



5. The populist and nationalist threat to human rights in Kyrgyzstan

By Professor Eric McGlinchey²⁵⁷

On the morning of October 6th 2020, Sadyr Japarov was in jail, serving an 11-year sentence for kidnapping the Governor of Kyrgyzstan's Issyk Kul region. Ten days later Japarov was anointed President, capping an extraordinary ten days of street protests and dubious legal procedures that saw one of Kyrgyzstan's most prominent convicts catapulted to Kyrgyzstan's most prominent political office. Rule of law in Kyrgyzstan is weak. It is the passions of the street – sometimes for the better, sometimes for the worse – that shape both political fortunes and human rights in Kyrgyzstan.

Three decades after the Soviet collapse, Kyrgyzstan finds itself in a catch-22. Kyrgyz state capacity is weak and, as a result, political chaos is frequent. There is an upside, however, to chaos. Whereas other Central Asian governments, most notably Uzbekistan and Turkmenistan, have proven able to systematically target the political opposition, religious groups, and ethnic minorities, Kyrgyz state repression of human rights has been piecemeal and fleeting. The downside of Kyrgyz chaos, particularly from the perspective of vulnerable populations, is that guarantees of basic human rights are non-existent. Rather than rule-of-law ensured protections, it is society's preferences, the state executive's perception of threat, and the political elites' on-again, off-again desire to maintain Kyrgyzstan's international reputation as Central Asia's only post-Soviet democracy that provide some modicum of human rights protection.

²⁵⁷ Eric McGlinchey is Associate Professor of Politics and Government in George Mason University's Schar School of Policy and Government. McGlinchey received his PhD from Princeton University and is the author of *Chaos, Violence, Dynasty: Politics and Islam in Central Asia* (2011). Grants from the Minerva Research Initiative, the National Council for Eurasian and East European Research, the International Research & Exchanges Board, the Social Science Research Council, and the US Department of State have funded his research. McGlinchey writes for academic journals, the popular press, and think tanks. You can find Professor McGlinchey's most recent publications through his university website: <http://mcglinchey.gmu.edu/>. Image by Paul Schumacher under (CC).

Society preferences

Most striking about Kyrgyz politics is that, despite the persistent chaos of national politics, everyday local life is, with a few important exceptions, peaceful. Unlike Uzbekistan, where the past three decades have seen sustained persecution of devout Muslims, and unlike Turkmenistan where the political opposition is routinely silenced and jailed, Kyrgyz citizens are comparatively free to worship as they wish and to criticise local, regional, and state elites. Kyrgyz citizens and Kyrgyzstan observers offer multiple wellsprings for these comparative freedoms: the enduring celebration of country's nomadic history, western donors' enthusiastic support of Kyrgyz NGOs in the decade following the Soviet collapse, and the can-do/must-do mentality that developed among local communities as the Kyrgyz welfare state steadily eroded in the years of post-Soviet independence.²⁵⁸

Regardless the origins of local communities' power, what is clear is how local communities have harnessed this power to effect public goods, including the public good of human rights. Tablighi travelers, Muslim revivalists who seek to spread Islamic knowledge, are welcomed in local communities throughout Kyrgyzstan whereas similar revivalist movements are violently repressed in neighbouring Uzbekistan and Tajikistan.²⁵⁹ Opposition to the central government similarly thrives at the local level. Kyrgyz communities challenge central government contracts with international mining companies, neighbourhood organisations join together to block the destruction of parks and building of roads, and citizens across the country bind to gather to protest state attempts to raise the price of everyday necessities like natural gas. Local social networks are often the foundations upon which Kyrgyz political opposition is built and secured.

Societal preferences, critically however, do not invariably favour human rights for all. Just as we can identify systemic bias, for example, white privilege in the US or Han Chinese privilege in Xinjiang, so too does Kyrgyz society elevate the rights of some while concomitantly undermining the rights of others.²⁶⁰ Vulnerable classes in Kyrgyzstan include ethnic minorities, particularly the Uzbek minority, members of the LGBTQ+ community, and women. Animus toward ethnic Uzbeks living in Kyrgyzstan has deep, Soviet-era roots. Bias against sexual minorities and women also has deep roots yet has grown in recent years as more and more political elites champion a return to 'traditional society'.

