

# **Retreating Rights: Examining the pressure on human rights in Kyrgyzstan**



## Executive Summary

Kyrgyzstan has just experienced another period of rapid and chaotic change, the third time the country has overthrown an incumbent President in the last 15 years. This publication shows how the roots of the problem run deep. It explores how a culture of corruption and impunity have been at the heart of Kyrgyzstan's institutional failings, problems that have sometimes been overlooked or downplayed because of the comparison to challenges elsewhere in Central Asia, but that were ruthlessly exposed by the COVID-19 pandemic.

The publication tries to explain the recent emergence of the new President Sadyr Japarov in the unrest of October 2020 and what it might mean for the future of Kyrgyzstan. An instinctive anti-elite populist with a powerful personal narrative and a past reputation for economic nationalism Japarov is undertaking a rapid consolidation of power, including through controversial constitutional reform.

Liberal minded civil society has been under increasing pressure throughout the last decade. They have faced successive governments increasingly seeking to regulate and pressure them and a rising tide of nationalism that has seen hatred against civil society activists expressed on the streets and online, particularly due to the weaponisation of work on women's and LGBTQ rights. The publication proposes a root and branch rethink of donor initiatives in Kyrgyzstan to take stock of the situation and come again with new ways to help, including the need for greater flexibility to respond to local issues, opportunities for new ideas and organisations to be supported, and a renewed focus on governance, transparency and accountability.

Magnitsky sanctions and global anti-corruption measures can be used to respond to the ways corrupt elites have stashed their earnings abroad and they can also be used to seek redress where justice is unlikely to be served in Kyrgyzstan, such as in the tragic case of Azimjan Askarov. There is scope to better condition potential trade, aid and investment incentives to human rights benchmarks. The publication suggests areas for further amendment in the drafting of Kyrgyzstan's new constitution and calls for more action from social media companies to protect activists and journalists who are subject to harassment.

The international community should be under no illusions about the scale of the challenges Kyrgyzstan faces. It should take swift action to prevent further backsliding on rights and freedoms, while finding new ways to help resolve Kyrgyzstan's systemic problems.

Recommendations for the Government of Kyrgyzstan, international institutions and Western donors:

- Ensure a rigorous focus on issues of corruption, hatred and impunity;
- Undertake a systemic review of international donor funded projects in Kyrgyzstan including budget support, the use of consultancies and working with NGOs. It should look at both objectives and implementation, based on evidence and widespread engagement;
- Find ways to empower fresh thinking and new voices, while giving partners the space and resources to adapt to local priorities;
- Encourage the Japarov Government to develop a new National Human Rights Action Plan;
- Increase human rights and governance conditionality in order to unlock stalled EU and UK partnership agreements, debt relief, further government related aid and new investment;
- Deploy Magnitsky Sanctions and anti-corruption mechanisms more widely on Kyrgyzstan;
- Expand Kyrgyz language moderation on social media and strengthen redress mechanisms;
- Push for further amendments to the draft constitution to protect NGOs, trade unions, free speech and minority rights, and avoid increasing the power of the Prosecutor General; and
- Explore new mechanisms for civic consultation, learning from local practices in Kyrgyzstan, consultative bodies in other developing countries and the use of Citizens Assemblies.

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## 1. Introduction: Examining the pressure on human rights in Kyrgyzstan

By Adam Hug<sup>1</sup>

This publication, *Retreating Rights*, is an attempt to take stock of another period of rapid and chaotic change in Kyrgyzstan, looking at how the country arrived at its current situation and assessing what can be done next.<sup>2</sup> The roots of where the country now finds itself run deep, deeper than many of the institutions Kyrgyzstan has built up over the years, and a more detailed analysis of these structural questions is covered in the second half of this introduction and in many of the essay contributions.

When this project was initially conceived in Autumn 2019 the storm clouds of nationalism and corruption over the country had been gathering for some time (and in many respects had always been there), before a weak response to COVID and pent-up frustration with a self-interested ruling class triggered the third overthrow of a government in little over 15 years. Kyrgyzstan's relative openness, at least when compared to its Central Asian neighbours, has often masked some of the deep and deepening challenges on governance and human rights issues. The roiling intra-elite competition and concerns over corruption have driven two previous revolutions, a contentious election in 2017 and the violent siege and arrest of former President Almazbek Atambayev in August 2019. The country is also dealing with the legacy of inter-communal violence targeted mainly at the ethnic Uzbek minority in Southern Kyrgyzstan, with discrimination against that community and the suppression of their language and property rights not satisfactorily resolved. The tragic death of

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<sup>2</sup> This publication is the first in a series that will comprise Kyrgyzstan, Tajikistan and Kazakhstan



political prisoner Azimjan Askarov in 2020 is a legacy of this grim situation and a symbol of the continuing communal tensions.

Over the last decade, and particularly in recent years, civil society activists have tried to raise the alarm about the increasing challenges they faced from the bureaucratic pressure, security service snooping and nationalist backlash, but too often these concerns have been minimised, informed in part by a desire to retain the idea of Kyrgyzstan as the Central Asian success story when it came to human rights and civic freedoms, even as poverty and other development metrics showed much more limited progress. As recently as June 2020 international partners such as the EU were arguing that *'the overall human rights situation remained stable and is considered as the most advanced in the region. The government remained committed to its human rights agenda and adopted relevant documents for its implementation, e.g. the National Human Rights Action Plan 2019-2021.'*<sup>3</sup> Incremental mounting concerns were too often overlooked until it became too late to stop more profound change. The 'frog' of Kyrgyzstan's political wellbeing had been gently boiled over several years before the pan bubbled over in late 2020, leaving serious, overdue questions about the long-term health of that metaphorical amphibian that this publication seeks to answer.

### **How we got here: a brief history of Kyrgyzstan**

The land that is now Kyrgyzstan has been home to a series of step civilisations including the Yenisei Kyrgyz Khaganate (likely to have been formed by ancestors of the modern Kyrgyz people) before its conquest by other step peoples including most notably the Mongol Empire in the thirteenth century.<sup>4</sup> The folk history of this initial founding period (in the ninth century) is shaped by the events told in the Epic of Manas, one of the world's longest poems, which has been used heavily by modern Kyrgyzstan as the basis for its national identity.<sup>5</sup> The Kyrgyz remained predominantly as nomadic tribes in what is now Kyrgyzstan and the surrounding regions, interacting with the Chinese and other settled empires such as the Timurids to the south. First contact between the Kyrgyz tribes and Katherine the Great's Russia took place in 1775 and just over a 100 years later (in 1876) the land and its people were taken and absorbed into the Russian Empire. The Soviets established the Kara-Kirghiz Autonomous Oblast within the Russia Soviet Socialist Republic (SSR) in 1924 which would gradually evolve in 1936 into the Kirghiz Soviet Socialist Republic, a full constituent republic of the Soviet Union. Shortly before the dissolution of the Soviet Union the President of the Kirghiz Academy of Science Askar Akayev won the Presidency after stalemate between more established Communist Party figures. Akayev would lead the new Republic of Kyrgyzstan until 2005, moving further than his Central Asian peers down the road of economic and political liberalisation. Although less authoritarian than his fellow post-Soviet Central Asian leaders the level of corruption steadily grew through his time in office.

### **How we got here: 2005- 2020**

Despite having previously promised to retire as mandated at the end of his third term in 2005, rumours swirled that Akayev planned a managed transfer of power to one of his children or to break the term limits that would have prevented him standing again. Protests against his government escalated across the country, particularly in response to strong concerns of ballot rigging in the February 2005 parliamentary election, that culminated in Akayev fleeing the country (and resuming his academic career in Moscow), a sequence of events known as the Tulip Revolution.<sup>6</sup>

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<sup>3</sup> EEAS, EU Annual Report on Human Rights and Democracy in the World 2019 Country Updates, [https://eeas.europa.eu/sites/eeas/files/201007\\_eu\\_country\\_updates\\_on\\_human\\_rights\\_and\\_democracy\\_2019.pdf](https://eeas.europa.eu/sites/eeas/files/201007_eu_country_updates_on_human_rights_and_democracy_2019.pdf)

<sup>4</sup> The precise details of this history are sometimes contested

<sup>5</sup> Francisco Olmos, State-building myths in Central Asia, FPC, October 2019, <https://fpc.org.uk/state-building-myths-in-central-asia/>. The historical existence of Manas is hotly debated but it seems likely that though carried for many years through oral tradition before its transcribing in the 18<sup>th</sup> Century, its origins are many centuries later than the time it recalls, making Manas a figure seen by scholars as more akin to King Arthur than a historical figure.

<sup>6</sup> BBC News Channel, Profile: Askar Akayev, April 2005, <http://news.bbc.co.uk/1/hi/world/asia-pacific/4371819.stm>

Leader of the protest movement, former Prime Minister Kurmanbek Bakiyev became both interim Prime Minister and Acting President and would subsequently win the July 2005 elections that followed Akayev's ouster. Like his predecessor Bakiyev would promise reform and then become mired in increasingly egregious corruption, as a number of authors in this collection note. Amid an energy crisis (with rolling blackouts and spiralling costs), opposition to Bakiyev's corruption crystallised into protests and riots that escalated into the capture of key government buildings and the White House (home to the Parliament and Presidential Administration) with around 65 deaths before the resignation of Bakiyev in April 2010. However his supporters would continue to mobilise in the south of the country leading to unrest that culminated in the June 2010 riots in Osh that predominantly targeted the ethnic Uzbek population who had been seen to be supportive of those who had ousted Bakiyev, though the roots of the dispute lie much deeper as explained in this publication. Bakiyev, along with many of his family and entourage, sought and gained asylum in Belarus, including the bizarre case of former Prime Minister Daniyar Usenov who is believed to have changed his name and now serving as the director of the Belarus National Biotechnology Corp, while Bakiyev's son Maxim gained asylum in the UK.<sup>7</sup> Roza Otunbayeva, who had previously been a key figure alongside Bakiyev in 2005, served as President on a short-term basis following the passage of the July 2010 Constitution in a referendum that saw the transfer of significant powers from the Presidency to the Parliament (the Jogorku Kenesh or Supreme Council).

Otunbayeva was succeeded as President in December 2011 by the Prime Minister Almazbek Atambayev. Again, as a number of authors in this collection show, he came in promising reform and left with a reputation for corruption and mismanagement. However, so far uniquely in post-Soviet Kyrgyzstan, he made it to the end of his term of office. Atambayev was able to hand over power in 2017 to his hand-picked successor and Social Democratic Party of Kyrgyzstan (SDPK) colleague, the Prime Minister Sooronbay Jeenbekov, in an election that was broadly free but far from entirely fair, marred by misuse of vote buying and use of administrative resources.<sup>8</sup> Yet upon taking office the relationship between the two men swiftly fractured with a flurry of legal cases against Atambayev and his inner circle, culminating in an armed stand-off at Atambayev's home compound and his subsequent arrest and conviction for 11 years on corruption charges and manslaughter charges still pending. The SDPK fractured between pro-Jeenbekov and pro-Atambayev factions, with many of the former ultimately coalescing around the Birimdik (Unity) party to act as the 'party of power' ahead of the 2020 elections.

Kyrgyzstan's reputation as an 'Island of Democracy' has been repeated often throughout the country's post-Soviet history as a point of comparison to its neighbours, but throughout said history there have been significant concerns about its political health.<sup>9</sup> At the very least it is worth pointing out that every elected President has either been removed from office by protests or been subsequently imprisoned after their term had expired.<sup>10</sup> The country remains the second poorest in the post-Soviet space, with a GDP per capita of \$1,309 (actual USD or \$5,485 PPP) and massive levels of migration, in particular to Russia that sees remittances form 28.5 per cent of the Kyrgyzstan's GDP.<sup>11</sup> The Transparency International Corruption Perception Index (CPI) places the country at 124<sup>th</sup> in the world and despite the lingering perception of Kyrgyzstan's democratic bona fides Freedom

<sup>7</sup> Catherine Putz, Kyrgyzstan and Belarus: Congratulations and Notes of Protest, August 2020, <https://thediplomat.com/2020/08/kyrgyzstan-and-belarus-congratulations-and-notes-of-protest/> <https://eurasianet.org/lukashenko-appears-alongside-dead-ex-kyrgyz-pm-after-protests>; Bermet Talant, Twitter Post, Twitter, August 2020, [https://twitter.com/ser\\_ou\\_parecer/status/1292758150333059072?s=11](https://twitter.com/ser_ou_parecer/status/1292758150333059072?s=11)

<sup>8</sup> OSCE Office for Democratic Institutions and Human Rights, OSCE, October 2017, <https://www.osce.org/odihr/elections/kyrgyzstan/333296>

<sup>9</sup> International Crisis Group, Kyrgyzstan at Ten: Trouble in the "Island of Democracy", August 2001, <https://www.crisisgroup.org/europe-central-asia/central-asia/kyrgyzstan/kyrgyzstan-ten-trouble-island-democracy>

<sup>10</sup> Otunbayeva was appointed to the post.

<sup>11</sup> The World Bank, GDP per capita (current US\$) – Kyrgyz Republic, <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=KG>; The World Bank, Personal remittances, received (% of GDP) – Kyrgyz Republic, <https://data.worldbank.org/indicator/BX.TRF.PWKR.DT.GD.ZS?locations=KG>

House's Nations in Transit Report has repeatedly classified Kyrgyzstan as a Consolidated Authoritarian Regime, with an overall score for political freedoms of 11 out of 100 and an albeit slightly better 27 out of 100 for Civil Liberties.<sup>12</sup> In 2016, Kyrgyzstan only narrowly avoided introducing a Russia-style foreign agents law after intense pressure from Kyrgyz civil society and Western donor governments and many NGOs have reported continuing pressure from the authorities and non-state actors linked to powerful interests.<sup>13</sup>

As set out later in this section and in many of the essays, nationalism has been on the rise over the last ten years to become a major mobilising force in Kyrgyzstan's public life.<sup>14</sup> This has manifested itself in many different ways, but particularly in the form of both anti-Western and anti-Chinese sentiments, a growing hostility to local Russian speakers (though rarely to Russia itself) and ongoing tensions over women's rights issues and with ethnic and sexual minorities.

From late 2018 onwards a series of protests began against Chinese migrants (both real and perceived), Chinese investments in the country and around the treatment of ethnic Kyrgyz in China.<sup>15</sup> In August 2019, protests erupted at the Solton-Sary mine, owned by the Zhong Ji Mining Company, over allegations of environmental damage and poor treatment of Kyrgyz employees.<sup>16</sup> As well as the ethnic and geo-strategic dimension in relation to such protests, the protests tapped into wider concerns about lack of economic progress and the sense that those benefiting from Kyrgyzstan's resource wealth are not the local population but international investors (and domestic elites). Dissatisfaction and protests against foreign ownership of the Kumtor Gold mine, owned by Canadian mining firm Centerra and accounting for around nine per cent of Kyrgyz GDP, have been a recurring theme of Kyrgyz political debate and was the source both of now President Sadyr Japarov's initial popularity and his criminal conviction for a kidnapping that occurred as part of pro-nationalisation protests he led in 2013.<sup>17</sup> 2020 began with further protests against perceived Chinese economic encroachment, ultimately leading to plans for a \$275 million Sino-Kyrgyz logistics center in the Naryn Free Economic Zone near the Chinese border to be scrapped.<sup>18</sup>

<sup>12</sup> Transparency International, Corruption Perceptions Index – 2020, <https://www.transparency.org/en/cpi/2020/index/kgz#>; Freedom House, Nations in Transit 2020, Kyrgyzstan, <https://freedomhouse.org/country/kyrgyzstan/nations-transit/2020>; Freedom House, Freedom in the World 2020, Kyrgyzstan, <https://freedomhouse.org/country/kyrgyzstan/freedom-world/2020>

<sup>13</sup> Anna Lelik, Disputed 'foreign agent' law shot down by Kyrgyzstan's parliament, The Guardian, May 2016, <https://www.theguardian.com/world/2016/may/12/foreign-agent-law-shot-down-by-kyrgyzstan-parliament>. For more information see: FPC, Sharing worst practice: How countries and institutions in the former Soviet Union help create legal tools of repression, May 2016, <https://fpc.org.uk/publications/sharingworstpractice/>

<sup>14</sup> Nationalism and religiosity in the country were addressed in the FPC's 2018 publication *'The rise of illiberal civil society in the former Soviet Union'*, <https://fpc.org.uk/publications/the-rise-of-illiberal-civil-society-in-the-former-soviet-union/>

<sup>15</sup> Kamila Eshaliyeva, Is anti-Chinese mood growing in Kyrgyzstan?, openDemocracy, March 2019, <https://www.opendemocracy.net/en/odr/anti-chinese-mood-growing-kyrgyzstan/>; Nurlan Aliyev, Protest Against Chinese Migrants in Kyrgyzstan: Sinophobia or Demands for Social Justice?, The Central Asia-Caucasus, April 2019, <http://www.cacianalyst.org/publications/analytical-articles/item/13568-protest-against-chinese-migrants-in-kyrgyzstan-sinophobia-or-demands-for-social-justice>; David Trilling, Poll shows Uzbeks, like neighbors, growing leery of Chinese investments, Eurasianet, October 2020, <https://eurasianet.org/poll-shows-uzbeks-like-neighbors-growing-leery-of-chinese-investments>; Reuters Staff, Kyrgyz police disperse anti-Chinese rally, Reuters, January 2019, <https://www.reuters.com/article/uk-kyrgyzstan-protests-china-idUKKCN1PB1L7>

<sup>16</sup> Catherine Putz, Tensions Flare at Kyrgyz Gold Mine, The Diplomat, August 2019, <https://thediplomat.com/2019/08/tensions-flare-at-kyrgyz-gold-mine/>

<sup>17</sup> RFE/RL's Kyrgyz Service, Kyrgyz Protesters Again Block Highway In Gold-Mine Protest, RFE/RL, October 2013, <https://www.rferl.org/a/kyrgyzstan-kumtor-gold-nationalization/25129980.html>; RFE/RL's Kyrgyz Service, Kyrgyz Protesters Again Demand Nationalization of Major Gold Mine, RFE/RL, June 2013, <https://www.rferl.org/a/kyrgyzstan-kumtor-mine-protest/25029473.html>; RFE/RL's Kyrgyz Service, Ex-Kyrgyz Lawmaker Japarov Jailed On Hostage-Taking Charge, RFE/RL, August 2017, <https://www.rferl.org/a/kyrgyzstan-japarov-hostage-taking-charge-jailed/28655237.html>; Sam Bhutia, Kyrgyzstan say its economy growing at a healthy clip. Really?, Eurasianet, November 2019, <https://eurasianet.org/kyrgyzstan-says-its-economy-is-growing-at-a-healthy-clip-really#:~:text=The%20Kumtor%20mine%20alone%20contributed,remained%20stable%20in%20recent%20years.&text=Apart%20from%20depending%20on%20one,Kyrgyzstan's%20exports%20are%20not%20diversified>

<sup>18</sup> Catherine Putz, Kyrgyz-Chinese Joint Venture Scrapped After Protests, The Diplomat, February 2020, <https://thediplomat.com/2020/02/kyrgyz-chinese-joint-venture-scrapped-after-protests/>

Women's rights have become a particular flashpoint between women's rights protesters (along with their supporters in liberal civil society) and nationalist counter-demonstrators. In late 2019, the Femminale of Contemporary Art, an exhibition of feminist art by Kyrgyz and international artists at the National Museum of Fine Arts in Bishkek became the centre of protest.<sup>19</sup> The backlash by protesting nationalists groups against the display (that included Kazakh artist Zoya Falkova's Evermust, a punching bag made into the shape of a female torso to highlight domestic violence) led to the Ministry of Culture censoring some of the exhibits and forcing the resignation of the Museum's curator amid death threats against her.<sup>20</sup> International Women's Day (March 8<sup>th</sup>) has also long been a flashpoint between the two faces modern Kyrgyzstan and in 2020 it again became a point of conflict. As Eric McGlinchey puts it in his essay, *'on March 8, 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.'*<sup>21</sup> Revealingly, while the violent attackers were not detained, 50 women's rights activists were arrested.<sup>22</sup>

### How we got here: March-October 2020

Ten days after the International Women's Day protests however normal political life would come shuddering to a halt as the first cases of COVID-19 were identified in Kyrgyzstan. By March 22<sup>nd</sup> a state of emergency was declared and public transport was shut down in Bishkek, which would evolve into a more substantial lockdown and curfew.<sup>23</sup> As with so many countries around the world, including this author's own, the ensuing crisis fully exposed the strengths and many weaknesses of the Kyrgyz state. As Ryskeldi Satke's essay in this collection shows the pandemic overwhelmed the capacity of Kyrgyzstan's health system (both in terms of beds and staff) and laid bare the endemic problems with governance, lack of transparency and corruption that undermined the country's ability to cope. Problems included a lack of oxygen and ventilators and the virus running rampant through healthcare workers who were struggling with the lack of PPE and other protections.<sup>24</sup> In the first few months of the pandemic the true picture was also somewhat obscured by cases regularly being misrecorded as cases of pneumonia.

