</sup> “Заявление медиа сообщества Президенту КР, Премьер-министру КР, Торага ЖК К”, 30 March 2020, <http://media.kg/news/zayavlenie-media-soobshhestva-prezidentu-kr-premer-ministru-kr-toraga-zhk-kr/>

<sup>73</sup> IFEX, “Government of Kyrgyzstan curbs freedom of expression and access to information amid COVID-19”, 5 May 2020, <https://ifex.org/government-of-kyrgyzstan-curbs-freedom-of-expression-and-access-to-information-amid-covid-19/>

<sup>74</sup> See tweet by Office of the OSCE Representative on Freedom of the Media, 17 April 2020, [https://twitter.com/OSCE\\_RFoM/status/1251162343335055360?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1251162343335055360&ref\\_url=https%3A%2F%2F24.kg%2Fobshchestvo%2F150470\\_lishenie\\_smi\\_akkreditatsii\\_vovremya\\_chp\\_neopravdannoe\\_ogranichenie%2F](https://twitter.com/OSCE_RFoM/status/1251162343335055360?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1251162343335055360&ref_url=https%3A%2F%2F24.kg%2Fobshchestvo%2F150470_lishenie_smi_akkreditatsii_vovremya_chp_neopravdannoe_ogranichenie%2F)

<sup>75</sup> “COVID-19: Governments must promote and protect access to and free flow of information during pandemic – International experts”, 19 March 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25729&LangID=E>

<sup>76</sup> “Режим ЧП в Кыргызстане. Журналистам все-таки обещают выдать аккредитацию”, 14 April 2020, [https://24.kg/vlast/150075\\_rejim\\_chpvkyrgyzstane\\_jurnalistam\\_vse-taki\\_obeschayut\\_vyidat\\_akkreditatsiyu/](https://24.kg/vlast/150075_rejim_chpvkyrgyzstane_jurnalistam_vse-taki_obeschayut_vyidat_akkreditatsiyu/)

<sup>77</sup> “Комендатура Бишкека начала аккредитацию СМИ в режиме ЧП”, 21 April 2020, <http://media.kg/news/komendatura-bishkeka-nachala-akkreditacziyu-smi-v-rezhime-chp/>

<sup>78</sup> “COVID-19: В Кыргызстане закончилось действие режима ЧП”, 11 May 2020, [https://rus.azattyk.org/a/covid-19\\_v\\_kyrgyzstane\\_rejim\\_chs/30605013.html](https://rus.azattyk.org/a/covid-19_v_kyrgyzstane_rejim_chs/30605013.html); “Средствам массовой информации разрешили работать с 11 мая”, 29 April 2020, <https://24.kg/vlast/151401/>

## Intimidation of social media users posting information about the pandemic

Following the introduction of emergency measures, the State Committee on National Security (SCNS) regularly started informing media about measures taken against social media users accused of disseminating allegedly false information in relation to the pandemic. According to these reports, the SCNS typically detained such individuals, held “preventive” discussions with them, threatened them with criminal prosecution and released them after they publicly “apologised” and “repented”. Many of those targeted were accused of disseminating incorrect information about the spread of Covid-19 in different parts of Kyrgyzstan, while some were medical professionals who had highlighted problems relating to the pandemic (such as the lack of means of protection) at hospitals or other health care facilities.<sup>79</sup>

Both lawmakers and civil society criticised the SCNS’ measures. A group of media experts stated that the SCNS is misleading people if it is forcing them to apologise, suggesting that they may otherwise be held criminally responsible. The experts pointed out that Criminal Code article 344, often cited by the SCNS in this context does not cover the dissemination of unsubstantiated information through the internet but specifically concerns falsely reporting a crime to law enforcement authorities. They also emphasised that national law does not provide for any penalty in the form of “public apology and repentance”, noting that people might only voluntarily choose to apologize and repent and that these acts do not have any legal implications. The media experts concluded that law enforcement authorities have the right to take measures to prevent misinformation about the Covid-19 pandemic but such efforts must not violate fundamental rights.<sup>80</sup>

## New problematic legislation on the dissemination of “false” information

New legislation on the dissemination of “false” information has also been initiated in the context of the Covid-19 pandemic.

At the beginning of April 2020, a new provision was introduced to Kyrgyzstan’s Code of Violations (article 82-2) penalising the dissemination of “false information” that “violates public order and the peace of mind of citizens” in areas of the country where an emergency regime has been declared.<sup>81</sup> This violation is punishable by fines of 5500 Som (about 65 EUR) for individuals and 17 000 Som (about 200 EUR) for legal entities. Civil society representatives criticised the new provision – the implementation of which is the responsibility of the Ministry of Interior rather than the SCNS – because of its vague wording. For example, an expert from the Media Policy Institute concluded that it fails to set out clear criteria

<sup>79</sup> See, for example, “Слухи о коронавирусе. ГКНБ активно задерживает распространителей фейков”, 3 April 2020, [https://rus.azattyk.org/a/kyrgyzstan\\_coronavirus\\_media\\_fake\\_news\\_2020/30526074.html](https://rus.azattyk.org/a/kyrgyzstan_coronavirus_media_fake_news_2020/30526074.html); and “Президенту написали о преступном отношении государства к медикам”, 9 April 2020, [https://kaktus.media/doc/410472-prezidenty\\_napisali\\_o\\_prestypnom\\_otnoshenii\\_gosydarstva\\_k\\_medikam.html](https://kaktus.media/doc/410472-prezidenty_napisali_o_prestypnom_otnoshenii_gosydarstva_k_medikam.html)

<sup>80</sup> See Facebook post by the Media Policy Institute from 12 April 2020, <https://www.facebook.com/media.kg/photos/a.256785961325614/1145146292489572/?type=3&theater>, and also “Статья, которой нет. ГКНБ вводит людей в заблуждение, отлавливая их за “заведомо ложные сообщения””, 16 April 2020, <https://kloop.kg/blog/2020/04/16/stati-kotoroj-net-gknb-vvodit-lyudej-v-zabluzhdenie-otlavlivaya-ih-za-zavedomo-lozhnye-soobshheniya/>

<sup>81</sup> Law on amendments to some legislative acts of the Kyrgyz Republic, including the Criminal Code, the Code of Offenses and the Code of Violations, 3 April 2020, <http://cbd.minjust.gov.kg/act/view/ru-ru/112024?cl=ru-ru>

for determining whether violations have taken place and that it lacks an element of “intent”.<sup>82</sup> The Adilet Legal Clinic voiced similar concerns and questioned how it will be assessed whether information disseminated is “false” or “correct”. The organisation noted that information related to e.g. the spread of Covid-19 in different parts of Kyrgyzstan or the lack of access to means of protection for medical staff, which law enforcement authorities have labelled as rumours, have often later proven to be true.<sup>83</sup> Members of the IFEX global network for freedom of expression warned that the new provision added to the Code of Violations risks restricting freedom of expression “through arbitrary enforcement due to overly broad and imprecise language”.<sup>84</sup>

As of the end of June 2020, no information about the possible application of article 82-2 in the context of the current pandemic was available.