Throughout the Soviet period, ethnic Uzbeks figured prominently in the economies of southern Kyrgyz cities. Soviet leaders, most notably Brezhnev, sought to minimise ethnic Kyrgyz economic grievances by increasing titular control over local political and administrative offices. This 'nativisation' of power, a process which has only accelerated since Kyrgyz independence, has produced a combustible situation in which political control rests squarely with ethnic Kyrgyz while ethnic Uzbeks have remained central to Kyrgyzstan's southern urban economies. During periods of political instability, most notably in June 1990 and in June 2010, economic grievance has boiled over into deadly ethnic conflict. Uzbeks were disproportionately the victims of these ethnic conflicts. Thus, of the 470 who died in the 2010 conflict, nearly three-fourths were ethnic Uzbeks.²⁶¹ Ethnic Uzbeks, moreover, were disproportionately faulted for instigating the 2010 violence, this despite

²⁵⁸ On the enduring influence of Kyrgyz nomadic identity, see: Judith Beyer, *Revitalisation, Invention and Continued Existence of the Kyrgyz Aksakal Courts: Listening to Pluralistic Accounts of History*, *The Journal of Legal Pluralism and Unofficial Law* 38, no. 53–54: 141–76, 2006, <https://doi.org/10.1080/07329113.2006.10756601>; and Ali Igmen. 2012. *Speaking Soviet with an Accent: Culture and Power in Kyrgyzstan*. University of Pittsburgh Pre. On the influence of western foreign aid, see: Erica Marat. 2005. *Civil Society in Kyrgyzstan before, During and after the March 24 Revolution*. *Helsinki Monitor* 16, no. 4: 267–77. On the role of local organisation to provide public goods, see: Eric McGlinchey. 2011. *Chaos, Violence, Dynasty: Politics and Islam in Central Asia*. University of Pittsburgh Pre.

²⁵⁹ Emil Nasritdinov, *Spiritual Nomadism and Central Asian Tablighi Travelers*, *Ab Imperio*, no. 2: 145–67, 2012, <https://doi.org/10.1353/imp.2012.0062>

²⁶⁰ Ta-Nehisi Coates. 2015. *Between the World and Me*. 1st edition. New York: One World; Joanne N. Smith, *Making Culture Matter: Symbolic, Spatial and Social Boundaries between Uyghurs and Han Chinese*, *Asian Ethnicity* 3, no. 2: 153–74, September 2002, <https://doi.org/10.1080/14631360220132718>

²⁶¹ RFE/RL, *Understanding The Truth: Chief Investigator Of Deadly Kyrgyz-Uzbek Clashes Reflects 10 Years Later*, June 2020, <https://www.rferl.org/a/chief-investigator-of-deadly-kyrgyz-uzbek-clashes-reflects-10-years-later-osh/30662610.html>

independent documentation that Kyrgyz police and the military did little to prevent and, at times, were complicit in violent attacks on Uzbek communities.²⁶²

Emblematic of the injustices ethnic Uzbeks have endured is the case of Azimjan Askarov, an ethnic Uzbek human rights defender, whom Kyrgyz courts found guilty of fomenting the 2010 violence. The United Nations Human Rights Committee concluded in May 2016 that Askarov's 'detention was not in accordance with domestic law, had no legitimate purpose, and was motivated by his role as a human rights defender and by his ethnicity.'²⁶³ The Kyrgyz Government rejected the UN committee's conclusion and Askarov, lamentably, died in prison in July 2020.

Whereas economic grievances have fomented anti-Uzbek sentiment in southern Kyrgyzstan, a revival of supposedly 'traditional' Kyrgyz values has led to increased gender discrimination and imperiled Kyrgyzstan's LGBTQ+ community. On March 8th 2020—International Women's Day—a group of masked men wearing Ak-kalpaks, traditional Kyrgyz hats, attacked a group of activists who had gathered on Victory Square to highlight the persistence and acceptance of widespread domestic violence, bride kidnapping, and rape.²⁶⁴ Revealingly, while the violent attackers were not detained, 50 women's rights activists were arrested.²⁶⁵

Self-appointed defenders of Kyrgyz traditional society similarly, albeit less violently, opposed the Women's Day march the previous year. Members of the nationalist group, Kyrk Choro, demanded Bishkek city authorities be dismissed for allowing the 2019 Women's Day march to turn into a "gay parade." Kyrk Choro also demanded legal action be taken against the march organisers "who have trampled on (Kyrgyz) national values and pride."²⁶⁶ Kyrk Choro nationalists has woven a narrative that feminists and homosexuals are in league with 'foreign specialists' and are actively seeking to undermine traditional Kyrgyz culture.²⁶⁷ This narrative presents challenges for those in the international community who do seek to support LGBTQ+ rights. International support for Kyrgyzstan's LGBTQ+ community feeds into Kyrk Choro's nationalist message that western governments are in league against Central Asian traditional values. At the same time, were donors to abandon the LGBTQ+ community, LGBTQ+ rights in Kyrgyzstan would become even more imperiled.

