

Good morning. Let me welcome you on behalf of the Ombudsman Institute, dear participants of today's pre-session hearings on the Universal Periodic Review of Kyrgyzstan.

UPR Member States and the Treaty Bodies have repeatedly recommended that Kyrgyzstan establish a National Human Rights Institution accredited by the International Coordinating Committee of National Human Rights Institutions, in accordance with the Paris Principles (1991), to strengthen the powers of the Ombudsman. So 6 participating States in the 2nd UPR cycle expressed similar recommendations (Jordan, Turkey, Afghanistan, India Kenya, Sierra Leone).

In addition to the UPR, the same recommendations were made in the final recommendations of the ESCR committee, as well as the Human Rights Committee.

The Ombudsman Institute, established in 2002, was accredited in 2012 by the International Coordinating Committee in the "B" status as incomplete compliance with the Paris Principles.

At the same time, the Paris Principles represent international standards and provide for the minimum conditions that a national human rights institution must comply in order to enjoy authority among its colleagues and within the United Nations system.

However, clause 7 of article 7 of the Law on the Ombudsman (Akyikatchy) of the Kyrgyz Republic provides for the Early termination of the powers of the Ombudsman in case of not approving the report of the Ombudsman by the Jogorku Kenesh of the Kyrgyz Republic (parliament).

In practice, in accordance with the above norm, earlier 2 Ombudsmen early terminated their powers, despite the fact that, by law, the Ombudsman is elected for a term of 5 years, but no more than 2 consecutive terms.

In this regard, the independence of the Ombudsman does not meet the requirements of the Paris Principles, and therefore, in 2017, with the expert participation and support, a draft of the (new) Law "On the Ombudsman of the Kyrgyz Republic" was developed, which corresponds to the Paris Principles.

This draft law passed 1 reading in the Jogorku Kenesh of the Kyrgyz Republic and the concept of the bill was approved by deputies and adopted in the 1st reading.

In this connection, we hope that this draft law on the Ombudsman will be adopted by the Jogorku Kenesh, thereby fulfilling recommendations on bringing it into line with the Paris Principles.

In the annual report for 2018, the Ombudsman drew the attention of parliamentarians to the implementation of the views of the UN treaty bodies on individual reports of human rights violations.

The UN Human Rights Committee has issued 24 individual communications in relation to Kyrgyzstan as of January 2019. In 20 of which the Committee acknowledges a violation of the rights enshrined in the ICCPR, 2 are unacceptable, 1 is no violation, 1 is discontinued due to the author's refusal to provide answers to the committee's requests.

In order to comply with the Committee's views, it is necessary to conduct a new trial, investigate all the allegations of the author, provide appropriate compensation and prevent similar violations in the future.

- in 2 cases, the authors were paid compensation in the amount of 200 thousand soms (~\$2900USD).
- in 1 case, a new judicial review was carried out, some charges were reviewed, according to which the sentence was reduced in connection with the introduction of new criminal legislation from the 01.01.2019, however, the main punishment – is life imprisonment – remained unchanged

Those responsible for the violations have not been identified and not punished.

Compensation to the authors of the complaint paid from the state budget is not reimbursed at the expense of those responsible for violations.

In order to fulfill the Committee's Views, it is necessary to conduct a new trial, investigate all the allegations of the author, provide appropriate compensation and prevent similar violations in the future

- A thorough investigation is necessary for all human rights violations reflected in the Committee's Views, those responsible for violations must be punished regardless of the limitation period of violations and the current position of the violators
- Compensation paid from the state budget to the authors of the communication should be reimbursed at the expense of those responsible for the violation of human rights

Thus, the inevitability of punishment for human rights violations will help prevent similar violations in the future.