



Freedom in the World 2014 - Kyrgyzstan

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2014 Scores

Status: Partly Free

Freedom Rating (1 = best, 7 = worst): 5.0

Civil Liberties (1 = best, 7 = worst): 5

Political Rights (1 = best, 7 = worst): 5

OVERVIEW

In 2013, the administration of President Almazbek Atambayev continued to use questionable legal maneuvers to persecute political opponents, while corruption remained a serious issue. Kyrgyzstan remained sharply divided along ethnic lines, and ongoing nationalist protests threatened foreign investment, nearly crippled the country's important tourism sector, and pushed the state into a risky renegotiation with its largest investor.

Azimjon Askarov, an ethnic Uzbek independent journalist and human rights defender, remained in prison in 2013, serving a life sentence on charges of inciting ethnic hatred and complicity in the murder of an ethnic Kyrgyz police officer during the June 2010 violence. It is widely believed that he was prosecuted in retribution for his reporting on issues such as police corruption.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 14 / 40

Electoral Process: 6 / 12

Constitutional changes adopted in 2010 expanded the unicameral parliament from 90 to 120 deputies, with no party allowed to hold more than 65 seats. Parliamentary elections are to be held every five years. The president, who shares executive power with the prime minister, serves a single six-year term with no possibility of reelection and has the power to veto legislation.

The changes were adopted amid political and ethnic upheaval in the country. In April 2010, then president Kurmanbek Bakiyev fled the country amid antigovernment protests in Bishkek, leading to the formation of an interim government. In June 2010, ethnic rioting swept the southern cities of Osh and Jalalabad, leaving at least 470 people dead. Ethnic Uzbeks suffered the brunt of the violence, and local security forces were accused of abetting attacks on Uzbek communities. Later the same month, a referendum that international observers deemed generally fair confirmed

longtime opposition figure Roza Otunbayeva as interim president through December 2011 and approved the constitutional reforms.

Parliamentary elections held in October 2010 were deemed a significant improvement over a deeply flawed 2007 vote by Organization for Security and Cooperation in Europe (OSCE) observers. The nationalist Ata-Jurt party led with 28 of 120 seats, followed by Otunbayeva's Social Democratic Party of Kyrgyzstan (SDPK) with 26, Ar-Namys with 25, Respublika with 23, and Ata-Meken with 18. Ata-Jurt, the SDPK, and Respublika formed a coalition government in December, leaving Ar-Namys and Ata-Meken in opposition. Atambayev, of the SDPK, became prime minister. The coalition remained stable but failed to coordinate on a legislative agenda before the October 2011 presidential election.

The presidential poll was seen by the OSCE observers as free and competitive, though marred widespread problems with voter lists and numerous faults in the tabulation process. Atambayev defeated 15 other candidates and took 63 percent of the vote. In December, a new coalition composed of the SDPK, Respublika, Ata-Meken, and Ar-Namys was formed, with Omurbek Babanov of Respublika as prime minister. The coalition lasted eight months, collapsing in August 2012 after Babanov and Atambayev publicly clashed over their respective roles under the new constitution, revealing unsettled legal issues with the semi-presidential/parliamentary system that have yet to be resolved. In September, the SDPK took the lead in a new coalition with Ata-Meken and Ar-Namys, and Jantoro Satybaldiyev, a close ally of the president, became prime minister.

Local elections were held in August 2013; violence broke out between opposing parties in Kara-Su over accusations of ballot stuffing, leaving one person stabbed and another shot.

B. Political Pluralism and Participation: 6 / 16

Kyrgyzstani citizens have the freedom to organize their own political parties and groupings, especially at the local level, but thresholds for electoral support in every region prevent locally organized groups from participating in national politics. For example, the Uluttar Birimdigi party, which won 2012 city council elections in Osh (amid widespread reports of voter intimidation) and is represented by Osh mayor Melis Myrzakmatov, has no national representation and is unlikely to achieve it due to the regionally divided political landscape. Political parties remain primarily the extension of a single strong personality, rather than ideological organizations with political platforms they seek to implement.

The aim of the 2010 constitutional reforms was to ensure political pluralism and prevent the reemergence of an authoritarian, superpresidential system. Since 2012, however, observers have noted signs that Atambayev was beginning to reclaim powers given to the prime minister's office under the new constitutional rules and to use the executive branch to target political enemies. Atambaev's SDPK party has been accused by opposition members and outside observers alike of using centralized resources to determine electoral and judicial outcomes, and opposition parties often react with protests that sometimes turn violent. Although the presidential administration has used party mechanisms to control government appointments, the parliament itself does function separately from the executive and the pro-presidential party does not have a majority. In March 2013, three leading lawmakers from the opposition Ata-Jurt party – Kamchybek Tashiev, Sadyr Japarov, and Talant Mamytov – were convicted on questionable charges of attempting to violently overthrow the government and sentenced to 12 to 18 months in prison. They had been arrested in 2012 after holding a non-violent protest in Bishkek to demand the nationalization of a gold mine run by a Canadian company. In a June 2013 appeal hearing, protesters supporting the lawmakers stormed the courtroom and attacked the judges, who subsequently overthrew the conviction. In August, the Supreme Court restored their convictions and the Central Election Commission stripped them of their seats in the parliament. In October, Atambaev personally fired the two judges who had granted the opposition appeal, which opposition members claimed as evidence for their argument that the prosecution was politicized from the beginning.