Kyrk Choro, it should be stressed, should not be dismissed as merely a fringe element of Kyrgyz society. Kyrgyz parliamentarians voice similar homophobic beliefs. MP Jyldyz Musabekova said of the March 2019 marchers, "the men who do not want to have children and the girls who do not want to pour tea...must not only be cursed, they must be beaten."²⁶⁸ While Kyrgyzstan has yet to pass an anti-LGBTQ+ law like the one adopted in Russia in 2013, draft laws strikingly similar to the Russian legislation and that focus on punishing those who spread 'propaganda of non-traditional sexual relations' have consistently received overwhelming support in the Kyrgyz parliament.²⁶⁹ International donors would do well to recognise the sensitivity surrounding LGBTQ+ rights in

²⁶² ReliefWeb, Report of the Independent International Commission of Inquiry into the Events in Southern Kyrgyzstan in June 2010 - Kyrgyzstan, May 2011, <https://reliefweb.int/report/kyrgyzstan/report-independent-international-commission-inquiry-events-southern-kyrgyzstan>.

²⁶³ International Covenant on and Civil and Political Rights, "Views Adopted by the Committee under Article 5 (4) of the Optional Protocol, Concerning Communication No. 2231/2012" (United Nations Human Rights Committee, May 11, 2016).

²⁶⁴ For more on the symbolism of the Ak-kalpak, see: Ak-Kalpak Craftsmanship, Traditional Knowledge and Skills in Making and Wearing Kyrgyz Men's Headwear, Intangible Cultural heritage, UNESCO, <https://ich.unesco.org/en/lists>

²⁶⁵ Women's Rights Rally Held in Kyrgyz Capital, BBC Monitoring Central Asia Unit Supplied by BBC Worldwide Monitoring, March 2020, <https://advance-lexis-com.mutex.gmu.edu/api/document?collection=news&id=urn:contentItem:5YD2-42T1-DYRV-33TC-00000-00&context=1516831>

²⁶⁶ Bermet Ulanova, Miting 'Kyrk Choro' i tri ikh glavnykh trebovaniya vlastyam, Kaktus Media, March 2019, https://kaktus.media/doc/388158_miting_kyrk_choro_i_tri_ikh_glavnyh_trebovaniia_vlastiam._videotranslaciia.html

²⁶⁷ Ulanova.

²⁶⁸ Pete Baumgartner, Rainbow Rage: Kyrgyz Rail Against LGBT Community After Central Asia's 'First' Gay-Pride March, RFE/RL, March 2019, <https://www.rferl.org/a/rainbow-rage-kyrgyz-rail-against-lgbt-after-central-asia-s-first-gay-pride-march/29825158.html>

²⁶⁹ Anna Lelik, Kyrgyzstan: Anti-LGBT Bill Hits the Buffers, Eurasianet, May 2016, <https://eurasianet.org/kyrgyzstan-anti-lgbt-bill-hits-buffers>

Kyrgyzstan. Donors must not ignore this critically vulnerable population. At the same time, donors must acknowledge that bias against the LGBTQ+ community is, lamentably, widespread the world over. Just as politicians in Europe and the US have been slow to ensure LGBTQ+ protections, so too do Kyrgyz political elites hesitate to press LGBTQ+ rights out of a fear of alienating key constituencies.

Executive perceptions of threat

It is striking that, despite Kyrgyz MPs enthusiasm for anti-LGBTQ+ legislation, this legislation has yet to be formally adopted and passed into law. This is not to say that LGBTQ+ rights are robust in Kyrgyzstan; they are not. Members of the LGBTQ+ community are regularly the targets of violence and perpetrators of this violence rarely are brought to justice.²⁷⁰ To date, though, presidents along with members of parliament have been content to propound homophobic rhetoric rather than legislate against and thereby criminalise Kyrgyzstan's embattled LGBTQ+ community. The same cannot be said for members of the Uzbek minority or the political opposition. These groups, in that they either directly or indirectly pose what ruling elites perceive to be real threats, have suffered and will continue to suffer human rights violations at the hands of the Kyrgyz state.

