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Kyrgyzstan

Country:

[Kyrgyzstan](#)

Year:

2016

Freedom Status:

Partly Free

Political Rights:

5

Civil Liberties:

5

Aggregate Score:

38

Freedom Rating:

5.0

Overview:

In March 2015, Prime Minister Joomart Otorbayev and his government resigned after failing to negotiate a more advantageous agreement with the country's largest foreign investor, the Canadian mining firm Centerra Gold. The parliament confirmed Temir Sariyev as the new prime minister in May. He is a long-serving politician who is widely regarded as having close ties to Russia, which became even more significant as Kyrgyzstan officially joined the Russian-led Eurasian Economic Union in August.

In September, the Central Election Commission announced that 14 political parties had met the requirements to participate in the October parliamentary elections. New parties had formed during the year, mainly due to splits in existing parties. The elections were held on schedule and resulted in a peaceful transition to a new, six-party legislature. This was hailed as a significant accomplishment for Kyrgyzstan's nascent democracy, particularly because the party associated with the president, the Social Democratic Party of Kyrgyzstan (SDPK), failed to dominate the elections despite claims by opponents that it enjoyed administrative support.

Throughout 2015, nationalist and vigilante groups intensified harassment of minority populations that are perceived to be favored by Western countries. European and U.S. organizations faced similar intimidation as well as legal pressure. Although legislation

modeled on Russia's "foreign agents" law continued to enjoy public support from President Almazbek Atambayev, it had yet to be adopted at the end of 2015.

Political Rights and Civil Liberties:

Political Rights: 14 / 40 [Key]

A. 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.

Organization for Security and Co-operation in Europe (OSCE) observers judged the 2011 presidential election to have been free and competitive, though marred by widespread problems with voter lists and numerous faults in the tabulation process. Atambayev, then the incumbent prime minister, defeated 15 other candidates and took 63 percent of the vote.

OSCE observers found that the October 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 national threshold to secure representation. 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).

In early November, the new parliament approved a broad coalition government under Prime Minister Sariyev, leaving only Respublika–Ata Jurt and Bir Bol in opposition.

B. Political Pluralism and Participation: 6 / 16

Kyrgyzstani 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 political 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 that the actual roster of deputies changed very little. A small number of leading opposition figures, such as former Ata Jurt leader Kamchybek Tashiyev, lost their seats or were disqualified from running as a result of technicalities or pending criminal cases.

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 President Atambayev was reclaiming powers from the prime minister's office and using the executive branch to target political enemies. Opposition members and outside observers have accused the SDPK of attempting to improperly influence electoral and judicial outcomes, and opposition parties often react with protests that sometimes turn violent.

Although a variety of opposition groups held peaceful rallies during 2015, participants frequently complained of interference and pressure from local and national authorities as well as from counterprotesters. The rise of ultranationalist vigilante groups like Kyrk Choro (40 Knights)—which enjoys official support from security agencies—and Kalys (Justice) threatened political activity by opposition and particularly ethnic minority politicians and groups. Throughout the year, ultranationalist organizations engaged in protests and intimidation against perceived opponents.

Ethnic minority groups face additional forms of political marginalization. During the brief period of official campaigning in September 2015, several parties were criticized in the press for producing campaign materials in the Uzbek language, and the Kyrgyzstan party was accused of “meeting with Uzbek separatists”—leaders of the Uzbek business and social community in the south. The editor of the paper that initiated the latter claim subsequently admitted that it was a false public-relations stunt created as paid political advertising.

C. Functioning of Government: 4 / 12

The 2010 constitution's division of power between the president, prime minister, and parliament left some issues unresolved. From 2011 through 2015, a series of prime ministers have clashed with Atambayev over their respective roles, contributing to the instability of coalition governments.

Corruption is pervasive in Kyrgyzstani society. Despite multiple rounds of constitutional and statutory changes, the country has long been trapped in a cycle in which predatory political elites use government resources to reward clients—including organized crime figures—and punish opponents. The nepotistic practices of former president Kurmanbek Bakiyev, whose sons and brothers held powerful positions in business and government, were a significant factor leading to his ouster amid antigovernment protests in 2010. The subsequent 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. The office has primarily been used to target the administration's political enemies in the parliament and city governments. In July 2015, the notorious former mayor of Osh, Melis Myrzakmatov, was sentenced in absentia to seven years in prison for abuse of office involving a construction project. In May, police had arrested his brother Kenesh and other associates on charges of taking bribes for new apartments that were meant for people who lost their property in the 2010 ethnic violence. Despite these events, the Ata Meken party initially listed Melis Myrzakmatov near the top of its candidate list for the

parliamentary elections in an attempt to attract supporters of his southern regional Uluttar Birimdigi party.

