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Kyrgyzstan

Country:

[Kyrgyzstan](#)

Year:

2018

Freedom Status:

Partly Free

Political Rights:

5

Civil Liberties:

5

Aggregate Score:

37

Freedom Rating:

5.0

Overview:

After two revolutions that ousted authoritarian presidents in 2005 and 2010, Kyrgyzstan adopted a parliamentary form of government. Governing coalitions have proven unstable, however, and corruption remains pervasive. In recent years, the ruling Social Democratic Party of Kyrgyzstan (SDPK) has sought to consolidate power, using the justice system to suppress political opponents and civil society critics.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 12 / 40 (-1)

A. ELECTORAL PROCESS: 4 / 12 (-1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4 (-1)

The directly elected president, who shares executive power with a prime minister, serves a single six-year term with no possibility of reelection. The October 2017 presidential election was marked by inappropriate use of government resources to support Jeenbekov, who had served as prime minister under outgoing president Atambayev. There were also

reports of voter intimidation, including pressure on public-sector employees. Jeenbekov defeated 10 other candidates, securing 54 percent of the vote amid 56 percent turnout. Babanov of the Respublika party placed second with about 33 percent.

Sapar Isakov of the SDPK, previously Atambayev's chief of staff, was confirmed as prime minister in August after Jeenbekov stepped down to run for president. He led a coalition government with two other parties: Bir Bol and Kyrgyzstan.

Score Change: The score declined from 2 to 1 due to the poor quality of the 2017 presidential election, particularly the abuse of state resources by the ruling party and reports of voter intimidation.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

The unicameral parliament consists of 120 deputies elected by party list in a single national constituency to serve five-year terms. No single party is allowed to hold more than 65 seats. Observers from the Organization for Security and Co-operation in Europe (OSCE) found that the 2015 parliamentary elections were competitive and that the 14 registered parties offered voters a wide range of options. However, the monitoring group noted significant procedural problems, flaws in the rollout of a new biometric registration system, inadequate media coverage, and widespread allegations of vote buying. Civil society groups and media reports raised concerns that the SDPK had used state resources and pressure on public employees to enhance its position. Six parties cleared the 7 percent vote threshold to secure representation. The SDPK led the voting with 38 seats, followed by Respublika–Ata Jurt (28), the Kyrgyzstan party (18), Onuguu-Progress (13), Bir Bol (12), and Ata Meken (11).

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

The Central Commission for Elections and Referenda exhibited political bias during the 2017 presidential election, according to international observers. Amendments to the election law that were enacted in June made it more difficult for nongovernmental organizations (NGOs) to field observers and appeal decisions by election officials.

In 2016, a referendum on constitutional amendments was conducted hastily, with little transparency or opportunities for public debate on the package of proposed changes, which ultimately won adoption. Administrative resources were reportedly used to support a “yes” vote, and state employees faced pressure to participate in the effort.

B. POLITICAL PLURALISM AND PARTICIPATION: 5 / 16 (–1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Citizens have the freedom to organize political parties and groupings, especially at the local level. However, in addition to the 7 percent national threshold, parties must win at

least 0.7 percent of the vote in each of the country's nine regional divisions to secure seats in the parliament, which discourages locally organized groups from participating in national politics.

Political parties are primarily vehicles for a handful of strong personalities, rather than mass organizations with clear ideologies and policy platforms. Although the 2015 elections featured several new parties, almost all were the result of splits or mergers among the factions in the previous parliament, meaning the actual roster of deputies changed very little.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4 (-1)

The 2010 constitutional reforms aimed to ensure political pluralism and prevent the reemergence of an authoritarian, superpresidential system. Since 2012, however, observers have noted signs that Atambayev was consolidating power and using executive agencies to target political enemies. Opposition members and outside observers have accused the SDPK of attempting to improperly influence electoral and judicial outcomes. The constitutional amendments approved in 2016 included measures that made it more difficult to bring down a sitting government or withdraw from a coalition, effectively solidifying the position of the SDPK.

In August 2017, Omurbek Tekebayev, leader of the opposition Ata Meken party, was sentenced to eight years in prison for allegedly taking bribes. He had been a vocal critic of Atambayev, accusing him of corruption and threatening him with impeachment, and his trial was criticized for basic violations of due process. A number of Tekebayev's allies were also subjected to flawed prosecutions during the year. In another case with apparent political motivations, presidential runner-up Omurbek Babanov, leader of the Respublika party, was accused in November of "incitement to interethnic violence" based on remarks he made at a campaign rally with ethnic Uzbeks. Babanov fled the country and resigned as a member of parliament, and he remained in exile at year's end.