Much of the initial response was characterised by an intra-elite blame game. By April 1<sup>st</sup> President Jeenbekov fired the heads of his COVID taskforce, Health Minister Kosmosbek Cholponbayev and Deputy Prime Minister Altyнай Omurbekova over perceived failings in the initial response.<sup>25</sup> Cholponbayev would subsequently be arrested in September 2020 amid claims of negligence and concerns over a consulting contract he had negotiated.<sup>26</sup> Prime Minister Mukhammedkalyi Abylgaziev would take a leave of absence on May 27<sup>th</sup>, mid-crisis, and would subsequently resign

<sup>19</sup> Ophelia Lai, Bishkek feminist art exhibition censored, ArtAsiaPacific, December 2019, <http://www.artasiapacific.com/News/BishkekFeministArtExhibitionCensored>

<sup>20</sup> Mohira Suyarkulova, Fateful Feminnale: an insider's view of "controversial" feminist art exhibition in Kyrgyzstan, openDemocracy, January 2020, <https://www.opendemocracy.net/en/odr/fateful-feminnale-an-insiders-view-of-a-controversial-feminist-art-exhibition-in-kyrgyzstan/>

<sup>21</sup> 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>

<sup>22</sup> Women's Rights Rally Held in Kyrgyz Capital, BBC Monitoring Central Asia Unit Supplied by BBC Worldwide Monitoring, March 2020, <https://advance-lexis-content.mutex.gmu.edu/api/document?collection=news&id=urn:contentItem:5YD2-42T1-DYRV-33TC-00000-00&context=1516831>

<sup>23</sup> Reuters Staff, Central Asia tightens restrictions as coronavirus spreads, Reuters, March 2020, <https://www.reuters.com/article/us-health-coronavirus-centralasia/central-asia-tightens-restrictions-as-coronavirus-spreads-idUSKBN218090>; AFP, Kyrgyz health minister, vice premier sacked over coronavirus response, Business Standard, April 2020, [https://www.business-standard.com/article/pti-stories/kyrgyz-health-minister-vice-premier-sacked-over-coronavirus-response-120040100745\\_1.html](https://www.business-standard.com/article/pti-stories/kyrgyz-health-minister-vice-premier-sacked-over-coronavirus-response-120040100745_1.html)

<sup>24</sup> Bermet Talant, Bishkek is running out of hospital beds as coronavirus pneumonia cases surge, Medium, July 2020, [https://medium.com/@ser\\_ou\\_parecer/bishkek-running-out-of-hospital-beds-as-coronavirus-pneumonia-cases-surge-4817a7a41e1d](https://medium.com/@ser_ou_parecer/bishkek-running-out-of-hospital-beds-as-coronavirus-pneumonia-cases-surge-4817a7a41e1d). A number of these challenges were being faced across the world but exacerbated by the prior lack of capacity in Kyrgyzstan's health sector.

<sup>25</sup> AFP, Kyrgyz health minister, vice premier sacked over coronavirus response, Business Standard, April 2020, [https://www.business-standard.com/article/pti-stories/kyrgyz-health-minister-vice-premier-sacked-over-coronavirus-response-120040100745\\_1.html](https://www.business-standard.com/article/pti-stories/kyrgyz-health-minister-vice-premier-sacked-over-coronavirus-response-120040100745_1.html)

<sup>26</sup> Baktygul Osmonalieva, Ex-Minister of Health Kosmosbek Cholponbaev detained on suspicion of negligence, 24.kg, September 2020, [https://24.kg/english/165292\\_\\_Ex-Minister\\_of\\_Health\\_Kosmosbek\\_Cholponbaev\\_detained\\_on\\_suspicion\\_of\\_negligence/](https://24.kg/english/165292__Ex-Minister_of_Health_Kosmosbek_Cholponbaev_detained_on_suspicion_of_negligence/)



two weeks later over corruption allegations relating to the sale of national broadcasting frequencies.<sup>27</sup> At Abylgaziev's leaving party ministers were caught on camera not wearing masks and breaking social distancing rules leading to 28 politicians and officials being fined.<sup>28</sup>

Ordinary citizens found the situation chaotic. The implementation of internal movement controls created havoc for the many people whose jobs relied on commuting into major cities such as Bishkek or who had been living in those cities without the formal propiska registration documents.<sup>29</sup> The crisis also saw Kyrgyzstan take on significant amounts of emergency funding from international institutions, \$627.3 million by July 2020, triggering further concerns about transparency and accountability of how the money was spent.<sup>30</sup> However, as so often in cases of state failure in Kyrgyzstan, volunteers stepped into the breach to provide support in hospitals and other health care facilities.<sup>31</sup> Come 2021 and the Japarov administration would announce that the previous Government significantly under counted the death rate, with more than 4,000 having died in the initial 2020 outbreak compared to the previously quoted figure of 1,393.<sup>32</sup>

The crisis also not only necessitated the restriction of civil liberties on public health grounds seen around the world but it provided the Government with opportunities to further restrict media and political freedoms. As Elira Turdubaeva points out in her essay, independent media was not able to operate outside during the lockdown period, the Parliament tried to proceed with laws designed to increase bureaucratic measures on NGOs and the security services ramped up arrests of social media users who criticised the Government response to the pandemic (including medical workers protesting the lack of PPE).<sup>33</sup>

Despite the social and economic turmoil ahead of the Parliamentary elections, it initially seemed that the contests would simply act as an intra-elite competition between oligarchs and local power brokers, as the party system reshaped itself following the implosion of the SPDK.<sup>34</sup> It soon became clear that much of the activity was centred around jostling between forces directly aligned with President Jeenbekov (including his brother Asylbek), which coalesced around the Birimdik party (Party of Democratic Socialism—Eurasian Choice 'Unity'), and forces close to the powerful Matraimov family network (about more of which below), which acted through the also notionally pro-Jeenbekov Mekenim Kirgizstan ('My Homeland Is Kyrgyzstan') party.

Rules prohibiting the use of volunteers entrenched the capacity gap between the well-resourced efforts of Birimdik, Mekenim Kirgizstan and Kanatbek Isaev's Kyrgyzstan party (also seen as being

<sup>27</sup> RFE/RL's Kyrgyz Service, Kyrgyz Prime Minister Resigns Over Corruption Probe, RFE/RL, June 2020, <https://www.rferl.org/a/kyrgyz-prime-minister-abylgaziev-resigns-corruption-probe/30672225.html>

<sup>28</sup> Ruslan Kharizov, Members of Cabinet fined 140,000 soms for violation of mask requirement, 24.kg, June 2020, [https://24.kg/english/157124\\_Members\\_of\\_Cabinet\\_fined\\_140000\\_soms\\_for\\_violation\\_of\\_mask\\_requirement/](https://24.kg/english/157124_Members_of_Cabinet_fined_140000_soms_for_violation_of_mask_requirement/)

<sup>29</sup> Maria Zozulya, Emergency in Kyrgyzstan: Government Without Masks and the Precious Passes, CABAR, April 2020, <https://cabar.asia/en/emergency-in-kyrgyzstan-government-without-masks-and-the-precious-passes>

<sup>30</sup> Kamila Eshaliyeva, Is Kyrgyzstan losing the fight against coronavirus?, openDemocracy, July 2020, <https://www.opendemocracy.net/en/odr/kyrgyzstan-losing-fight-against-coronavirus/>

<sup>31</sup> Ayzirek Imanaliyeva, Kyrgyzstan: Volunteers play heroic role in battle against COVID-10, Eurasianet, July 2020, <https://eurasianet.org/kyrgyzstan-volunteers-play-heroic-role-in-battle-against-covid-19>

<sup>32</sup> Zamira Kozhobaeva, COVID-19 in the Kyrgyz Republic: Real mortality may be three time higher than official data, Radio Azattyk, January 2021, <https://rus.azattyk.org/a/covid-19-v-kr-realnaya-smertnost-vyshe-ofitsialnyh-dannyh-v-tri-raza/31053269.html>

<sup>33</sup> Ayzirek Imanaliyeva, Kyrgyzstan: Draft bill threatens to drive NGOs against the wall, Eurasianet, May 2020, <https://eurasianet.org/kyrgyzstan-draft-bill-threatens-to-drive-ngos-against-the-wall>; IPHR, Central Asia: Tightening the screws on government critics during the Covid-19 pandemic, November 2020, <https://www.iphronline.org/central-asia-tightening-the-screws-on-government-critics-during-the-covid-19-pandemic.html>

<sup>34</sup> These two articles capture the dynamics of the change at different points in the contest: Bruce Pannier, No Coronavirus Postponement And No Front-Runners So Far In Kyrgyz Elections, RFE/RL, August 2020, <https://www.rferl.org/a/no-coronavirus-postponement-and-no-front-runners-so-far-in-kyrgyz-elections/30771625.html> and Ayzirek Imanaliyeva, Kyrgyzstan vote: New-look parliament but old-style politics, Eurasianet, September 2020, <https://eurasianet.org/kyrgyzstan-vote-new-look-parliament-but-old-style-politics>

pro-Jeenbekov), and their rivals.<sup>35</sup> However, perhaps more important than formal campaign spending was the continuation of large-scale vote buying, a common practice in past elections, which this time also included the abuse of pandemic related charitable initiatives, as well as the traditional abuse of administrative resources (the coercion of state institutions and employees) to back pro-Jeenbekov candidates (albeit often against one another in internecine contests that devolved into brawls on more than one occasion).<sup>36</sup> 16 of the 17 Parties in the October election signed up to the Central Election Commission (CEC) code of conduct on hate speech but this was often ignored online during in the campaign.

### Here: October 2020 onwards

On election day itself, October 4<sup>th</sup>, social media was awash with images of electoral shenanigans including videos of vote buying, voting for multiple people and suspected ‘carousel’ voting (where people vote in multiple polling locations, potentially abusing the ability to temporarily change voting addresses).<sup>37</sup> The OSCE Final Election monitoring report subsequently noted that its observation mission had received ‘numerous credible reports from interlocutors throughout the country about instances of vote buying and abuse of administrative resources.’<sup>38</sup>

In the preliminary results, Birimdik narrowly bested Mekenim Kirgizstan by 24.50 per cent to 23.79 per cent (which would have equated to 46 and 45 seats respectively in the 120 seat Supreme Council (Jogorku Kenesh)), with Kyrgyzstan some way behind on 8.7 per cent and 16 provisional seats.<sup>39</sup> The fourth party to scrape over the seven per cent electoral threshold was the only party not to be openly and explicitly aligned with President Jeenbekov, the nationalist Bütün Kirgizstan (‘United Kyrgyzstan’), led by 2011 and 2017 Presidential election also-ran Adakhan Madumarov. This result was despite pre-election polling clearly showing that only a third of the electorate approved of the incumbent Government’s pandemic response.<sup>40</sup>

Protests on Bishkek’s Ala-Too Square and outside the CEC began as early as the announcement of the provisional results on the evening of October 4<sup>th</sup>, led by campaigners for the many parties that had failed to clear the electoral threshold and therefore would not hold seats in the new Supreme Council. By the following morning protesters were on the streets of Bishkek in significant numbers protesting the results and the open levels of fraud that had gone on the day before. By that afternoon and into the evening Ala-Too Square was full with thousands of protesters, waving flags and singing the national anthem.<sup>41</sup> By this stage sources in President Jeenbekov’s Birimdik were already saying that they were open to the election being re-run.

However, later into the evening the situation deteriorated into violence as police attempted to disperse the protestors, both those outside the White House and the square with water cannon, stun grenades and tear gas, escalating the tension.<sup>42</sup> By 3am the protesters had broken into the White

<sup>35</sup> The OSCE’s election monitoring report notes that ‘According to bank reports, Birimdik incurred a total campaign spending of KGS 104.6 million, Kyrgyzstan – KGS 123.6 million and Mekenim Kyrgyzstan – KGS 142.5 million. All other parties reported expenditures below KGS 53 million each.’ ODIHR Limited Election Observation Mission, Final Report, Kyrgyz Republic, Parliamentary Elections, 4 October 2020, OSCE, December 2020, <https://www.osce.org/files/f/documents/7/a/472461.pdf>

<sup>36</sup> Catherine Putz, After Brawls and Protests, Kyrgyzstan’s Campaigns Near Election Day, The Diplomat, September 2020, <https://thediplomat.com/2020/09/after-brawls-and-protests-kyrgyzstans-campaigns-near-election-day/>

<sup>37</sup> For an example see: Chris Rickleton, Twitter Post, Twitter, October 2020, <https://twitter.com/ChrisRickleton/status/1312649397168201729?s=20>

<sup>38</sup> ODIHR Limited Election Observation Mission, Final Report, Kyrgyz Republic, Parliamentary Elections, 4 October 2020, OSCE, December 2020, <https://www.osce.org/files/f/documents/7/a/472461.pdf>

<sup>39</sup> Electoral Information System, Election of Deputies of the Supreme Council of the Kyrgyz Republic 4/10/2020, Overview of ballot counting, [https://newess.shailoo.gov.kg/en/election/11098/ballot-count?type=NW\\_ROOT](https://newess.shailoo.gov.kg/en/election/11098/ballot-count?type=NW_ROOT)

<sup>40</sup> IRI, Kyrgyzstan Poll Suggests High Voter Intent Ahead of Parliamentary Elections, September 2020, <https://www.iri.org/resource/kyrgyzstan-poll-suggests-high-voter-intent-ahead-parliamentary-elections>

<sup>41</sup> Colleen Wood, Twitter Post, Twitter, October 2020, [https://twitter.com/colleenwood\\_/status/1313086167248760832?s=20](https://twitter.com/colleenwood_/status/1313086167248760832?s=20)

<sup>42</sup> Bermet Talant, Twitter Post, Twitter, October 2020, [https://twitter.com/ser\\_ou\\_parecer/status/1313195446463016963?s=20](https://twitter.com/ser_ou_parecer/status/1313195446463016963?s=20); Joanna Lillis, Twitter Post, Twitter, October 2020, <https://twitter.com/joannalillis/status/1313129376976953344?s=20>

House, including into President Jeenbekov's office, and the State Committee for National Security (GKNB).<sup>43</sup> Among those released from the GKNB building included former President Atambayev and a former Member of Parliament Sadyr Japarov.<sup>44</sup> While Atambayev would attempt to somewhat awkwardly join the protesting opposition groups in Ala-Too Square, something that weakened the liberal camp's legitimacy and that Asel Doolotkeldieva argues fundamentally weakened its negotiating position with Jeenbekov, Japarov was joined by his own supporters, that included amongst their number mixture of nationalist groups and 'Sportsmeni', who would ultimately coalesce around the City's Old Square.<sup>45</sup> Less than a day after his release from prison Japarov would be find himself proclaimed as the country's interim Prime Minister, late on October 6<sup>th</sup>, by a group of Parliamentarians from the pre-October 4<sup>th</sup> Supreme Council who had hunkered down in the Dostuk Hotel, though this meeting would be broken up by opposition supporters decrying the legitimacy of this impromptu, inordinate gathering. With President Jeenbekov absent from the scene, beyond the occasional video calling for calm, competing factions on the street proclaimed the support for their own leaderships, with young entrepreneur Tilek Toktogaziev being proposed by the liberal opposition. Tensions would ultimately come to a head on October 9<sup>th</sup> with street brawls between Japarov and opposition supporters, including a shot being fired at former President Atambayev's car, that help to firmly tilt the balance of power in favour of Japarov's supporters at the expense of the disorganised opposition movement and more liberally minded protestors.

As Bishkek was gripped by political upheaval another force made its presence felt on the streets in the absence of effective police control, the *druzhinniki* (volunteer civil defence units).<sup>46</sup> These volunteers fanned out across the city to protect shops and other businesses to prevent a repeat of the looting that followed the revolutions in 2005 and 2010.<sup>47</sup>

Japarov would again be declared Prime Minister on October 10<sup>th</sup> and 14<sup>th</sup> in incrementally more formal votes of the Parliament and amid claims of intimidation of its members by Japarov's supporters.<sup>48</sup> On October 15<sup>th</sup>, Jeenbekov finally resigned and Japarov would take his place (and that of Prime Minister) on an interim basis, completing his transition from prisoner to President in ten days.<sup>49</sup>

In summary, the brief hopes that the opposition was uniting and able to come up with an alternative to the status quo came to naught as the enthusiastic but unprepared activists could not decide on how to seize their momentum, beset by tensions between younger activists and older, often discredited, opposition politicians who tried to ride the nascent revolution back to relevance.<sup>50</sup> Into the vacuum stepped a more organised alternative in Japarov, combining new mobilisation

<sup>43</sup> Bermet Talant, Twitter Post, Twitter, October 2020, [https://twitter.com/ser\\_ou\\_parecer/status/1313234787029725186?s=20](https://twitter.com/ser_ou_parecer/status/1313234787029725186?s=20)

<sup>44</sup> Peter Leonard, As dawn breaks in Kyrgyzstan, protesters control government buildings, Eurasianet, October 2020, <https://eurasianet.org/as-dawn-breaks-in-kyrgyzstan-protesters-control-government-buildings>

<sup>45</sup> Groups of young men often attached to sports clubs that act as social networks and in a number of cases of such groups there are perceived links to organised crime.

