

HDIM.CS/0254/19/EN

23 September 2019

Enclosed information material is submitted by Human Rights Movement "Bir Duino-Kyrgyzstan"

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The Human Dimension Implementation Meeting (HDIM) of OSCE – 2019

Working session 10. Rule of Law.

Human Rights Movement “Bir Duino Kyrgyzstan”

Kyrgyzstan: women human rights defenders, their role and prospects.

On 31 August, 2019 the Kyrgyz Republic celebrated the 28th anniversary of its independence. Throughout these years, the role of women human rights defenders has been unique, they have contributed to the struggle for the rights and freedoms of a citizen in the post-Soviet country, laid the foundations for the development of democracy and equal participation of citizens in decision-making at all levels of government. Those were citizens' initiatives to develop civic education, the development of new independent associations and peaceful assemblies, public discussions and civic forums to solve socially significant problems in a transit country to change it from being a post-Soviet to a democratic one. After the adoption of the Law on NGOs various CSOs appeared to promote the development of democracy and protect human rights and freedoms in the Kyrgyz Republic; the first NGOs were created in the KR: “UKUK” (Mirgul Stamalieva), the International Center “INTERBILIM” (Asiya Sasykbaeva), the Human Rights Bureau (Natalya Ablova), the NGO Forum of the Kyrgyz Republic, Coalition for Democracy and Civil Society (Tolekan Ismailova). After adoption of the Law on NGOs, various CSOs appeared to promote development of democracy and protection of human rights and freedoms in the Kyrgyz Republic.

Harassment of human rights defenders during the term of the First President Askar Akaev

Kyrgyzstan was considered an island of democracy in Central Asia, however, due to the closed conclusion of the Agreement between the Government of the Kyrgyz Republic and the Kumtor gold mining company under the First President Askar Akayev's presidency, the authorities first attempted to discredit human rights defenders, civilian activists, most of whom were women. The demands of women human rights defenders were transparency and equal participation in decision-making at all levels of government, since the country's subsoil belonged to the people in accordance with the Constitution of the Kyrgyz Republic.

As soon as the Canadian gold mining company Kumtor Centerra started working in Kyrgyzstan, the political environment for CSOs began to narrow down and human rights activists, especially women, were persecuted by law enforcement agencies, including the national security services. The first articles appeared in the media, defaming human rights activists, calling them foreign agents, accusing them of working off foreign grants. Through legislative mechanisms, amendments to laws regulating civil and political rights of citizens were adopted, in particular the right to peaceful rallies and meetings, freedom of speech and association. Therefore, women human rights defenders were detained for participating in peaceful actions and demonstrations.

Another tendency of persecution that appeared during the presidency of A. Akaev was against women human rights defenders who demanded respect for civil and political rights of the citizens, as well as transparency of elections, and fought corruption in the state bodies. “The authorities, sensing the growing influence of the NGO sector in the political sphere, have repeatedly tried to take the NGO sector under their control. For example, the Kyrgyz government has successfully used the policy of creating and supporting the so-called “pocket” NGOs, which positively supported all its decisions, reported on positive changes taking place in the republic at international forums, and opposed any criticism coming from their colleagues in the sector. The “pocket” NGOs served as a good imitation of civil society involvement in decision-making”.¹

Restriction of the freedom of speech and prosecution of women human rights defenders for requiring transparency and security of the activities of mining companies in Kyrgyzstan

¹ <https://www.adb.org/sites/default/files/publication/29513/csb-kgz-ru.pdf>

The journalists Zamira Sydykova and Tamara Slashcheva were arrested due to demanding access to information under the Agreement between the Government of the Kyrgyz Republic and the Canadian Kumtor Centera company. In 1995 Zamira Sadykova published a number of critical articles in a newspaper accusing the head of the Kyrgyzaltyn gold mining concern D. Syrygulov of stealing the country's gold reserve. According to the verdict of the Pervomaisky District Court of Bishkek dated 23 May, 1997, she was sentenced to 1.5 years in prison and 6 months of corrective labor with a deduction of 20% of the salary. Together with her, three more journalists were convicted: Alexander Alyanchikov, Marina Sivasheva and Bektash Shamshiev.²

Persecution of Kaliya Moldogazieva. In 1999 Kaliya Moldogazieva, director of the Institute for Environmental Protection, was dismissed from her post after publishing an article in the Vecherny Bishkek newspaper on the Issyk-Kul Lake pollution problems resulting from the activity of the gold mining company. The persecution of Moldogazieva continued after she founded the Tree of Life PF, when the government launched a campaign to discredit her findings and herself as a specialist. She was attacked by the government media for her interviews on extractive industry issues, and their protection by the government from NGO investigations, and those companies' non-compliance with environmental standards.³

Persecution for the requirements to respect civil and political rights of citizens.

Persecution of Tolekan Ismailova and the NGO Coalition for Democracy and Civil Society. A GONGO association of NGOs and NCOs was created to work against the activities of human rights defender T. Ismailova and the NGO Coalition for Democracy and Civil Society. They tried to duplicate the activities of an independent Coalition and implement the power policy of the first President of the Kyrgyz Republic Askar Akaev. For the first time, the government launched a large-scale campaign against independent observers of the Coalition, calling them foreign spies, after announcing the results of monitoring both presidential and parliamentary elections since 2000, including using the hate speech through controlled media, TV and radio. This campaign was large-scale and directed against the human rights activist Tolekan Ismailova, founder of the Coalition for Democracy and Civil Society, who was elected as its President.

On 13 March, 2001, she was reportedly attacked by an unknown person when she was leaving her home. She was hit on the head and lost consciousness. Human rights sources allege that authorities specifically targeted her in order to intimidate and force her to stop promoting human rights. No one was arrested or brought to trial due to this incident. As the Coalition actively monitored the holding of the presidential election, it was stated that their protests against not being allowed to visit polling stations, as well as their statements on serious electoral irregularities, were the reason for the government to persecute organizations within the Coalition. In June 2000, the Ministry of Justice stated that since the Coalition was not registered as a public association, it could not receive funds from abroad to support its activities.⁴

Attack on human rights activists Tolekan Ismailova and Diana Makembaeva during forums. In 2002 T. Ismailova, the head of the Civil Society Against Corruption Public Organization, and Diana Makembaeva, the organization's lawyer, organized a series of civil forums in the Issyk-Kul oblast against the illegal transfer of land to China. The security forces conducted surveillance. In order to disrupt the events, aggressive groups of men were organized, who threatened and attempted to attack human rights defenders who were left without the protection of law enforcement agencies and the support of partner organizations in the field.

