

FREEDOM IN THE WORLD

Kyrgyzstan

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OVERVIEW:

A three-party coalition that governed for most of the year brought greater stability to Kyrgyzstan in 2011, and a competitive presidential election in October led to Central Asia's first voluntary transfer of power, with interim president Roza Otunbayeva standing down as scheduled. Despite greater openness and political competition, however, serious flaws remained in the treatment of national minorities, due process, prevention of and accountability for torture, and judicial independence.

Shortly after Kyrgyzstan gained independence from the Soviet Union in 1991, Askar Akayev, a respected physicist, was elected president. He easily won reelection in 1995, and constitutional amendments the following year substantially increased the powers of the presidency. International observers noted serious irregularities in the 2000 parliamentary and presidential elections, which yielded another term for Akayev.

Long-standing frustrations in the economically depressed and politically marginalized south culminated in public protests in 2002. Six protesters were killed when police fired into a crowd in the village of Aksy. Although several prosecutors and police officials were eventually convicted and sentenced to prison, opposition critics continued to argue that senior officials who authorized the use of force were never brought to justice.

After flawed February 2005 parliamentary elections, thousands of demonstrators protested irregularities and ultimately called for Akayev's resignation. On March 24, protesters and opposition supporters stormed the presidential headquarters in Bishkek. Akayev fled abroad and later resigned.

In the July 2005 presidential poll, former prime minister and opposition leader Kurmanbek Bakiyev captured 89 percent of the vote. His victory was regarded as nearly inevitable after Feliks Kulov, his most serious rival, withdrew his presidential candidacy in exchange for the post of prime minister. Observers from the Organization for Security and Cooperation in Europe (OSCE) nevertheless concluded that the election represented an improvement over previous votes.

After violently dispersing opposition protests in April 2007, the government enacted constitutional revisions in an October referendum, expanding the parliament from 75 to 90 seats and introducing party-slate balloting. Parliamentary elections in December resulted in a legislature dominated by the newly formed progovernment party Ak Zhol and devoid of opposition representation.

The president consolidated his power in 2008 and 2009, sidelining the country's remaining well-known opposition figures. In March 2009, Medet Sadyrkulov, Bakiyev's former chief of staff, was found dead in a burned-out car near Bishkek. Opposition representatives charged that he had been assassinated

2012 SCORES

STATUS

Partly Free

FREEDOM RATING

5.0

CIVIL LIBERTIES

5

POLITICAL RIGHTS

5

because he was planning to join them. Bakiyev won another five-year term in the July 2009 presidential election, taking 75 percent of the vote. OSCE observers concluded that the poll failed to meet international standards, citing evidence of fraud, intimidation of opposition supporters, and the misuse of administrative resources, among other problems.

In April 2010, Bakiyev fled the country amid antigovernment protests in Bishkek, leading to the formation of an interim government. A reported 86 people were killed in the street confrontations, with most victims apparently shot by security forces. In the first half of June, ethnic rioting swept the southern cities of Osh and Jalalabad, leaving hundreds 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 a new constitution that shifted power from the presidency to the parliament.

Parliamentary elections held in October 2010 were deemed an improvement over Bakiyev-era balloting. Five parties representing different constituencies and ideologies won seats. The new 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. Almazbek Atambayev of the SDPK became prime minister. The coalition remained stable and governed effectively until after the October 2011 presidential election.

The presidential poll was seen by OSCE observers as free and competitive, though marred by significant irregularities on election day. Atambayev, who had suspended his role as prime minister ahead of the election, 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.

In 2011, Kyrgyzstan made efforts to balance its relations with Russia and the United States, and improved ties with its Central Asian neighbors as well. When it became clear that Kyrgyzstan's ethnic violence of June 2010 did not threaten regional security, the other countries eased their border restrictions.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Kyrgyzstan is not an electoral democracy, though the parliamentary and presidential elections of 2010 and 2011 were considered improvements over the deeply flawed 2007 parliamentary and 2009 presidential votes. OSCE observers praised the 2010 parliamentary campaign's pluralism and other positive features, but were more critical of the 2011 presidential vote, citing widespread problems with voter lists and numerous faults in the tabulation process.

Constitutional changes adopted in the June 2010 referendum 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 serves a single six-year term with no possibility of reelection, but retains the power to veto legislation.

The overall aim of the reforms was to establish checks and balances that will ensure political pluralism and prevent the reemergence of an authoritarian, superpresidential system. It remains to be seen whether the country's newly elected leaders will seek to reverse these achievements.