<sup>46</sup> Ayzirek Imanaliyeva, Kyrgyzstan: In an uprising low on heroes, defense volunteers shine, Eurasianet, October 2020, <https://eurasianet.org/kyrgyzstan-in-an-uprising-low-on-heroes-defense-volunteers-shine>

<sup>47</sup> Erica Marat, The incredible resilience of Kyrgyzstan, openDemocracy, October 2020, <https://www.opendemocracy.net/en/odr/incredible-resilience-kyrgyzstan/>

<sup>48</sup> RFE/RL's Kyrgyz Service, Kyrgyzstan Lawmakers Approve Japarov As New Prime Minister Days After He Was Sprung From Jail, RFE/RL, October 2020, <https://www.rferl.org/a/kyrgyz-japarov-new-prime-minister-political-turmoil-atambaev-arrest/30885681.html>; DW, Kyrgyzstan's parliament taps Sadyr Japarov, as new premier, October 2020, <https://www.dw.com/en/kyrgyzstans-parliament-taps-sadyr-zhaparov-as-new-premier/a-55270788>; IPHR, Post-election protests plunge Kyrgyzstan into crisis, October 2020, <https://www.iphronline.org/post-election-protests-plunge-kyrgyzstan-into-crisis.html>

<sup>49</sup> Bruce Pannier, Jeenbekov Failed To Tackle Kyrgyzstan's Problems. Now He's Gone, RFE/RL, October 2020, <https://www.rferl.org/a/kyrgyzstan-jeenbekov-resignation-analysis-qishloq-ovozi/30896794.html>

<sup>50</sup> Peter Leonard, Twitter Post, Twitter, October 2020, [https://twitter.com/Peter\\_\\_Leonard/status/1313052691610951680?s=20](https://twitter.com/Peter__Leonard/status/1313052691610951680?s=20); Kaktus Media, Tolekan Ismailova: There is no hope for parliament, the president must come out the underground, October 2020, [https://kaktus.media/doc/423327\\_tolekan\\_ismailova:\\_na\\_parlament\\_nadejdy\\_net\\_prezident\\_doljen\\_vyiti\\_iz\\_podpolia.html](https://kaktus.media/doc/423327_tolekan_ismailova:_na_parlament_nadejdy_net_prezident_doljen_vyiti_iz_podpolia.html); Aksana Ismailbekova, Intergenerational Conflict at the Core of Kyrgyzstan's Turmoil, The Diplomat, October 2020, <https://thediplomat.com/2020/10/intergenerational-conflict-at-the-core-of-kyrgyzstans-turmoil/>

techniques, an outsider persona and a genuine personal following but with ties to old players, particularly those around former President Bakiyev and suspicions of ties to many of the shadowy forces that had previously participated in the rigged election.<sup>51</sup>

### The rise of Japarov

Sadyr Japarov first came to limited public notice in the wake of the 2005 Tulip Revolution as a Parliamentarian and then advisor to then President Kurmanbek Bakiyev, serving a stint at the National Agency for the Prevention of Corruption at a time of widespread corruption allegations against those close to Bakiyev. Following the 2010 revolution Japarov initially followed Bakiyev to Osh and was present in the city during the inter-ethnic conflict between Kyrgyz nationalists and ethnic Uzbeks.<sup>52</sup> He resurfaced after the violence as an MP for former Minister of Emergency Situations Kamchybek Tashiev's nationalist Ata-Zhurt party, which supported overturning the 2010 referendum that watered down the powers of the Presidency and argued for the return of Bakiyev.

However it was through his campaign against the Canadian ownership of the Kumtor mine that brought him to prominence, popularity and notoriety.<sup>53</sup> In 2012 a protest Japarov organised, protesting the amount of tax the mine owner Centerra was paying and calling for the nationalisation of the mine, turned violent after an incendiary speech by Tashiev that was seen by some as implying that they should occupy the White House. Some of the protesters duly tried to break in and there were claims that Tashiev tried to lead protesters over the fence.<sup>54</sup> Both Japarov and Tashiev faced criminal charges and they were stripped of their seats in Parliament as part of the settlement of the case.<sup>55</sup> In 2013 Japarov's campaign against Kumtor escalated into months of protests in the Issyk Kul region near the mine. In October 2013 Government representative Emil Kaptagaev, who had attempted to speak to protestors, was bundled into a car that was then doused with petrol and threatened to be set alight.<sup>56</sup> Japarov himself was not present at this point, having travelled abroad a few days earlier, but was charged with inciting the violence. He would stay in exile until 2017 when he returned to Kyrgyzstan and was subsequently jailed for an 11.5 year term for his role in the kidnapping of Kaptagaev, this was despite Kaptagaev himself criticising the trial and saying that "fairness in the justice system has died".<sup>57</sup> During the time Japarov spent in pre-trial detention and in prison his son and parents would pass away and he survived a suicide attempt, adding to a public persona of a politician who was personally suffering for his campaigning against vested interests.

Despite being in prison Japarov served as leader of the Mekenchil ('Patriotic') party alongside his longstanding political partner Tashiev who served as its chairman. In the disputed elections of October 4<sup>th</sup> Mekenchil would receive the highest share of the vote of those parties not due to enter the new Supreme Council with 6.85 per cent, just below the seven per cent threshold for receiving seats. However, given the scale of vote buying by other parties, this was not a particularly helpful

<sup>51</sup> Bruce Pannier, A Hidden Force In Kyrgyzstan Hijacks The Opposition's Push For Big Changes, RFE/RL, October 2020, <https://www.rferl.org/a/a-hidden-force-in-kyrgyzstan-hijacks-the-opposition-s-push-for-big-changes/30891583.html>

<sup>52</sup> Temur Umarov, Who's In Charge Following Revolution In Kyrgyzstan?, The Moscow Times, October 2020, <https://www.themoscowtimes.com/2020/10/26/whos-in-charge-following-revolution-in-kyrgyzstan-a71856>

<sup>53</sup> Sam Bhutia, Kyrgyzstan says its economy growing at a healthy clip. Really?, Eurasianet, November 2019, <https://eurasianet.org/kyrgyzstan-says-its-economy-is-growing-at-a-healthy-clip-really#:~:text=The%20Kumtor%20mine%20alone%20contributed,remained%20stable%20in%20recent%20years.&text=Apart%20from%20depending%20on%20one,Kyrgyzstan's%20exports%20are%20not%20diversified>

<sup>54</sup> Zairbek Baktybaev, Is the assault on the White House a planned action? Radio Azattyk, October 2012, [https://rus.azattyk.org/a/kyrgyzstan\\_power\\_opposition/24736283.html](https://rus.azattyk.org/a/kyrgyzstan_power_opposition/24736283.html); <https://eurasianet.org/kyrgyzstan-nationalist-mps-and-rioters-attempt-to-storm-parliament>

<sup>55</sup> David Trilling, Kyrgyzstan: Nationalist MPs and Rioters Attempt to Storm Parliament, Eurasianet, October 2012, <https://cabar.asia/en/who-is-acting-president-of-kyrgyzstan-sadyr-zhaparov-here-s-the-explanation>

<sup>56</sup> RFE/RL's Kyrgyz Service, Kyrgyz Police Disperse Mine Protest, RFE/RL, October 2013, <https://www.rferl.org/a/kumtor-kyrgyzstan-gold-mine-hostage/25129053.html>

<sup>57</sup> Nurjama Djanibekova, Kyrgyzstan: Two Opposition Trials Conclude With Lengthy Sentences, Eurasianet, August 2017, <https://eurasianet.org/kyrgyzstan-two-opposition-trials-conclude-with-lengthy-sentences>; Emilbek Kaptagaev, Facebook post, Facebook, August 2017, [https://www.facebook.com/permalink.php?story\\_fbid=728676047334502&id=100005763398264](https://www.facebook.com/permalink.php?story_fbid=728676047334502&id=100005763398264)

indicator of Japarov's support, or at least his potential support. Joldon Kutmanaliev and Gulzat Baialieva show, in their essay in this collection and in their previous research, how Facebook played a crucial role in building his political brand; how WhatsApp was crucial in marshalling supporters to fill the crucial political vacuum that followed the rigged elections, and how he and his team built a following on Instagram and the Russian social network Odnoklassniki to create an organic social media presence that dwarfed other political figures who were more reliant on traditional methods of political horse-trading and vote buying.<sup>58</sup> The political messages that would churn within these groups sought to burnish Japarov's reputation as a popular hero who stood up against the corrupt elite over Kumtor and was unjustly imprisoned, an economic populism and nationalism that was a central part of his image. Such narratives would overlap with more socially conservative nationalist rhetoric and anti-Western sentiment, particularly around pages linked to the Mekenchil party, built on the ground swell of nationalist and neo-conservative sentiment that had fermented in recent years.<sup>59</sup> These narratives and numbers were able to mobilise Japarov's supporters, particularly amongst the rural population and unemployed former migrant workers returned from Russia, to build their own independent presence on the streets of Bishkek that would ultimately overwhelm the forces of the State, the liberally minded (and often urban) young activists and the more traditional opposition groups.

### What Sadyr did next

The day after his assentation to the Interim Presidency Japarov installed his long-time political partner Kamchybek Tashiev as head of the security services, solidifying his hold on the levers of power.<sup>60</sup> At Tashiev's direction a number of well publicised, and some would argue stage managed, moves took place to signal that the new leadership was taking action on corruption.<sup>61</sup> This included the arrest and pre-trial detention of Raiymbek Matraimov and the announcement of an investigation into 40 people believed to be part of his network.<sup>62</sup> As part of a 30 day 'economic amnesty' whereby former officials and other past beneficiaries of corruption could repay their ill-gotten gains to the Government, it was claimed Matraimov agreed to transfer two billion soms (\$23.6 million) back to the state in return for a pardon.<sup>63</sup> At the same time it was noted that the network of fake accounts run by organised troll farms linked to Matraimov and who had previously been actively promoting Mekenim Kirgizstan turned their attention to supporting the new interim President.<sup>64</sup>

<sup>58</sup> Gulzat Baialieva and Joldon Kutmanaliev, How Kyrgyz social media backed an imprisoned politician's meteoric rise to power, openDemocracy, October 2020, <https://www.opendemocracy.net/en/odr/how-kyrgyz-social-media-backed-an-imprisoned-politicians-meteorite-rise-to-power/>; Gulzat Baialieva and Joldon Kutmanaliev, In Kyrgyzstan, social media hate goes unchecked, openDemocracy, December 2020, <https://www.opendemocracy.net/en/odr/kyrgyzstan-social-media-hate-goes-unchecked/>; Elena Korotkova, "Made a revolution out of prison." What Sadyr Japarov told about in an interview with Kommersant, kloop, January 2021, <https://kloop.kg/blog/2021/01/11/sdelal-revolutsiyu-iz-tyurmy-o-chem-rasskazal-sadyr-zhaporov-v-intervyu-kommersantu/>

<sup>59</sup> Asel Doolotkeldieva, Twitter Post, Twitter, December 2020, <https://twitter.com/adootkeldieva/status/1342036354335715332?s=11>; FPC, The rise of illiberal civil society in the former Soviet Union?, July 2018, <https://fpc.org.uk/publications/the-rise-of-illiberal-civil-society-in-the-former-soviet-union/>

<sup>60</sup> Yuri Kopytin, Kamchybek Tashiev appointed Chairman of SCNS, 24.kg, October 2020, [https://24.kg/english/169646\\_Kamchybek\\_Tashiev\\_appointed\\_Chairman\\_of\\_SCNS/](https://24.kg/english/169646_Kamchybek_Tashiev_appointed_Chairman_of_SCNS/)

<sup>61</sup> Oksana Gut, "Corrupt officials should not be imprisoned, it is enough to return the stolen goods", vb.kg, October 2020, [https://www.vb.kg/doc/393327\\_korruptcionerov\\_ne\\_nado\\_sajat\\_v\\_turmy\\_dostatochno\\_vernyat\\_ykradennoe.html](https://www.vb.kg/doc/393327_korruptcionerov_ne_nado_sajat_v_turmy_dostatochno_vernyat_ykradennoe.html)

<sup>62</sup> Oksana Gut, Matraimova, according to the agreement, will be fined and banned from holding public office for 3 years, vb.kg, October 2020, [https://www.vb.kg/doc/393320\\_matraimova\\_po\\_soglasheniyu\\_jdet\\_shtraf\\_i\\_zapret\\_zanimat\\_gosdoljnosti\\_3\\_goda.html](https://www.vb.kg/doc/393320_matraimova_po_soglasheniyu_jdet_shtraf_i_zapret_zanimat_gosdoljnosti_3_goda.html); Radio Azattyk, The State Committee for National Security identified about 40 people from the closest circle of Matraimov involved in his corruption scheme, October 2020, <https://rus.azattyk.org/a/30900569.html>

<sup>63</sup> RFE/RL's Kyrgyz Service, Kyrgyz Acting President Announces 'Economic Amnesty' After Powerful Oligarch's House Arrest, RFE/RL, October 2020, <https://www.rferl.org/a/kyrgyzstan-economic-amnesty-japarov-matraimov-house-arrest-oligarchs/30905101.html>; Zdravko Ljubas, New Kyrgyz Authorities Act Against Graft, Matraimov, OCCRP, October 2020, [https://www.occrp.org/en/daily/13272-new-kyrgyz-authorities-act-against-graft-matraimov?fbclid=IwAR20RcpzFEsE7Af\\_pFDWvvyus77DYUlfX5MyL1eKkiLBERmsQ5d5uw3nnlo](https://www.occrp.org/en/daily/13272-new-kyrgyz-authorities-act-against-graft-matraimov?fbclid=IwAR20RcpzFEsE7Af_pFDWvvyus77DYUlfX5MyL1eKkiLBERmsQ5d5uw3nnlo)

<sup>64</sup> Kamila Eshaliyeva, Real fakes: how Kyrgyzstan's troll factories work, openDemocracy, November 2020, <https://www.opendemocracy.net/en/odr/troll-factories-kyrgyzstan/?source=in-article-related-story>; Kaktus Media, Matraimov and Japarov. When there is one "troll factory" for two, February 2021, [https://kaktus.media/doc/432331\\_matraimov\\_i\\_japarov.\\_kogda\\_na\\_dvoih\\_odna\\_fabrika\\_trolley.html](https://kaktus.media/doc/432331_matraimov_i_japarov._kogda_na_dvoih_odna_fabrika_trolley.html)



Around the country, local officials with ties to the Jeenbekov Government were removed from their posts. In the initial chaos figures from the Bakiyev-era, such as former Mayor of Bishkek Nariman Tuleev and Melis Myrzakhmetov, the controversial former Mayor of Osh heavily implicated in the 2010 inter-ethnic violence, tried to return in their former posts (and in Tuleev's case briefly succeeded) before less contentious supporters of the new regime could be installed in acting control of key posts.<sup>65</sup>

Amid the chaos and factional horse-trading, positions of power in the cabinet and institutions were rapidly filled with people with personal and political connections to Japarov and Tashiev. One of the few exceptions, an attempted olive branch to opposition protesters, was the entrepreneur, turned opposition activist, turned less successful self-proclaimed president Tilek Toktogaziev who would find himself Minister of Agriculture in the interim administration.<sup>66</sup>

Attempts at formal legitimacy for all manoeuvres taken by the interim Government rested on the approval of members of a Supreme Council whose mandate had ended on October 15<sup>th</sup>. However instead of swiftly pursuing efforts to re-run the Parliamentary elections, the initial demand of the protestors who had filled the Bishkek streets, Japarov instead focused on his own political priorities.<sup>67</sup> These priorities included legitimising his hold on power through a new Presidential Election and delivering a long-held political goal of unravelling the post-2010 constitutional settlement in order to increase the power of the Presidency, a role which of course he now held. A one million dollar public affairs and PR contract was agreed, apparently funded by a supportive businessman, to help bolster the international image of the new political setup.<sup>68</sup>

So, after less than a month in the job, on November 14<sup>th</sup> Japarov relinquished the role of interim President in order to campaign for snap Presidential elections that were now to take place on January 10<sup>th</sup> 2021. Talant Mamytov, a deputy from Tashiev's former Ata-Zhurt party, became the new Acting President having been elected as the speaker of the zombie Parliament earlier in November in a choreographed move to enable Japarov to run.<sup>69</sup> Artem Novikov, a young civil servant who had been acting as Japarov's First Deputy Prime Minister, became the acting Prime Minister.

The second half of the double bill also announced for January 10<sup>th</sup> was Japarov's promised constitutional referendum to approve a return to a strong Presidential system. The referendum that was initially due to approve the draft constitution was agreed on November 17<sup>th</sup> by the Supreme Council, with only four Parliamentarians voting against the plebiscite (Dastan Bekeshev, Aisuluu Mamashova, Natalya Nikitenko and Kanybek Imanaliev). However only 64 MPs (out of 120) were actually present for this huge decision, a reflection not only of the controversial nature of the proposal but that a constitutional process was being directed by a body sitting unconstitutionally beyond its original mandate.<sup>70</sup> In the wake of publication there was widespread confusion about

<sup>65</sup> RFE/RL, Ex-Bishkek Mayor Jailed For Corruption, July 2013, <https://www.rferl.org/a/kyrgyzstan-bishkek-mayor-corruption/25060829.html>; AKIpress, Nariman Tuleev became acting mayor of Bishkek, October 2020, [https://akipress.com/news:649885:Nariman\\_Tuleev\\_became\\_acting\\_mayor\\_of\\_Bishkek/](https://akipress.com/news:649885:Nariman_Tuleev_became_acting_mayor_of_Bishkek/); Kaktus Media, Twitter Post, Twitter, October 2020, [https://twitter.com/kaktus\\_\\_media/status/1318467547138789376](https://twitter.com/kaktus__media/status/1318467547138789376). However on October 22<sup>nd</sup> he was pushed out himself: Maria Orlova, Nariman Tyuleev refused the post and. About. Mayor of Bishkek: a dirty struggle of groups, 24.kg, October 2020, [https://24.kg/vlast/170262\\_nariman\\_tyuleev\\_otkazalsya\\_otpostaio\\_mera\\_bishkeka\\_gryaznaya\\_borba\\_gruppirovok/](https://24.kg/vlast/170262_nariman_tyuleev_otkazalsya_otpostaio_mera_bishkeka_gryaznaya_borba_gruppirovok/)

<sup>66</sup> Members of the government, Government of Kyrgyzstan, <https://www.gov.kg/ky/gov/s/103>

<sup>67</sup> The Central Elections Commission decision to order a re-run of the elections was blocked by the courts in line with the wishes of the interim President.