The Orange Dollar Campaign. On 10 January, 2005, the human rights activists Tolekan Ismailova and Natalya Ablova, journalist Zamira Sadykova and opposition politicians found bright orange dollar signs on the walls of their houses, plus their names: "\$ + TIA", "\$ + Ablova", "Down with the orange dollar opposition!" etc. After the events in Ukraine, the orange color has become a kind of a symbol of the opposition. T. Ismailova: "I think this is done with the aim of stopping our political activity and putting pressure on us. I demand that the perpetrators be found and punished, since their actions are a violation of public order and psychological pressure on dissidents".⁵

² http://www.ng.ru/cis/2000-04-05/5_heavy_days.html

³ <http://hrlibrary.umn.edu/russian/commission/Rkyrgyzstanreport2002.html>

⁴ <http://hrlibrary.umn.edu/russian/commission/Rkyrgyzstanreport2002.html>

⁵ <https://iwpr.net/ru/global-voices/%D0%B2-%D0%BA%D1%8B%D1%80%D0%B3%D1%8B%D0%B7%D1%81%D1%82%D0%B0%D0%BD%D0%B5-%D1%83%D1%81%D0%B8%D0%BB%D0%B8%D0%B2%D0%B0%D0%B5%D1%82%D1%81%D1%8F->

Harassment of human rights defenders during the period of K. Bakiev's presidency

On 24 March, 2005, as a result of the revolution, a change of power took place in Kyrgyzstan. President Akaev was forced to flee the country. The opposition nominated Kurmanbek Bakiev, who was later elected president of the country, as a leader. The change of power, which took place with the participation of criminals, led to their merger; hostile take-overs of business was taking place in the country. Bakiev gradually focused on strengthening his personal power, expanding the family-clan system, promoting relatives and close ones to political positions and business structures.

Large-scale repressions against political opponents intensified in the country, the media were under pressure, even the popular radio stations Azattyk and BBC began to close, and several local independent newspapers were closed as well. Murders of prominent political figures, well-known independent journalists were left without investigation.

The political sphere was completely dominated by the pro-government Ak-Jol party, which occupied most of the seats in the Parliament. Laws were adopted that violated human rights and freedoms, the Parliament became closed from civilian control and participation and became an instrument of the ruling regime. The police institute, without being occupied with functional duties, practically became a political tool for controlling activists and political opponents. The election processes were under the control of the security forces and the police, which caused discontent among ordinary citizens and intensified conflicts. Citizens' demands for access to information and peaceful rallies were brutally suppressed, and the number of politically repressed activists and politicians in prisons was growing. Human rights activists and civic activists fell under special pressure.

Accusations of women human rights defenders in overthrowing the government and opposing the government initiatives.

“Diskette Gate”. After the November rallies, members of the Movement for Reforms, the human rights activists and leaders of non-governmental organizations A. Sasykbaeva, Ch. Dzhakupova, R. Kadyrova were targeted by the National Security Service and the General Prosecutor's Office. The Security Service said they had a diskette on which the statements of activists of the Movement on overthrowing the current government by force were recorded. This case is called the Diskette Gate.

Harassment for speaking out against the government's initiatives to join the HIPC. For carrying out rallies and actions against Kyrgyzstan's entry into the HIPC, the law enforcement bodies prosecuted the human rights activist Aziza Abdirasulova under the article “Hooliganism”.

Harassment of women human rights defenders advocating environmental safety and demanding extractive companies to be transparent

Erkingul Imankozhoeva and Bakhtygul Imankozhoeva. The sisters Erkingul and Bakhtygul Imankozhoeva were prosecuted by the authorities for speaking out against the Canadian gold mining company Kumtor Centerra, for demanding transparency of its activities and promoting the interests of local residents affected by the cyanide accident caused due to the fault of the company in 1998. B. Imankozhoeva, who worked as a doctor in the village of Barskoon, was persecuted for disseminating data on the number of women aborted after the accident. Her human rights activities provoked the discontent of local authorities and in September 2008 a criminal case was opened against Bakhtygul. She was accused of abuse of office, fraud, theft of building materials from the hospital. On 12 October, 2010 the lawyer of the NGO “Citizens Against Corruption” A. Ashirov proved the innocence of the human rights activist Imankozhoeva Bakhtygul in the Supreme Court, and she was subsequently reinstated in her post.

Arzykan Momuntaeva, director of the Coalition For Democracy and Civil Society regional office, who dared to tell the truth about gold mining transactions at the Jerui and Andash deposits between the Government and mining companies, was assigned to the temporary detention center in Talas in May 2006. Together with Arzykan, **Lira**

Tantabaeva, a well-known activist of the women's movement, the leader of the NGO Ayalzat, who had previously undergone severe heart surgery, the mother of minor children, was detained and placed in a temporary detention center. Being in a pre-trial detention center seriously worsened the health of Lira and Arzykan

Harassment for requiring transparency of elections and restriction of the right to hold peaceful assemblies
The action "I do not believe". After the early parliamentary elections, human rights activists and activists of youth movements, who disagreed with the falsification of the results of the early parliamentary elections in 2007, were arrested. 3 human rights defenders T. Ismailova, N. Turdubekova and A. Kyzalakova and 12 young activists were placed in the reception center and sentenced to 5-7 days in prison. For two and a half days, those arrested were kept in terrible, degrading conditions equal to torture. Thanks to advocacy and international pressure, they were released 2.5 days later.

Peaceful rally in support of Iran activists. For participation in the rally in support of Iranian activists, **T. Ismailova, D. Makenbaeva, A. Bajumanova, E. Krapivina**, employees of the Citizens Against Corruption Human Rights Center, as well as human rights activist **E. Imankojoeva** were detained. To present their appeal, the participants went to the Iranian Embassy, but along the way 8 participants of the action (4 SAS employees and 4 partners of the organization) were arrested. The Pervomaisky Court of Bishkek, when considering the administrative cases of the detainees, found them guilty of violating the article 392 of the Administrative Code. Regarding the employees of the Citizens Against Corruption **T. Ismailova, D. Makenbaeva, A. Bajumanova**, as well as **E. Imankojoeva** from the public association "Karek" a decision was made to recover an administrative fine of 1,500 soms. **E. Krapivina** was issued a warning. The administrative cases of 2 other detainees were closed by the court due to lack of an administrative offense. After the revolution on 7 April, 2010, all participants of the rally were acquitted by the Supreme Court.

