

Centre in Bishkek's human dimension activities - May 2009-May 2010

The primary focus of activities within the human dimension focused on constitutional reform, electoral support, human freedoms, support to the judiciary, humanization of the criminal legislation and the penitentiary system reform, the promotion of human rights, promoting gender equality, addressing domestic violence and bride kidnapping and combating trafficking in human beings.

Constitutional Reform

The CiB, within the framework of the OSCE contingency fund package, supported public discussions on the main direction of the constitutional reform and the draft Constitution. These activities, with the participation of international experts, lasted from 25 April till 14 May 2010 and included:

- support of the publication of 40,000 additional copies of the *Slovo Kyrgyzstana* newspaper containing the text of the new draft Constitution, upon request by the Provisional Government;
- facilitation support of roundtable meetings, coordinated by the Kyrgyz Provisional Government on 4 and 7 May, in Bishkek and Osh respectively. More than 250 representatives of the Working Group on Constitutional Reform, the Provisional Government, political parties, civil society, ethnic community, international organizations and media from all regions of Kyrgyzstan took part in the debates and proposed changes and amendments to the draft Constitution. The roundtable in Osh was further supported by an expert from the Council of Europe's Venice Commission, who provided additional expert opinion on the draft Constitution;
- support of the publication of 8,000 copies of the draft Constitution in Uzbek for distribution among the Uzbek community;
- the organisation of a roundtable on "The Constitutional Reform in the Republic of Kyrgyzstan" on 13 May in Bishkek, by the ODIHR, Venice Commission and CiB jointly with the Provisional Government, focused on reviewing and discussing the draft of the new Constitution. International experts present at the roundtable shared their experience and expertise on constitutional reform processes and provide expert advice on various related issues.

The CiB closely **co-ordinates** its activities in support of the constitutional reform with the ODIHR, the EC, the Council of Europe's Venice Commission and the UNDP as well as other international organizations (IFES, NDI, IRI) and some diplomatic missions. Regular **briefings** are hosted by the OSCE CiB to update the international organizations and diplomatic missions of the OSCE pS and Partner States on the constitutional reform process and OSCE, including ODIHR, assistance to this process.

On 6-8 May 2010, the CiB provided full assistance to the OSCE ODIHR **Needs Assessment Mission** (NAM) in organising and conducting its visit to Kyrgyzstan with the purpose of assessing the current pre-electoral environment and the preparations for the upcoming referendum. The NAM, supported by the CiB, met with Deputy Head of the Provisional Government Omurbek Tekebaev, Chief of the Office of the Head of the Provisional Government Edil Baisalov, Acting Minister of Foreign Affairs Ruslan Kazakbaev, Acting Interior Minister Bakytbek Alymberkov, Chairman of the Provisional Central Election Commission Akylbek Sariev, Director General of the National Broadcasting Company Kubat Otorbaev, representatives of political parties, civil society, mass media, diplomatic missions and international organizations. The Provisional Government stressed that the OSCE ODIHR and other international organizations would be invited to observe the preparation of the referendum and the voting and that the accreditation procedure for international observers will be

simplified. On 7 May, the Kyrgyz Ministry of Foreign Affairs issued two *notes verbales* **inviting the OSCE ODIHR and the OSCE Parliamentary Assembly to observe** the referendum of 27 June 2010.

Electoral support

To support Kyrgyzstan in holding fair and democratic **presidential elections of 23 July 2009**, the CiB, jointly with the Kyrgyz CEC and local and international NGOs, implemented the following activities:

- a) Building the capacity of Kyrgyz mass media representatives to cover the pre-election campaign and voting process. The project conducted together with the International Foundation for Electoral Systems (IFES) and with the support of the CEC, facilitate the design of a special guide (“pocket book”) for journalists and conducted a number of trainings on how to cover the campaign and journalist’s rights and responsibilities during the election, throughout the country;
- b) Upon request of the CEC, support to a campaign on the education of voters and awareness-raising among the people on election-related issues. The support included the production of 7 video clips (in Kyrgyz and Russian) on topics including the status and powers of international observers, the status and powers of domestic observers, voting abroad, rights and responsibilities of the mass media, pre-election campaigning, formation of constituencies and vote buying;
- c) CiB support to a conference on the preparation for the 23 July presidential election (Bishkek, 3 June 2009), organized by the CEC together with civil society groups and the German Embassy in Kyrgyzstan. The conference focused on fostering dialogue between the authorities and civil society on conducting the election, the rights of observers and the handling legal violations;
- d) Joint CiB and international community support to independent domestic observation activities. Particular attention was given by the CiB implementing partner “Eg!” NGO’s, observation activities in detention facilities including 5 SIZO (pre-trial facilities) and 15 IVS (police custodies) throughout the country, as a part of the broader observation activities conducted by the alliance of civil organizations “It’s Time for MY Choice!”;
- e) Conducting briefings from May-July 2009 for embassies of the OSCE participating States and Partner Countries, representatives of the UN, EC and civil society, co-chaired by the CEC and the CiB. These meetings were aimed at information-sharing and an initial exchange of views on electoral issues so as to present the above-mentioned areas for potential support from pS and invite extra-budgetary funding for specific support activities.

The CiB rendered full assistance to the OSCE **ODIHR Election Observation Mission** in launching its activities on the 23 July presidential election and circulated its Final Report, which was issued on 22 October 2009 and distributed among local authorities, international organizations and local NGOs active in the field of elections.

The CiB continued to support the capacity building of Kyrgyz actors, in particular CEC staff, in order to enhance their capacity to observe elections in other OSCE pS through facilitating their participation in the 6th ODIHR intensive election observation

training for potential **Short-term Observers** from Eastern and Southern Europe, South Caucasus and Central Asia, in Minsk on 1-3 December 2009.

Freedom of Assembly and Association

In order to assist in improving the **national legislation on the freedom of assemblies** following its amendment in 2008, the CiB facilitated the provision of joint OSCE/ODHIR and Venice Commission expert opinion on draft amendments, elaborated by the Working Group under the Ombudsman. The CiB further supported the follow-up roundtable discussion, organized by the Kyrgyz Ombudsman and attended by Members of Parliament, government officials and civil society representatives, as well as ODIHR and Venice Commission experts, in Bishkek on 2 December 2009.

On 21 and 22 October, the ODIHR and the CiB, together with the Kyrgyz Ombudsman and the International Centre for Not-for-Profit Law, organised the Central Asian Regional Roundtable - **Freedom of Association in Central Asia** - in Bishkek. Government officials, parliamentarians and civil society representatives from all Central Asian countries discussed ways to enhance freedom of association in the region, including legal frameworks and practices.

Support to the judiciary

The CiB continued to provide support for the development of a strong and independent judiciary, through:

- a) support to **legal frameworks** – The CiB supported the organization of the International Conference “Rule of Law and Principle of Separation of Powers” in Bishkek on 25-26 May 2009. The event, an initiative of the Kyrgyz Parliament, the Venice Commission, the EC and the UNDP, brought together around 100 national and international experts to discuss constitutional principles of rule of law and separation of powers;
- b) assistance in the compilation and publication of issues of the **Supreme Court’s Bulletin**. The Bulletin included details on national legislation and regulations of the plenary sessions on criminal cases of the Supreme Court for the period 1991-2009, as well as courts’ decisions and practices, expert opinions and articles on combating trafficking in human beings and jury trial and custody. Upon the CiB initiative, the OSCE/ODIHR-Venice Commission opinions on draft amendments to the law on freedom of peaceful assemblies, on draft amendments to the NGO-related legislation and on the draft law on freedom conscience and religious organizations were included in the Bulletin. The Bulletin’s issues were distributed among all courts of the country as well as other law-enforcement agencies free of charge;
- c) support, in close cooperation with the Supreme Court, for **local courts** in Osh, Jalal-Abad and Batken provinces to increase their capacities to implement fair trial standards and humanized criminal legislation;
- d) supporting the **Training Centre for Prosecutors** of the Prosecutor-General’s Office, where mid and junior level prosecutors received regular trainings to strengthen their professional skills and knowledge in national and international legislation, in particular to better protect human rights and combat corruption;