<sup>68</sup> Bermet Talant, Twitter Post, Twitter, November 2020, [https://twitter.com/ser\\_ou\\_parecer/status/1324370570507620352?s=20](https://twitter.com/ser_ou_parecer/status/1324370570507620352?s=20)

<sup>69</sup> Eurasianet, Kyrgyzstan: Parliament reshuffle paves way for Japarov to cement power, November 2020, [https://eurasianet.org/kyrgyzstan-parliament-reshuffle-paves-way-for-japarov-to-cement-power?utm\\_source=dlvr.it&utm\\_medium=twitter](https://eurasianet.org/kyrgyzstan-parliament-reshuffle-paves-way-for-japarov-to-cement-power?utm_source=dlvr.it&utm_medium=twitter)

<sup>70</sup> The initial draft version of the constitution on the Supreme Council Website quoted here has now been replaced with the revised version produced in February 2021: Jogorku Kenesh of the Kyrgyz Republic, From November 17, 2020, the draft Law of the Kyrgyz Republic "On the appointment of a referendum (nationwide vote) on the draft Law of the Kyrgyz Republic One the Constitution of Kyrgyz Republic", November 2020, <http://www.kenesh.kg/ru/article/show/7324/na-obshtestvennoe-obsuzhdenie-s-17-noyabrya-2020-goda-vinositsya->

what had happened with a number of the listed signatories denying they had seen or approved it and did not actually support some of the measures.<sup>71</sup>

The initial draft of the new constitution was, unsurprisingly, in-line with Japarov's thinking and the priorities for reform of some of the nationalist groups that had coalesced around him.<sup>72</sup> This included articles that would create the long-mooted 'People's Kurultai', a deliberative forum based on the traditional consultative body of nomadic tradition. The Kurultai movement was seen by both some of its proponents and opponents as a way to usurp the role and function of the existing Supreme Council.<sup>73</sup> Regional examples that claim some link to this heritage include the Assembly of People of Kazakhstan, comprising representatives of local assemblies, and the People's Council in Turkmenistan (at times called the Council of Elders) both which act as rubber stamp bodies for those country's political leadership given authoritarian control over the way members are elected. The proposed constitution incorporated Japarov's priorities for strengthening the Presidency including allowing the office holder to stand for two five year terms and enshrining the President's appointment of and control over the Prime Minister and the Cabinet, as well as agency heads and local officials. It also proposed reducing the size of the Supreme Council from 120 to 90 members. A source of significant international outcry was to be found in draft clause 23 that sought to prohibit the distribution of media or information that 'contradict generally recognised moral values, traditions of the peoples of Kyrgyzstan' or which 'can be harmful morality and culture'.<sup>74</sup>

The work of determining what this new proposed constitution actually would mean in practice was handed to a new Constitutional Council, who were to publicly deliberate and expand on the proposed changes.<sup>75</sup> However by December 10<sup>th</sup>, amid internal wrangling, protests from civil society and backlash from the international community, attempts to put a full constitutional draft on the ballot in January were scrapped with instead voters being asked if they would prefer a Presidential or Parliamentary Republic, with the details to be determined after later.<sup>76</sup>

The liberal leaning elements of the opposition, demoralised after the October events focused on challenging the process as illegitimate and on successfully watering down the scope of the referendum to prevent it adopting the initial draft. As the overwhelming front-runner and despite facing no challengers who could plausibly find a path to victory Japarov took a cautious approach to the campaign, avoiding public debates between the candidates.

proekt-zakona-kirgizskoy-respubliki-o-naznachanii-referenduma-vsenarodnogo-golosovaniya-po-proektu-zakona-kirgizskoy-respubliki-o-konstitutsii-kirgizskoy-respubliki;

Kaktus Media, Deputies of the Jogorku Kenesh adopted the bill on referendum in two readings at once, December 2020, [https://kaktus.media/doc/427740\\_depytaty\\_jogorky\\_kenesha\\_priniali\\_zakonoproekt\\_o\\_referendyme\\_srazy\\_v\\_dvyh\\_chteniiakh.html](https://kaktus.media/doc/427740_depytaty_jogorky_kenesha_priniali_zakonoproekt_o_referendyme_srazy_v_dvyh_chteniiakh.html)

<sup>71</sup> Catherine Putz, What's in Kyrgyzstan's Proposed 'Khanstitution'?, The Diplomat, November 2020, <https://thediplomat.com/2020/11/whats-in-kyrgyzstans-proposed-khanstitution/>

<sup>72</sup> The principles were set out by Japarov in this interview: Kaktus Media, Sadyr Zhaparov, said that he has a draft constitutional reform ready (video), October 2020, [https://kaktus.media/doc/424039\\_sadyr\\_japarov\\_skazal\\_chno\\_y\\_nego\\_gotov\\_proekt\\_reformy\\_konstitutsii\\_video.html](https://kaktus.media/doc/424039_sadyr_japarov_skazal_chno_y_nego_gotov_proekt_reformy_konstitutsii_video.html)

<sup>73</sup> Ayday Tokoeva, "The president is crushing the legislative and judicial branches of government." Ex-MP of Sher-Niyaz on amendments to the Constitution, kloop, November 2020, <https://kloop.kg/blog/2020/11/18/prezident-podminaet-pod-sebya-zakonodatelnuyu-i-sudebnuyu-vetvi-vlasti-eks-deputat-sher-niyaz-o-popravkah-v-konstitutsiyu/>

<sup>74</sup> Abhi Goyal, Twitter Post, Twitter, November 2020, [https://twitter.com/goyal\\_abhi/status/1328780940777230340?s=21](https://twitter.com/goyal_abhi/status/1328780940777230340?s=21)

<sup>75</sup> RFE/RL's Kyrgyz Service, Acting Kyrgyz President Says Constitutional Council Will Be Established To Implement Reforms, RFE/RL, November 2020, <https://www.rferl.org/a/acting-kyrgyz-president-says-constitutional-council-will-be-established-to-implement-reforms/30927703.html>; Radio Azattyk, Edil Baysalov proposed to rename the Jogorku Kenesh to Kurultai or National Assembly, November 2020, <https://rus.azattyk.org/a/30975946.html>

<sup>76</sup> Bektour Iskender, Twitter Post, Twitter, November 2020, <https://twitter.com/bektour/status/1332613244310200320>; Human Rights Watch, Kyrgyzstan: Bad Faith Efforts to Overhaul Constitution, November 2020, <https://www.hrw.org/news/2020/11/21/kyrgyzstan-bad-faith-efforts-overhaul-constitution#>; Tatyana Kudryavtseva, Referendum on form of government scheduled for January 10, 2021, 24.kg, December 2020, [https://24.kg/english/176489\\_Referendum\\_on\\_form\\_of\\_government\\_scheduled\\_for\\_January\\_10\\_2021/](https://24.kg/english/176489_Referendum_on_form_of_government_scheduled_for_January_10_2021/)

The election and referendum day itself was far less eventful than in October.<sup>77</sup> Turnout was low, 39.75 per cent and 39.88 per cent respectively, but of those that did vote Japarov won comfortably with 79 per cent of the vote while the Presidential model was supported by 80 per cent of people in the referendum.<sup>78</sup> A number of factors can be seen to lie behind the drop in turnout, including the time of year, concerns over the pandemic and the perception that the result was not in any doubt. Many opposition figures were disputing the legitimacy of the process and, as a number of our authors note, Japarov's campaign used a notably lower amount of direct vote buying than in October or other previous elections. This is in part due to it not being needed as much given the capture of administrative resources in the period since October, Japarov's own personal following and a recognition that gratuitous displays of corruption could potentially undermine that support. Public support for radically empowering the Presidency, which carries clear risks of a slide into authoritarianism, can be seen not only as a response to recent chaos and the roiling sea of factions and faces over the last ten years but perhaps also a recognition that after having three Presidents removed from power the last 15 years some people believe it is easier to remove a President than it is to truly shift the wider web of political forces that underpin the parties and Parliament, at least according to some local observers.

By early February a new, smaller Cabinet was formed of 16 members rather than 48, with many ministries and government agencies being consolidated.<sup>79</sup> The Cabinet is led by the former President of the Court of Auditors Ulukbek Maripov, with Artem Novikov reverting to the role of first Deputy Prime Minister.<sup>80</sup> Critics of Japarov who had been co-opted into the interim cabinet, such as Elvira Surabaldieva and Tilek Toktogaziev unsurprisingly did not retain their posts.<sup>81</sup> Upon the announcement that Maripov would take charge of the Government, small protests were held against the appointment focused on allegations against the new Prime Minister's father, a former Parliamentarian.<sup>82</sup> As so often happens in the wake of a shift in power in Kyrgyzstan, legal action is ramping up against officials of the former regime implicated in wrong doing and/or who had punished those close to the new ruling elite when they were out of power. However the speed and scale (including two of Japarov's previous Presidential rivals and many senior figures in the previous Government) of this process gives additional cause for concern.

On February 9<sup>th</sup> Parliament published the revised draft constitution following the deliberation of the Constitutional Convention.<sup>83</sup> The Legal Clinic Adilet note that there had been a number of positive changes compared to the November draft due to public pressure and the work the Convention. They note that *'Multiple references to the supremacy of moral values have been excluded, standards are provided for the inadmissibility of slavery and exploitation of child labour, as well as the principle of*

<sup>77</sup> ODIHR, Early Presidential Election, 10 January 2021, OSCE, <https://www.osce.org/odihr/elections/kyrgyzstan/473139>

<sup>78</sup> Electoral Information System, <https://newess.shailoo.gov.kg/en/>

<sup>79</sup> RFE/RL's Kyrgyz Service, Trimmed-Down Kyrgyz Cabinet Sworn In After Parliament's Approval, RFE/RL, February 2021, <https://www.rferl.org/a/kyrgyz-lawmakers-approve-new-government-/31084236.html>

<sup>80</sup> AFP, Kyrgyz Coalition Puts Forward New PM, Barron's, February 2021, <https://www.barrons.com/news/kyrgyz-coalition-puts-forward-new-pm-01612174805?tesla=y>; Kaktus Media, Government without Surabaldieva. New line-up proposed by Ulukbek Maripov, February 2021, [https://kaktus.media/doc/431074\\_pravitelstvo\\_bez\\_syabaldievoy.\\_novyy\\_sostav\\_predlojennyy\\_ylykbekom\\_maripovym.html](https://kaktus.media/doc/431074_pravitelstvo_bez_syabaldievoy._novyy_sostav_predlojennyy_ylykbekom_maripovym.html); Ayzirek Imanaliyeva, Kyrgyzstan: Parliament approves new, streamlined government, Eurasianet, February 2021, <https://eurasianet.org/kyrgyzstan-parliament-approves-new-streamlined-government>

<sup>81</sup> Kaktus Media, Government without Surabaldieva. New line-up proposed by Ulukbek Maripov, February 2021, [https://kaktus.media/doc/431074\\_pravitelstvo\\_bez\\_syabaldievoy.\\_novyy\\_sostav\\_predlojennyy\\_ylykbekom\\_maripovym.html](https://kaktus.media/doc/431074_pravitelstvo_bez_syabaldievoy._novyy_sostav_predlojennyy_ylykbekom_maripovym.html)

<sup>82</sup> Gulmira Mankanbai, Rally against appointment of Ulukbek Maripov as Prime Minister held in Bishkek, 24.kg, February 2021, [https://24.kg/english/182213\\_Rally\\_against\\_appointment\\_of\\_Ulukbek\\_Maripov\\_as\\_Prime\\_Minister\\_held\\_in\\_Bishkek/](https://24.kg/english/182213_Rally_against_appointment_of_Ulukbek_Maripov_as_Prime_Minister_held_in_Bishkek/)

<sup>83</sup> Jogorku Kenesh of the Kyrgyz Republic, The draft Constitution of the Kyrgyz Republic if posted on the official website of the Jogorku Kenesh, February 2021, <http://kenesh.kg/ru/news/show/11009/proekt-konstitutsii-kirgizskoy-respubliki-razmeshten-na-ofitsialnom-sayte-zhogorku-kenesha>;

Version of the Legislation with an updated draft attached: Jogorku Kenesh of the Kyrgyz Republic, From November 17, 2020, the draft Law of the Kyrgyz Republic "On the appointment of a referendum (nationwide vote) on the draft Law of the Kyrgyz Republic "On the Constitution of the Kyrgyz Republic", November 2020, <http://kenesh.kg/ru/article/show/7324/na-obshtestvennoe-obsuzhdenie-s-17-noyabrya-2020-goda-vinositsya-proekt-zakona-kirgizskoy-respubliki-o-naznachanii-referenduma-vsenarodnogo-golosovaniya-po-proektu-zakona-kirgizskoy-respubliki-o-konstitutsii-kirgizskoy-respubliki>

*ensuring the best interests of the child etc. There are new provisions that strengthen human rights guarantees, in particular regarding the provision of social, economic and cultural rights.*<sup>84</sup> The proposals for the People's Kurultai seem to have been watered down, with the body having fewer formal powers than initially suggested, playing a more consultative and advisory role to the existing branches of government, though it is now proposed to play a role in the selection of judges. The draft proposes creating a new 'chairman of the cabinet of ministers' who is also head of the Presidential Administration, in effect replacing the position of Prime Minister.

However there remain two areas are likely to generate potential concern for NGOs and international observers. The draft Article 8.4 would create a requirement that *'Political parties, trade unions and other public associations ensure the transparency of their financial and economic activities'*, something that may seem innocuous but there are fears it may give constitutional weight to efforts to increase burdens on NGOs as discussed below. As Adilet have said the sections on 'moral values' have been watered down but the revised draft still contains Article 10.4 which states that *'In order to protect the younger generation, events that contradict moral and ethical values, the public consciousness of the people of the Kyrgyz Republic may be limited by law.'* Those involved with the Constitutional Convention have suggested that this revised wording echoes Western constitutional provisions on protecting children from things like pornography.<sup>85</sup> However similarly framed commitments in places like Russia have been used to restrict discussion and activism on social and cultural issues including LGBTQ and women's rights, as well as to censor art or content some find in conflict with 'traditional' values on the basis that children might view such content, even when they are not target audience. With President Japarov confirming his intention to put the new constitution to the vote on the same day as the local elections, on April 11<sup>th</sup> 2021, there is limited time for civil society to press for further changes.<sup>86</sup>

For now President Japarov is unchallenged at the top of Kyrgyzstan's political hierarchy and is busily reshaping the system in his image. However Kyrgyzstan still faces huge economic, social and public health challenges and the pressure is now on for him to deliver on his promises. He has faced widespread international scepticism around his ascent to power, which hampered relations with Russia, China, the West and international institutions prior to his election. In part to reassure foreign investors and donors he has already rowed back on some elements of his economic nationalism, conscious of the need for international support to help the country move out of its current predicament. This has included distancing himself from calls to nationalise Kumtor, the issue that raised him to prominence (and prison), though a medium term review of the mine's taxation arrangements to ensure the Canadian company pays more into the Kyrgyz treasury would seem very likely.<sup>87</sup> Japarov has repeatedly said that no new mining contracts will be given to international companies, but that existing contracts would not be impacted, raising questions about how local businesses will gain the relevant technical knowhow to fill this gap in a crucial export sector for Kyrgyzstan.<sup>88</sup> However on February 24<sup>th</sup>, Turkey and Kyrgyzstan announced a new framework agreement to draw a line for enhanced cooperation in the field of mining, Energy and Natural Resources, which raises questions over these previous assurances.<sup>89</sup>

<sup>84</sup> Adilet, Analysis of the draft Constitution of the Kyrgyz Republic, February 2021, <https://adilet.kg/tpost/2i09a01nu1-analiz-proekta-konstitutsii-kirgizskoi-r>

<sup>85</sup> The example cited was German Basic Law Article 5.2 which creates this caveat on free speech rights 'These rights shall find their limits in the provisions of general laws, in provisions for the protection of young persons and in the right to personal honour', *Gesetze-im-internet.de*, [https://www.gesetze-im-internet.de/englisch\\_gg/englisch\\_gg.pdf](https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.pdf)

<sup>86</sup> AKIpress, Constitutional referendum and local elections set for April 11: Japarov, February 2021, [https://akipress.com/news:654513:Constitutional\\_referendum\\_and\\_local\\_elections\\_set\\_for\\_April\\_11\\_Japarov/](https://akipress.com/news:654513:Constitutional_referendum_and_local_elections_set_for_April_11_Japarov/)

<sup>87</sup> Chris Rickleton, Kyrgyzstan: Mining sector braces for regulatory blow, Eurasianet, November 2020, [https://eurasianet.org/kyrgyzstan-mining-sector-braces-for-regulatory-blow?utm\\_source=dldr.it&utm\\_medium=twitter](https://eurasianet.org/kyrgyzstan-mining-sector-braces-for-regulatory-blow?utm_source=dldr.it&utm_medium=twitter)

<sup>88</sup> Kanat Shaku, Foreign investors banned from future mining projects in Kyrgyzstan, BNE News, February 2021, <https://intellinews.com/foreign-investors-banned-from-future-mining-projects-in-kyrgyzstan-201724/>

<sup>89</sup> Daily Sabah, Turkey, Kyrgyzstan to sign framework deal for cooperation in mining, February 2021, <https://www.dailysabah.com/business/energy/turkey-kyrgyzstan-to-sign-framework-deal-for-cooperation-in-mining>

Given that anti-elite economic nationalism has been core to his personal political brand this new caution carries real political risks for him and leaves open the question of whether his populist focus will shift to new targets. As Aksana Ismailbekova points out ethnic nationalism has not been a central feature of his politics (despite the Bakiyev links), however given the broader cultural and conservatism of many of his online supporters, and the ethnic nationalism and religiosity of some of them, there is concern that minority groups may come under increasing pressure if things do not start to go well. The analogy between President Japarov and Trump has been often made. As Georgy Mamedov puts it they share an understanding of ‘politics as confrontation’ and indeed Japarov has used some similar rhetoric including “the country has become mired in a *swamp* because of the interests of a narrow group of people” (though he has tried to distance himself from being described as populist).<sup>90</sup> His passion for a strong Presidency, which long predates his holding of the role, is part of a desire to see state consolidation after years of fragmentation, bureaucratic inefficiency and chaos, has clear echoes of the way in which Putin sought to strengthen the state to provide legitimacy for his rule.

### **How we got here: The systemic challenges**

It is perhaps stating the obvious that Kyrgyzstan finds itself where it is today because what came before clearly was not working for far too many people. To some extent the international communities desire to praise and encourage Kyrgyzstan’s comparative openness, in contrast to the often horrendous regional picture, has perhaps led some to downplay or overlook the deep structural problems that have faced the country for some time. This is not only due to the perhaps understandable desire for a good news story but that the country’s comparative freedom has made it a regional hub for many organisations, something that may add to an unwillingness to rock the boat. However, there is a need for some reflection that the often poor outcomes that ‘democracy’ was providing for ordinary citizens in ‘Central Asia’s only democracy’ has weakened some of democracy’s attractiveness and undermined faith in liberal institution building amongst Kyrgyzstanis (and some others in region who comment on the ‘chaos’).

As Asel Doolotkeldieva, Jasmine Cameron and others note in their contributions, the country’s elites have failed time and time again to learn the lessons of previous revolutions.<sup>91</sup> Shirin Aitmatova and others have also pointed out many of the formal institutions that have been established in Kyrgyzstan since the collapse of the Soviet Union have too often been a something of a façade, beneath the surface of which true power lies and rents are sought and distributed. This is despite, and in some cases the result of, billions of pounds in international assistance.<sup>92</sup> In 2017 it was estimated that Kyrgyzstan had received over nine billion USD in loans and grants (of which over \$2.5 billion had been given as grants), compared to a pre-COVID overall annual GDP of around \$8.5 billion.<sup>93</sup> Since the collapse of the Soviet Union successive leaders have followed the orthodox (neo-liberal) policy prescriptions proposed by the international financial institutions that replaced a sclerotic and controlling state, with a hollowed out one, captured by politically connected players that can benefit from it (including through the divestment and privatisation of state assets).