Restriction of freedom of speech

Accusations of espionage against the journalist J. Arykova. The journalist Jyparkul Arykova was charged with espionage under the article 293 of the Criminal Code of the Kyrgyz Republic and high treason under the article 292 of the Criminal Code of the Kyrgyz Republic. After more than 8 months of detention in the SCNS pre-trial detention center on February 22, 2007, thanks to the protection of the Citizens Against Corruption HRC and lawyer **N. Zotova**, the court acquitted **J. Arykova** on the article 292 of the Criminal Code of the Kyrgyz Republic (high treason). Since October 2008, Jyparkul Arykova worked at the Citizens Against Corruption Human Rights Center as a coordinator for promoting Women's Leadership in Kyrgyzstan.

Persecution after the 2010 revolution and inter-ethnic conflict in the south

2010 was a difficult year in the history of Kyrgyzstan. The worsening political and socio-economic situation in the country led to the bloody April revolution, a violent change of power, as a result of which the country was headed by the Provisional Government, headed by transitional president **Roza Otumbaeva**. President **Bakiev**, who fled to the south of Kyrgyzstan to his ancestral village, refused to transfer power and only as a result of negotiations conducted by diplomats and human rights activists **T. Ismailova** and **A. Abdirasulova** he left the country without provoking further violence.

Three months after the April Revolution, in the south of Kyrgyzstan, in Osh and Jalalabad regions an inter-ethnic conflict erupted between Kyrgyz and Uzbeks, which claimed the lives of more than 426 people, leaving destruction, fires, intolerance between representatives of two ethnic groups, injustice and lack of access to justice for victims of the conflict representing the ethnic minority.

The conflict that took place in the south of Kyrgyzstan on 11-14 June 2010, led not only to a high level of nationalism, hostility and intolerance between Kyrgyz and Uzbeks, but also to a split in society, including NGOs in the sector into two parts: one of them justified the conflict after it happened, encouraged suppression and infringement of the rights of ethnic Uzbeks, the second one opposed human rights violations. In that situation, the activity of lawyers and human rights defenders, who protected the victims of the conflict, was sharply criticized and attacked by the nationalist-minded part of the population.

During that period, there were cases of open attacks on human rights defenders and lawyers by specially organized groups of women, so-called “OBONs” during trials, at the entrances to state institutions. There are known facts of open death threats made by criminal groups against individual human rights defenders and members of their families.

Persecution of defenders of the rights of victims of inter-ethnic conflict in the south of the Kyrgyz Republic in June 2010

The persecution of human rights defenders T. Ismailova and A. Abdirasulova. Human rights activists T. Ismailova and A. Abdirasulova were among the first ones to travel to the conflict zones, they carried out human rights activities, recording facts of human rights violations, openly voicing and transmitting them to public authorities. During the monitoring, they revealed massive violations of the rights of ethnic minorities, human rights activist Azimzhan Askarov, an ethnic Uzbek who recorded facts of violence during the days of conflict in the Jalalabad oblast, who was arrested and sentenced to life imprisonment. Having taken a principled position on protecting human rights, they incurred aggression and harassment from officials, law enforcement agencies and nationalists. Hundreds of articles were published in the media to discredit and cause aggression against Ismailova and Abdirasulova, who were called traitors to their people; officials from their tribunes openly expressed their hatred towards them; open threats were made against them and their relatives.

Human rights activist T. Ismailova’s departure from the country. As a result of open death threats made by criminal groups, as well as unknown persons addressed to her and her family members, in July 2010, the director of the Citizens Against Corruption Human Rights Center T. Ismailova, together with her daughter and grandchildren had to leave the country for several months. In anticipation of the departure, unknown women asked residents of the residential building, in which T. Ismailova lived, about her grandchildren and about the exact address of her residence.

Attack on human rights activist A. Abdirasulova. On 18 August there were women in the Mayor’s Office of Osh who lost their relatives and friends during the June riots. At the same time, the human rights activist Aziza Abdirasulova was at the Mayor’s Office. The women began to attack her, referring to earlier statements in the media made by the Ombudsman of the country, Tursunbek Akun, on the activities of A. Abdirasulova and her relations with international human rights organizations. Women held Aziza Abdirasulova there for more than two hours. During that time, her life and health were subjected to significant threat. The women called the prosecutor to detain Abdirasulova. The prosecutor of the city arrived and noted the illegality of the actions of the women, and took A. Abdirasulova and four girls accompanying her out of the Mayor’s Office.⁶

Attack on lawyers. In the post-conflict period, the activities of lawyers protecting ethnic Uzbeks, victims of the conflict, were sharply criticized and attacked by the nationalist-minded part of the population. There are known cases of attacks on the **women lawyers Nazgul Suiunbaeva, Tatiana Tomina, Dilbar Turdieva** in the courtrooms of courts in the city of Osh, when the women lawyers managed to leave the premises only with the assistance of the guards. Attempts of attack were also made against Tatiana Tomina during the proceedings of her clients in the Supreme Court of Bishkek; a sabotage was arranged in a courthouse. Despite the fact that the lawyers submitted their complaints and statements regarding the facts of the attacks by law enforcement agencies, no action was taken to bring the perpetrators to justice.

Control at the border: **Dinara Oshurakhunova**⁷ Coalition for Democracy and Civil Society.