C. Functioning of Government: 4 / 12

Corruption is pervasive in Kyrgyz society, and despite many rounds of constitutional and statutory changes, Kyrgyzstan has been trapped in a cycle of predatory political elites who rotate from opposition to power and use government resources to reward clients and punish opponents. The nepotistic practices of Bakiyev, whose sons and brothers were prominent in business and government, were a significant source of popular dissatisfaction prior to his ouster in 2010. The interim government charged some members of the Bakiyev regime with corruption, but the results in the largely unreformed courts have been inconclusive.

A new anticorruption office within the State Committee of National Security (GKNB) was formed in 2012. Although the office was initially used to target the administration's political enemies in Parliament or city government, in March 2013, it arrested Rakhmatillo Amiraev, head of the Kyrgyz Interior Ministry Academy, and his deputy for accepting bribes. The corruption service continues to target only high-profile cases inside the government, without making meaningful efforts to combat institutional corruption at all levels. Alleged corruption among traffic police has led to public safety hazards and chaos on Kyrgyzstan's roads.

In April 2013, convicted criminal Aziz Batukaev was released from prison, where he was serving a 16-year sentence for multiple murders, on what was later proved to be a fraudulent medical leave to treat leukemia. He subsequently fled to Chechnya; investigations later revealed that he had lived a life of privilege in prison. Deputy Prime Minister Shamil Atakhanov resigned in the wake of the revelations. Kyrgyzstan was ranked 150 out of 177 countries and territories surveyed in Transparency International's 2013 Corruption Perceptions Index.

Discretionary Political Rights Question B: -2 / 0

Southern Kyrgyzstan has yet to fully recover from the ethnic upheaval of June 2010, which included numerous, documented instances of government involvement or connivance in ethnically motivated violence against ethnic Uzbeks in the region with the aim of tipping the political and economic balance in favor of the Kyrgyz elite. The some initial steps have been made to restore Uzbek-language media, the political economy of the South remains deeply altered.

Civil Liberties: 25 / 60*D. Freedom of Expression and Belief: 9 / 16*

The media landscape remained bifurcated along ethnic lines in 2013, with improved conditions for Kyrgyz-language media since 2010 and continuing challenges for both Uzbek-language outlets and critical Russian-language media. Independent Uzbek-language media virtually ceased to exist in southern Kyrgyzstan after the June 2010 ethnic violence, as several Uzbek television and radio outlets were closed down. A small number of outlets have opened, but Uzbek media representation remains a small fraction of what it was before the conflict and staff for remaining publications continued to be persecuted. Prosecutions for inciting hatred have focused exclusively on minority writers despite the prevalence of openly racist and anti-Semitic articles in Kyrgyz-language media. In March 2013, police raided the Russian-language opposition paper *Tribuna* on an "anonymous tip" and claimed to find grenades stored in its offices. Later that month, the editor of one of the only remaining Uzbek language newspapers was arrested on charges related to the disappearance of an ethnic Kyrgyz resident during the ethnic violence of 2010. The government removed a block, however, on the Russia-based Central Asian news website *Ferghananews.com*.

The government has generally permitted a broad range of religious practices, but all religious organizations must register with the authorities, a process that is often cumbersome and arbitrary. Proselytizing, private religious education, and the wearing of headscarves in schools were banned in 2009. The government monitors and restricts Islamist groups that it regards as a threat to

national security, particularly Hizb ut-Tahrir, an ostensibly nonviolent international movement calling for the creation of a caliphate.

The government does not formally restrict academic freedom. In May, Aleksander Knyazev, a former professor at Bishkek's Kyrgyz-Slavic University and outspoken ethnic Russian critic of the government, was denied reentry to the country.

E. Associational and Organizational Rights: 5 / 12

Tight official restrictions on freedom of assembly have not been altered since the Bakiyev era, but enforcement has been eased considerably in practice. Small protests and civil disobedience demonstrations, such as road blocking, continue to be held regularly.