<sup>90</sup> Georgy Mamedov, “Japarov is our Trump”: why Kyrgyzstan is the future of global politics, openDemocracy, January 2021, <https://www.opendemocracy.net/en/odr/japarov-is-our-trump-kyrgyzstan-is-the-future-of-global-politics/>; Erica Marat, Twitter Post, Twitter, January 2021, <https://twitter.com/Ericamarat/status/1348273098370519040>; Toktosun Shambetov, What form of government do the candidates for the presidency of Kyrgyzstan choose?, Radio Azattyk, December 2020, <https://rus.azattyk.org/a/31011983.html>; The Economist, Sadyr Japarov is elected president of Kyrgyzstan in a landslide, January 2021, <https://www.economist.com/asia/2021/01/14/sadyr-japarov-is-elected-president-of-kyrgyzstan-in-a-landslide>

<sup>91</sup> Asel Doolotkeldieva, Twitter Post, Twitter, January 2021, <https://twitter.com/ADoolotkeldieva/status/1348230029906489344?s=20>

<sup>92</sup> Asel Doolotkeldieva, Twitter Post, Twitter, January 2021, <https://twitter.com/ADoolotkeldieva/status/1348312032337133569?s=20>

<sup>93</sup> Ryskeldi Satke, The Downside of Foreign Aid in Kyrgyzstan, The Diplomat, June 2017, <https://thediplomat.com/2017/06/the-downside-of-foreign-aid-in-kyrgyzstan/>; The World Bank, Kyrgyz Republic, <https://data.worldbank.org/country/KG>



The weakness of state institutions has been mirrored by the fluidity of its political party system where political groupings are little more than loose affiliations, led by individual personalities, with limited ideological coherence (though sometimes with shared approaches to broad themes such as nationalism, liberalism, pro-Russia or to specific policies such as a preference for a presidential or Parliamentary system). In too many cases the parties' primary function can be best conceived as a sorting mechanism for oligarchic interests and societal networks.<sup>94</sup> A recurring theme is that to win a top position on the party list can cost between \$500,000 and one million in bribes, with the roles opening up both new opportunities for illicit earnings and providing immunity from prosecution.<sup>95</sup> Whatever the many legitimate concerns about the consolidation of power under the return to the strong Presidential system it is clear that the previous Parliamentary system was failing to deliver its intended results and was doing little to hold those in power to account.

### **Corruption and organised crime**

As set out clearly above, in many of the essays in this collection and much of the informed coverage of Kyrgyzstan it is clear that corruption is at the root of so many of the challenges that the country faces. Kyrgyzstan lacks the scale of natural resource wealth that fuels much of the grand corruption elsewhere in the region but nevertheless the problem is endemic, entwined with structures of power from the local level to the elite.

Kyrgyzstan's location is an important part of problem. It acts as a key entry point for goods coming into the Eurasian Economic Union's customs union comprising Russia, Belarus, Kazakhstan, Armenia and Kyrgyzstan. The transport of goods into the customs area, particularly from China ('the Northern Route' starting in Kashgar in north western China via the Torugart Pass into Kyrgyzstan and then on to Russia and Kazakhstan), creates significant opportunities for graft and informal monopolies by powerful players. Illicit earnings can be generated through the payment of bribes to pass through formal customs checkpoints, opportunities for smuggling and contraband where such formal procedures are ignored, and through the abuse of the power to allow goods into the country being used to dominate the transport and logistics sectors involved in bringing items across the border.<sup>96</sup> The second dimension to this is Kyrgyzstan's position on what is also separately called the 'Northern Route' towards Russia and Europe, making it an important waystation for the smuggling of narcotics, most notably heroin from Afghanistan via Tajikistan.<sup>97</sup> As Shirin Aitmatova notes in her contribution the overall size of the shadow economy in Kyrgyzstan is enormous, with the most recent projection she quotes as being 42 per cent of GDP.<sup>98</sup>

The powerful forces alleged by journalists and international officials to be dominating these two sources of illicit funds respectively are Raiymbek Matraimov (customs) and Kamchybek Kolbayev (drugs). Matraimov had worked his way through the ranks of the customs department in the southern region of Kyrgyzstan, becoming its deputy head and then the head of customs in Osh in 2007 before being made head of customs across the South in 2013. In 2015 he was made deputy head of the national customs service, by which point however he had already acquired the nickname 'Raiym million' in recognition of the allegations of illicit earnings.<sup>99</sup> Although he was fired by President Atambayev shortly before the end of his term of office in 2017, Matraimov's brother had

<sup>94</sup> What a number of observers describe as clans: RFE/RL's Service, OCCRP, Kloop, and Bellingcat, A Powerful Kyrgyz Clan's Political Play, RFE/RL, October 2020, <https://www.rferl.org/a/30870040.html>

<sup>95</sup> Omurbek Ibraev, Cost of Politics in Kyrgyzstan, WFD, September 2019, <https://www.wfd.org/wp-content/uploads/2017/09/Cost-of-Politics-Kyrgyzstan.pdf>; Erica Marat, Kyrgyzstan's Protests Won't Keep Corrupt Criminals Out of Politics, Foreign Policy, October 2020, <https://foreignpolicy.com/2020/10/22/kyrgyzstans-protests-wont-keep-corrupt-criminals-out-of-politics/>

<sup>96</sup> RFE/RL's Service, OCCRP, Kloop, and Bellingcat, The Matraimov Kingdom, RFE/RL, October 2020, <https://www.rferl.org/a/the-matraimov-kingdom/30868683.html>

<sup>97</sup> UNODC, Afghan Opiate Trafficking Along the Northern Route, June 2018, <https://www.unodc.org/rpanc/en/Sub-programme-4/afghan-opiate-trafficking-along-the-northern-route.html>

<sup>98</sup> Results of research by the international SHADOW project presented in Bishkek, IBC Members' News, December 2020, [http://ibc.kg/en/news/members/4807\\_results\\_of\\_a\\_research\\_of\\_the\\_international\\_shadow\\_project\\_presented\\_in\\_bishkek](http://ibc.kg/en/news/members/4807_results_of_a_research_of_the_international_shadow_project_presented_in_bishkek)

<sup>99</sup> Eleanor Beishenbek, The secret of the success of "Rayima Million", Radio Azattyk, August 2015, <https://rus.azattyk.org/a/27215390.html>

already secured a Parliamentary seat in the then dominant SDKP and the family would ultimately found the Mekenim Kirgızstan party as described above.

Although the significant wealth and influence of a (mostly) mid-ranking customs official was widely understood in Kyrgyzstan it was investigative journalism by Radio Free Europe/Radio Liberty (RFE/RL), the Organized Crime and Corruption Reporting Project (OCCRP), and its Kyrgyz member center Kloop, which brought Matraimov to the centre of political debate in the country.<sup>100</sup> Their reporting initially centred on the Matraimov's close connections to Khabibula Abdukadyr, an ethnic Uighur with a Kazakhstani passport based in Dubai but with major property holdings in London, Washington DC and Germany, who the investigative team argue is at the centre of a Central Asian cargo smuggling empire.<sup>101</sup> The investigation was made possible by the revelations of Aierken Saimaiti who claimed he acted as a middle man and money launderer, transferring \$700 million over five years on behalf of these networks.<sup>102</sup> Saimaiti's revelations included transfers of almost \$2.4 to the Matraimov's family foundation and information relating to alleged collaboration between the Matraimov's and Abdukadyr over a Dubai property development. Saimaiti was murdered in a contract killing in Istanbul shortly before the publication of the expose. The reporting sparked anti-corruption protests in Bishkek and the UMUT 2020 movement led by Shirin Aitmatova who writes in this publication.<sup>103</sup>

The controversy reared its head again, shortly before the October 2020 elections at which Matraimov's Mekenim Kirgızstan was closely challenging for first place, with more RFE/RL, OCCRP, Bellingcat and Kloop reporting centred on Matraimov, entitled the Matraimov Kingdom.<sup>104</sup> The reporting documented the mechanisms through which they argue that Matraimov built his business. A significant proportion of the investigation was made possible by Matraimov's wife Amanda Turgunova flaunting her jet setting lifestyle and lavish spending on social media.<sup>105</sup> The reporting caused further outrage and helped fuel the further anger at the vote buying, by the Matraimov's Mekenim Kirgızstan and others, in the October 4<sup>th</sup> election that led to the overthrow of President Jeenbekov.<sup>106</sup>

In the immediate aftermath of the elections and Japarov's rise to power much show was made of investigations into Matraimov by the new authorities, with allegations that he was part of a wider scheme to attract 'shadow revenues of up to £\$700 million from the customs system'.<sup>107</sup> To that end Matraimov was arrested on October 20<sup>th</sup> and charged with having personally benefited by around two billion som (\$23.6 million). However, as noted above, the approach taken by Japarov and his new chairman of the State Committee for National Security Kamchybek Tashiev was to encourage an economic amnesty whereby those who had benefited from past corruption were encouraged to return some of their ill-gotten gains in return for avoiding serious criminal penalties for their crimes.

<sup>100</sup> Ali Toktakunov, Following in the footsteps of millions of dollars withdrawn from Kyrgyzstan, Radio Azattyk, May 2019, <https://rus.azattyk.org/a/29971887.html>; OCCRP, RFE/RL, and Kloop, The \$700 million man, RFE/RL, November 2019, <https://www.rferl.org/a/the-700-million-man/30284812.html>

<sup>101</sup> OCCRP, RFE/RL, and Kloop, A Real Estate Empire Built on Dark Money, OCCRP, December 2019, <https://www.occrp.org/en/plunder-and-patronage/a-real-estate-empire-built-on-dark-money>

<sup>102</sup> OCCRP, RFE/RL, Kloop, and Bellingcat, 'His Murder Is Necessary': Man Who Exposed Kyrgyz Smuggling Scheme Was Hunted By Contract Killers, RFE/RL, November 2019, <https://www.rferl.org/a/man-who-exposed-kyrgyz-smuggling-scheme-was-hunted-by-contract-killers/30940261.html>

<sup>103</sup> Nurjama Djanibekova, Kyrgyzstan: Impromptu rally signals new way of opposing corruption, Eurasianet, November 2019, <https://eurasianet.org/kyrgyzstan-impromptu-rally-signals-new-way-of-opposing-corruption>

<sup>104</sup> RFE/RL's Service, OCCRP, Kloop, and Bellingcat, The Matraimov Kingdom, RFE/RL, October 2020, <https://www.rferl.org/a/the-matraimov-kingdom/30868683.html>

<sup>105</sup> OCCRP, RFE/RL's Radio Radio Azattyk, Kloop, and Bellingcat, The 'Beautiful' Life of a Kyrgyz Customs Official, OCCRP, December 2020, <https://www.occrp.org/en/the-matraimov-kingdom/the-beautiful-life-of-a-kyrgyz-customs-official>

<sup>106</sup> The OCCRP Team, So Your Reporting Became a Factor in an Ongoing Revolution. What Do You Do Next?, Medium, October 2020, <https://medium.com/occrp-unreported/so-your-reporting-became-a-factor-in-an-ongoing-revolution-what-do-you-do-next-54b993a11a39>

<sup>107</sup> Zdravko Ljubas, Kyrgyz Authorities Arrest Raiymbek Matraimov, OCCRP, October 2020, <https://www.occrp.org/en/daily/13282-kyrgyz-authorities-arrest-matraimov-the-700-million-man>

This provided a quick injection of cash into the public coffers and showed immediate ‘results’, whilst avoiding asking too many difficult questions or unsettling the delicate balance of power that was emerging. Of the two billion som (\$23.6 million) that Matraimov agreed to return, 600 million som was provided in the form of a shopping mall and nine apartments in Bishkek. He ultimately pled guilty and accepted an additional \$3,000 fine (in addition to the \$23.6 million returned) and a three year ban from holding public office from February 2020.<sup>108</sup> Unsurprisingly this was seen by many in Kyrgyzstan as merely a slap on the wrist and the public outcry led to renewed protests.<sup>109</sup> In something of a surprise plot twist, at time of writing, Matraimov was rearrested by the GKND, less than a week after his previous trial on further allegations of money laundering and has been detained for two months on pre-trial detention.<sup>110</sup> Irrespective of his legal troubles in Kyrgyzstan, Matraimov and his wife has been subject to US Magnitsky Sanctions on the grounds of corruption since December 2020.<sup>111</sup>

Kamchybek ‘Kamchy’ Kolbayev has had a less direct impact on Kyrgyz politics but remains designated as a ‘significant foreign narcotics trafficker’ under the US Foreign Narcotics Kingpin Designation Act since 2011 and under an asset freeze by the US Treasury Department since in February 2012.<sup>112</sup> Kolbayev was subsequently extradited in December 2012 from the United Arab Emirates back to Kyrgyzstan where he was initially jailed for five and a half years, subsequently reduced to three years before being released in May 2014 on the grounds of time served. Charges of leading an organised criminal group were also dropped at the time.<sup>113</sup> The investigation by RFE/RL, OCCRP, Kloop, and Bellingcat into the Matraimovs also showed the links between Kolbayev and the Matraimovs, with the latter family staying at a villa believed to be owned by the former in Lake Issyk-Kul.<sup>114</sup> Kolbayev was detained as part of the much publicised anti-corruption push by Japarov and Tashiev in October 2020, but it remains unclear if action will be taken against him.<sup>115</sup>

These larger players sit atop an engrained culture of graft, as documented by Aksana Ismailbekova in her essay, which runs through both the criminal class and throughout the operation of the state. Business people have to adapt to a symbiotic relationship with the Government and criminal networks from the local to the national level through the paying of bribes in return for protection harassment (both official and informal) and for economic opportunities. Figures from Kolbayev and Matraimov all the way down to local politicians and officials run their own personal patronage and client networks. The big players effectively provide their own social welfare schemes that are able to step in where the state has failed. For example Matraimov’s family foundation has a considerable presence in the Kara-Suu running social programmes and funding students to go to University in

<sup>108</sup> Currenttime, Ex-Deputy Head of Kyrgyz Customs Transferred Almost \$ 6 Million to the State in Corruption Case, November 2020, <https://www.currenttime.tv/a/matraimov-kazna-6-mln/30956200.html>; OCCRP, Kyrgyz Ex-Customs Official Matraimov Pleads Guilty to Graft, Fined \$3000, February 2021, <https://www.occrp.org/en/daily/13850-kyrgyz-ex-customs-official-matraimov-pleads-guilty-to-graft-fined-3000>; Oksana Gut, Matraimova, according to the agreement, will be fined and banned from holding public office for 3 years, vb.kg, October 2020, [https://www.vb.kg/doc/393320\\_matraimova\\_po\\_soglasheniu\\_jdet\\_shtraf\\_i\\_zapret\\_zanimat\\_gosdoljnosti\\_3\\_goda.html](https://www.vb.kg/doc/393320_matraimova_po_soglasheniu_jdet_shtraf_i_zapret_zanimat_gosdoljnosti_3_goda.html); Radio Azattyk, Matraimov pleaded guilty to organizing corruption schemes at customs. He was sentenced to a fine of 260 thousand soms, February 2021, <https://rus.azattyk.org/a/31097620.html>

<sup>109</sup> RFE/RL’s Kyrgyz Service, Kyrgyz Activists Rally Against Corruption, RFE/RL, February 2021, <https://www.rferl.org/a/kyrgyz-activists-rally-against-corruption/31102170.html>

<sup>110</sup> Catherine Putz, In Kyrgyzstan, Controversial Former Customs Official Matraimov Rearrested, The Diplomat, February 2021, <https://thediplomat.com/2021/02/in-kyrgyzstan-controversial-former-customs-official-matraimov-rearrested/>; Catherine Putz, In Kyrgyzstan, Matraimov Placed in Pretrial Detention as Money Laundering Investigation Moves Ahead, The Diplomat, February 2021, <https://thediplomat.com/2021/02/matraimov-placed-in-pretrial-detention-as-money-laundering-investigation-moves-ahead/>

<sup>111</sup> U.S. Department of the Treasury, Treasury Sanctions Corrupt Actors in Africa and Asia, December 2020, <https://home.treasury.gov/news/press-releases/sm1206>

<sup>112</sup> Lydia Osborne, Kamchybek Kolbayev, OCCRP, June 2018, <https://www.occrp.org/en/goldensands/profiles/kamchybek-kolbayev>

<sup>113</sup> RFE/RL’s Kyrgyz Service, Reputed Kyrgyz Crime Boss To Be Released From Prison, RFE/RL, May 2014, <https://www.rferl.org/a/reputed-kyrgyz-crime-boss-to-be-released-from-prison/25389844.html>

<sup>114</sup> RFE/RL’s Kyrgyz Service, OCCRP, Kloop, and Bellingcat, The Kolbaev Connection, RFE/RL, December 2020, <https://www.rferl.org/a/matraimov-kolbaev-kyrgyzstan-corruption/30996468.html>

<sup>115</sup> RFE/RL’s Kyrgyz Service, Notorious Kyrgyz Crime Boss Detained In Bishkek, RFE/RL, October 2020, <https://www.rferl.org/a/notorious-kyrgyz-crime-boss-detained-in-bishkek/30906562.html>

Osh.<sup>116</sup> As Erica Marat noted, Kolbayev stepped into provided supplies and support in his native Issyk-Kul during the pandemic when support from the state collapsed.<sup>117</sup> At a local level, notably still in Osh and its surrounding areas, sports clubs and gyms act to supply local muscle (sportsmeni) that can act on behalf of the particular patron which funds them. These young men can be deployed to act as election observers on behalf of political parties and manage vote buying schemes on the ground on behalf of the party supported by their patron.

As set out above President after President have used the power of their office to line their own pockets. A 2016 study by Sarah Chayes of the Carnegie Endowment, sets out the dominant position the President (at the time Atambayev) has over other kleptocratic networks in the country, through his control of law enforcement and the courts.<sup>118</sup>

Faced with such an unpromising environment, it is little surprise that Western backed efforts at institutional reform to tackle corruption have struggled to gain deep purchase. Kyrgyzstan is currently part of the Open Government Partnership, the global organisation which works with governments to improve transparency and accountability, but despite some limited progress in improving access to information in some ministries and a useful but underused eProcurement system under Jeenbekov the Government prioritised the PR benefits of membership of the scheme, and of similar Governmental reform projects supported international donors, over meaningful reform.<sup>119</sup>

According to Aksana Ismailbekova, President Japarov has promised he would eliminate the system of 'dolya' (shares of business profits 'given' to state authorities) and as mentioned above the economic amnesty returned some funds to the state in a light shakedown upon the new leadership's arrival in October. However as Ismailbekova points out not everybody who supports Japarov because they believe he will take action on corruption does so because they actually believe he will rid the country of corruption. Particularly away from Bishkek the perception in some quarters may be that Japarov, as an economic populist, will manage the engrained processes of corruption with the public's interests more clearly in mind than his predecessors with action taken against egregious excesses. It is in this context the limited return of funds and slap on the wrists administered under the amnesty need not be fatal blow to Japarov's support if he is clearly seen to take meaningful action to the petty corruption by local officials and police and the actions of organised crime that blights the lives of ordinary citizens. Such a shift would make it easier to maintain the type of grand corruption practiced behind closed doors (if it can be kept away from social media by its practitioners) that entrenches the structure of power. On potential example of this approach might be the recent arrest of alleged organised crime boss Kadyrbek Dosonov whose large properties were filmed and publicised by the State Committee for National Security.<sup>120</sup>

### **Nationalism, traditionalism, rights and religion**

Alongside the rising corruption, nationalism and related populist socially conservative and traditionalist movements have been some of the key factors in the evolution of Kyrgyz politics. During and after the collapse of the Soviet Union the process of what it means to be a citizen of Kyrgyzstan has been evolving. While the Kyrgyz had been distinct ethnic group, Kyrgyzstan as such

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<sup>116</sup> Chris Rickelton and Bekpolot Ibraimov, Kyrgyzstan: Kingmaker lurks behind curtain as politics heat up, Eurasianet, July 2019, <https://eurasianet.org/kyrgyzstan-kingmaker-lurks-behind-curtain-as-politics-heat-up>

<sup>117</sup> Erica Marat, Kyrgyzstan's Protests Won't Keep Corrupt Criminals Out of Politics, Foreign Policy, October 2020, <https://foreignpolicy.com/2020/10/22/kyrgyzstans-protests-wont-keep-corrupt-criminals-out-of-politics/>

<sup>118</sup> Sarah Chayes, The Structure of Corruption: A Systemic Analysis Using Eurasian Cases, Carnegie Endowment, June 2016, [https://carnegieendowment.org/files/CP274\\_Chayes\\_EurasianCorruptionStructure\\_final1.pdf](https://carnegieendowment.org/files/CP274_Chayes_EurasianCorruptionStructure_final1.pdf)

<sup>119</sup> Open Government Partnership, Kyrgyz Republic, Member Since 2017, Action Plan 1, <https://www.opengovpartnership.org/members/kyrgyz-republic/>

<sup>120</sup> Yuri Kopytin, Crime boss Kadyrbek Dosonov brought to Bishkek from Osh city, 24.kg, February 2021, [https://24.kg/english/183136\\_Crime\\_boss\\_Kadyrbek\\_Dosonov\\_brought\\_to\\_Bishkek\\_from\\_Osh\\_city/](https://24.kg/english/183136_Crime_boss_Kadyrbek_Dosonov_brought_to_Bishkek_from_Osh_city/); Kloop, Twitter Post, Twitter, February 2021, <https://twitter.com/kloopnews/status/1361950547486646274?s=20>

did not exist before its absorption into the Russian and Soviet empires and the territory of the country encompassed significant numbers of ethnic minority groups, most notably the Uzbek community in southern Kyrgyzstan and Russians who had moved there in Imperial and Soviet times.<sup>121</sup> Despite President Akayev's 'Kyrgyzstan is our common home' approach he and subsequent politicians would seek to grow, shape and channel ethnic Kyrgyz nationalism to their political ends.<sup>122</sup> Tensions between the ethnic Kyrgyz (a dominant presence in the state structures of southern Kyrgyzstan) and ethnic Uzbeks (dominant in the private sector economy of the south until the events below) manifested in two major riots in and around Osh in 1990 (which would see over 300 killed in a dispute over control of a collective farm) and in 2010 (where the death toll remains unclear but is likely to be between 426, the figure given by the internationally criticised National Commission of local experts and upper estimates of several thousand).<sup>123</sup>

The 2010 violence was sparked following the ouster of President Bakiyev, who had returned to his political stronghold amongst the ethnic Kyrgyz in southern Kyrgyzstan. The evolving debate at the time over the country's political future saw ethnic Uzbeks make demands for greater political representation and the ethnic Kyrgyz reiterated calls for land reform and in some cases for the expulsion of Uzbeks to redistribute their land to poor Kyrgyz.<sup>124</sup> Tensions escalated between April and early June before exploding into riots that peaked on May 19<sup>th</sup> in Jalal-Abad and most notably on the 9<sup>th</sup> and 10<sup>th</sup> of June 2010 in Osh.