Restriction of the right to freedom of expression and persecution of human rights defenders

Festival "Bir Duino Kyrgyzstan". Since 2010, the International Festival of Documentary Films on Human Rights “Bir Duino Kyrgyzstan”, the director of which is the human rights activist Tolekan Ismailova, has been persecuted by officers of special services of the

⁶ http://www.advocacy.kg/news/19_08_10_1.html

⁷ <https://www.dw.com/ru/правозащитная-деятельность-в-киргизии-становится-женским-делом/a-5333114>

Kyrgyz Republic. Thus, the organizers of the festival “Bir Duino-Kyrgyzstan” were subjected to various types of persecution, harassment, up to physical threats and attacks for conducting screenings of the following films:

- In 2010, during the festival, the NGO Citizens Against Corruption first encountered pressure and attempts to disrupt the screening of films in the cities of Bishkek, Naryn, Karakol and Talas. Referring to the head of the presidential administration, E. Kaptagaev, the National Security Service officers, exerted moral and psychological pressure on the organization’s employees Diana Makembaeva and Aida Baijumanova, demanding to cancel the screening of the film “10 conditions of love” by the Australian director John Levis devoted to the fate of the well-known human rights activist, president of the World Uyghur Congress (WUC) Rebiya Kadeer. Pressure was exerted in connection with the obligations of Kyrgyzstan in the framework of the fight against extremism and terrorism within the framework of the SCO.
- In 2012, the festival and its team were under tremendous pressure in connection with the screening of the film “I am gay, I am Muslim”. The Pervomaisky District Court of Bishkek recognized the film as extremist, banned its screening and distribution in the republic. The Prosecutor General’s Office requested the ban of the film, providing an expert assessment of the State Commission for Religious Affairs, according to which the film contains signs of religious hatred and religious humiliation of Muslims. The Supreme Mufti also opposed the film, saying that it “distorts the image of Islam by showing the example of people who have nothing to do with religion”.⁸ On the day of the screening groups of aggressive women and young people gathered in front of the cinema with provocative posters, some of them came into the cinema as viewers, shouted threats to the organizers and the author of the film, trying to disrupt the festival. An important role in resolving the situation in the hall was played by human rights partners and guests of the festival.⁹
- In 2013, violent attacks against and persecution of the Festival organizers occurred due to screening of a documentary film about the torture victim, human rights activist Azimzhan Askarov, sentenced to life imprisonment after the inter-ethnic conflict in southern Kyrgyzstan. As in previous years, the disruption was carried out by groups of women, so-called "OBON" and young nationalists who tried to disrupt the screening of the film. To ensure order, the Festival team turned to law enforcement agencies, which helped to prevent conflict.

Harassment of human rights defenders after A. Atambaev became President

After the April 2010 events in Kyrgyzstan, some progress was made in the field of political rights and freedoms, which, most likely, was not the merit of the authorities, but a consequence of revolutionary events, the reluctance of civil society and the population to return to authoritarian traditions.

In 2011, Almazbek Atambaev was elected president. As the State hierarchy was strengthening, as it entered the Customs Union and started its interaction within the framework of the SCO, in the course of rapprochement with Russia, he outlined the tendency to return to the authoritarian past. Since 2013, the country has seen a rapid deterioration in the situation with the respect and implementation of fundamental rights and freedoms of citizens, especially the rights to freedom of association, freedom of speech and the media, freedom of conscience and religion, freedom of peaceful assembly, a fair trial, as well as political rights.

Freedom of association. In 2014 former Ombudsman Tursunbai Bakir uulu submitted to the Parliament a draft law “On foreign agents” aimed at controlling and restricting the activities of NGOs. Only thanks to active advocacy campaigns the Parliament rejected the draft law in 2016.

Freedom of Speech and media. Due to the adoption of a new version of the Constitution of the Kyrgyz Republic in June 2010, criminal law articles that envisaged criminal penalties for libel and insult were decriminalized. However, already in May 2014, the country's Parliament adopted amendments (Law of the Kyrgyz Republic No. 68 dated 17 May, 2014) to the Criminal Code of the Kyrgyz Republic, i.e. to article 329 “Making a false report about a

⁸ <https://mr-7.ru/articles/60604/>

⁹ <https://www.omct.org/human-rights-defenders/urgent-interventions/kyrgyzstan/2012/10/d22007/>

knowingly non-existent crime”, allowing criminal prosecution of persons who disseminate misleading information. Thus, the article for defamation was actually returned to the criminal law.

Freedom of peaceful assembly. The previous law on peaceful assembly, which existed prior to the April 2010 events, provided for a mandatory notification and authorization procedure for conducting peaceful assemblies. In 2012, the country's Parliament adopted a new version of the law (Law of the Kyrgyz Republic No. 64 dd 23 May, 2012) and eliminated the notification-permission procedure for conducting peaceful assemblies. At the same time, at the beginning of 2013, the Parliament made additions (Law of the Kyrgyz Republic No. 148 dd 25 October 2014) to the KR Code on Administrative Responsibility, which provided for administrative liability for illegal blocking of the road, i.e. actions aimed at restricting the rights and freedoms of citizens to free movement by individuals and (or) legal entities.

These changes negatively affected the situation of human rights defenders, journalists and lawyers, who during the Atambaev period were subjected to aggressive defamation and prosecution on defamation charges. In 2016 The regional office of the UN Office of High Commissioner for Human Rights for Central Asia said that the number of negative statements and threats against human rights defenders by state bodies has increased in Kyrgyzstan. The OHCHR is reportedly concerned about the fact that the opportunities for the work of human rights defenders are being reduced in Kyrgyzstan.¹⁰

Thus, the human rights defenders T.Ismailova and A.Abdirasulova were subjected to defamation by ex-president Atambaev. He filed multi-million lawsuits against journalist Dina Maslova, former deputy of the Jogorku Kenesh and human rights activist Cholpon Dzhakupova. Former Prime Minister Sapar Isakov filed a lawsuit against Elnur Alkanova, who conducted an independent journalistic investigation.

Accusing human rights defenders and citizens' organizations, including those collaborating with the UN, of extremist activities has become a new trend in their persecution. As a result of such accusations, the southern office of the HRM Bir Duino Kyrgyzstan and the houses of its lawyers were searched, the report to the UN Committee on the Rights of Migrant Workers was declared extremist and included in the list of extremist materials. This forced the organization to stay in the lawsuits with law enforcement bodies and the State Committee for National Security for many months, which negatively affected its activities, cooperation with state and donor organizations, and significant damage was done to its credibility.

With the growing influence of fundamentalism, there have been attempts to put pressure on human rights defenders advocating for women's rights. As conservatives and proponents of fundamentalism aggressively act to destroy gains in women's rights, they create a culture of impunity in which violence against women and girls is growing rapidly.¹¹

In this situation, LGBT activists are targeted by conservatives, nationalists and the traditional part of the population. Hate speech in the media has become an additional tool in the fight against human rights activists and LGBT activists. The leaders of the highest state bodies and parliamentarians openly attack and criticize them, accusing them of promoting Western values that are alien to the Kyrgyz culture. Participants, organizers, human rights defenders and public figures who participated in the women's march were subjected to severe pressure and defamation.

Kyrgyz human rights activists conducted a picket on Monday in front of the State Committee for National Security. They claimed that intelligence agencies under the guise of combating terrorism and extremism flagrantly violate human rights¹².