Another new piece of legislation initiated in the context of concerns about “false” information related to the Covid-19 pandemic also gives rise to free speech concerns. Two members of parliament put forward draft legislation on “manipulation of information” on 14 May 2020 and, following a speedy process, the parliament approved it on first reading on 17 June and on second and final, third reading on 25 June.<sup>85</sup> For the new legislation to enter into force, the president needs to sign it. The president’s office confirmed having received the draft law on 9 July and said that the president would make a decision on whether to sign in within a month.<sup>86</sup>

The new legislation requires the owners of internet sites and pages to ensure that these resources are not used for the dissemination of information that is “false” or “not credible”, including by moderating posts by site or page users. It also grants authorities overseeing the implementation of internet regulations powers to block access to information showing “signs” of being “false” or “not credible” without a court decision.<sup>87</sup> Media experts and lawyers have criticised the draft legislation for unduly restricting freedom of expression and access to information.<sup>88</sup> In its assessment, the Adilet Legal Clinic found the draft legislation problematic in a number of respects. Among others, the organisation pointed out that the draft legislation fails to explain to whom all it applies and, thus, it is not clear e.g. whether it applies to all internet users who have social media pages. The organisation also warned that the requirement to refrain from posting “false” or “not credible” information might result in self-censorship among internet users fearing to be held accountable for expressing their opinions.<sup>89</sup> The parliament’s adoption of the legislation was widely regretted within the media and civil society communities and a campaign was

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<sup>82</sup> Media Policy Institute, “Комментарии медиапредставителя Акмата Алагушева к поправкам в Кодексы”, 7 April 2020, <http://media.kg/news/kommentarii-mediapredstavatelya-akmata-alagusheva-k-popravkam-v-kodeksy/>

<sup>83</sup> Adilet Legal Clinic, “Актуальные вопросы привлечения к ответственности за распространение фейков в условиях режима чрезвычайного положения”, 1 April 2020, <http://www.adilet.kg/ru/news/full/407>

<sup>84</sup> IFEX, “Government of Kyrgyzstan curbs freedom of expression and access to information amid COVID-19”, 5 May 2020, <https://ifex.org/government-of-kyrgyzstan-curbs-freedom-of-expression-and-access-to-information-amid-covid-19/>

<sup>85</sup> “Жогорку Кенеш принял законопроект “О манипулировании информацией” во втором и третьем чтениях”, 25 June 2020, <https://rus.azattyk.org/a/30690640.html>

<sup>86</sup> “Закон о манипулировании информацией поступил на подпись президенту”, 9 July 2020, <https://24.kg/vlast/158885/>

<sup>87</sup> “В Кыргызстане предложили принять закон о манипулировании информацией”, 14 May 2020, <http://kabar.kg/news/kr-predlozhili-priniat-zakon-o-manipulirovanii-informatsiei-budut-sudit-%20za-publikacii-v-internete%20/>

<sup>88</sup> “Задержания правозащитников в КР накануне рассмотрения законопроекта об НКО - простое совпадение?”, 1 June 2020, <https://rus.azattyk.org/a/30645485.html>

<sup>89</sup> Adilet Legal Clinic, “Правовой анализ проекта закона Кыргызской Республики “О манипулировании информацией””, 15 May 2020, <http://www.adilet.kg/ru/news/full/417>

launched to call on the president to veto the legislation.<sup>90</sup> In an open letter to the president, journalists and civil society activists warned that the law is open to “arbitrary and selective implementation” aimed at stifling the expression of critical opinions and media investigations of corruption.<sup>91</sup>

The OSCE Representative on Freedom of the Media, Harlem Désir, also expressed concern about the passing of the law. He concluded that it “will not provide media and social media users with the necessary legal certainty” because of its vague wording and that the regulation of online content “may, in the absence of a clear mechanism and due process, seriously restrict freedom of expression”. He also said that his office was preparing a review of the law that he would share with the Kyrgyzstani authorities.<sup>92</sup>

Earlier, Désir issued a joint statement on protecting freedom of expression during the Covid-19 pandemic together with David Kaye, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and Edison Lanza, Special Rapporteur for Freedom of Expression of the Inter-American Commission for Human Rights. In this statement, the three experts

emphasised that it is essential that governments “address disinformation in the first instance by themselves providing reliable information”. They also concluded that “other measures, such as content take-downs and censorship, may result in limiting access to important information for public health” and stated that attempts to criminalise information relating to the pandemic “may create distrust in institutional information, delay access to reliable information and have a chilling effect on freedom of expression”.<sup>93</sup>

## Freedom of association and assembly

### New draft NGO legislation and pressure on civil society

Already before the Kyrgyzstani authorities adopted emergency measures in response to the Covid-19 pandemic, the parliament began considering new draft legislation on NGOs, which civil society has criticised as an unjustified attempt to step up control of NGOs. The discussion of the law has continued during the Covid-19 emergency regime and has contributed to reinforcing suspicion and mistrust against NGOs.

<sup>90</sup> “Началась кампания с призывами к президенту наложить вето на законопроект “О манипулировании информацией””, 26 June 2020, <https://rus.azattyk.org/a/30692232.html>

<sup>91</sup> “Закон о манипулировании информацией. Президента просят наложить вето”, 26 June 2020, <https://24.kg/obschestvo/157527/>

<sup>92</sup> “OSCE media representative concerned by restriction to media freedom in the law on Manipulation of Information in Kyrgyzstan”, 29 June 2020, <https://www.osce.org/representative-on-freedom-of-media/455836>

<sup>93</sup> “COVID-19: Governments must promote and protect access to and free flow of information during pandemic – International experts”, 19 March 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25729&LangID=E>

The draft legislation<sup>94</sup>, initiated by several members of parliament, provides for amendments to existing regulations on NGOs and introduces new reporting obligations for them, in particular with respect to their finances. Civil society has objected to the draft law because it duplicates reporting requirements set out under existing legislation and further increases the reporting burden for NGOs, which is already significant. There are also concerns that a requirement for NGOs to provide information about their grants and other sources of income, as well as the use of these means for publication on a specialised website may draw unwarranted attention to NGOs working on sensitive issues such as minority protection and endanger them and their target communities. For these reasons, civil society representatives fear that the new legislation might be used as an instrument to put pressure on NGOs that work on issues that do not please the authorities. In addition, they have argued that the legislation is discriminatory because it applies to only certain types of non-commercial organisations, not for example to religious associations or political parties, nor to commercial organisations.

In a joint appeal issued after the introduction of the draft legislation,<sup>95</sup> more than 100 Kyrgyzstani NGO leaders called for it to be withdrawn, saying it contradicts the country's constitution and international obligations and will have a negative impact on NGOs. Ombudsperson Tokon Mamytov also called for its withdrawal.<sup>96</sup> The parliament, nevertheless, approved the draft legislation on first reading on 4 March 2020.