In the wake of the riots, in addition to the locally led inquiry, an Independent International Commission of Inquiry into the Events in Southern Kyrgyzstan (Kyrgyzstan Inquiry Commission- KIC) was established after the President Otunbayeva invited Dr. Kimmo Kiljunen, Special Representative for Central Asia of the OSCE Parliamentary Assembly, to lead it.<sup>125</sup> The KIC found that in addition to the injuries and deaths, a figure it put at 470 (the majority of which were ethnic Uzbeks) though it suggested this could grow, it noted that around 111,000 Kyrgyzstani Uzbeks had been displaced to Uzbekistan and around 300,000 had been internally displaced within Kyrgyzstan. However, the Kyrgyz Parliament rejected the Commission's findings on the grounds of, in their view, a pro-Uzbek bias and declared Kiljunen persona non-grata. As Eric McGlinchey ruefully notes in his essay *'no Kyrgyz leader has sought to challenge (former Osh Mayor) Myrzakmatov'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.'*

In the years that followed the violence the ethnic Kyrgyz community has expanded its role in the local economy of the south as long desired. The Uzbek population have had to resort to defensive approaches, noted in Ismailbekova's essay, to limit the risk of further violence or political pressure, this has included ensuring they support the likely winners of elections and there has also been significant migration of the community to Russia and Uzbekistan. Efforts to promote a civic (non-ethnic) Kyrgyzstani identity that could encompass both Kyrgyz and Uzbeks have foundered in the intervening years amid the rising tide of nationalism.

<sup>121</sup> Albeit one whose name would often overlap with that used to describe ethnic Kazakhs.

<sup>122</sup> Alisher Khamidov, Brewing ethnic tension causing worry in south Kyrgyzstan, Refworld, November 2002, <https://www.refworld.org/docid/46cc322dc.html>

<sup>123</sup> Erica Marat, National Investigation of the Osh Violence Yields Little Results, Refworld, January 2011, <https://www.refworld.org/docid/4d469cb52.html>; Human Rights Watch, "Where is the Justice?" Interethnic Violence in Southern Kyrgyzstan and its Aftermath, August 2010, <https://www.hrw.org/report/2010/08/16/where-justice/interethnic-violence-southern-kyrgyzstan-and-its-aftermath>

<sup>124</sup> OSCE High Commissioner on National Minorities "Statement on Kyrgyzstan," Vienna, May 6, 2010, [www.osce.org/documents/hcnm/2010/05/45132\\_en.pdf](http://www.osce.org/documents/hcnm/2010/05/45132_en.pdf)

<sup>125</sup> Erica Marat, National Investigation of the Osh Violence Yields Little Results, refworld, January 2011, [https://reliefweb.int/sites/reliefweb.int/files/resources/Full\\_Report\\_490.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_490.pdf)



However, as noted at the start of the publication, the growing manifestations of Kyrgyz nationalism over the last ten or so years have often not been focused on the domestic Uzbek minority but on challenging Western values, worrying about growing Chinese influence (as mentioned earlier) and on promoting the Kyrgyz language. Language is a growing dimension of the debate over Kyrgyz identity with a marked divide between an urban population, particularly in Bishkek that was educated in and predominantly uses Russian, rather than Kyrgyz and a rural population that may have limited or non-existent Russian.<sup>126</sup> So the promotion of the Kyrgyz language and literature is part of not only a nation building project, but a class and regional divide with Kyrgyz still holding connotations of backwardness in some Russian speaking quarters. In the current constitution Kyrgyz is currently the 'state' language, with Russian also designated as an 'official language'. There had been some suggestions that Russian's official status should be removed as part of the new Constitution but so far these have been resisted in the February 2021 draft, not least with Moscow watching developments.<sup>127</sup>

Growing hostility to 'Western values' has perhaps been the strongest driver of Kyrgyz nationalism in recent years. As in many countries this has focused on issues relating to women's rights and LGBTQ rights, echoing narratives promoted in Russian propaganda, but with clear local roots in the evolving debate around 'traditional' Kyrgyz values and national identity.<sup>128</sup> Internationally backed efforts to tackle issues such as bride kidnapping (ala kachuu), abuse of daughters-in-law forced to work in the husband's parents' home (kelinism) and domestic violence are seen through a nationalist prism and a traditionalist conception of Kyrgyz manhood and a patriarchal construction of family life.<sup>129</sup> Reported cases of domestic violence have increased by 400 per cent since 2011.<sup>130</sup> The country lacks meaningful anti-discrimination laws or protections against hate speech, with a reliance on Article 16 in the current constitution as the basis for local practice.<sup>131</sup> Despite strong social pressures for 'traditional' gender roles women play a somewhat greater role in Kyrgyzstan's political class than in many of its Central Asian neighbours, with a 30 per cent gender quota on party lists which led to 23 women MPs in the current (2015-2020) Supreme Council.<sup>132</sup> As noted above Otunbayeva was a leading political figure in the 00s and served as acting President, though only two of the 16 members of Japarov's new cabinet are women, Minister of Justice Asel Chinbayeva and Minister of Transportation, Architecture, Construction and Communication Gulmira Abdralieva.

Similarly the limited efforts that have been made to try to protect LGBTQ people in Kyrgyzstan, through the work of supportive NGOs like Labrys, or including limited LGBTQ references such as demands for 'equality for all' or carrying rainbow flags at the 2019 International Women's day march engendered significant political push back from nationalist groups and Parliamentarians such as

<sup>126</sup> Todor Pruss, The Fight for the Right to Speak Kyrgyz in Kyrgyzstan's Capital, The Oxus Society, November 2020, <https://oxussociety.org/the-fight-for-the-right-to-speak-kyrgyz-in-kyrgyzstans-capital/>

<sup>127</sup> AKIpress, Russian language kept as official language in draft of Constitution of Kyrgyzstan, November 2020, [https://akipress.com/news:651503:Russian\\_language\\_kept\\_as\\_official\\_language\\_in\\_draft\\_of\\_Constitution\\_of\\_Kyrgyzstan/](https://akipress.com/news:651503:Russian_language_kept_as_official_language_in_draft_of_Constitution_of_Kyrgyzstan/)

<sup>128</sup> FPC, Sharing worst practice: How countries and institutions in the former Soviet Union help create legal tools of repression, May 2016, <https://fpc.org.uk/publications/sharingworstpractice/>

<sup>129</sup> Adam Hug, Introduction: The Rise of Illiberal Civil Society?, FPC, July 2018, <https://fpc.org.uk/introduction-the-rise-of-illiberal-civil-society/>; Asylai Akisheva, "Kelinism" in Kyrgyzstan: Women's Rights Versus Traditional Values, The Oxus Society, January 2021, <https://oxussociety.org/kelinism-in-kyrgyzstan-womens-rights-versus-traditional-values/>

<sup>130</sup> NDI, Forum of women members of parliament in Kyrgyzstan takes on domestic violence, May 2020, <https://www.ndi.org/our-stories/forum-women-members-parliament-kyrgyzstan-takes-domestic-violence>

<sup>131</sup> The Equal Rights Trust, Kyrgyzstan, March 2018, <https://www.equalrightstrust.org/sites/default/files/ertdocs/180330%20ERT%20Submission%20to%20CERD%20on%20Kyrgyzstan%20REVISED.pdf>; ECOM News, ECOM, PO "Kyrgyz Indigo" and the LGBT organization "Labrys" informed the UN HRC about the lack of antidiscrimination legislation for LGBT people in Kyrgyzstan, August 2020, <https://ecom.ngo/en/kyrgyzstan-unhrc/>

<sup>132</sup> Valeria Cardi, When Women Rule: Kyrgyzstan's youngest female MP puts bride kidnapping, attacks on women in spotlight, Reuters, October 2017, <https://www.reuters.com/article/us-women-rulers-kyrgyzstan-idUSKBN1CU01Q>

Jyldyz Musabekova.<sup>133</sup> She wrote on Facebook that *“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...We have to beat the craziness out of them, are there any decent guys out there [willing to do that]?”* and later warned that *“if we sit silently...Kyrgyzstan will become a ‘Gayistan.’”* Such attitudes are common place amongst wider society and violence is widespread against members of the small LGBTQ community who are no longer able to meet publically since the closure of the last open LGBTQ venue, called London, in 2017.<sup>134</sup> Police are known not to take action against perpetrators of violence against the community and indeed are often alleged to demand bribes to avoid informing the victims’ family that they are gay. The current and revised draft constitution both define marriage as being between a man and a woman, something that was brought in through a referendum in 2016 to act as a ban against the future possibility of same sex marriage.<sup>135</sup> According to the 2017-19 World Values survey, 73 per cent of citizens of Kyrgyzstan said that they would not want a homosexual neighbour and 83 per cent said that it was never justifiable to be homosexual (with only 1.3 per cent saying it was always justifiable).<sup>136</sup> Such engrained public attitudes make efforts to protect LGBTQ rights a hugely difficult challenge for NGOs and the international community and an easy target for nationalist groups, such as the vigilante organisation Kyrk Choro (Forty Knights), to whip up public anger.<sup>137</sup>

While much of Kyrgyzstan’s social conservatism is rooted in traditionalism and nationalism, these attitudes are also being bolstered by its increasing religiosity, something that has happened in a more open way than elsewhere in Central Asia. Like the rest of the region during the Soviet period religion was heavily regulated by the SADUM (Spiritual Administration of the Muslims of Central Asia) and that supervision has continued in the form of the Spiritual Directorate of Muslims of Kyrgyzstan (SAMK). Despite the continuation of top-down control over official religion the nature of Islam is evolving through increased contact with the wider Muslim Ummah and investment by Arab, Pakistani and Turkish foundations not only in Mosque building (the number of mosques has gone from 39 in 1990 to 2,600 in 2019), but in religiously inspired social projects such as the provision of schools and access to water.<sup>138</sup> As a result the transition is underway from a more cultural form of Islamic identity based around tradition and family, with prayers only before dinner to a more observant one. The hijab is more openly worn than elsewhere in Central Asia but a *de facto* ban remains on its use in schools though the ubiquitous use of school uniform policy.<sup>139</sup> Rules against ‘aggressive proselytisation’ are only really applied in practice against Protestant and minority Muslim groups, particularly those who are not officially registered with the State Committee on Religious Affairs (SCRA).<sup>140</sup> During the 2020/21 constitutional redrafting process there was a debate about whether to remove the requirements that the state be ‘secular’ (Article 1), with pressure for change from the religious community and a potential conflation between secularism and soviet-style atheism in the

<sup>133</sup> Labrys Programs, <https://www.labrys.kg/>; 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>

<sup>134</sup> Kate Arnold, Curtain Falls On Bishkek’s Lone LGBT Club Amid Worsening Atmosphere, RFE/RL, June 2017, <https://www.rferl.org/a/kyrgyzstan-lgbt-club-closing-gay-rights-homophobia/28561339.html>

<sup>135</sup> RFE/RL’s Kyrgyz Service, Kyrgyz Voters Back Amendments On Same-Sex Marriage, Presidential Power, RFE/RL, December 2016, <https://www.rferl.org/a/kyrgyzstan-constitutional-referendum-voting/28168872.html>

<sup>136</sup> Haerpfer, C., Inglehart, R., Moreno, A., Welzel, C., Kizilova, K., Diez-Medrano J., M. Lagos, P. Norris, E. Ponarin & B. Puranen et al. (eds.). 2020. World Values Survey: Round Seven - Country-Pooled Datafile. Madrid, Spain & Vienna, Austria: JD Systems Institute & WVSA Secretariat. doi.org/10.14281/18241.1 <https://www.worldvaluessurvey.org/WVSDocumentationWV7.jsp>

<sup>137</sup> Ryskeldi Satke, Illiberal forces put women’s rights under strain in Kyrgyzstan, Foreign Policy Centre, July 2018, <https://fpc.org.uk/illiberal-forces-put-womens-rights-under-strain-in-kyrgyzstan/>

<sup>138</sup> Asel Sooronbayeva, Kyrgyzstan: Hijab Not an Obstacle to Success, CABAR, February 2019, <https://cabar.asia/en/kyrgyzstan-hijab-not-an-obstacle-to-success>

<sup>139</sup> Ibid.

<sup>140</sup> European Baptist Federation (EBF) and Baptist World Alliance, Universal Periodic Review Session 35 Kyrgyz Republic, Freedom of religion or belief Stakeholder Report, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=7401&file=EnglishTranslation>

public mind.<sup>141</sup> However, as of the February 2021 draft, the designation of the state as secular has remained in Article 1.

So the forces of nationalism and social conservatism have been growing in strength and putting liberal social movements under increasing pressure. Most Kyrgyz Presidents have courted the nationalist vote to some extent but Japarov's political persona is that of a populist nationalist. So far however, despite the fairly standard expressions of social conservatism, his political pitch has been one of economic nationalism, based on his record in the Kumtor mine nationalisation campaign, and anti-elitist populism. However with the President already having to row back on nationalisation under pressure from international investors at a time of economic fragility, including the Chinese who are keeping a watchful eye on further bouts of sinophobia, this leaves a significant risk that the focus of his administration's populist ire may fall on issues facing women and the LGBTQ community or the liberal, pro-Western NGOs that work on them.

### Civil society

Despite the significant challenges listed above and below for now Kyrgyzstan remains a regional hub for civil society activity, both organisations that are active in Kyrgyzstan and those that operate across the rest of Central Asia. However it is clear that civil society in Kyrgyzstan has been under sustained pressure for several years and perhaps the worse situation elsewhere in the region has acted as a barrier to some international observers engaging fully with the depth of the problem the country faces. Local NGOs were in a reasonably strong position in the 2000s and their alumni were seen to play an active part in the 2005 and 2010 protests and their aftermath, something that gave even the politicians who were beneficiaries of the change they campaigned for cause to pause. In 2011 NGO's were significantly more trusted than the state, with 77 per cent of respondents in a poll believing they acted for the benefit of social development and 62 per cent of respondents not trusting the Government to do the same thing.<sup>142</sup> However, they have been subject to a sustained campaign of de-legitimation and pressure over the last ten years, with Ernest Zhanaev's essay noting a particular increase since 2014.

As has already been documented civil society has faced several attempts to add to the bureaucratic burdens they face, most notably the 2016 attempts to replicate the Russian Foreign Agents law and the attempts in 2019-2020 that would add significant new reporting requirements about details of their income and made it harder to recruit temporary staff.<sup>143</sup> Local NGO activists also report increasing pressure from the security services, including people being questioned by security officials and put under surveillance by both official methods and by unknown actors. Despite these pressures many civil society activists have been able to do vital work raising awareness of human rights abuses and exerting pressure that has been able to curb some of the worst excesses of the system, at least until now.

These direct actions are set in the wider context of sustained efforts at de-legitimation from nationalist groups and hidden sources using popup media outlets or social media campaigns of unknown origin, with concerns from activists about the potential involvement of the security services (Kyrgyz and, some claim, Russian). Russia does certainly play a part in promoting region wide narratives against NGOs that feed off and amplify local concerns. As noted above efforts NGOs working on women's rights and LGBTQ issues, areas where activists face huge challenges in engaging

<sup>141</sup> Constitute, Kyrgyzstan's Constitution of 2010 with Amendments through 2016, [https://www.constituteproject.org/constitution/Kyrgyz\\_Republic\\_2016.pdf?lang=en](https://www.constituteproject.org/constitution/Kyrgyz_Republic_2016.pdf?lang=en)

<sup>142</sup> Civil Society Briefs, The Kyrgyz Society, November 2011, <https://www.adb.org/sites/default/files/publication/29443/csb-kgz.pdf>

<sup>143</sup> Ayzirek Imanaliyeva, Kyrgyzstan: Draft bill threatens to drive NGOs against the wall, Eurasianet, May 2020, <https://eurasianet.org/kyrgyzstan-draft-bill-threatens-to-drive-ngos-against-the-wall>; Civic Solidarity, Civic Solidarity Platform statement on legislative proposals to impose excessive reporting and control requirements on civil society organizations in Kyrgyzstan, February 2020, <https://www.civicsolidarity.org/article/1644/civic-solidarity-platform-statement-legislative-proposals-impose-excessive-reporting>

entrenched conservative public opinion, have been weaponised by their opponents who argue the sector's interests are more aligned with Western interests rather than local people. This perception helps to amplify the second charge, that of 'grant eating', with NGO's being portrayed as only being interested in what they can raise donor money for rather than being focused on local priorities, a narrative which fuels further pressure on public reporting requirements.