- e) assistance to the Ombudsman's offices and civil society representatives in Osh, Jalalabad and Batken provinces to strengthen their capacities on **court room monitoring**, through providing training and technical and methodological support. In total, 23 defence lawyers attended the training and legal support was provided on six cases related to alleged violation of basic human rights, and sixty trials were monitored in local courts. The CiB, together with other international presences in Kyrgyzstan, monitored court hearings of the **high-profile cases** against opposition leaders, including those of former Minister of Defence Ismail Isakov, former Minister of Foreign Affairs Alikbek Djekshenkulov and Erkin Bulekbaev ("*Petrovka*" case);
- f) providing **access to justice**. The CiB continued to support legal centres that were providing legal aid in Chui, Issyk-Kul, Naryn and Batken provinces, as well as Bishkek and Osh cities. The activities focused particularly on advocate's services and vulnerable groups with the focus on criminal cases, as well as legal consultations on civil legislation. The CiB further contributed to the capacity building of the national authorities to implement the Law "On State Guaranteed Legal Aid" (22 July 2009), by initiating the transfer process of the methodological basis, practices and papers which had been elaborated and tested within the frameworks of the CiB projects. Informative activities, including TV programmes, on the right to state guaranteed free legal aid were also supported by the CiB.

Humanization of the Criminal Legislation and Penitentiary System Reform

The reporting period was marked by the changing of the **status of the penitentiary system** according to the public administration reform. In November 2009 the Principal Directorate of Execution of Punishments (*GUIN*) (Prison Administration) was withdrawn from the authority of the Ministry of Justice and became a separate executive body with a direct subordination to the Government. It was also renamed to the State Service of Execution of Punishments (*GSIN*).

The priority areas of the CiB support of the criminal justice and penal reform were:

- a) publishing additional copies of the Commentary on **humanization of the criminal justice legislation** in Kyrgyz and Russian in May-July 2009 due to an increase in demand among all stakeholders, and further distributing them among judges, prosecutors, investigators and lawyers to facilitate a common application of its provisions. The commentaries were elaborated in co-operation with the Ministry of Justice and Penal Reform International (PRI) in 2007-2008. In December 2009 the CiB-supported a TV programme on the role of local courts in the implementation of the humanized criminal legislation in Kyrgyzstan, focusing particularly on the discussion of applying mediation at the pre-trial stage as an alternative option to criminal prosecution in Osh province;
- b) continued support of the Kyrgyz Republic in the implementation of the **National Programme of Penitentiary System Reform** ("*UMUT*") until 2010, aimed at humanization of the penitentiary system and respecting the rights of the detained. Negotiations with the State Service of Execution of Punishments on possible CiB support through the elaboration and approval of a new programme for the next 5 years have started. The Centre held regular consultation and coordination meetings with other actors working in this area such as the Soros Foundation, the International Committee of the Red Cross (ICRC), Penal Reform International, GTZ and *Medecins Sans Frontieres*

- c) providing assistance to **build the capacity of prison personnel** through the Training Centre of the Prison Administration in accordance with the Training Plans and Curricula for 2009 and 2010, developed with support from the CiB. Newly recruited and mid-ranking prison officers, social workers and psychologists throughout the country were trained on the UN and Council of Europe standards on the treatment of prisoners and the prevention of torture and inhuman treatment or punishment, best international practices as well as penitentiary management, including regime and security issues, the prevention and resolution of conflicts, treatment of aggressive and vulnerable prisoners and psychological care of inmates and preparation of inmates for release and preventing recidivism.

Between 16 and 23 May, the CiB organised, jointly with the Polish-American Freedom Foundation and the Collegium of Eastern Europe, a study tour for representatives the **Kyrgyz Prison Administration to Poland**. The Kyrgyz delegation visited the Polish Prison Service, the offices of the Polish Parliament and Ombudsman and took part in a course on international human rights standards in prisons organized by the Helsinki Foundation for Human Rights. The tour's agenda focused on penitentiary management, including prison staff training; security and safety; treatment of different inmate groups, including women; school, sport and cultural activities for prisoners; treatment of drug and alcohol addicts; the role of social workers and psychologists, and drug abuse prevention.