On 22 May 2020, a public hearing on the draft legislation was held in the parliament. However, because of the risk of Covid-19, only 60 people were allowed to participate. Most of those invited were representatives of pro-government organisations and others who supported the adoption of the law, while only few independent NGO activists critical of the law were allowed to take part. Thus, while the proposed law would directly affect NGOs, most NGO representatives did not have any opportunity to comment on it during the hearing.<sup>97</sup>

In a new appeal issued ahead of the second reading of the draft legislation, 180 NGOs called on members of the parliament to refrain from supporting it, saying that its true purpose is “discrediting and demonising” organisations that challenge unfair laws and practices, corruption, and other forms of injustice. The signatories stated that they “strongly protest” against the campaign to discredit NGOs launched by the initiators of the draft law and the unfounded accusations these have made against

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<sup>94</sup> “На общественное обсуждение с 31 декабря 2019 года выносятся проект Закона Кыргызской Республики “О внесении изменений в некоторые законодательные акты Кыргызской Республики (Законы Кыргызской Республики “О некоммерческих организациях”, “О государственной регистрации юридических лиц, филиалов (представительств)””, 31 December 2020, <http://kenesh.kg/ru/article/show/6241/na-obshtestvennoe-obsuzhdenie-s-31-dekabrya-2019-goda-vinositsya-proekt-zakona-kirgizskoy-respubliki-o-vnesenii-izmeneniy-v-nekotorie-zakonodatelnye-akti-kirgizskoy-respubliki-zakoni-kirgizskoy-respubliki-o-nekommercheskih-organizatsiyah-o-gosudarstvennoy-registratsii-yuridicheskikh-lits-filialov-predstavitelystv>

<sup>95</sup> “НКО просят отозвать законопроект, обязывающий их дополнительно отчитываться о расходах”, 13 January 2020, [https://kaktus.media/doc/404062\\_nko\\_prosiat\\_otozvat\\_zakonoproekt\\_obiazyvaushiy\\_ih\\_dopolnitelno\\_otchityvatsia\\_o\\_rashodah.html](https://kaktus.media/doc/404062_nko_prosiat_otozvat_zakonoproekt_obiazyvaushiy_ih_dopolnitelno_otchityvatsia_o_rashodah.html)

<sup>96</sup> “Омбудсмен призвал депутатов отозвать законопроект о финансовой отчетности НПО”, 29 January 2020, <https://24.kg/obschestvo/141929/>

<sup>97</sup> See more in: “Несмотря на пандемию, парламент Кыргызстана провел слушания по законопроекту об НКО. Их заставляют публиковать источники финансирования”, 24 May 2020, <https://www.currenttime.tv/a/30629423.html>, “Мало о поправках, много жалоб на действия НПО. В парламенте прошли общественные слушания изменений в закон о некоммерческих организациях”, 22 May 2020, <https://kloop.kg/blog/2020/05/22/popravki-v-nko/>; Bir Duino Human Rights Movement, “Стоп дискриминации и сужения пространства для НКО в Кыргызстане!”, 26 May 2020, <http://www.birduino.kg/pressaru/stop-diskriminaczii-i-suzheniya-prostranstva-dlya-nko-v-kyrgyzstane!>

NGOs.<sup>98</sup> However, on 18 June 2020, the draft law passed its second reading, with 89 deputies voting in favour of it, and only 10 against.<sup>99</sup> At the end of June, the parliament took a summer break, and thus the third reading of the draft law was postponed until autumn. For the law to enter into force, it needs to pass three parliamentary readings and be signed by the president.

While the proponents of the draft legislation have sought to justify it with the need to ensure transparency of the activities and finances of NGOs – an objective that civil society representatives have stressed is already met by existing reporting schemes, they have also used rhetoric accusing NGOs of being “foreign agents” and threatening national security. These arguments are similar to those used during the discussion of a previous controversial draft law on NGOs, which the parliament eventually rejected on third reading in 2016. That draft law required NGOs to adopt the label of “foreign agents” if they receive foreign funding and engage in broadly defined “political activities” and granted authorities new, broad powers to interfere in the internal affairs of NGOs. The current draft legislation does not contain such draconian and stigmatising provisions as the “foreign agents” law, but it reflects similar attempts to single out NGOs for closer oversight than other legal entities, and the discussion surrounding it has had a similar impact of fuelling negative attitudes toward NGOs.

Civil society has also voiced concern about other recent measures taken by state bodies that they see as examples of increasing attempts to put pressure on and discredit civil society actors who stand up against unlawful practices. These measures include in particular the criminal investigations opened against activists Kamil Ruziev and Kalicha Umuralieva, which are not related to the Covid-19 pandemic but were initiated in the context of the current emergency situation.

The security services detained Kamil Ruziev, who heads the NGO “Ventus”, in the city of Karakol on 29 May 2020 and informed him that he was being investigated on charges of forgery – a criminal offense that carries a punishment of up to seven years in prison. Two days later, a local court sanctioned the charges against him and ruled to place him under house arrest pending the trial in his case. On 19 June, a regional court upheld this decision on appeal but replaced the house arrest with a ban on leaving his place of residence without permission. Human rights NGOs believe that the charges against Ruziev have been brought in retaliation for his efforts to hold security service officials accountable for torture and threats he has faced in relation to these efforts. There are also concerns about due process violations in his case, in particular the fact that the security services are in charge of the investigation, which is contrary to national law and raises serious doubts about the impartiality of the investigation.<sup>100</sup>

Kalicha Umuralieva, who previously led the “Our right” NGO but was appointed to head the activities of Bishkek’s city parks in 2019, has been singled out for investigation on “commercial bribery” charges in a case that appears related to her anti-corruption engagement. Security service officials searched Umuralieva’s office on 28 May 2020 and told her that an individual wishing to open a bike rental spot in one of the city parks had filed a complaint against her. According to Umuralieva, she had concluded

<sup>98</sup> “Обращение 180 НКО”, 18 June 2020, <http://media.kg/news/obrashhenie-180-nko/>

<sup>99</sup> “Парламент принял во втором чтении поправки в закон об НКО. Против проголосовали только девять депутатов, в том числе один из инициаторов”, 18 June 2020, <https://kloop.kg/blog/2020/06/18/parlament-prinyal-vo-vtorom-chtenii-popravki-v-zakon-ob-nko-protiv-progolosovali-tolko-devyat-deputatov-v-tom-chisle-odin-iz-ego-initsiatorov/>