Nongovernmental organizations (NGOs) participate actively in civic and political life, and public advisory councils were established in the parliament and most ministries in 2011, permitting improved monitoring and advocacy by NGOs. However, rising nationalism continues to affect both ethnic Kyrgyz and ethnic Uzbek NGO activists. Human rights workers who support Uzbek abuse victims continue to face threats, harassment, and physical attacks. In October, parliament considered legislation against "foreign agent" NGOs similar to what was enacted in Russia in June but ultimately declined to enact it after criticism from NGOs, the press and foreign governments. Azimjon Askarov, an ethnic Uzbek independent journalist and human rights defender, remained in prison in 2013, serving a life sentence on charges of inciting ethnic hatred and complicity in the murder of an ethnic Kyrgyz police officer during the June 2010 violence. It is widely believed that he was prosecuted in retribution for his reporting on issues such as police corruption.

The law provides for the formation of trade unions, and unions are generally able to operate without obstruction. However, strikes are prohibited in many sectors. Legal enforcement of union rights is weak, and collective bargaining agreements are not always respected by employers.

F. Rule of Law: 4 / 16

The judiciary is not independent and remains dominated by the executive branch. Corruption among judges, who are underpaid, is widespread. Defendants' rights, including the presumption of innocence, are not always respected, and there are credible reports of torture during arrest and interrogation.

The ongoing trials of the Bakiyev family and their accomplices, including a case against 28 former government officials and special forces members for the alleged killing of 86 demonstrators in April 2010, have been marred by numerous procedural violations and threats against lawyers in the courtroom. Additionally, Human Rights Watch has documented systematic rights violations at trials of ethnic Uzbeks in 2010 and 2011, with defendants attacked in courtrooms, tortured in detention, and convicted on flimsy or fabricated evidence. The legal proceedings in these cases have been marked by protests against prosecutors, witness intimidation, and multiple venue changes. In April 2013 the lawyers for an ethnic Uzbek from Jalalabad were attacked inside the Supreme Court, where their client's January acquittal of 2010 murder charges was being appealed by prosecutors.

The widespread and extensively documented violence against the Uzbek community in southern Kyrgyzstan in 2010 cast a harsh light on the plight of ethnic minorities. Uzbeks, who make up nearly half of the population in Osh, had long demanded more political and cultural rights, including greater representation in government, more Uzbek-language schools, and official status for the Uzbek language. Osh mayor Melis Myrzakmatov was dismissed in December 2013 without protests and threats of riots that occurred when the Provisional Government attempted to remove him in 2010; he is blamed by many for facilitating the 2010 violence, anti-Uzbek sentiment and obstructing justice for Uzbeks after the violence.

Same-sex sexual activity is not illegal, but the LGBT (lesbian, gay, bisexual, and transgender) community reportedly faces severe discrimination and the risk of abuse, including by police.

G. Personal Autonomy and Individual Rights: 7 / 16

The government generally respects the right of unrestricted travel to and from Kyrgyzstan. However, barriers to internal migration include a requirement that citizens obtain permits to work and settle in particular areas of the country.

Personal connections, corruption, organized crime, and widespread poverty limit business competition and equality of opportunity. Companies that had belonged to the Bakiyev family were nationalized in 2010 pending a new process of privatization. That year's ethnic violence affected property rights in the south, as many businesses, mainly owned by ethnic Uzbeks, were destroyed or seized. In 2013, nationalist politicians and multiple protests supporting them called for the state to seize assets held by foreign companies, especially in the mining sector. Massive protests and clashes with police in the Issyk Kul region led the government to temporarily declare a state of emergency in late May. In October, the provincial governor of Issyk Kul was briefly held hostage in a gasoline-soaked car and threatened with immolation unless the state nationalized its largest mine, Kumtor. Nationalist thugs frequently attack foreign mining operations, often with no interference from local authorities, and in August video evidence emerged of local strongmen who claimed to be backed by national politicians attempting to extort \$3 million from Canadian mining company Centerra to prevent further protests or even a "revolution."

Despite achieving notable leadership positions, women remain underrepresented in high levels of government. Cultural traditions and apathy among law enforcement officials discourage victims of domestic violence and rape from contacting the authorities. An international inquiry criticized the government response to rape cases from the 2010 ethnic violence as "inadequate if not obstructive," and female victims of sexual violence were not eligible for compensation given by the state to others who suffered physical or economic harm in the turmoil.

The trafficking of women and girls into forced prostitution abroad is a serious problem, and some victims report that the authorities are involved in trafficking. The practice of bride abduction persists despite being illegal, and few perpetrators are prosecuted. In January 2013, Atambaev signed a law to increase the maximum penalty for the crime from 3 years in prison to 10, and legally obligated prosecutors to investigate it regardless of whether the victim presses charges. Interviews with human rights activists in 2013 indicated the law was slow to change patterns of prosecution or social attitudes.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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