Kyrgyzstan's Supreme Council has also recently revived a draft law 'on Trade unions' that seeks to increase the regulation of trade union activity by forcing all regional and sectoral trade unions to join the Federation of Trade Unions of Kyrgyzstan, which would become the only national-level union body recognised by the Government.<sup>144</sup> This follows a politically charged fight for control of the Federation where the politically connected former General Secretary was removed from office and other union officials and activists were subjected to a campaign of harassment by the Government, including 50 criminal cases, according to the Central Asia Labour Rights Monitoring Mission and Human Rights Watch. The Federation was barred from holding its annual congress in late 2020 to elect his successor.<sup>145</sup>

Amid the deluge of bad faith accusations pointed at Kyrgyzstan's civil society, it is tempting for the international community to take a purely defensive posture, circling the wagons in an attempt to keep on going and using diplomatic pressure to fight back against negative narratives being promoted by political figures. While it is right and necessary to continue to push back against these political pressures, after the third revolution in 15 years, it is clearly also time for a rethink on strategy.

Many essay contributors put forward ideas in this collection about how they believe donor priorities and operations might evolve in the current climate. Asel Doolotkeldieva has previously argued for the need to reconsider the depth of civil society impact in political areas given the relatively limited impact they have been able to have in the evolution of recent events, saying that a few 'brave activists' are not enough and calling for a greater focus on economic equality projects over democratisation in the short-term.<sup>146</sup> Doolotkeldieva's contribution in this publication expands on her theme to suggest new ways of working. In her contribution, Shirin Aitmatova is blunt about her views on the need for change in Kyrgyzstan's NGO sector, arguing for fresh voices, new thinking from donors and greater creativity in funding mechanisms. There will need to be further efforts to address long-standing questions of local accountability, with some donors perhaps needing to give partners the space to respond flexibly to local concerns as well as their strategic priorities.<sup>147</sup> They will also need to think about how they can most suitably engage with newly emerging groups of activists. From the volunteers who helped in the COVID response to the *druzhinniki* who protected businesses from potential rioting to the *Bashtan Bashta* ('Start with your head') protest movement, which in recent months has organised creative campaigns against elements of the proposed constitution, there are new social movements that are developing, often coordinated through social media rather than existing institutions, which show an enduring appetite for civic and social activism.<sup>148</sup>

<sup>144</sup> Labour Start Campaigns, Kyrgyzstan: Stop pressure on trade unions, [https://www.labourstartcampaigns.net/show\\_campaign.cgi?c=4639](https://www.labourstartcampaigns.net/show_campaign.cgi?c=4639)

<sup>145</sup> Human Rights Watch, Kyrgyzstan: Increased Interference in Trade Union Activities, December 2020, <https://www.hrw.org/news/2020/12/23/kyrgyzstan-increased-interference-trade-union-activities>

<sup>146</sup> Asel Doolotkeldieva, Twitter Post, Twitter, December 2020, <https://twitter.com/ADoolotkeldieva/status/1336708028859604993?s=20>

<sup>147</sup> Anara Musabaeva, Responsibility, transparency and legitimacy of socially-oriented NGOs in Kyrgyzstan, INTRAC, January 2013, <https://www.intrac.org/wpcms/wp-content/uploads/2016/09/Briefing-Paper-34-Responsibility-transparency-and-legitimacy-of-socially-oriented-NGOs-in-Kyrgyzstan.pdf>

<sup>148</sup> Ayzirek Imanaliyeva, Kyrgyzstan: Hundreds rally against constitutional tinkering, Eurasianet, November 2020, <https://eurasianet.org/kyrgyzstan-hundreds-rally-against-constitutional-tinkering>; Ayday Tokoeva, "There is no Han Constitution." Peaceful march to be held in Bishkek against amendments to the country's basic law, kloop, November 2020, <https://kloop.kg/blog/2020/11/18/net-hanstutitsii-v-bishkeke-projdet-mirnyj-marsh-protiv-popravok-v-osnovnoj-zakon-strany/>

## Media and online freedoms

With respect to media and online freedoms again Kyrgyzstan's relative freedom compared to the regional average can sometimes mask some of the deep structural challenges it faces. State television continues to draw the biggest media audience, closely followed by Russian domestic channels, and television overall still provides the primary source of news and entertainment in rural areas, while in the cities where internet penetration is higher online outlets are rapidly growing to outpace traditional media.

Some of the biggest challenges the sector faces are the local example of the problem facing journalism the world over around making independent media profitable in the context of growing dominance of online advertising (and its capture by social media and search providers) and the weak state of the local economy. Questions of media ownership and funding are the main source of censorship and journalistic self-censorship. The difficult media economy exacerbates the extent to which many outlets operate a 'pay to play' model where articles and editorial outlook are shaped by those able to fund them.<sup>149</sup> This not a situation unique to Kyrgyzstan but it manifests itself in everything, from direct influence of coverage by local business and political elites through to relying on produce placement and sponsorship which can limit independence. The latter includes partnerships with international agencies such as UNICEF to increase awareness of their activities, which is clearly preferable to other available funding sources that have been claimed to influence coverage. International support (from donors and social media companies) may be needed to help local outlets identify and generate new sources of income, including support to make their entertainment and lifestyle output more attractive to help draw audiences that stay to read the news. While more training for the sake of holding training should be avoided, there remain skills gaps, particularly in the Kyrgyz language sector and in local journalism. International partners perhaps can provide further assistance in helping local outlets package international news for a Kyrgyz audience.

As with NGOs the growing pressure on independent media is not only financial but has come from politicians, the security services and shadowy forces linked to the wealthy and powerful. COVID provided an opportunity for politicians to try to introduce a new 'Law on Manipulating Information'.<sup>150</sup> A previous version of the bill was blocked by President Jeenbekov in July 2020 and referred back to Parliament for revisions, however following the change of Government Parliamentarians have confirmed their intention to bring back this legislation.<sup>151</sup> Ostensibly drafted to address misinformation being circulated in the wake of the pandemic, its framing is seen as too broad and overly vague by international observers. The obvious concerns about abuse of such legislation has been amplified by the ways existing laws were abused by the security services during the pandemic against those criticising the government response as noted earlier.<sup>152</sup> Journalists were also targeted, physically and online, for their reporting on potential electoral irregularities in the October 2020 election.<sup>153</sup> As Eric McGlinchey notes in his essay, President Japarov has pledged that 'freedom of speech and the media will continue to be an inviolable value', however, his post-election victory speech added a chilling caveat to that commitment, saying *"while I will defend the media, I*

<sup>149</sup> Editorial policies in outlets around the world are influenced by the political persuasions of powerful media owners but this relates to the transactional, ad hoc nature of whom some outlets criticise, which can be shaped by funders outside the companies themselves.

<sup>150</sup> ARTICLE 19, Kyrgyzstan: Law "On Manipulating Information" must be vetoed, July 2020, <https://www.article19.org/resources/kyrgyzstan-law-on-manipulating-information-must-be-vetoed/>

<sup>151</sup> Daria Podolskaya, MPs want to push thought controversial law on manipulating information, 24.kg, December 2020, [https://24.kg/vlast/176430\\_deputaty\\_i\\_hotyat\\_protaschit\\_skandalnyiy\\_zakon\\_omanipulirovanii\\_informatsiy/?fbclid=IwAR0USXJ0RVvpRQ16pFIUph8qUUew9XpJlI0DygcNNCqN5LCZjKZTlt-1nk](https://24.kg/vlast/176430_deputaty_i_hotyat_protaschit_skandalnyiy_zakon_omanipulirovanii_informatsiy/?fbclid=IwAR0USXJ0RVvpRQ16pFIUph8qUUew9XpJlI0DygcNNCqN5LCZjKZTlt-1nk)

<sup>152</sup> Ayzirek Imanaliyeva, Kyrgyzstan: Thin-skinned authorities hauling in commentators for questioning, Eurasianet, August 2020, <https://eurasianet.org/kyrgyzstan-thin-skinned-authorities-hauling-in-commentators-for-questioning>

<sup>153</sup> CPJ, Journalists attacked, obstructed during and after parliamentary elections in Kyrgyzstan, October 2020, <https://cpj.org/2020/10/journalists-attacked-obstructed-during-and-after-parliamentary-elections-in-kyrgyzstan/>

*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.*"<sup>154</sup>

Radio Azattyk, RFE/RL's local station, and a major source of radio and online news in the country has been targeted publically by politicians in attempts at delimitation and its journalists have faced pressure from security services and potentially from the subjects of their investigations.<sup>155</sup> President Japarov has publically criticised Azattyk over coverage of allegations they published around possible links to those involved in organised crime.<sup>156</sup> It will be important for the Biden Administration, as part of its new relationship with the Japarov administration and as part of its wider reset of post-Trump RFE/RL strategy to actively defend the political space for RFE/RL and safety of its journalists. At the moment the BBC's Kyrgyz service is not seen by local observers as a particularly significant player in the local media market and the BBC should consider ways in which this might change, including new content partnerships with local outlets.

Online trolling has become an increasing source of pressure on journalists (and NGO activists). Such trolling has two notable sources. Firstly, there are organised troll factory operations, though not at the industrial scale of their Russian equivalents they provide a paid presence that is used to harass and challenge journalists. Investigative reporting, published by openDemocracy, has shown the existence of operations that work on behalf of whoever is will to pay, some with alleged links to the Matraimovs that have been used to target journalists from Kloop, Azattyk and other independent outlets.<sup>157</sup> These networks have also been used to assist political campaigns, operating in support of Mekenim Kirgizstan ahead of the October elections and then Japarov and his campaign for constitutional changes in the post-election period and in the January 2021 Presidential poll.<sup>158</sup>

Secondly, the growing power of nationalist groups and Japarov's genuine support in populist and nationalist online communities. As with populists in other country contexts this has led to the growth of organic, free range trolls, who can supplement and amplify the work of paid trolls in such a way, which may in time reduce the need for expensive and intensive troll farming.

The essays in this collection by Gulzat Baialieva and Joldon Kutmanaliev, Begaim Usenova and ARTICLE 19, and by Dr. Elira Turdubaeva explore the emerging online movements and trolling campaigns, notably in the Kyrgyz language sections of media where much of this harassment is situated.<sup>159</sup> Facebook, which provides three of the most used social media and messaging services in Kyrgyzstan (Facebook, Instagram and WhatsApp), looks after the Central Asia region including Kyrgyzstan as part of its Asia Pacific public policy team's coverage. The public policy team also gets support from the company's community operation team (which does the content moderation work), legal, and other teams for Facebook's work in Central Asia. Facebook's community operation also relies heavily on machine learning. Outside Facebook, the company is also understood to have expert

<sup>154</sup> 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>; Aidai Tokoyeva, Ya prizyvayu opponentov obedinit'sya, menshestvo dolzhno podchinit'sya bolshinstvu--Zhapparov, KLOOP.KG - Новости Кыргызстана (blog), January 2021, <https://kloop.kg/blog/2021/01/10/ya-prizyvayu-opponentov-obedinit'sya-menshestvo-dolzhno-podchinit'sya-bolshinstvu-zhapparov/>

<sup>155</sup> U.S. Agency for Global Media, RFE/RL Kyrgyz Service investigative reporter receives death threat, April 2020, <https://www.usagm.gov/2020/04/07/rfe-rl-kyrgyz-service-investigative-reporter-receives-death-threat/>

<sup>156</sup> Ayzirek Imanaliyeva, New Kyrgyzstan leader vilifying free press, Eurasianet, November 2020, [https://eurasianet.org/new-kyrgyzstan-leader-vilifying-free-press?utm\\_source=dlvr.it&utm\\_medium=facebook&fbclid=IwAR0qz5Pn\\_RxN7mB\\_5N6\\_gqZoQIYtf\\_-uIt\\_QEgD8LWasQVMs4pu1htj90s](https://eurasianet.org/new-kyrgyzstan-leader-vilifying-free-press?utm_source=dlvr.it&utm_medium=facebook&fbclid=IwAR0qz5Pn_RxN7mB_5N6_gqZoQIYtf_-uIt_QEgD8LWasQVMs4pu1htj90s); Paul Bartlett, Bleak Outlook for Kyrgyzstan's Free Press After Japarov's Landslide Win in Presidential Poll, The Moscow Times, January 2021, <https://www.themoscowtimes.com/2021/01/13/bleak-outlook-for-kyrgyzstans-free-press-after-japarovs-landslide-win-in-presidential-poll-a72594>

<sup>157</sup> Kamila Eshaliyeva, Real fakes: how Kyrgyzstan's troll factories work, openDemocracy, November 2020, <https://www.opendemocracy.net/en/odr/troll-factories-kyrgyzstan/>

<sup>158</sup> Elvira Kalmurzaeva, Twitter Post, Twitter, November 2020, <https://twitter.com/Ekalmurzaeva/status/1330107952271937536?s=20>

<sup>159</sup> Bakyt Toregeldi, Threats and intimidation in social networks of the Kyrgyz segment, Radio Azattyk, November 2020, <https://rus.azattyk.org/a/30964989.html?fbclid=IwAR1JsYHLQsdsWN73HibIdJ1tI-gn0EM4e30gKpxDPCi558ibuJRpGitNwQ>

‘trusted partners’.<sup>160</sup> Given the nature of machine learning, which could result in mistakes or ignore certain issues due partly to lack of understanding in local culture and nuances by the AI, it will be important that Facebook looks at ways to expand its Kyrgyz language capabilities and add more Kyrgyz speaking human reviewers for content moderation, particularly around potential flashpoints such as elections and constitutional referendums, and to look at ways to provide quicker and easier access to human led review processes for journalists and activists facing organised harassment efforts.

### Rule of law

As with so much in Kyrgyzstan’s public life the operation of the legal system is significantly undermined by endemic corruption and deference to those in power, a topic addressed in Jasmine Cameron’s essay in this collection which highlights the debilitating effect this has on the rule of law. It is clear that the Prosecutor General’s office, police and the judiciary operate under considerable political influence of whoever is in power at the time, from the Presidential Administration right on down to local power brokers. In cases where a clear political direction is not set from the top, further opportunities arise for lower level corruption. Local NGOs, such as the legal clinic Adilet, note that official oversight and disciplinary mechanisms for prosecutors and judges are ineffective, particularly in cases where officials are following orders, creating a culture of impunity.<sup>161</sup> Corruption and political favouritism is seen as impacting both who is selected for judicial training through the Higher school of Justice and who is selected by the Council for the Selection of Judges, two thirds of the whom are made up of political appointees (albeit notionally split between the Parliamentary majority and opposition).

Reform of judicial selection is included in the February 2021 draft Constitution, which states that *‘the Council for Justice Affairs (will be) formed from the number of judges who make up at least two thirds of its composition, one third are representatives of the President, the Jogorku Kenesh, the People’s Kurultai and the legal community’*.<sup>162</sup> This change could potentially be helpful in the long-term to increase the formal distance between the judiciary and politicians, but will do little to change the existing pool of judges and their connections who may still perpetuate the current legal culture absent additional measures to tackle corruption and political direction. As potentially less helpful proposed constitutional change is the proposal to further increase the power of the Prosecutors office by giving them *‘the right to conduct inspections of citizens, commercial organisations, other economic entities, non-governmental, non-commercial organisations, institutions, enterprises, etc.’*, which Adilet explain would *‘largely duplicate the activities of other state and law enforcement agencies, primarily the State Committee for National Security for Combating Corruption’* opening up the possibility for all such responsibilities to be centralised in one all-powerful prosecution service as in Soviet times.<sup>163</sup> While such a change may reduce opportunities for different agencies to be used in intra-regime spats it would hand prosecutors an even broader range of tools to apply pressure improper pressure if not handled with extreme caution and the kind of strong safeguards that have not often been applied in the past in Kyrgyzstan.

Cameron notes that 61 per cent of people who have had contact with the police in the last year reported having to pay a bribe and exposes the lack of oversight and enforcement of anti-

<sup>160</sup> An example of the Trusted Partner scheme in a different context: EFHR, EFHR welcomed into Trusted Partner Channel of Facebook, January 2018, <https://en.efhr.eu/2018/01/29/efhr-welcomed-trusted-partner-channel-facebook/>

<sup>161</sup> Adilet: <https://adilet.kg/>

<sup>162</sup> Jogorku Kenesh of the Kyrgyz Republic, From November 17, 2020, the draft Law of the Kyrgyz Republic “On the appointment of a referendum (nationwide vote) on the draft Law of the Kyrgyz Republic On the Constitution of the Kyrgyz Republic”, November 2020, <http://www.kenesh.kg/ru/article/show/7324/na-obshtestvennoe-obsuzhdenie-s-17-noyabrya-2020-goda-vinositsya-proekt-zakona-kirgizskoy-respubliki-o-naznachenii-referenduma-vsenarodnogo-golosovaniya-po-proektu-zakona-kirgizskoy-respubliki-o-konstitutsii-kirgizskoy-respubliki> (As revised in February 2021)

<sup>163</sup> Adilet, Report: “The Bar and Lawyers of the Kyrgyz Republic under attack: persecution and external threats”, March 2020, <https://adilet.kg/tpost/2i09a01nu1-analiz-proekta-konstitutsii-kirgizskoi-r>



corruption. Several authors in this collection give examples of particular extortion by police of vulnerable communities, including Uzbek business people and the LGBTQ community.

As Cameron points out, the combination of corruption and abuse of power creates a legal culture where citizens do not have trust in the legal process, so resort to other methods of trying to resolve their problems including violence in the court room against the opposing party, lawyers and court officials. More work needs to be done to improve the status of defence lawyers, including ensuring that they are present during the questioning of suspects, vis-à-vis the powerful Prosecutors operating under the aegis of the Prosecutor General's Office.<sup>164</sup> Efforts are also underway to encourage the use of cameras in the court room to try to promote transparency and accountability, while international organisations such as the ABA and Clooney Foundation's Trial Watch are attempting to provide official observers to monitor trial conditions in contentious cases.<sup>165</sup> However, as a number of different experts have noted, international investment in rule of law reform in Kyrgyzstan, including 38 million euros from the EU between 2014-2020, has so far generated limited results, particularly in controversial cases.<sup>166</sup> In a country where domestic violence is believed to be endemic Cameron notes that in 2019 there were only 9,000 cases of domestic violence recorded. *'Of those, approximately 5,456 cases were registered with the authorities as administrative cases, and only around 784 were registered as criminal'*, which seems indicative of lack of trust in the system as well as wider cultural barriers.<sup>167</sup>

The United Nations Human Rights Committee, the expert body that reviews legal cases and other alleged abuses against individuals that relate to the International Covenant on Civil and Political Rights (ICCPR) has played an important external role in requesting the review of controversial human rights cases, 25 in all including the case of Azimjan Askarov noted below.<sup>168</sup> However, efforts are underway in Kyrgyzstan to end the requirement for the local review of cases criticised by international legal bodies, reacting to international pressure over Askarov and echoing narratives deployed against international judicial scrutiny by Russia, the UK and USA amongst others.<sup>169</sup>

<sup>164</sup> Adilet, Analysis of the draft Constitution of the Kyrgyz Republic, February 2021, <https://adilet.kg/tpost/escvd3gcr1-doklad-advokatura-i-advokati-kirgizskoi>; Bar of the Kyrgyz Republic: <http://advokatura.kg/>; Official website of the State Enterprise of the Kyrgyz Republic: <https://new.prokuror.kg/ru>

<sup>165</sup> ABA, Trial Observation Report: Kyrgyzstan vs. Gulzhan Pasanova, May 2020, [https://www.americanbar.org/groups/human\\_rights/reports/kyrgyzstan\\_vs\\_Gulzhan\\_Pasanova1/](https://www.americanbar.org/groups/human_rights/reports/kyrgyzstan_vs_Gulzhan_Pasanova1/)

<sup>166</sup> In conversations with the author and for example: Eurasianet, Kyrgyzstan: Will fury around Askarov death end up signifying nothing?, July 2020, <https://eurasianet.org/kyrgyzstan-will-fury-around-askarov-death-end-up-signifying-nothing>

<sup>167</sup> Human Rights Watch, Kyrgyzstan – Events of 2018, <https://www.hrw.org/world-report/2019/country-chapters/kyrgyzstan#e81181>

<sup>168</sup> JurisPrudence, <https://juris.ohchr.org/search/results>

<sup>169</sup> Human Rights Watch, Adoption of the outcome of the Universal Periodic, Review of Kyrgyzstan, September 2020, <https://www.hrw.org/news/2020/09/28/adoption-outcome-universal-periodic-review-kyrgyzstan>. For example Russia has passed constitutional amendments that assert the supremacy of its judicial decisions over those of the European Court of Human Rights (ECtHR), the Trump Administration launched international sanctions against Judges on the International Criminal Court who were investigating potential crimes by US service personnel and the UK has been debating watering down the application of the European Convention on Human Rights or leaving the ECtHR's jurisdiction for much of the last ten years.

