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May 21, 2020

HUMAN
RIGHTS
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Dear Mr. Djamankulov,

On behalf of Human Rights Watch, please accept my best regards.

As you know, Human Rights Watch is an independent international organization that works in over 90 countries to defend people's rights. Human Rights Watch does not receive funding from any government. Our organization has conducted research on the rights of people with disabilities in dozens of countries around the world.

We value the engagement we have had with the Ministry of Justice in the past. We recently conducted research on the rights of children with disabilities in Kyrgyzstan in institutions. During this process, we learned that many children with disabilities in institutions are deprived of legal capacity upon reaching adulthood, upon which they are either transferred to an institution for adults or sent to live with a family member who serves as their legal guardian.

We write to you in the spirit of constructive engagement to better understand the mechanisms for denying a person legal capacity in Kyrgyzstan. We would appreciate if you could respond to our questions by June 15, 2020, so as to allow us to comprehensively reflect your views and information in a report we hope to publish in the autumn.

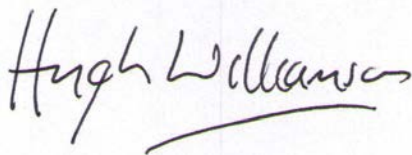
Questions Regarding Legal Capacity

1. What are the reasons for initiating procedures to deprive persons with disabilities of their legal capacity upon reaching adulthood?
2. How many adults with disabilities in Kyrgyzstan are denied legal capacity? Of this, how many are denied full legal capacity, and how many are denied partial legal capacity?
3. Is there a legal requirement for a person to be present during the court hearing on deprivation of their legal capacity? What are the exceptions to this rule?

4. If a person with a disability is present during the court hearing on deprivation of their legal capacity, what, if any, assisted-decision making supports are in place to ensure that an individual can fully exercise their rights?
5. Are all court decisions regarding legal capacity of a person with a disability subject to review? If yes, can you explain the process? How many decisions on deprivation of legal capacity have been reviewed by courts in Kyrgyzstan in the last three years?
6. What mechanisms are in place to protect persons with disabilities from abuse, exploitation, and/or neglect in situations where their decisions, choices, and preferences are substituted with those of their guardians?
7. What initiatives are being taken to replace substituted decision-making (i.e. placement of legal decision-making in the hands of a “guardian”) with supported decision-making (i.e. supporting an individual with a disability to make autonomous decisions), in conformity with Art. 12 of the Convention on the Rights of Persons with Disabilities?
8. What steps has Kyrgyzstan taken in order to build the confidence and skills of persons with disabilities so that they can exercise their right to legal capacity?

We thank you for your attention to these questions and look forward to receiving your response. Please send your response to my colleague, Laura Mills (by email at millsl@hrw.org or by phone at +1-917-836-9883) or Aichurek Kurmanbekova (by email at kurmana@hrw.org or by phone at +996 555991023). Please do not hesitate to contact either of them with questions in the meantime.

Kind regards,

A handwritten signature in black ink that reads "Hugh Williamson". The signature is written in a cursive style with a horizontal line underneath the name.

Hugh Williamson
Director, Europe and Central Asia Division
Human Rights Watch