¹⁰ <https://kloop.kg/blog/2016/10/13/uvkpch-oon-pravozashhitniki-stali-mishenyu-dlya-vlastej-kyrgyzstana/>

¹¹ <http://forumofwomenngos.kg/ru/women-and-violence/>

¹² <https://www.dw.com/ru/%D0%BA%D0%B8%D1%80%D0%B3%D0%B8%D0%B7%D1%81%D0%BA%D0%B8%D0%B5-%D0%BF%D1%80%D0%B0%D0%B2%D0%BE%D0%B7%D0%B0%D1%89%D0%B8%D1%82%D0%BD%D0%B8%D0%BA%D0%B8-%D0%BE%D0%B1%D0%B2%D0%B8%D0%BD%D1%8F%D1%8E%D1%82-%D1%81%D0%BF%D0%B5%D1%86%D1%81%D0%BB%D1%83%D0%B6%D0%B1%D1%8B-%D0%B2-%D0%BD%D0%B0%D1%80%D1%83%D1%88%D0%B5%D0%BD%D0%B8%D1%8F%D1%85-%D0%BF%D1%80%D0%B0%D0%B2-%D1%87%D0%B5%D0%BB%D0%BE%D0%B2%D0%B5%D0%BA%D0%B0/a-4578439>

Defamation of women human rights defenders

Defamation of human rights defenders T. Ismailova and A. Abdirasulova. In October 2016, the human rights defenders Tolekan Ismailova and Aziza Abdirasulova were subjected to severe defamation and public dishonor. They were accused of betraying their homeland due to the fact that a video was distributed in Kyrgyzstan where they were sitting next to Kadyrzhan Batyrov at the Human Dimension Conference of the OSCE/ODIHR. Batyrov was a leader among the Uzbek population, and after the inter-ethnic conflict in the south in 2010 he left the country. He was convicted in absentia of inciting ethnic hatred and put on the international wanted list. This case was widely discussed in parliament and Maksat Sabirov, member of the parliament called Tolekan Ismailova a “traitor” of the country. He added that in Kyrgyzstan there are a lot of people involved in unsavory activity, hiding behind the protection of human rights.¹³ Aggression in society and the position of the authorities forced women human rights defenders to temporarily stay outside of Kyrgyzstan.

The OHCHR Regional Office for Central Asia issued a press release on the matter stating that negative statements and threats against human rights defenders by state bodies became more common, due to the fact that human rights activists A. Abdirasulova and T. Ismailova have been subjected to defamation. OHCHR called on the Kyrgyz authorities to “actively counter defamation, abuse and threats” against human rights defenders.¹⁴

Defamation of human rights defenders T. Ismailova and A. Abdirasulova. On 14 May, 2016 at the awarding ceremony for women with many children, the President of the Kyrgyz Republic Almazbek Atambaev, in his solemn speech, listing his enemies, including the leaders of the oppositional “People’s Parliament”, he named among them the head of the human rights movement “Bir Duino-Kyrgyzstan” Tolekan Ismailova and the head of the public foundation “Kylym Shamy Aziza Abdirasulova, accusing human rights activists of destabilizing the state, presenting them to the public as “faithfully working off their foreign grants”. The reputational damage inflicted on the human rights defenders was especially severe, as the president’s speech was delivered at the awarding ceremony for women with many children on Mother’s Day.¹⁵

Human rights activists have filed lawsuits against President Atambaev to defend their honor and dignity, demanding compensation for moral damage. Unfortunately, their claims were not satisfied, thus the judicial system demonstrated the inequality of the parties and lack of access to fair justice. On 22 May, 2016 the Supreme Court rejected the claim of the human rights activist Tolekan Ismailova in a lawsuit to protect her honor and dignity against President Almazbek Atambaev in the amount of 10 million soms. The decision is final and not subject to appeal. The court made a decision only on the case of Tolekan Ismailova.

Charges of Extremism

Restrictions on the activities, prosecution of human rights defenders and lawyers, searches of the Osh office of Bir Duino Kyrgyzstan. On 27 March, 2015 the State Committee for National Security conducted illegal searches in the office of the Osh branch of the HRM Bir Duino-Kyrgyzstan (BDK). Searches were also conducted in the houses of the lawyers Valerian Vakhitov and Khusanbai Saliev. These actions of the SCNS became a direct pressure on the activities of independent lawyers and human rights defenders, who are among the best professionals in the southern Kyrgyzstan and have been protecting the most vulnerable citizens since 2010.

Searches were conducted after Umar Farooq, American journalist visited the Osh office, on the basis of illegal court sanctions to seize extremist materials and without making any charges against lawyers. Computers with more than 100 criminal cases were seized, among them there were high-profile cases, like the case of human rights activist Azimzhan Askarov, Imam Rashod Kamalov, the case of a 9-year-old boy raped by a madrasah teacher. From March to June 2015 the HRM Bir Duino Kyrgyzstan was proving in the courts the illegality of judicial sanctions and actions of the State Committee for National Security, and on 24 June, 2015, the Supreme Court declared the searches in the Osh office of Bir Duino Kyrgyzstan and the houses of lawyers unlawful. Unfortunately, the officials did not bear due responsibility for their illegal actions.

¹³ <http://www.ca-portal.ru/article:30012>

¹⁴ <https://kloop.kg/blog/2016/10/13/uvkpch-oon-pravozashhitniki-stali-mishenyu-dlya-vlastej-kyrgyzstana/>

¹⁵ <http://inozpress.kg/news/view/id/48812>

Accusations of the State Committee for National Security against the HRM Bir Duino Kyrgyzstan for preventing the detention of a suspect in extremism. On 24 January, 2017, the State Committee for National Security (SCNS) issued a press release stating that representatives of the HRM Bir Duino Kyrgyzstan tried to prevent the detention of a suspect in extremism and the seizure of materials, one piece of material was related to the activities of Bir Duino.

We believe that this press release was issued on the day of the delivery of the trial judgment by the Chui Regional Court against human rights activist Azimzhan Askarov, whose interests and rights Bir Duino Kyrgyzstan has been protecting since 2010, and the head of the organization has been his public defender.