- d) continued strengthening of **conflict prevention capabilities**, resolution and enhancement of security measures in penitentiary institutions. In October 2009, the CiB assisted in facilitating a two-week theoretical course for officers of the *GS/IN's* Special Unit "Omega", who were trained on the legal background for special force unit activities, security and safety in penitentiary establishments, international standards for the use of fire arms and the use of force against inmates, prevention of torture and ethical codes of conduct for prison officers. During April 2010, the situation in the penitentiary institution remained stable and under the control of the Prison Administration.
- e) continued CiB support, together with local NGOs, the Ministry of Justice and later the State Service of Execution of Punishments, and the Ministry of Interior in the **improvement of detention conditions and treatment and the promotion of human rights and justice in a number of penitentiary institutions and police custodies**. Both the personnel of these facilities and inmates were provided with legal and psychological assistance, improved medical services, secondary education and free legal aid to review the cases of young offenders in accordance with the law on humanization of the criminal legislation, crisis intervention and conflict management, enhanced monitoring skills of local NGOs and a strengthened partnership between the *GUIN* and civil society. Treatment, respect for human rights and access to justice in a number of *IVSs* (police custodies) of Naryn, Talas, Chui, Osh, Jalal-Abad and Batken provinces were further enhanced. The detention conditions, in particular heating, sanitary, ventilation and hygiene facilities in these institutions were improved and the personnel were trained in policing and human rights, the prevention of torture, physical abuse and intimidation, as well as the resolution of potential conflict situations in police custodies. The partnership between the administration of penitentiary institutions and police

- f) the provision of expert assistance in the establishment of the **National Preventive Mechanism** in the Kyrgyzstan, in accordance with the Optional Protocol to UN Convention against torture. The coordination and cooperation on this issue was established with the Kyrgyz Ombudsman's Office and the Regional Office of the UN High Commissioner on Human Rights.

Human Rights promotion

To promote the **cooperation between the Ombudsman's Institutions** of different countries, the CiB jointly with the UNDP supported the 3rd International Issyk-Kul Forum on Human Rights (Bishkek, Issy-kul lake, 16-19 July 2009), organized by the Kyrgyz **Ombudsman**, President's Administration and Prime Minister's Office. The forum's participants, who included Ombudspersons from more than 10 countries, discussed the following issues: human rights protection during political crises, international practices to prevent torture and how to promote a human rights-based approach in the work of government agencies, including the Ombudsman's Institute.

In June 2009, the CiB contributed to a number of events with participation of representatives of the central and local authorities, law-enforcement agencies, civil society and mass media to mark the International UN Day to support victims of torture, namely a roundtable on the prevention of torture held in Issyk-Kul province, organized by the Karakol-based Public Association "Ventus", and the National Forum "Improvement of the Interrelations between law-enforcement agencies and society", organized by the "Centre for Innovative Education "Peremena" Public Foundation with EC support.

The CiB continued to assist in the publication of the **Human Rights** monthly **bulletin** "Pravo dlya vseh" ("*Rights for everyone*"). 7,000 copies of each issue were printed and distributed in the Kyrgyz, Uzbek and Russian languages in Osh, Jalal-Abad and Batken provinces. The bulletin's aim is to raise human rights awareness among the law enforcement agencies staff and the public.

Gender Equality

The CiB continued to support capacity-building and public awareness activities aimed at the promotion of gender quality and worked in particular with public servants, women deputies and women-oriented NGOs. All of the activities were implemented in cooperation with authorities (particularly local), civil society and in coordination with other international organizations working in the gender-related spheres.

The Centre further assisted the Kyrgyz Republic in the implementation of the **National Action-Plan on achieving gender equality within 2007-2010**. Particular attention was paid to the institutionalization of a gender component in the work of local self-governing bodies in Osh city and districts of Osh Province in a project that was successfully implemented in 2008-2009. Gender expertise and gender budgeting were widely introduced to Osh City Council deputies, increasing their awareness and skills in application of gender analysis and expertise on local and grass-root levels. Similar projects were conducted in 2009 as outreach components in the remote areas of Batken Province and in the Jalal-Abad city council. With CiB support, in some districts of Batken province, members of *ayil* (village) councils held informative meetings with the public to enhance their knowledge about the National Action-Plan on Gender Equality and to exchange views on gender equality and domestic violence.