Score Change: The score declined from 2 to 1 due to a series of criminal cases against opposition leaders that were widely viewed as politically motivated.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 1 / 4

While largely free from military domination, Kyrgyzstani politics are subject to the influence of organized crime and economic oligarchies. Political affairs are generally controlled by a small group of elites who head competing patronage networks.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Ethnic minority groups face political marginalization. Politicians from the Kyrgyz majority have used ethnic Uzbeks as scapegoats on various issues in recent years, and minority

populations remain underrepresented in elected offices, even in areas where they form a demographic majority.

Women enjoy equal political rights and have achieved some notable leadership positions, but they are also underrepresented, having won 19 percent of the seats in the last parliamentary elections despite a 30 percent gender quota for party candidate lists.

C. FUNCTIONING OF GOVERNMENT: 4 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

Unresolved constitutional ambiguities regarding the division of power among the president, the prime minister, and the parliament—combined with the need to form multiparty coalitions—have contributed to the instability of governments in recent years. The prime minister has been replaced nearly a dozen times since 2010.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption is pervasive in politics and government. Political elites use government resources to reward clients—including organized crime figures—and punish opponents. A new anticorruption office within the State Committee of National Security (GKNB) was formed in 2012, but it has primarily been used to target the administration's political enemies in the parliament and municipal governments.

C3. Does the government operate with openness and transparency? 2 / 4

Kyrgyzstan's laws on access to public information are considered relatively strong, but implementation is poor in practice. Similarly, although public officials are obliged to disclose information on their personal finances, powerful figures are rarely held accountable for noncompliance or investigated for unexplained wealth. Oversight of public contracts is inadequate; corruption scandals in recent years have often centered on procurement deals or sales of state assets.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -1 / 0 (+1)

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 violence against ethnic Uzbeks in the region, with the aim of tipping the political and economic balance in favor of the Kyrgyz elite. Many Uzbek homes and businesses were destroyed or seized. While intimidation has continued and little has been done to reverse the outcomes of the violence, some steps have been taken to restore Uzbek-language media in the region, and fears of further unrest have eased over time.

Score Change: The score improved from -2 to -1 due to partial stabilization of the situation in southern Kyrgyzstan, where state actors were complicit in violence against the ethnic Uzbek population in 2010.

CIVIL LIBERTIES: 25 / 60 (+1)

D. FREEDOM OF EXPRESSION AND BELIEF: 10 / 16 (+1)

D1. Are there free and independent media? 2 / 4

The media landscape is relatively diverse but divided along ethnic lines, and prosecutions for inciting ethnic hatred have tended to focus on minority writers despite the prevalence of openly racist and anti-Semitic articles in Kyrgyz-language media. A 2014 law criminalized the publication of “false information relating to a crime or offense” in the media, which international monitors saw as a contradiction of the country’s 2011 decriminalization of defamation. The law assigns penalties of up to three years in prison, or five years if the claim serves the interests of organized crime or is linked to the fabrication of evidence.

Civil suits against journalists and media outlets were more common in 2017. The General Prosecutor’s Office filed a series of lawsuits against the online news outlet Zanos and Radio Azattyk, the Kyrgyz service of U.S.-funded Radio Free Europe/Radio Liberty, accusing them of defaming Atambayev and spreading false information. Atambayev ultimately asked prosecutors to drop the cases against Azattyk, but only after the head of its Bishkek bureau resigned. The courts upheld the lawsuits against Zanos, ordering it to pay heavy financial damages.

Also during the year, a number of journalists facing lawsuits were barred from leaving the country, and two foreign reporters who had covered domestic affairs in Kyrgyzstan were expelled or denied entry for supposed visa and registration violations. Ulugbek Babakulov, a contributor to the Russia-based news site Ferghana News, fled the country in June after being charged with inciting ethnic hatred for reporting on anti-Uzbek social media content.

The authorities closed the television station Sentyabr for allegedly carrying extremist content in August, shortly after Tekebayev, its reputed owner, was sentenced to prison. In December, a court ordered authorities to seize the assets of the television channel NTS, owned by Babanov, though it reportedly remained on the air.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4 (+1)

All religious organizations must register with the authorities, a process that is often cumbersome and arbitrary. Groups outside the traditional Muslim and Orthodox Christian mainstream reportedly have difficulty obtaining registration, and the 2009 Law on Religion deems all unregistered groups illegal. Organizations such as the Jehovah’s Witnesses often face police harassment. Nevertheless, some unregistered religious communities have been able to practice their faiths without state intervention, and the authorities have investigated and punished relatively rare acts of violence against religious figures or

minorities. The government monitors and restricts Islamist groups that it regards as a threat to national security, particularly Hizb ut-Tahrir.