The organization filed a lawsuit to protect its honor and dignity, the respective lawsuits were conducted for more than a year. On 4 April, 2017, the Pervomaisky District Court on Bishkek recognized the information in the press release issued by the State Committee for National Security as discrediting the business reputation of the HRM Bir Duino-Kyrgyzstan. The court ordered the SCNS of the Kyrgyz Republic to refute the said inaccurate information in the media. However, later this decision was cancelled by the city court.

Unfortunately, by the Decree of the Supreme Court of the Kyrgyz Republic dd 20 June, 2018 the decision of the Bishkek City Court dd 24 January, 2018 was upheld, the justification stated: “it has not been found whether the representatives of the HRM Bir Duino-Kyrgyzstan did or did not take any actions to prevent detention of A.Sh. and a search in the process of the investigative actions”. By its decision, the court violated the principle of the presumption of innocence, the court did not establish the fact of illegal actions on the part of the employees of Bir Duino Kyrgyzstan, but took the side of the SCNS.

Persecution of the HRM Bir Duino Kyrgyzstan for cooperation with the UN. In March 2018 during a review of the official website of the Ministry of Justice of the Kyrgyz Republic, in the section of extremist materials, the HRM Bir Duino Kyrgyzstan found a report sent together with the ADC “Memorial” to the committee of migrant workers. In the same column “Freedom House” was indicated under the title: “Chronicle of violence: the events of June 2010 in southern Kyrgyzstan (Osh region)”.

For more than a year, Bir Duino Kyrgyzstan did not know about the fact that the report was recognized as extremist and included in the list of extremist materials, in this connection distributing, copying, transporting this report and posting it on the Internet entailed criminal liability from 2 to 7 years in prison.

On 22 October, 2018, the resolution of the judicial board of the Supreme Court of the Kyrgyz Republic cancelled the decision of the Oktyabrsky District Court of Bishkek dated 05 January 2017, by which the joint Alternative Report of the ADC “Memorial” the HRM Bir Duino Kyrgyzstan to the UN Committee on Protection of the rights of all migrant workers and members of their families was recognized as extremist; that decision was completely abolished, and the case was sent for a new trial to the Oktyabrsky District Court of Bishkek. By the ruling of the Oktyabrsky District Court of Bishkek dated 16 January, 2019 (presiding A.B. Jeenbekova), the statement of the General Prosecutor of the Kyrgyz Republic to interested persons of the State Committee for National Security of the Kyrgyz Republic and the Ministry of Internal Affairs of the Kyrgyz Republic on our report was left without consideration. Later it was found out that all the materials of the case were returned by the court for additional study.

The HRM Bir Duino Kyrgyzstan has sent statements to the authorized bodies to hold the SCNS, the Prosecutor General’s Office, and the Ministry of Internal Affairs accountable for falsifying the data.

Khadicha Askarova, the wife of the human rights activist Azimzhan Askarov. In the course of nine years, Khadicha Askarova has been promoting the rights of her husband, human rights activist Azimzhan Askarov, a torture victim accused of killing a police officer and illegally sentenced to life imprisonment after the inter-ethnic conflict in southern Kyrgyzstan in 2010. Currently, Bir Duino Kyrgyzstan protects the rights of Khadicha Askarova, due to the fact that the wife of the deceased policeman, Ch. Bechelova, filed a lawsuit to recover debts for material and moral damage in connection with the death of her husband – compensation being the house of Azimzhan Askarov.

The HRM Bir Duino-Kyrgyzstan notes that the guarantees of the prohibition of arbitrary deprivation of home established in paragraph 10 of part 4, article 20 of the Constitution of the Kyrgyz Republic are not subject to any

restrictions. We repeatedly noted earlier that the house that was seized is the only house inherited by A. Askarov from his mother, and all the more so, it is not the subject of a pledge. Her interests are currently being defended in the Bazarkorgon District Court.

Restriction of freedom of expression and harassment of independent journalists, human rights defenders, lawyers.

Lawsuits related to former President Atambaev. On 6 March, 2017, Almazbek Atambaev, the president of the Kyrgyz Republic then, criticized the media. On the same day, Attorney General Indira Dzholdubaeva filed two lawsuits against the web sites Zanoza.kg, and Azattyk. The editor of the information site Zanoza.kg is the journalist **Dina Maslova**. The reason for the lawsuits was the fact that the web sites published the opinion of Ata Meken party lawyers, who stated that the cargo on board of the Boeing plane that crashed allegedly belonged to the Almazbek Atambaev's family.¹⁶

Then other lawsuits followed. The reason for the lawsuit of the Prosecutor General's Office against the former deputy of the Parliament and now the director of the Adilet Legal Clinic, human rights activist **Cholpon Dzhakupova** became the publication after the speech of Cholpon Dzhakupova at the round table organized by the Ombudsman Institute in support of freedom of speech, on 30 March, 2017. A lawsuit was also filed against the lawyers of Ata Meken for the amount of 10 million soms. 17 The judicial authority ordered this web site, its journalists and the human rights activist to pay the head of state compensation in the total amount of 9 million soms (8.1 million rubles at the current rate) and to refute the articles "Cholpon Dzhakupova: It's time to tame a man with manic inclinations" and "Millions from the president: at whose expense is the banquet really?"¹⁸

In total, lawsuits were filed by the GP in defense of Atambaev for the total amount of 27 million soms. There were codefendants in these lawsuits. So, they demanded 20 million soms from Azattyk, 3 million soms from the director of Adilet legal clinic Cholpon Dzhakupova, and 10 million soms from two lawyers of the politician Omurbek Tekebaev. The total amount is 60 million soms. The claims against "Azattyk" were withdrawn one month after they were filed. Prior to that, Atambaev met with the director of Radio Liberty, Thomas Kent, and continued to sue Zanoza.kg.

The hearings continued throughout the year, and the defendants lost the trials. In relation to journalists, human rights activist and lawyers, a court decision was issued to ban their departure from the country until the end of the proceedings, and their property was also seized. Processes were underway to sell the property of the defendants, the the defendants were allowed to pay their debts in installments.¹⁹

Also, the director of the Adilet legal clinic, Cholpon Dzhakupova and one of the founders of the Zanoza.kg website, Narynbek Idinov, filed a complaint with the UN Human Rights Committee against the decisions of the courts that took place in 2017.