There is no evidence, it must be emphasised, that Kyrgyzstan's ethnic Uzbek minority has ever sought to undermine state power either at the national or local level. This reality, though, has not stopped Kyrgyz nationalists from advancing narratives suggesting minority Uzbeks are a fifth column. The former mayor of Osh, Melis Myrzakhmetov, used anti-Uzbek xenophobia to build a devoted political following. Although the central Kyrgyz government eventually dethroned Myrzakhmetov from his mayoral seat in 2013, no Kyrgyz leader has sought to challenge Myrzakhmetov's—or any other Kyrgyz nationalist's—one-sided narrative of the 2010 ethnic violence. To challenge this narrative would be political suicide. Thus, it is perhaps not surprising that, to this day, no Kyrgyz executive has sought to reverse the Kyrgyz judiciary's gross miscarriage of justice conducted against ethnic Uzbeks in the aftermath of the 2010 riots. Kyrgyzstan's ethnic Uzbeks, though the threat they pose to the state is imagined rather than real, will continue to be deprived full restitution of rights as long as Kyrgyz elites perceive weak nationalist bona fides will make them vulnerable to political attacks.

Political attacks, be they based on nationalist credentials, real or alleged corruption, or charges of incompetence, are frequent in Kyrgyzstan. Kyrgyz presidents are always on guard to defend against these attacks and, despite Kyrgyzstan's outward trappings of democracy, Kyrgyz executives have proven more than willing to use the judiciary as well as other 'administrative' means to minimise real and perceived threats from opponents. The current Kyrgyz President, Sadyr Japarov, was jailed in 2017 during the leadership of President Atambayev. Atambayev himself was placed under house arrest by his successor, President Jeenbekov. Jeenbekov, ousted by Japarov in October 2020, has thus far avoided arrest, assiduously avoiding confrontation knowing well how a sitting president can use the courts to silence political threats. This march of executives between prison and the presidency and the presidency to prison is clear illustration of how Kyrgyzstan's political opposition can be silenced. Election monitoring reports from the OSCE's Office for Democratic Institutions and Human Rights are replete with examples of how the Kyrgyz executive systematically uses administrative resources, most notably the judiciary, to eliminate political threats. Indeed, it is precisely because political rights are so insecure that we see Kyrgyz politics so frequently devolve into street protests and putsches.

²⁷⁰ Katie Arnold, All of Us Will Be Victims at Some Point: Why Bishkek's Only Gay Club Closed, *The Guardian*, October 2017, <http://www.theguardian.com/cities/2017/oct/19/victims-closure-bishkek-only-lgbt-club-kyrgyzstan>

International reputation

Western governments, particularly the US Government, have viewed these protests and putsches more through the lens of democratic transition rather than unrestrained populism. US State Department Spokesman Adam Ereli was repeatedly pushed in March 2005, just days after a street protests led to the overthrow of Kyrgyzstan's first president, Askar Akayev, if the US Government considered what happened in Kyrgyzstan to be a coup. Ereli responded, "we will continue to work to support the efforts of the Kyrgyz people as they endeavor to build a stable democracy."²⁷¹ Following the putsch that led to Akayev's successor, Kurmanbek Bakiyev, fleeing to Kazakhstan, US Assistant Secretary of State Philip Crowley assured that the US Government would be "working with Kyrgyzstan to try to move it along on a path to democracy and economic prosperity."²⁷² And in November 2020, just weeks after street protesters secured Sadyr Japarov's release from jail and installation as acting president, the US Embassy in Bishkek announced it was renewing its 'commitment to assist the Kyrgyz Government, its people, and civil society groups composed of ordinary citizens, to protect democratic institutions, support human rights, and conduct free and fair elections.'²⁷³

Although leaders like Japarov no doubt see through the sanguine outward facing pronouncements of the US Government, international exhortations of support for Kyrgyz democracy likely do have a net positive effect on human rights in Kyrgyzstan. Kyrgyzstan depends heavily on foreign aid and receives more aid per capita from the two largest international donors—the European Union and the US Government—than any other Central Asian country.²⁷⁴ To engage in widespread and systematic human rights repression—repression the likes of which we see in Turkmenistan today or we saw in Uzbekistan during President Karimov's nearly three decades of terror—would jeopardise this much needed aid.