Kyrgyzstan was ranked 123 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index. An opinion survey conducted in early 2015 by the International Republican Institute found that 42 percent of Kyrgyzstanis believe that their parliament is "very corrupt," and another 37 percent consider it "somewhat corrupt."

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 violence against ethnic Uzbeks in the region, with the aim of tipping the political and economic balance in favor of the Kyrgyz elite. Though some initial steps have been taken to restore Uzbek-language media, the political economy of the south remains deeply altered.

Civil Liberties: 24 / 60

D. Freedom of Expression and Belief: 9 / 16

The media landscape remained bifurcated along ethnic lines in 2015, 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 2010 ethnic violence, as major Uzbek television and radio outlets were closed down. Although some outlets have opened since then, Uzbek media representation is extremely limited, and the workers of remaining outlets continue 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. 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. News websites, blogs, and online forums are increasingly important alternative sources of information for those with access.

All religious organizations must register with the authorities, a process that is often cumbersome and arbitrary. The 2009 Law on Religion deems all unregistered groups illegal and bans proselytizing, private religious education, and the wearing of headscarves in schools. The government monitors and restricts Islamist groups that it regards as a threat to national security, particularly Hizb ut-Tahrir—a nonviolent international movement that calls for the creation of a caliphate and also functions in Kyrgyzstan as a religious mutual-assistance society in rural areas with scarce state services. While private

discussion is generally free in the country, state and local authorities regularly raid private homes where they believe Hizb ut-Tahrir members or certain religious minorities, such as Jehovah's Witnesses, are meeting to discuss their beliefs.

Rashod Kamalov, a highly influential ethnic Uzbek imam based in Kara-Suu, was sentenced to five years in prison in October 2015 on charges of "inciting religious hatred" and "propagating extremist materials." The penalty was increased to 10 years by a higher court in November. Little evidence was presented at trial to support the charges, according to observers, and the judge refused to admit exculpatory evidence presented by the defense.

The government does not formally restrict academic freedom.

E. Associational and Organizational Rights: 4 / 12

Tight official restrictions on freedom of assembly have not been altered since the Bakiyev era, but enforcement has been eased considerably in practice. A 2012 law allows peaceful assembly, and small protests and civil disobedience actions, such as roadblocking, 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.

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 face threats, harassment, and physical attacks. Throughout 2015, ultranationalists increasingly adopted the anti-Western themes propagated by Russian state media and far-right groups, stepping up harassment of U.S. and European NGOs as well as domestic counterparts that were perceived to be favored by Western actors.

Nationalist organizations and sympathetic legislators continued to support a bill emulating a Russian law that requires NGOs to register as "foreign agents" if they receive foreign funding. However, the measure had yet to win passage by year's end.

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

The judiciary is not independent and remains dominated by the executive branch. Corruption among judges 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 long-running trials of the Bakiyev family and their accomplices, including for the alleged killing of 86 demonstrators in 2010, have been marred by numerous procedural violations and threats against lawyers in the courtroom.

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, and few perpetrators have been brought to justice. Uzbeks, who make up nearly half of the population in Osh, have long demanded more political and cultural rights, including greater representation in government, more Uzbek-language schools, and official status for the Uzbek language. Ethnic minorities continue to face discrimination on economic, security, and other matters.

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. In May 2015, ultranationalist groups threatened and attacked participants in a private event marking the International Day against Homophobia and Transphobia in Bishkek. In June, legislation similar to Russia's ban on "propaganda of nontraditional sexual relations" passed its second reading in the parliament; final adoption was pending at year's end.

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.

Despite achieving notable leadership positions, women remain underrepresented at higher levels of government and business. Cultural traditions and apathy among law enforcement officials discourage victims of domestic violence and rape from contacting the authorities. The practice of bride abduction persists despite the strengthening of legal penalties in 2013, and few perpetrators are prosecuted. In 2015, the government continued its review of draft legislation aimed at improving safeguards against domestic violence.

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.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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