Only on 18 May, 2018, the former president of the Kyrgyz Republic and the leader of the SDPK party Almazbek Atambaev announced his intention to withdraw material claims against the founders of the Zanoza.kg website, Dina Maslova, Naryn Aiyp, PF "ProMedia", as well as human rights activist Cholpon Dzhakupova.²⁰ Cholpon Dzhakupova, head of Adilet legal clinic commented on this decision of Atambaev: "But I will be realistic: I understand why this happened. The situation in the country has changed. We have used all legal mechanisms. In general, I have a twofold attitude to the situation. I'm glad that the hassle has ended. On the other hand, I feel sorry that this did not happen in court, where the judge could show his honesty and respect for the law. I want the state institutions to work correctly".

¹⁶ <https://regnum.ru/news/polit/2417686.html>

¹⁷ <https://ru.sputnik.kg/politics/20170828/1034918594/millionnye-iski-k-zanoze.html>

¹⁸ <https://regnum.ru/news/polit/2417686.html>

¹⁹ https://kaktus.media/doc/374619_otvetchiki_po_iskam_atambaeva:spasibo_tem_kto_byl_s_nami.html

²⁰ https://kaktus.media/doc/374619_otvetchiki_po_iskam_atambaeva:spasibo_tem_kto_byl_s_nami.html

Persecution of the human rights activist Rita Karasartova. The Social Democratic Party of Kyrgyzstan (SDPK) filed a lawsuit against human rights activist Rita Karasartova and 24.kg news agency under the article on the protection of honor and dignity. The reason for the lawsuit was a comment made by the human rights activist published in the article of 24.kg "Regions showed their teeth to the ruling party." She thought that one of her interviews, in which she said that the mayoral elections fail because of the corruption of the pro-presidential party, could become the basis for the lawsuit. The Party lawyer Taalaibek Usubaliev said the SDPK filed a lawsuit against Karasartova and 24.kg news agency for the protection of business reputation and compensation for moral harm. Usubaliev said the reason for the lawsuit was Karasartova's comment in the article "Regions showed their teeth to the ruling party". The human rights activist said the following about SDPK: "They have played the game of politics too much, they are selling posts right and left."²¹

Persecution of the journalist Elnura Alkanova. In April 2018, the case was closed against the journalist Elnura Alkanova, who conducted a special investigation for Fergana News Agency on the sale of a VIP settlement - the Ideal House cottage settlement, previously owned by Maxim Bakiev (the son of the former President Bakiev) or people from his inner circle. In her investigation, she found ties between the new buyers and the former Prime Minister Sapar Isakov. After the investigation was published, the Prosecutor General's Office checked if there was the connection of the Prime Minister of the Kyrgyz Republic, Sapar Isakov, with some individuals from BTA Bank CJSC, which were also mentioned in the material. But the examination did not reveal a connection between the two. Then, the investigator of the investigative service of the State Agency for Combating Economic Crimes (SACEC) initiated a criminal case against Alkanova based on the article "Disclosure of commercial, banking or other secrets, as well as secrets of taxpayer information" of the Criminal Code of the Kyrgyz Republic, the court forbade her to leave the country.²² Considering both articles, Alkanova could face 5 years in prison and fines.²³ The criminal case was investigated by the SACEC, but almost all the deadlines for the investigation expired, and Alkanova was never presented with the final charge. In addition, it is known that the prosecutor's office refused to support the prosecution in court, as there are many shortcomings in the case.²⁴

Gulgaaky Mamasalieva, Head of the Centre "Interbilim", Osh, was persecuted by the local authorities due to protecting the right of the citizens to have access to housing and land after the facts were revealed of demolishing about 150 citizens' houses in the south of Kyrgyzstan²⁵.

Kalicha Umuralieva, Head of the NGO "Our Right" was persecuted and attacked due to protecting citizens' access to land.

Attacks on women lawyers

Attack on lawyers Aisalkyn Karabaeva and Mukhaiyo Abduraupova. In 2017, there were new cases of violence in the courtroom. On 2 May, 2017, the Council of the Bar and the State Committee for National Security registered a statement regarding the beating of two lawyers in the city of Osh: Aisalkyn Karabaeva and Mukhaiyo Abduraupova. This incident occurred on 28 April in the building of the Osh City Court. A group of people beat lawyers Karabaeva and Abduraupova, who defended in court a citizen Nargiza Rajapova, accused of fraud and murder of a police colonel. The Coalition Against Torture in Kyrgyzstan reported that the trial to determine a preventive measure against Nargiza Rajapova, scheduled for 28 April, was held with gross violations. "The complainants and relatives of the deceased police colonel organized provocations, put pressure on the judges and the defense. Without giving a word to the defense lawyers and the accused, the judge decided to satisfy the

²¹ ²¹ <https://www.adb.org/sites/default/files/publication/29513/csb-kgz-ru.pdf>

²² https://kaktus.media/doc/373768_delo_jyurnalistki_alkanovoy_prekrasheno_potrebyut_privlech_sledovatelija.html

²³ https://kaktus.media/doc/370562_jyurnalistke_alkanovoy_grozit_do_piati_let_turmy_i_shtrafy.html

²⁴ https://kaktus.media/doc/373768_delo_jyurnalistki_alkanovoy_prekrasheno_potrebyut_privlech_sledovatelija.html

²⁵ https://kaktus.media/doc/340491_mer_djalal_abada_pyblichno_oskorbil_pravozashitnicy_interbilima.html

investigator's request for a preventive measure - two months of detention in the Jalal-Abad pre-trial detention center. After that, according to the lawyer Karabaeva, an aggressive crowd from the complainant party attacked the lawyers and beat them. The guards, who, together with the accused Rajapova, were forced to hide lawyers in a police wagon, were also beaten. When the car was driving away, the crowd shouted threats against the lawyers. "The injured lawyers wrote a statement to the State Committee for National Security and the prosecutor's office against the investigator, who, according to the lawyers, "leaked" the information to the injured party and, possibly, organized the attack. They also sought medical aid from doctors."²⁶

Excessive checks of documents at the border and the ban on entry of human rights defenders

In 2018 a number of human rights defenders and experts stated there were excessive border checks, which infringed on their rights to freedom of movement, therefore, they suppose they are on the black list, which restricts their travel abroad, and some international human rights defenders have been banned from entering the country.