Assistance in **awareness raising campaigns on the promotion of gender equality** was continued. The CiB-supported Karakol-based NGO “Centre for Economic Education” and “*Volna Issyk-Kulya*” radio broadcasting company continued to produce and broadcast a series of gender-related broadcasts to encourage women’s participation in political, economic and public life, improvement of the access of women to the health care system, the prevention of domestic violence and bride kidnapping, gender conflicts and conflict prevention mechanisms. Representatives of local authorities, law enforcement agencies and civil society including lawyers, consultants/experts on gender issues and psychologists were invited as guest speakers on these broadcasts. A cross-dimensional PRP-HD approach was applied when implementing these activities.

In June 2009, the CiB provided inputs to the **Annual Evaluation Report** on the Implementation of the OSCE Action Plan for the Promotion of Gender Equality for 2009. This is a collection of information on the 30 projects and other gender related activities of the CiB and its OFO, were implemented with the support of Unified Budget and extra-budgetary contributions.

Domestic Violence

On 15 March 2010, the Parliamentary Committee on Social Policy passed **amendments to the law** on “Freedom of Conscience and Religious Organizations in the Kyrgyz Republic”, as well as Criminal, Family and Administrative Codes. The amendments stipulate a mandatory state registration of marriage solemnized as per Islamic rites (*nike*) in order to protect the property rights of women and their children. This is a result of joint lobbying and promotion efforts of parliamentarians and the international community, which started in the beginning of 2009.

The CiB supported **capacity building** of Kyrgyz actors on domestic violence through facilitating their participation in international events, in particular the OSCE Symposium – Launch of “Publication on Combating Violence against Women in the OSCE Region. A Compilation of Good Practices”, organized by the OSCE Secretariat’s Gender Section on 8 June 2009, in Vienna, as well as the OSCE/ODIHR “Supplementary Human Dimension Meeting on Gender Equality with a Special Focus on Violence against Women”, held on 5-6 November 2009 in Vienna. On 9 June 2009, the Kyrgyz delegation also visited the Domestic Abuse Intervention Centre for the victims of domestic violence located in Vienna.

The Centre’s implementing partner, the Naryn-based “Bakubat” NGO launched awareness-raising campaigns, in particular among the youth, aimed at **the prevention of domestic violence and bride kidnapping** and the promotion of marriage values, as well as providing necessary support to the victims of domestic violence. Informative campaigns focused on the students of Naryn State University, vocational and secondary schools from different regions of Naryn province and border guards of the Naryn-stationed unit of the Border Service of the Kyrgyz Republic. In December 2009, with CiB support, the NGO “Ensan-Diamond” completed a two-week awareness raising event and activities to mark the country-wide campaign on preventing violence against women in Osh.

In order to share information on best practices to address bride abduction issues, the CiB in June 2009, jointly with the OSCE Secretariat’s Press and Public Information Section, finalized the article “Raising the Alarm on Bride Abduction in Kyrgyzstan” for the **OSCE magazine**. The author of the article is Ms. Turganbubu Orunbaeva, director of the NGO «Bakubat».

Fighting against trafficking in human beings (THB)

On 11 March 2010, Kyrgyzstan together with 18 countries entered a special “Group of Friends”, established by United Nations to cooperate in combating fighting trafficking in human beings at the global level.

The CiB has continued to assist in the implementation of a new **State Anti-trafficking Programme** for 2008-2011, through:

a) the CiB-supported Working Group, consisting of representatives of ministries and state departments, civil society and independent experts. The group reviewed the **national legislation** on combating THB and in March 2010 submitted the draft legal amendments to the Kyrgyz ministries and state departments for consideration;

b) assisting in **building the capacity** of Kyrgyz actors to combat THB through facilitating their participation in international events, including a study tour - 9th Alliance against Trafficking in Persons Conference “Prevention of Modern Slavery: An Ounce of Prevention is Worth a Pound of Cure”, organised by the Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings on 14-15 September 2009, in Vienna. The CiB further supported a study visit for a group of police officers and prosecutors from Osh Province to the Interpol General Secretariat in Lyon, France on 25-27 November 2009;

c) supporting the enhancement of **community-based mechanisms for prevention of THB** in the Southern provinces, through awareness-raising activities among the youth (in Kyrgyz, Russian and Uzbek) and facilitating roundtable discussions with participation of representatives of local authorities, law-enforcement agencies, civil society and communities of Osh province on counter-trafficking measures and the dangers of THB.