<sup>100</sup> See more on this case in joint statement issued by the Association for Human Rights in Central Asia, Civil Rights Defenders, IPHR, the Norwegian Helsinki Committee and School of Law on 12 June 2020, <https://www.iphronline.org/kyrgyzstan-drop-charges-against-human-rights-defender.html>; and press release issued by the Bir Duino Human Rights Movement on 19 June 2020, <http://birduino.kg/pressaru/issyik-kulskij-oblastnoj-sud-priznal-zaderzhanie-kamilya-ruzieva-zakonnyim>

a formal rental agreement with this individual, entailing a requirement to pay the rent for the first two months in advance, as part of an initiative of hers to put an end to a previous corrupt practice concerning the rental of park spots for commercial activities. She said that before she took over the responsibility for the city parks, such spots were often let out informally, without any written agreement and with the payment being made to individual police and local government officials. If convicted of bribery, Umuralieva could be sentenced to prison.<sup>101</sup>

## Assemblies banned

National legislation guarantees freedom of peaceful assembly in accordance with international standards. However, the state of emergency declared in the capital Bishkek and several other cities and regions in connection with the Covid-19 pandemic resulted in a temporary ban on assemblies. Thus, all protests, demonstrations, rallies, pickets, strikes and other assemblies were banned during the state of emergency that went into effect as of 25 March 2020 and ended on 10 May.<sup>102</sup> The government also informed the UN Secretary General about its derogation from ICCPR article 21, which protects the right to freedom of peaceful assembly.<sup>103</sup> As already covered in the chapter on emergency measures, this full-scale ban on assemblies and notification of derogation were problematic in the light of Kyrgyzstan's international obligations.

Already several weeks before the state of emergency was declared, local authorities sought court bans on all non-official assemblies in the capital until 1 July 2020, citing the need to prevent the spread of Covid-19. In accordance with a decree issued by the Bishkek's city administration on 4 March 2020, local officials filed requests with court to sanction such bans in the different districts of the capital, with the exception of events organised by local and state authorities. The fact that exceptions were made for official events raised questions about the supposed objective of preventing large gatherings of people where Covid-19 could easily spread. The bans were initiated only days before a protest against violence against women was scheduled to take place in the capital and, in court, local officials made arguments suggesting that the bans were in fact aimed at stopping this event. In the end, the authorities backed off from their controversial initiative and dropped their requests for such bans. The march against violence could nevertheless not take place as planned: those who gathered for it were first attacked by unknown perpetrators and thereafter arbitrarily detained and ill-treated by police, who claimed that they acted to prevent clashes between the participants and their attackers.<sup>104</sup>

As covered in the section on emergency measures, when the state of emergency expired in Bishkek and other affected areas on 10 May 2020, it was replaced by a quarantine under the broader emergency situation that remained in force across Kyrgyzstan. This regime also featured a ban on rallies and assemblies.

<sup>101</sup> See more on this case in: "Калича Умуралиева об уголовном деле и обыске в ее кабинете", 28 May 2020, [https://24.kg/obschestvo/154081\\_kalicha\\_umuralieva\\_obugolovnom\\_dele\\_iobyiske\\_veekabinete/](https://24.kg/obschestvo/154081_kalicha_umuralieva_obugolovnom_dele_iobyiske_veekabinete/); "В БГК хотят отстранить Каличу Умуралиеву от работы на время следствия", 10 June 2020, [https://24.kg/vlast/155542\\_vbgk\\_hotyat\\_otstranit\\_kalichu\\_umuralievu\\_otraboty\\_i\\_navremya\\_sledstviya/](https://24.kg/vlast/155542_vbgk_hotyat_otstranit_kalichu_umuralievu_otraboty_i_navremya_sledstviya/); and "Мы могли зарабатывать миллион в месяц". Калича Умуралиева уверена, что не нарушала закон", 5 June 2020, [https://kaktus.media/doc/414506\\_my\\_mogli\\_zarabatyvat\\_million\\_v\\_mesiac\\_kalicha\\_ymuralieva\\_yverena\\_chno\\_ne\\_naryshala\\_zakon.html](https://kaktus.media/doc/414506_my_mogli_zarabatyvat_million_v_mesiac_kalicha_ymuralieva_yverena_chno_ne_naryshala_zakon.html)

<sup>102</sup> "ЧП в Кыргызстане: что это значит и какие меры будут приняты?", 24 March 2020, <http://kabar.kg/news/chp-v-kyrgyzstane-eto-eto-znachit-i-kakie-mery-budut-priniaty/>

<sup>103</sup> Notification submitted by Kyrgyzstan under article 4(3) of the ICCPR, 31 March 2020, <https://treaties.un.org/doc/Publication/CN/2020/CN.129.2020-Eng.pdf>

<sup>104</sup> For more information see update on Kyrgyzstan by IPHR and Legal Prosperity Foundation published in May 2020: <https://www.iphronline.org/kyrgyzstan-civic-space-concerns-reinforced-by-covid-19-response.html>

In practice, law enforcement authorities have allowed some peaceful protests to take place during these emergency regimes, while dispersing others, which has resulted in selective law enforcement. These are examples of cases where peaceful protests have been disrupted, even if the participants practiced social distancing and wore face masks:

- On 22 May 2020, a group of civil society activists and human rights defenders staged a protest outside the parliament building in Bishkek where a hearing on controversial draft NGO legislation was under way (see more above on this legislation). Wearing face masks and standing apart from each other<sup>105</sup>, the participants protested against the selective approach to inviting participants to the parliamentary hearing, as well as against the draft legislation as such. Soon after they had gathered, some 20 police officers arrived and subsequently dispersed the protest with reference to the ban on assemblies under the emergency regime in force.<sup>106</sup>
- On 15 June 2020, women rights activists held single pickets outside the parliament building in Bishkek to protest against violence against women following the publication of a video depicting an appalling case of abuse (see more on this in the section on domestic violence). About a dozen protesters held up posters with anti-violence slogans, standing some two meters from each other and wearing face masks. However, they had only begun protesting, when police officers approached them, confiscated and tore up their posters, and dispersed them. The police justified their actions by saying that no assemblies were allowed under the quarantine in the capital. The participants argued that they have a constitutionally protected right to express their opinion and said that they were not even holding any assembly as they did not protest together as a group but stood separately from each other.<sup>107</sup>

In its guidance to states on their responses to the Covid-19 pandemic, the OHCHR has stressed that states should ensure that the right to hold protests can be realized also at this time and that states should consider how protests may be held consistent with public health needs, e.g. by incorporating physical distancing.<sup>108</sup>

## Domestic violence

In the context of the Covid-19 pandemic, domestic violence has been on the increase in countries across the world. This trend has also been seen in Kyrgyzstan, where domestic violence already previously was widespread, with most victims being women. The problem deteriorated further because of the lockdown measures introduced in response to the current pandemic (see more in the section on emergency measures), which resulted in that people spent more time at home and aggravated family relations because of the financial difficulties and uncertainty experienced by many.