Spoiled passport. The program director of the School of Peacekeeping and Media Technologies in Central Asia, **Inga Sikorskaya**, says that over the past year she has been subjected to unnecessary checks 19 times. Last time, on 16 June, even her passport suffered at Manas airport: "I was even forced to undergo double border control. They also damaged my photograph in my passport, almost a third of it was torn off. Therefore, in Kazakhstan they did not let me pass until I presented my internal ID. First I did not see this, I was late for the plane, I did not look. Since May last year, this was the 19th time. One of the border guards during the inspection said that it was a "secondary", that is, a secondary list. Well, it's clear that I was included in some lists."²⁷

The ban on entry to Kyrgyzstan for women human rights defenders. A representative office of Human Rights Watch operates in Kyrgyzstan. International human rights activist **Mihra Rittmann**, who has been working in this organization for many years, went on vacation, and when she returned she was not allowed to cross the border. Tajik human rights activist Nigina Bakhrieva arrived here in 2009 to prepare a lawsuit on the Nookat events to the UN Human Rights Committee, but was removed from the country without any justifications. Similar cases take place in our country as well.²⁸

Restriction of the right to peaceful assembly

On 20 January, 2018, it was planned to hold a peaceful march in commemoration of the 70th anniversary of the UN Universal Declaration of Human Rights and the International Women's March, which took place around the world on 20-21 January, 2018. However, despite the fact that a notice about the event was sent to the Bishkek Mayor's Office, the Pervomaisky district administration restricted movement of the youth march, and it was held in the form of a peaceful meeting, a flash mob. In this regard, the HRM Bir Duino Kyrgyzstan sent a statement to the Pervomaysky Court to restore its rights under the Legislation of the Kyrgyz Republic "On peaceful assemblies"²⁹ as a result, a fine of 10,000 soms was imposed on the head of the administration, and a disciplinary sanction was incurred by the responsible officer.

Conclusion:

The report says that in recent years, political leaders' speeches have been increasingly permeated by the spirit of misogyny, sexism and homophobia, and that they sound like justification for violence against women human rights defenders. Sometimes women human rights defenders and their families are directly attacked by government officials.

"In many countries, women who dare to advocate for human rights are stigmatized, called "bad mothers", "terrorists" and "witches", they are silenced and pushed away from decision-making processes, they can even become victims of murder. Of particular concern is the fact that the hostile attitude they face comes not only from government authorities, but also from the media, social movements, their own communities and even family members", said the Special Rapporteur.³⁰

²⁶ <https://knews.kg/2017/05/03/spetssluzhby-kyrgyzstana-rassleduyut-izbienie-dvuh-advokatov-v-gorode-osh/>

²⁷ <https://rus.azattyk.org/a/kyrgyzstan-human-rights-politics/29331573.html>

²⁸ <https://rus.azattyk.org/a/kyrgyzstan-human-rights-politics/29331573.html>

²⁹ <https://rus.azattyk.org/a/28984829.html>

³⁰ <https://www.ohchr.org/RU/NewsEvents/Pages/DisplayNews.aspx?NewsID=24232&LangID=R>

Challenges

- Historically, in Kyrgyzstan, women were more involved in advocacy and civic activism, and as a result, they were more often subjected to harassment and pressure;
- Women human rights defenders are always at greater risk and can be doubly vulnerable in connection with their work and as women, since in this case their relatives, friends and children become vulnerable;
- Women human rights activists and civic activists, especially in the regions, do not always find the support of authorities, communities, and understanding of families. The traditional perception of the role of women, the spread and strengthening of religious views leads to their criticism and defamation, they remain alone with their problems;
- Defamation, public dishonor, multimillion lawsuits against human rights defenders, prosecution, and accusations of extremist activity inflict moral, psychological and physical damage on their state of health, adversely affect their professional activities and inflict significant damage on their image and credibility, make them become outcasts, lose support of their partners and donor organizations.

All the above mentioned factors indicate the need for special attention to protecting the rights of women human rights defenders, raising their status and understanding their role in society, as well as their contribution to the protection of human rights and democracy in Kyrgyzstan. It is necessary to interact with them, continue supporting them and fulfill the obligations to make sure the rights of women human rights defenders are protected by the state, international organizations and donor missions. Permanent funds and support programs for women human rights defenders are needed to respond urgently to harassment and to provide them with protection and security.

Recommendations:

To ensure better protection of the rights of women human rights defenders in Kyrgyzstan, the following should be done:

- The Kyrgyz Republic needs to ensure the protection of the rights of human rights defenders in accordance with the 1998 UN Declaration on Human Rights Defenders, ensure compliance of domestic legislation with the provisions of the UN Declaration on Human Rights Defenders, with particular attention to eliminating legal barriers to obtaining financial resources, their independence, the right to freedom of association, assembly and freedom of expression;
- It is necessary to acknowledge the work of women human rights defenders and the preservation and ensure expansion of the political space for civil society, including the Internet, and that the environment surrounding civil society becomes increasingly safer and more favorable.
- State bodies, law enforcement agencies, officials should refrain from any intimidating or repressive actions in the form of threats, or intimidation against women human rights defenders. Such actions should be condemned, investigated, those responsible should be held accountable;
- Measures should be taken to prevent politically motivated harassment or any other unreasonable harassment against them because of their human rights activities;
- Women human rights defenders should not be subjected to judicial harassment, illegal judicial or administrative proceedings, or other abuse of administrative or judicial power, as well as arbitrary search of their offices, premises, arrest, detention and other sanctions for actions related to their human rights activities.
- The state should ensure the protection of their physical and personal integrity during court hearings.
- Lawyers engaged in human rights activities should not be subjected to intimidation or reprisal, threats to deprive them of the right to engage in advocacy for their efforts to protect human rights or protect human rights defenders.

- Officials should stop discrediting women human rights defenders and their human rights activities, refrain from hanging negative labels or practicing defamation in one form or another in their public statements.
- The state should develop active and constructive interaction with women human rights defenders, increase their participation in public life and public discussions.

Recommendations to international organizations for protection of human rights defenders:

- In accordance with the EU and OSCE Guidelines for protection of the rights of human rights defenders of the EU, the OSCE Programme Office in Bishkek should play an important role in putting into practice the OSCE EU policy regarding human rights defenders;³¹
- International human rights organizations should continue effective monitoring of the situation of women human rights defenders;
- Projects should be developed to raise public awareness of the work of human rights defenders, with the aim of creating a system that, in the event of a threat, would help mobilize broad support and protect women activists.
- Protect Gender Equality in the decision making process for all levels, especially in Human Rights and Biasness structure in Kyrgyzstan

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³¹ http://www.coe.int/t/commissioner/Activities/themes/guidelines_ru.pdf, <https://www.osce.org/ru/odihr/123728>