Kyrgyz presidents, including the recently-elected Japarov, consistently articulate support for human rights. Thus, Japarov pledged that "freedom of speech and the media will continue to be an inviolable value," and that his administration would build "a model judicial system."²⁷⁵ It is also notable, however, that Japarov, in his January 10th 2021 victory speech, issued a warning to the press: "*While I will defend the media, I ask you not to distort my words or the words of politicians and officials, not to take our statements out of context. Do this and there won't be any prosecutions.*"²⁷⁶ These are the worlds of a leader who perceives an overwhelmingly populist—though not necessarily democratically-won—mandate. This distinction is important and one that has not always informed how international partners engage Kyrgyz governments. Eliding populism and democracy, as international observers of Kyrgyz politics frequently do, is to celebrate political contestation but often at the expense of rule of law.

²⁷¹ State Department Briefing, States News Service, March 2005, <https://advance-lexis-com.mutex.gmu.edu/api/document?collection=news&id=urn:contentItem:4G2X-RRTO-00RY-942K-00000-00&context=1516831>

²⁷² State Department Press Briefing April 15; Assistant Secretary Philip Crowley Briefs the Press on a Range of Topics, State Department Documents and Publications, April 2010, <https://advance-lexis-com.mutex.gmu.edu/api/document?collection=news&id=urn:contentItem:7Y81-18R0-Y9R0-J29T-00000-00&context=1516831>

²⁷³ United States Announces Funding to Support Upcoming Elections in the Kyrgyz Republic, US Embassy in The Kyrgyz Republic, November 2020, <http://kg.usembassy.gov/united-states-announces-funding-to-support-upcoming-elections-in-the-kyrgyz-republic/>

²⁷⁴ EU Aid Explorer - European Commission, <https://euaidexplorer.ec.europa.eu/>; US Foreign Aid by Country, <https://explorer.usaid.gov/>

²⁷⁵ Highlights from Central Asian Press, Websites 12 Jan 21, BBC Monitoring Central Asia Unit Supplied by BBC Worldwide Monitoring, January 2021, <https://advance-lexis-com.mutex.gmu.edu/api/document?collection=news&id=urn:contentItem:61RP-B2W1-JC8S-C51G-00000-00&context=1516831>

²⁷⁶ Aidai Tokoyeva, Ya prizyvayu opponentov obedinit'sya, menshestvo dolzhno podchinit'sya bolshinstvu--Zhaparov, KLOOP.KG - Новости Кыргызстана, January 2021, <https://kloop.kg/blog/2021/01/10/ya-prizyvayu-opponentov-obedinit'sya-menshinstvo-dolzhno-podchinit'sya-bolshinstvu-zhaparov/>

Japarov's mixed messaging is an apt metaphor for the state of human rights in Kyrgyzstan. While rights violations are not systematic, neither are human rights guaranteed. Kyrgyz have long practiced robust local rule and this deep institutionalisation of local self-governance acts as a break to what might otherwise be the central government's trampling of fundamental rights. Kyrgyz leaders' desire to maintain an outward image as the one democracy in post-Soviet Central Asia, moreover, also acts as a check on human rights violations. At the same time, though, neither Kyrgyz leaders nor Kyrgyz society are invariably pro-human rights in orientation. Kyrgyzstan is not exceptional in this regard. The violent mob attack on the US capitol in January 2021 illustrates that western governments—the same states that are pushing countries like Kyrgyzstan to guarantee human rights—are themselves vulnerable to the autocratic leanings of their leaders and to the illiberal sentiments within their societies.

Kyrgyzstan's great fortune, and its curse, is that no single party, no one force, has an uncontested upper hand in Kyrgyz politics. While it may seem that Japarov today is ascendent, past Kyrgyz presidents similarly received overwhelming waves of popular support only to be chased out of the country by angry protesters several years later. The political scientist Dankwart Rustow argued that what was necessary for democracy was not consensus, but rather, a "hot family feud."²⁷⁷ This Kyrgyzstan has in abundance. Rustow also cautioned, however, "many things can go wrong" during family feuds. Neither democracy nor human rights are the assured outcome of Kyrgyzstan's protracted political contestation. Absent the institutionalisation of rule of law and democracy—and here national consensus is necessary—pressure on human rights will continue in Kyrgyzstan.

This essay partly draws on research undertaken as part of the project Russian, Chinese, Militant, and Ideologically Extremist Messaging Effects on United States Favorability Perceptions in Central Asia, funded by the US Department of Defense and the US Army Research Office/Army Research Laboratory under the Minerva Research Initiative, award W911-NF-17-1-0028. The views expressed here are those of the author and should not be attributed to the US Department of Defense or the US Army Research Office/Army Research Laboratory.

²⁷⁷ D. Rustow, Transitions to Democracy: Toward a Dynamic Model, Comparative Politics 2 (1970): 355.