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<sup>105</sup> See photos of the event at <https://www.facebook.com/chinara.aitbaeva.1/posts/10157725616244071>

<sup>106</sup> “Бойкот парламентским слушаниям против НКО”. Правозащитники вышли на митинг к Белому дому, их разогнали”, 22 May 2020, <https://kloop.kg/blog/2020/05/22/bojkot-parlamentskim-slushaniyam-protiv-nko-pravozashhitniki-vyshli-na-miting-k-belomu-domu-ih-razognali/>

<sup>107</sup> “Милиция разогнала мирные одиночные пикеты против насилия у здания парламента”, 15 June 2020, <https://kloop.kg/blog/2020/06/15/militsiya-razognala-mirnye-odinochnye-pikety-protiv-nasiliya-u-zdaniya-parlamenta/>; “Одним кадром: Третий день одиночных пикетов против насилия в отношении женщин”, 18 June 2020, <https://kloop.kg/blog/2020/06/18/odnim-kadrom-tretij-den-odinochnyh-piketov-protiv-nasiliya-v-otnoshenii-zhenshin/>

<sup>108</sup> OHCHR, “CIVIC SPACE AND COVID-19: GUIDANCE”, 4 May 2020: <https://www.ohchr.org/Documents/Issues/CivicSpace/CivicSpaceandCovid.pdf>

There was an increase in the number of complaints about domestic violence filed with police. At a press briefing held on 24 April 2020, the commandant overseeing the state of emergency in Bishkek said that over 60 percent more cases of domestic violence had been reported in the capital in the past month compared to the same period in 2019. Thus, 162 such cases were reported between 24 March and 24 April 2020 compared to 100 in the same period in 2019.<sup>109</sup> According to other figures provided by the Ministry of Interior, law enforcement bodies registered 2319 cases of domestic violence in January-March 2020, which was 65 per cent more than in the same period in 2019.<sup>110</sup> As of the end of May 2020, the number of registered complaints of abuse had increased to 3713, a figure that exceeded the registered number of cases of Covid-19 at that point.<sup>111</sup> In reality, the number of cases of domestic violence during this period is likely to be even higher than the available figures suggest since many victims never report their experiences to the police.

In response to the concerns about a growing number of cases of domestic violence, the authorities carried out an information campaign to raise awareness of where victims can turn for help, including hotlines and crisis centres. At the same time, because of the lockdown measures introduced in response to the Covid-19 pandemic, it became more difficult for victims to escape domestic violence and seek help.<sup>112</sup>

About a dozen crisis centres operate in Kyrgyzstan, providing legal, medical, psychological and other assistance to victims of domestic violence. This is not a large number for a country of 6.5 million residents. NGOs have pointed out that the problem of lack of crisis centres is compounded by the fact that the centres are non-governmental and depend on external funding, even if some of them have received time-bound government grants<sup>113</sup> and the government announced in January 2020 that two state-run crisis centres would be opened in Bishkek and Osh, respectively<sup>114</sup>. Because of the restrictions imposed as part of the state of emergency in Bishkek and other regions (see more above in the section on emergency regimes), crisis centres were not able to assist or provide shelter to victims in their premises, as usual. Instead, staff primarily worked remotely and consulted victims by phone and other distance means. There were also reports of crisis centres helping victims to find alternative, temporary accommodation away from their homes, although demand outstripped supply.<sup>115</sup> The executive director of the Association of Crisis Centres, Tolkun Tyulekova said that those in particular need of help were admitted to the centres even during the lockdown and assisted with getting to relatives or provided shelter.<sup>116</sup>

<sup>109</sup> "В Кыргызстане во время карантина участились случаи домашнего насилия", 24 April 2020, [https://www.vb.kg/doc/387529\\_v\\_kyrgyzstane\\_vo\\_vremia\\_karantina\\_uchastilis\\_slychai\\_domashnego\\_nasilija.html](https://www.vb.kg/doc/387529_v_kyrgyzstane_vo_vremia_karantina_uchastilis_slychai_domashnego_nasilija.html)

<sup>110</sup> Institute for War and Peace Reporting (IWPR), "Kyrgyzstan: Few Choices Amid Rising Abuse", 1 June 2020, <https://iwpr.net/global-voices/kyrgyzstan-few-choices-amid-rising-abuse>

<sup>111</sup> "Нужны ли были такие жертвы? Статистика, которую невыгодно озвучивать в условиях пандемии", 20 June 2020, [https://kaktus.media/doc/415402\\_nyjny\\_li\\_byli\\_takie\\_jertvy\\_statistika\\_kotoryu\\_nevygodno\\_ozvuchivat\\_v\\_ysloviiah\\_pandemii.html](https://kaktus.media/doc/415402_nyjny_li_byli_takie_jertvy_statistika_kotoryu_nevygodno_ozvuchivat_v_ysloviiah_pandemii.html)

<sup>112</sup> "Карантин из-за COVID-19 способствовал росту семейного насилия в КР", 17 April 2020, <https://stanradar.com/news/full/39184-karantin-iz-za-covid-19-sposobstvoval-rostu-semejnego-nasilija-v-kr.html>

<sup>113</sup> NGO Council, "Alternative report to the fifth periodic report of the Kyrgyz Republic to the Committee on the Elimination of Discrimination Against Women (CEDAW)", 2019, available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fCSS%2fKGZ%2f41429&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fCSS%2fKGZ%2f41429&Lang=en)

<sup>114</sup> "Власти откроют центры для жертв домашнего насилия в Оше и Бишкеке", 17 January 2020, <https://kloop.kg/blog/2020/01/17/vlasti-otkroyut-tsentry-dlya-zhertv-domashnego-nasilija-v-oshe-i-bishkeke/>

<sup>115</sup> Institute for War and Peace Reporting (IWPR), "Kyrgyzstan: Few Choices Amid Rising Abuse", 1 June 2020, <https://iwpr.net/global-voices/kyrgyzstan-few-choices-amid-rising-abuse>

<sup>116</sup> "Судья шокировал женщину, которая подвергалась насилию 30 лет, — интервью", 14 May 2020, <https://ru.sputnik.kg/society/20200514/1048295623/kyrgyzstan-domashnee-nasilie-pomoshch-karantin.html>

While Kyrgyzstan's legislation on domestic violence has been hailed as progressive in a regional perspective, there are still significant gaps in it, as well as in its implementation. For example, national law provides for the issuing of protection orders in domestic violence cases, but orders are often not carried through and during the Covid-19 lockdown, it became even more difficult to implement them as the restrictions in place prevented victims from relocating from their homes.<sup>117</sup> In an improvement of legislation in force, amendments initiated by the government during the pandemic broadened the grounds on which suspected perpetrators of domestic violence may be detained. These amendments to the Criminal Procedural Code, adopted by the parliament on 30 April 2020 and signed into law by the president in early June, allow law enforcement authorities to detain such individuals for 48 hours for the purpose protecting victims and their families.<sup>118</sup>

In a policy brief on the impact of Covid-19 on women, the UN Secretary-General advised national authorities to designate domestic violence shelters as "essential services" and increase resources to them, as well as to expand the capacity of shelters for victims of violence by "re-purposing other spaces", such as empty hotels, or education institutions, to accommodate quarantine needs.<sup>119</sup>

In the context of the Covid-19 crisis, renewed calls have also been made to increase penalties for domestic violence, and several members of parliament have proposed legal amendments to this end.<sup>120</sup> Domestic violence is a separate offense under national law, but it is currently treated as a misdemeanour rather than as a criminal offense and is punishable by fines and correctional labour rather than imprisonment.<sup>121</sup> Domestic violence perpetrators may only face prison sentences if prosecuted under criminal code provisions that do not specifically concern domestic violence.