Score Change: The score improved from 1 to 2 because restrictive laws on religion have not been aggressively enforced in recent years, and violence against religious minorities or leaders has been rare.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

The government does not formally restrict academic freedom, though teachers and students have reportedly faced pressure to participate in political campaigns and voting, including in the 2017 presidential election. In September, for example, an investigation was launched into a teacher at the state law academy who allegedly coerced students to vote for Jeenbekov.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Private discussion is generally free in the country, and prosecutions of individuals for the expression of personal views on social media are rare. However, state and local authorities regularly raid homes where they believe members of banned groups like Hizb ut-Tahrir or certain religious minorities, such as Jehovah's Witnesses, are meeting to discuss their beliefs.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12

E1. Is there freedom of assembly? 1 / 4

A 2012 law allows peaceful assembly, and small protests and civil disobedience actions, such as blocking roads, take place regularly. Nevertheless, domestic and international watchdogs remain concerned about police violations of the right to demonstrate, including arrests and other forms of interference. Intimidation by counterprotesters has also emerged as a problem in recent years. In 2017, courts approved bans on public assemblies at key locations in Bishkek in the months preceding the presidential election and a period surrounding Jeenbekov's inauguration.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 1 / 4

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, human rights workers who support ethnic Uzbek victims face threats, harassment, and physical attacks. Ultrationalists have stepped up harassment of U.S. and European NGOs as well as domestic counterparts that are perceived to be favored by foreign governments and donors, and some foreign activists have been banned from the country. In 2017, human rights activist Cholpon Djakupova was sued along with journalists and news outlets for allegedly defaming the president, and

her travel was restricted. She was ultimately ordered to pay a large sum in financial damages for her remarks.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

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

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 1 / 4

The judiciary is not independent and remains dominated by the executive branch. Corruption among judges is widespread.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Defendants' rights, including the presumption of innocence, are not always respected, and evidence allegedly obtained through torture is regularly accepted in courts. Observers noted a serious lack of due process in high-profile cases against opposition leaders and other critics of the government during 2017.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

There are credible reports of torture during arrest and interrogation, in addition to physical abuse in prisons. Most such reports do not lead to investigations and convictions. Few perpetrators of the violence against the Uzbek community in southern Kyrgyzstan in 2010 have been brought to justice.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Legal bans on gender discrimination in the workplace are not effectively enforced. Traditional biases also put women at a disadvantage regarding education and access to services. Ethnic minorities—particularly Uzbeks, who make up nearly half of the population in Osh—continue to face discrimination on economic, security, and other matters. Uzbeks are often targeted for harassment, arrest, and mistreatment by law enforcement agencies based on dubious terrorism or extremism charges. Same-sex sexual activity is not illegal, but discrimination against and abuse of LGBT (lesbian, gay, bisexual, and transgender) people at the hands of police are pervasive. Ultranationalist groups have also engaged in intimidation of LGBT activists.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

The government generally respects the right of unrestricted travel to and from Kyrgyzstan, though journalists and human rights activists sometimes face bans and other obstacles. Barriers to internal migration include a requirement that citizens obtain permits to work and settle in particular areas of the country.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

The misuse of personal connections, corruption, and organized crime impair private business activity. The ethnic violence of 2010 has affected property rights in the south, as many businesses, mainly owned by ethnic Uzbeks, were destroyed or seized.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Cultural constraints and inaction by law enforcement officials discourage victims of domestic violence and rape from contacting the authorities. Legislation enacted in April 2017 aimed to broaden the definition of domestic abuse and improve both victim assistance and responses from law enforcement bodies. The quality of implementation remained unclear at year's end.

The practice of bride abduction persists despite the strengthening of legal penalties in 2013, and few perpetrators are prosecuted. In November 2016, the parliament passed a law introducing criminal penalties for anyone carrying out or enabling underage marriages. The 2016 constitutional amendments included a clause that formalized a de facto ban on same-sex marriage.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

The government does not actively enforce workplace health and safety standards. Child labor is restricted by law but reportedly occurs, particularly in the agricultural sector. The trafficking of women and girls into forced prostitution abroad is a serious problem. Police have been accused of complicity in the trafficking and exploitation of victims. Kyrgyzstani men are especially vulnerable to trafficking for forced labor abroad.

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