Corruption is pervasive in Kyrgyz society. The nepotistic practices of former president Kurmanbek Bakiyev, whose sons and brothers were prominent in business and government, were a significant source of popular dissatisfaction prior to his ouster. The interim government charged some members of the Bakiyev regime with corruption, but the results in the largely unreformed courts have been inconclusive. In a worrying sign, recordings leaked in May 2011 purported to reveal members of the interim government discussing lucrative

backroom deals; no investigation ensued. Kyrgyzstan was ranked 164 out of 183 countries surveyed in Transparency International's 2011 Corruption Perceptions Index.

Kyrgyz-language media experienced less politically motivated harassment after the fall of the Bakiyev government. However, Uzbek-language media virtually ceased to exist in southern Kyrgyzstan after the June 2010 ethnic violence, when several Uzbek television and radio outlets were closed down. Meanwhile, in April 2010, the interim government transformed the state-run television station into a public broadcaster with an independent oversight board.

The media landscape remained bifurcated along ethnic lines in 2011, with significantly improved conditions for Kyrgyz-language media and vastly worse conditions for Uzbek-language outlets. In May, the authorities said they were searching for the authors of two potentially inflammatory books that described the June 2010 violence as an anti-Uzbek genocide. The electoral law that governed the presidential election effectively barred the broadcasting of foreign media reporting on the campaign. The law's sponsors cited the role of Russian media in smearing certain candidates in the 2010 parliamentary campaign. Although all foreign news broadcast media, including CNN and Euronews, were barred from broadcasting on Kyrgyz channels during the elections period, domestic news providers were not hampered in their electoral reporting. The presidential candidates held lively televised debates, and all candidates had access to the media. Also during 2011, several journalists were physically assaulted by unidentified assailants, in some cases sustaining severe injuries that required hospitalization.

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. A January 2009 law banned proselytizing and private religious education, and the wearing of headscarves in schools was banned two months later. 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.

Tight official restrictions on freedom of assembly have not been altered since the Bakiyev era, but enforcement has been eased considerably in practice, and numerous rallies have been held.

Freedom of association is typically upheld, and nongovernmental organizations (NGOs) participate actively in civic and political life. In 2011, new public advisory councils were established in the parliament and in most ministries, permitting improved monitoring and advocacy by NGOs. However, rising nationalism has affected both ethnic Kyrgyz and ethnic Uzbek NGO activists. Human rights activists who work on defending Uzbek victims have faced threats, harassment, and physical attacks. In December 2011, the Supreme Court upheld a life sentence against ethnic Uzbek human rights activist Azimjan Askarov, who had been convicted in September 2010 of involvement in the murder of a Kyrgyz police official during the June 2010 violence. Rights organizations and foreign diplomats had called for his release, citing an array of critical flaws in the case against him, including evidence that he was tortured in detention.

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.

The judiciary is not independent and remains dominated by the executive branch. Corruption among judges, who are underpaid, is widespread. In June 2011, civic activists protested the new parliament's judicial appointments, accusing the nominees of past wrongdoing. Defendants' rights, including the presumption of innocence, are not always respected, and there are credible reports of torture against suspects during arrest and interrogation. After a visit to Kyrgyzstan in December 2011, the UN special rapporteur on torture called it a "widespread phenomenon" that was "exacerbated by the reliance placed on confessions in the judicial system." He expressed concern about the lack of effective investigations and convictions of abusers.

The interim government investigated the crimes of Bakiyev-era officials, and a state commission found in April 2011 that there had been 30 prominent contract killings during Bakiyev's tenure. However, the handling of several high-profile cases during the election year demonstrated the politicization and other flaws of the judicial system. 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, were marred by numerous procedural violations, such as threats against lawyers in the courtroom. Human Rights Watch documented systematic rights violations at numerous trials of ethnic Uzbeks in 2010 and 2011, with defendants attacked in courtrooms, tortured in detention, and convicted on flimsy or fabricated evidence.

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. The Kyrgyzstan Inquiry Commission (KIC), an independent international body, put the death toll from the worst outbreak of ethnic violence in June at 470, noting that "the majority of victims were ethnic Uzbeks." Government forces were ineffective at stopping ethnic violence, and may have been complicit in it. The report named specific officials in the interim government as having failed in their duties to impartially enforce the law during the clashes. After the violence ebbed, arrests and sweep operations targeted Uzbek neighborhoods and activists. The KIC report was denounced by all segments of the political spectrum, and the parliament voted unanimously to declare the head of the commission, Finnish diplomat Kimmo Kiljunen, *persona non grata*.

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 a large number of businesses, mainly owned by ethnic Uzbeks, were either destroyed or seized during and after the unrest.

Cultural traditions and apathy among law enforcement officials discourage victims of domestic violence and rape from contacting the authorities. Rumors of rapes accompanied the ethnic violence of June 2010, but they frequently remained unconfirmed. The KIC noted that the government response to the few cases of rape that were actually reported was "inadequate if not obstructive." 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.

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