Calls to strengthen relevant legislation increased following the publication of a shocking case of domestic violence caught on video in the southern region of Jalalabad at the beginning of June 2020. The video showed a man repeatedly slapping and pouring cold water over his wife, who had her hands tied behind her back and tires filled with bricks hanging over her shoulders. While abusing his wife, the man called on his relative who was recording the incident to keep on filming, saying he wanted to teach his wife "a lesson".<sup>122</sup> According to the Spravedlivost NGO, the husband's abuse continued after the filming ended.<sup>123</sup> The video, which was widely circulated on social media, caused an outcry<sup>124</sup> and protests in

<sup>117</sup> Human Rights Watch, "Video of Domestic Abuse Sparks Outrage in Kyrgyzstan", 16 June 2020, <https://www.hrw.org/news/2020/06/16/video-domestic-abuse-sparks-outrage-kyrgyzstan>

<sup>118</sup> "Президент утвердил поправки о домашнем насилии — подозреваемых в избиении теперь смогут задерживать на двое суток", 5 June 2020, <https://kloop.kg/blog/2020/06/05/prezident-utverdil-popravki-o-domashnem-nasilii-podozrevaemyh-v-izbienii-teper-smogut-zaderzhivat-na-dvoe-sutok/>

<sup>119</sup> "UN Secretary-General's policy brief: The impact of COVID-19 on women", April 2020, <https://www.unwomen.org/en/digital-library/publications/2020/04/policy-brief-the-impact-of-covid-19-on-women>

<sup>120</sup> "Депутат Жогорку Кенеша предлагает отменить штрафы за семейное насилие", 4 April 2020, [https://24.kg/vlast/149086\\_deputat\\_jogorku\\_kenesha\\_predlagaet\\_otmenit\\_shtrafyi\\_zasemeynoe\\_nasilie/](https://24.kg/vlast/149086_deputat_jogorku_kenesha_predlagaet_otmenit_shtrafyi_zasemeynoe_nasilie/); "Поправки в закон о семейном насилии. Депутаты выступают против ужесточения", 18 June 2020, [https://kaktus.media/doc/415358\\_popravki\\_v\\_zakon\\_o\\_semeynom\\_nasilii\\_depytaty\\_vystypaut\\_protiv\\_yjestochenii.html](https://kaktus.media/doc/415358_popravki_v_zakon_o_semeynom_nasilii_depytaty_vystypaut_protiv_yjestochenii.html)

<sup>121</sup> Article 75 of the Code of Offenses

<sup>122</sup> "В Джалал-Абаде мужчина пытал, бил жену и снимал на видео. Его водворили в ИВС", 12 June 2020, [https://24.kg/proisshestiya/155854\\_vnbspdjalal-abade\\_mujchina\\_pyital\\_bil\\_jenu\\_inbspsnimal\\_nanbspvideo\\_ego\\_vodvorili\\_vnbspivs/](https://24.kg/proisshestiya/155854_vnbspdjalal-abade_mujchina_pyital_bil_jenu_inbspsnimal_nanbspvideo_ego_vodvorili_vnbspivs/)

<sup>123</sup> Spravedlivost, "Истязание над сузакской женщиной продолжилось и после выключения камеры", 16 June 2020, <https://spravedlivostkg.org/istyazanie-nad-suzakskoj-zhenshinoj-prodolzhilos-i-posle-vyglyucheniya-kamery/>

<sup>124</sup> "Kyrgyzstan: Shocking case of domestic violence sparks demand, if little hope, for change", 15 June 2020, <https://eurasianet.org/kyrgyzstan-shocking-case-of-domestic-violence-sparks-demand-if-little-hope-for-change>

support of victims of domestic violence.<sup>125</sup> The victim in the case filed a complaint with police but later asked police to drop the charges against her husband, apparently due to family pressure. The police nevertheless pressed ahead with the investigation, with the charges being requalified from “domestic violence” to “cruel treatment”, a criminal offense that may result in imprisonment. The perpetrator was placed in pre-trial detention.<sup>126</sup> On 2 July, Suzak District Court found the man guilty on these charges and handed him a two-year suspended prison sentence.<sup>127</sup>

Similar to in this case, cases of domestic violence in Kyrgyzstan often result in sentences that do not appear to be commensurate with the severity of the abuse. Many other cases are never reported nor prosecuted. Thus, lack of access to justice for victims of domestic violence remains a key problem during the current crisis.

The UN Committee on Economic, Social and Cultural Rights (CESCR) has stressed, in the context of the Covid-19 pandemic, that access to justice and legal remedies “is not a luxury” but “an essential element” to protect the rights especially of those most vulnerable, such as victims of domestic violence.<sup>128</sup> The UN Secretary-General has advised national authorities to designate “safe spaces for women where they can report abuse without alerting perpetrators” e.g. in grocery stores or pharmacies.<sup>129</sup>

## Surge in Covid-19 cases, health care system overstretched in June 2020

After the state of emergency ended and the restrictions imposed in response to the Covid-19 pandemic gradually were lifted, the epidemiological situation deteriorated in Kyrgyzstan. In particular, as of mid-June 2020, the number of Covid-19 cases started rapidly increasing, with several hundred new cases reported per day toward the end of the month. As of 15 May, a total of 1111 Covid-19 infections and 14 Covid-19 deaths had been registered among the country's population of 6.5 million. By 30 June, these figures had increased by more than four times: to a total of 5296 Covid-19 infections and 57 deaths.<sup>130</sup> The number of people diagnosed with Covid-19 increased above all in the capital Bishkek and the nearby Chui region. The real number of people with Covid-19 is believed to be higher than the official statistics indicate due to limited access to testing.<sup>131</sup> In addition to the registered Covid-19 cases, there has also

<sup>125</sup> “В Бишкеке пятый день пикеты против домашнего насилия”, 20 June 2020, <https://rus.azattyk.org/a/30681152.html>

<sup>126</sup> “Пострадавшая от насилия мужа в Сузакке забрала заявление, но милиция продолжит следствие”, 15 June 2020, <https://kloop.kg/blog/2020/06/15/poradavshaya-ot-nasilija-muzha-v-suzake-zabrала-zayavlenie-no-militsiya-prodolzhit-sledstvie/>

<sup>127</sup> “Сузакского истязателя отпустили в зале суда. Ему дали два года условно”, 2 July 2020, [https://kaktus.media/doc/416272\\_syzakskogo\\_istiazatelia\\_otpustili\\_v\\_zale\\_syda\\_emy\\_dali\\_dva\\_goda\\_yslovno.html](https://kaktus.media/doc/416272_syzakskogo_istiazatelia_otpustili_v_zale_syda_emy_dali_dva_goda_yslovno.html)

<sup>128</sup> Committee on Economic, Social and Cultural Rights, “Statement on the coronavirus disease (COVID-19) pandemic and economic, social and cultural rights”, 17 April 2020, <https://undocs.org/E/C.12/2020/1>

<sup>129</sup> “UN Secretary-General’s policy brief: The impact of COVID-19 on women”, April 2020, <https://www.unwomen.org/en/digital-library/publications/2020/04/policy-brief-the-impact-of-covid-19-on-women>

<sup>130</sup> All figures quoted are from the official government site [covid.kg](https://covid.kg)

<sup>131</sup> “Kyrgyz Chaos: Shortage Of Medics, Hospital Beds As COVID-19 Cases Skyrocket”, 11 June 2020, <https://www.rferl.org/a/kyrgyz-chaos-shortage-of-medics-hospital-beds-as-covid-19-cases-skyrocket/30720679.html>, “Is Kyrgyzstan losing the fight against coronavirus?”, 13 July 2020, <https://www.opendemocracy.net/en/odr/kyrgyzstan-losing-fight-against-coronavirus/?fbclid=IwAR0xwtk6CE4MpeMntBcb6J5yM8oYH5UkDj5vuroELuk9J8Bu7EziOgrsjns>

been an increase in cases of pneumonia, known as a serious complication of Covid-19. By 29 June, 1145 such cases had been registered since March, and 54 people had died because of pneumonia.<sup>132</sup>

The surge in Covid-19 and pneumonia cases overstretched the capacity of the health care system, with reports of ambulance services being overwhelmed by calls from people requesting assistance, and hospitals being overfull and running short on beds, staff and necessary equipment, including ventilators. In an attempt to help deal with the inflow of Covid-19 patients, makeshift medical facilities were being set up, and medical students and volunteers mobilised to help trained professionals.<sup>133</sup>

A considerable share of all those diagnosed with Covid-19 consisted of medical workers. This category made up 16 percent (830 cases) of the total number of Covid-19 cases registered as of 30 June 2020. Key reasons for the high rate of Covid-19 infections among medical workers were reported to include inadequate working conditions and the lack of individual means of protection.<sup>134</sup>

High-ranking government officials acknowledged the difficulties of the health care system to cope with the rise in Covid-19 cases and called for measures to address these difficulties, such as by increasing the number of hospital beds, granting emergency call centres more resources and importing more equipment.<sup>135</sup> At the same time, referring primarily to economic considerations, officials expressed hesitation about re-introducing more stringent restrictions, similar to those seen during the state of emergency. For example, on 2 July 2020, President Sooronbay Jeenbekov said that the state of emergency had helped slow down the infection rate, but was abolished because it was necessary to ensure the “viability” of the economy. He said that “we have the possibility to ensure order” by re-introducing restrictions but that this would not be done at that point.<sup>136</sup> Prime Minister Kubatbek Boronov also said that tougher restrictions would only be re-introduced “as a last resort”<sup>137</sup>, noting that such a step would

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<sup>132</sup> This information was provided by the minister of health, see “С марта в Кыргызстане от пневмонии скончались 54 человека”, 29 June 2020, [https://24.kg/obschestvo/157712\\_smar\\_tav\\_kyrgyzstane\\_ot\\_pnevmonii\\_skonchalis\\_54cheloveka/](https://24.kg/obschestvo/157712_smar_tav_kyrgyzstane_ot_pnevmonii_skonchalis_54cheloveka/). It should be noted that as of mid-July 2020, the authorities merged the official figures for Covid-19 and pneumonia cases.

<sup>133</sup> For more information, see, for example, the following articles: “Кыргызстан задыхается. Видео из соцсетей как свидетельства катастрофы”, 17 July 2020, <https://mediazona.ca/article/2020/07/17/covid-doc>; “Kyrgyzstan losing the fight against coronavirus?”, 13 July 2020, <https://www.opendemocracy.net/en/odr/kyrgyzstan-losing-fight-against-coronavirus/?fbclid=IwAR0xwtk6CE4MpeMntBcb6J5yM8oYH5UkDj5vuroELuk9J8Bu7EziOgrsJns>; “Kyrgyz Chaos: Shortage Of Medics, Hospital Beds As COVID-19 Cases Skyrocket”, 11 July 2020, <https://www.rferl.org/a/kyrgyz-chaos-shortage-of-medics-hospital-beds-as-covid-19-cases-skyrocket/30720679.html>

<sup>134</sup> “Коронавирус в Кыргызстане. Нехватка СИЗ превращает больницы в источник заразы”, 15 July 2020, [https://24.kg/obschestvo/158225\\_koronavirus\\_vkyrgyzstane\\_nehvatka\\_siz\\_prevrashaet\\_bolnitsyi\\_vistochnik\\_zarazy/](https://24.kg/obschestvo/158225_koronavirus_vkyrgyzstane_nehvatka_siz_prevrashaet_bolnitsyi_vistochnik_zarazy/)

<sup>135</sup> “Боронов: ЧП - крайняя мера, на которую пойдем при сильном ухудшении эпидситуации”, 26 June 2020, [https://kaktus.media/doc/415929\\_boronov\\_chp\\_krayniaia\\_mera\\_na\\_kotoryu\\_poydem\\_pri\\_silnom\\_uyhdshenii\\_epidsityacii.html](https://kaktus.media/doc/415929_boronov_chp_krayniaia_mera_na_kotoryu_poydem_pri_silnom_uyhdshenii_epidsityacii.html); “Коронавирус в Кыргызстане: больницы заполнены, ИВЛ не хватает”, 30 June 2020, [https://24.kg/obschestvo/157780\\_koronavirus\\_vkyrgyzstane\\_bolnitsyi\\_zapolnenyi\\_ivl\\_nehvataet/](https://24.kg/obschestvo/157780_koronavirus_vkyrgyzstane_bolnitsyi_zapolnenyi_ivl_nehvataet/); “Боронов: Введение карантина, режима чрезвычайного положения — это последние меры, на которые пойдёт государство”, 26 June 2020, <https://knews.kg/2020/06/26/boronov-vvedenie-karantina-rezhima-chrezvychnogo-polozheniya-eto-poslednie-mery-na-kotorye-pojdyot-gosudarstvo/>

<sup>136</sup> “Имеем возможности, но карантинный режим пока вводить не будем — Жээнбеков”, 30 June 2020, <https://ru.sputnik.kg/society/20200630/1048852289/kyrgyzstan-sooronbay-zheenbekov-obraschenie-koronavirus.html>

<sup>137</sup> “Боронов: Введение карантина, режима чрезвычайного положения — это последние меры, на которые пойдёт государство”, 26 June 2020, <https://knews.kg/2020/06/26/boronov-vvedenie-karantina-rezhima-chrezvychnogo-polozheniya-eto-poslednie-mery-na-kotorye-pojdyot-gosudarstvo/>

be “devastating” for businesses and the welfare of citizens.<sup>138</sup> The economy of Kyrgyzstan, one of the poorest Central Asian countries, has been heavily impacted by the Covid-19 crisis, with the country’s Ministry of Economy estimating that this year will see the sharpest decline in GDP since the crisis in the 1990s after the fall of the Soviet Union.<sup>139</sup>

Based on a decision by Bishkek’s mayor, some new restrictions were, nevertheless, introduced in the capital as of the beginning of July 2020. These included, among others, more limited opening hours for stores, food markets and restaurants; a reduced operating schedule for means of public transportation; and restrictions on visiting parks, squares, sports fields and playgrounds.<sup>140</sup> It was also announced that the authorities would carry out raids to monitor compliance with these restrictions and fine violators “without warning”.<sup>141</sup>

## Recommendations to the Kyrgyzstani authorities

Based on the developments described above, we would like to make the following recommendations to the Kyrgyzstani authorities:

### Emergency measures

- Ensure that all measures taken to restrict fundamental rights and freedoms in the context of the emergency regimes declared in response to the Covid-19 pandemic are fully consistent with Kyrgyzstan’s international human rights obligations, including the strict requirements for derogations and limitations of rights set out by international law.

### Liberty and security, and access to justice

- Ensure that all legal provisions that provide for penalties for violations of regulations applicable under emergency regimes are clear and unambiguous and do not lead to arbitrary implementation or the imposition of disproportionate penalties.
- Ensure that law enforcement operations in the context of the Covid-19 emergency regimes comply with national and international standards and that the detention of alleged offenders is used only as a last resort, with appropriate procedural safeguards.

<sup>138</sup> “Central Asia Struggles With Resurgent Coronavirus After Reopening”, 8 July 2020, <https://www.nytimes.com/reuters/2020/07/08/world/asia/08reuters-health-coronavirus-centralasia.html?fbclid=IwAR3vBhqst4EtCwpbDYdCdnXNIEUG8wuc2SElJalHHv7wloTglcrerOIANtA>

<sup>139</sup> “Такого падения не было 25 лет. Как COVID-19 повлияет на экономику Кыргызстана”, 5 June 2020, [https://kaktus.media/doc/414428\\_takogo\\_padeniia\\_ne\\_bylo\\_25\\_let\\_kak\\_covid\\_19\\_povliiaet\\_na\\_ekonomiky\\_kyrgyzstana.html](https://kaktus.media/doc/414428_takogo_padeniia_ne_bylo_25_let_kak_covid_19_povliiaet_na_ekonomiky_kyrgyzstana.html)

<sup>140</sup> “COVID-19: Власти Бишкека вводят ограничения из-за ухудшения эпидемиологической ситуации”, 1 July 2020, <https://kloop.kg/blog/2020/07/01/covid-19-vlasti-bishkeka-vmodyat-ogranicheniya-iz-za-uhudsheniya-epidemiologicheskoy-situatsii/>

<sup>141</sup> “Новые ограничения в Бишкеке начнут действовать с 2 июля”, 1 July 2020, <https://ru.sputnik.kg/society/20200701/1048872431/kyrgyzstan-bishkek-aziz-surakmatov-ogranicheniya.html>

- Thoroughly and impartially investigate all allegations of misconduct by law enforcement officials in the context of the Covid-19 emergency regimes and hold accountable those found to have exceeded their powers and violated the rights of residents.
- Uphold the rights to access to justice and due process of defendants during the Covid-19 emergency regimes and allow lawyers to implement their mandate and provide legal assistance to clients without hindrance, including to those deprived of their liberty.
- Ensure that people deprived of their liberty have access to appropriate hygiene, screening and medical assistance during the Covid-19 pandemic and take further steps to reduce the prison population, including by releasing prisoners with serious health problems.
- Protect the health of Azimjan Askarov and release him, with account of the humanitarian aspects of his situation, and in line with the UN Human Rights Committee decision on his case.
- Ensure that monitors, including those from the National Centre for the Prevention of Torture are not prevented from carrying out their mandate of visiting and monitoring places of detention, in compliance with relevant health safety measures, at this time of public health crisis.

## **Freedom of expression and the media**

- Allow all media, including independent and opposition media and journalists to carry out their work without hindrance in the context of the Covid-19 pandemic.
- Ensure that social media users are not arbitrarily detained, threatened with criminal liability or pressured to publicly apologise for posting information relating to the current pandemic.
- Revise article 82-2, recently introduced to the Code of Violations to ensure that it meets requirements of legal clarity and predictability and does not lend itself to implementation restricting free speech in violation of national and international standards.
- Ensure that the legislation on “manipulation of information”, passed by the parliament on 25 June 2020, does not enter into force in its current format but is revised in accordance with the recommendations of the Office of the OSCE Representative on Freedom of the Media, as well as of media organisations.

## **Freedom of association and assembly**

- Take due account of the views of civil society on the draft legislation on NGOs currently under consideration and ensure that any additional oversight and reporting obligations introduced for NGOs are necessary, proportionate and fully consistent with the requirements of national and international law.
- Refrain from negative and stigmatising rhetoric against NGOs and protect civil society groups and activists against intimidation and harassment.
- Ensure that activists Kamil Ruziev and Kalicha Umuralieva are not prosecuted, tried or convicted in retaliation for their efforts to fight against injustice, corruption and impunity.

- Refrain from blanket bans on assemblies, and ensure that any restrictions on assemblies set out and enforced under the Covid-19 emergency regimes are consistent with national and international law and meet the requirements of necessity, proportionality and non-discrimination.

## **Domestic violence**

- Continue to raise awareness of the problem of domestic violence and step up efforts to protect victims, assist them and ensure that they have access to justice in the context of the Covid-19 pandemic.
- Increase state funding to crisis centres and shelters for victims of domestic violence and ensure that they can operate also at this time of crisis, in compliance with relevant health safety regulations.
- Ensure that all reported cases of domestic violence are promptly, thoroughly, and impartially investigated and that the perpetrators are brought to justice and receive penalties commensurate to the gravity of the abuse.
- Increase penalties for the offense of “domestic violence”.

## **Overstretched health care system**

- Take adequate measures to enable the health care system to cope with the increase in Covid-19 cases and to ensure that residents – without discrimination - have access to relevant medical services at this time of public health crisis.