**Azimjan Askarov**

By Aydar Sydykov

Azimjan Askarov was a well-known human rights defender and journalist in the Kyrgyz Republic. He was recognised as a prisoner of conscience by Amnesty International and received international awards, including the CPJ International Press Freedom Award.<sup>1</sup> In 1996, he became involved in the protection of human rights, and in 2002 he established an NGO called Vozdukh to investigate and document human rights violations by the local police and penitentiary/detention facilities.

In 2010 Askarov was accused by local officials of participating and organising mass riots, inciting ethnic hatred and killing a police officer during the June clashes between Kyrgyz and Uzbeks in Bazar-Korgon (in the Jalal-Abad region) and was sentenced to life imprisonment. In the view of many human rights organisations, Askarov was convicted for his human rights activism, especially during the 2010 clashes when he documented pogroms, arson and gathered information about the dead and wounded (including civilians who were not involved as participants in the conflict). The investigation was conducted with gross violations of Askarov's human rights. In detention Askarov was repeatedly subjected to torture, cruel treatment, while the state authorities did not provide access to judicial protection and a fair trial.

Despite the fact that Askarov's advocate repeatedly filed complaints about the torture, ill treatment and other violations, on September 15<sup>th</sup> 2010, Askarov was found guilty of the charges against him and sentenced to life imprisonment. The sentence was upheld by higher courts. All medical documents proving his injuries, facts of torture during detention, including the results of two medical examinations conducted by a foreign medical expert, were consistently ignored by all court instances, prosecutor's office and other state authorities.

After the final judgment of the Supreme Court of the Kyrgyz Republic, Askarov submitted individual complaint to the UN Human Rights Committee, alleging torture, Kyrgyzstan's failure to provide effective remedies, arbitrary and inhuman detention and the violation of his rights to a fair trial and freedom of expression. In 2016, the UN Human Rights Committee in its decision found violations of Askarov's rights in accordance with the International Covenant on Civil and Political Rights.<sup>1</sup> The Committee decided that Kyrgyzstan has to make full reparation to Askarov; to release him immediately; quash his conviction; and, if necessary, conduct a new trial with guarantees of fair trial.

On June 12<sup>th</sup> 2016, considering the UN Human Rights Committee's decision as newly discovered facts, the Kyrgyz Supreme Court reversed previous court's decisions and ordered a new trial to be started in the first instance court. Unfortunately, despite all the evidence submitted by Askarov and the UN judgement the lower courts declined to effectively reconsider the allegations of torture with no action to investigate the allegations of torture and bring its perpetrators to justice. In May 2020 the Supreme Court upheld the decision not to reopen the case passed by the lower courts, leaving the guilty verdict in place with still Askarov incarcerated for life. Sadly on July 25<sup>th</sup> 2020 Azimjan Askarov died in prison during the COVID-19 pandemic despite his advocate's statements and international outcry about Askarov's poor health and the urgent need for medical examination and treatment.

## Human rights

The Askarov case was, until his tragic death in 2020, one of the most high profile failings of the Kyrgyz judicial system, the country's most significant case of the persecution of a human rights defender and an enduring symbol of the political paralysis engendered by the failure to equitably resolve the ethnic tensions in the south. Successive political leaders have found themselves beholden to powerful local interests in the south and afraid of sparking further anger amongst the region's ethnic Kyrgyz population. With the chance to obtain justice, even posthumously, for Askarov within Kyrgyzstan seemingly remote, not least given the court decision to refuse his widow the right to continue the appeals process, focus must turn to what measures can still be taken by the international community.<sup>170</sup> One of the challenges in the case is the seemingly diffuse nature of systemic responsibility for his imprisonment, however, there is clearly a strong argument in favour of the deployment of Magnitsky sanctions by the US, UK, EU and others against officials involved in the case to send a clear message against impunity even if it is unlikely that many of those involved have a significant footprint in any of those jurisdictions.

The Askarov case is far from the only example where allegations of torture have been documented. For example, in the first half of 2019, there were 171 allegations of torture registered in Kyrgyzstan with the Prosecutor General's office.<sup>171</sup> Human Rights defenders, whether they be lawyers or NGO representatives routinely experience harassment from the security services and online nationalist trolling.<sup>172</sup> A number of international human rights activists and independent journalists remain banned from entering Kyrgyzstan including Mihra Rittmann from Human Rights Watch, AFP's Chris Rickleton and Vitaly Ponomarev, the Central Asia director for Russian Human Rights NGO Memorial.<sup>173</sup> Kyrgyzstan also controversially accepted an extradition request from Uzbekistan for journalist Bobomurod Abdullaev, despite concerns over the risk of torture (something Abdullaev had previously experienced at the hands of the Uzbek authorities).<sup>174</sup>

## International relations and their impact on Kyrgyzstan

As a relatively small country with a fragile economy a significant factor in Kyrgyzstan's stability and success is its relationship to the regional neighbours and international powers. As has been set out above, the country is a member of the Russian-led Eurasian Economic Union, which has helped to further increase economic integration with Russia and Kazakhstan and to some extent improved the coordination of the large numbers of economic migrants it sends to them (predominantly, around 513,000 of which, to Russia).<sup>175</sup> Additionally, Chinese economic interests in the country have been expanding, with some controversy, in recent years and Kyrgyzstan is also part of the Beijing-led Shanghai Cooperation Organisation that focuses on security sector cooperation. Sensitive border and water disputes with Uzbekistan and Tajikistan in the Fergana Valley add to the febrile atmosphere in intercommunal relations with the Uzbek and other minority communities within southern Kyrgyzstan.<sup>176</sup>

With economic opportunities relatively scarce, for the most part Western strategic interests have been focused on issues around the drug trade and anti-terrorism concerns since the Manas airbase stopped being used for operations in Afghanistan in 2014. However, as discussed, Kyrgyzstan's

<sup>170</sup> Front Line Defenders, Azimjan Askarov Brings Lawsuit Against Government, <https://www.frontlinedefenders.org/en/case/azimjan-askarov-brings-lawsuit-against-government>

<sup>171</sup> ACCA, In Kyrgyzstan, every fifth detainee complains of torture, January 2020, <https://acca.media/en/in-kyrgyzstan-every-fifth-detainee-complains-of-torture/>

<sup>172</sup> Front Line Defenders, #Kyrgyzstan, <https://www.frontlinedefenders.org/en/location/kyrgyzstan>

<sup>173</sup> Hugh Williamson, Twitter Post, Twitter, December 2020, <https://twitter.com/HughAWilliamson/status/1333784559314354177?s=20>

<sup>174</sup> RFE/RL, U.S. 'Concerned' Over Fate of Uzbek Journalist Extradited By Kyrgyzstan, September 2020, <https://www.rferl.org/a/u-s-concerned-over-fate-of-uzbek-journalist-extradited-by-kyrgyzstan/30824802.html>

<sup>175</sup> Lira Sagynbekova, International Labour Migration in the Context of the Eurasian Economic Union : Issues and Challenges of Kyrgyz Migrants in Russia, University of Central Asia, Working Paper no.39, 2017, [https://www.ucentralasia.org/Content/Downloads/UCA-IPPA-WP-39%20International%20Labour%20Migration\\_ENG.pdf](https://www.ucentralasia.org/Content/Downloads/UCA-IPPA-WP-39%20International%20Labour%20Migration_ENG.pdf)

<sup>176</sup> Ryskeldi Satke, Twitter Post, Twitter, February 2021, <https://twitter.com/RyskeldiSatke/status/1357704117418885121?s=20>

comparative openness by Central Asian standards has made the country the regional hub for Western international aid and activity.

Japarov's sudden rise to power took Kyrgyzstan's international partners by surprise. In addition to statements of concern by Western states, Putin's frostiness towards someone who overthrew his predecessor was palpable, including a public snub at a November 10<sup>th</sup> CIS meeting, though relations have begun to normalise in the wake of President Japarov's January election.<sup>177</sup> Prior to the electoral upheaval Kyrgyzstan had asked China, which holds around 43 per cent of Kyrgyzstan's external debt and therefore significant leverage, for COVID-related debt forbearance as Bishkek struggled to manage repayments.<sup>178</sup> Following Japarov's rise to power, and initial concern amongst the Chinese leadership, Kyrgyzstan has gone out of its way to reassure international investors (particularly Chinese ones) that they have nothing to fear despite the new President's previous resource nationalism and the anti-Chinese sentiments amongst some of his supporters (though Carnegie's Temur Umarov argues that Japarov himself has strong family and business backer ties to China).<sup>179</sup>

In terms of formal relations with Western partners, the EU-Kyrgyzstan Enhanced Partnership and Cooperation Agreement has yet to be ratified despite being initialled in July 2019, with translation delays blamed but also concerns around potential for issues, such as the human rights situation, impacting European Parliamentary ratification.<sup>180</sup> The UK is currently negotiating a partnership agreement, based on the existing 1999 EU-Kyrgyzstan Partnership and Cooperation Agreement, though the deal is likely to come after the conclusion of other deals with larger economic benefits for the UK (most relevantly and gallingly for Kyrgyzstan the deal with Kazakhstan). The UK could potentially generate good will and some limited leverage by basing the offer in its proposed deal on the 2019 rather than 1999 EU package and offering to speed up its passage in return for taking certain actions to protect human rights and improve governance standards.<sup>181</sup>

The EU and its member states have invested 907.69 million euros in aid to Kyrgyzstan between 2007 and 2020 (of which the Commission has been the largest donor at €391.3 million, followed by Germany at €349.69 million).<sup>182</sup> The most recent round of EU bilateral development cooperation was based around 'the Multiannual Indicative Programme (MEP) for 2014-2020 with the total budget of €174 million', which 'focused on three main sectors: Education (€71.8 million), Rule of Law (€37.8 million) and Integrated Rural Development (€61.8 million)', which was supplemented by a €36 million emergency COVID relief package in 2020.<sup>183</sup> Until recently, as noted here, Germany has been the largest bilateral donor amongst EU member states, but the Federal Ministry for Economic Development and Cooperation (BMZ) announced in May 2020 that it was pulling out of bilateral development spending in Kyrgyzstan as part of refocusing its efforts elsewhere in the world.<sup>184</sup>

<sup>177</sup> Chris Rickleton, Twitter Post, Twitter, November 2020, <https://twitter.com/ChrisRickleton/status/1326397172053643266?s=20>; TASS, Putin congratulates Japarov on winning Kyrgyzstan's presidential election, January 2021, <https://tass.com/politics/1243317>

<sup>178</sup> Dirk van der Kley, COVID and the new debt dynamics of Kyrgyzstan and Tajikistan, Eurasianet, October 2020, <https://eurasianet.org/covid-and-the-new-debt-dynamics-of-kyrgyzstan-and-tajikistan>; Chris Rickleton, Kyrgyzstan's China debt: Between crowdfunding and austerity, Eurasianet, November 2020, <https://eurasianet.org/kyrgyzstans-china-debt-between-crowdfunding-and-austerity>

<sup>179</sup> Niva Yau, China business briefing : Not happy with Kyrgyzstan, Eurasianet, November 2020, <https://eurasianet.org/china-business-briefing-not-happy-with-kyrgyzstan>; Eurasianet, Kyrgyzstan pleads for more Chinese help in building key infrastructure, December 2020, <https://eurasianet.org/kyrgyzstan-pleads-for-more-chinese-help-in-building-key-infrastructure>; Temur Umarov, Dangerous Liaisons : How China is Taming Central Asia's Elites, Carnegie Moscow Center, January 2021, <https://carnegie.ru/commentary/83756>

<sup>180</sup> European Commission, EU and Kyrgyz Republic initial Enhanced Partnership and Cooperation Agreement, July 2019, <http://trade.ec.europa.eu/doclib/press/index.cfm?id=2046#:~:text=On%206%20July%202019%2C%20the,Asia%20Ministerial%20Meeting%2C%20in%20Bishkek.&text=The%20seventh%20and%20final%20negotiating,on%206%2D8%20June%202019>

<sup>181</sup> A list of possible suggestions for, which can be found in this publication's conclusion and recommendations.

<sup>182</sup> European Commission, Recipients, [https://euaidexplorer.ec.europa.eu/content/explore/recipients\\_en](https://euaidexplorer.ec.europa.eu/content/explore/recipients_en)

<sup>183</sup> EEAS, Kyrgyz Republic and the EU, October 2020, [https://eeas.europa.eu/delegations/kyrgyz-republic/1397/kyrgyz-republic-and-eu\\_en](https://eeas.europa.eu/delegations/kyrgyz-republic/1397/kyrgyz-republic-and-eu_en)

<sup>184</sup> Tatyana Kudryavtseva, Germany announces reduction in cooperation with Kyrgyzstan, 24.kg, May 2020, [https://24.kg/english/152054\\_Germany\\_announces\\_reduction\\_in\\_cooperation\\_with\\_Kyrgyzstan/](https://24.kg/english/152054_Germany_announces_reduction_in_cooperation_with_Kyrgyzstan/); Federal Ministry for Economic Cooperation and Development, BMZ 2030 reform strategy: New thinking – new direction, [https://www.bmz.de/en/publications/type\\_of\\_publication/information\\_flyer/information\\_brochures/Materilie520\\_reform\\_strategy.pdf](https://www.bmz.de/en/publications/type_of_publication/information_flyer/information_brochures/Materilie520_reform_strategy.pdf)

The US Aid spend in 2020 was \$40.17 million, of which Democracy, Human Rights, and Governance was the largest area of spending (\$13.3 million or 33 per cent), followed by Education (\$9.07 million 23 per cent), then Economic Development and Health.<sup>185</sup> The UK's direct aid spend is scheduled to be £7.47 million for the 2020/21 financial year though this figure is scheduled to fall to £5.15 million by 2022/23 in the wake of the overall cut in UK Aid spending from 0.7 per cent to 0.5 per cent of a COVID impacted GDP.<sup>186</sup> The current UK Government priorities are: improving the transparency of public finance management, to tackle corruption and improve outcomes; working with Parliamentarians to improve scrutiny; and improving the regulatory environment for private sector investment.

As set out in a number of essay contributions and in the conclusion to this publication there is a strong case for looking again at the extent of progress achieved existing schemes and potentially reconsidering donor priorities in the context of the fragility and opacity of formal institutions and political parties in a system where, until now at least, much of the real decision making power has been found elsewhere. Irrespective of donor priorities around long-term capacity building, the rapidly changing situation on the ground should necessitate a renewed focus on preventing backsliding on Kyrgyzstan's already tenuous freedoms.

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<sup>185</sup> Foreign Assistance, Kyrgyzstan, <https://foreignassistance.gov/explore/country/Kyrgyzstan>; Looking at the data via – USAID, U.S. Foreign Aid by Country, [https://explorer.usaid.gov/cd/KGZ?measure=Obligations&fiscal\\_year=2020](https://explorer.usaid.gov/cd/KGZ?measure=Obligations&fiscal_year=2020) - it can be seen that the main beneficiaries were US Development and Health NGO FHI 360, the Development Consulting firm Chemonics and health care and health systems consultants John Snow International. The top ten partners were all US firms, NGOs or Government Agencies.

<sup>186</sup> Development Tracker, Kyrgyzstan, FCDO, <https://devtracker.fcdo.gov.uk/countries/KG>

## What our authors say

Dr. Asel Doolotkeldieva writes that on October 5<sup>th</sup> 2020, several thousand Kyrgyz citizens poured in the main square of the capital Bishkek to denounce fraudulent elections. Ordinary citizens protested against rigged elections, the COVID-19 pandemic mismanagement, and corruption. This unexpected mobilisation led to the storming of the White House and the start of a cloudy process that resulted in the removal of the incumbent president from office. Taking advantage of popular anger, several elite groups fought to contest power among each other. However, following a severe crisis of the representative government and popular distrust towards the political establishment, the coalition of well-established politicians lost to a populist leader, who claimed he was new to the system. Capitalising on people's anti-elite sentiments, Sadyr Japarov has been catapulted to power and is now initiating a dramatic constitutional change. This third violent change of government was the result of protracted unaddressed economic problems accentuated by the COVID-19 pandemic and an undemocratic political system, which were skilfully exploited by Japarov, returning the country to strong presidentialism which led to authoritarian regimes and past uprisings against them.

Dr. Aijan Sharshenova's contribution discusses the 2021 presidential election and the national referendum on the Constitution in Kyrgyzstan. Surrounded by strong Central Asian authoritarian regimes, Kyrgyzstan has been the odd one out in the region thanks to a vibrant civil society, relatively free mass media, regular competitive elections and a succession of presidents. However, in January 2021, Kyrgyzstan elected a populist strongman and voted to shift from the current parliamentary-presidential system to a strong presidential political system. Her essay explores what this transition might imply for international partners and for the future of Kyrgyz democracy.

Gulzat Baialieva and Joldon Kutmanaliev show how local leaders in Kyrgyzstan are moving beyond traditional administrative methods of suppression and are increasingly adopting populist language, nationalist discourses and polarising strategies to gain political power. Their essay discusses how nationalist populism has become a dominant political force in Kyrgyzstan and how, as with populism around the globe, it is associated with the power of social media platforms. The new President Sadyr Japarov, currently the most powerful political figure in the country who was until recently in prison, successfully employs populist behaviour by producing divisive and hostile language turning it into a crucial element of his strategy that has *de facto* secured him strategic advantage and then the presidency. Japarov's anti-establishment and anti-liberal rhetoric framed as 'the people's voice' manipulates rising inequality in Kyrgyz society to shift blame on old elites, liberal activists, and independent media – whom he calls as 'enemies of the people' and 'traitors'. Using his current power and popularity, Japarov has taken a successful gamble on changing the constitution that dismantled democratic institutions and granted the Presidency with an unprecedented level of power, providing him with a high potential to push through anti-democratic constitutional reforms that threaten to transform the country into deep authoritarianism.

Professor Eric McGlinchey discusses how Kyrgyz state capacity is weak and, as a result, political chaos is frequent. However, he states that there is an upside 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.

Sardorbek Abdukhalilov writes on the future of minority rights and representation in Kyrgyzstan, and how they are essential for the country's continuing path in nation-building. He argues that for Kyrgyzstan to move forward in consolidating and uniting the country, especially after the recent political unrest, it will need to develop a common civic identity, multilingual education and respect for diversity and minority rights. The essay builds on a report by the UN Special Rapporteur on minority issues's report, and suggests a number of ways to effect better participation and representation of minorities in public life, including preventing ethnic identity becoming a requirement for passports and official ID.

Dr. Aksana Ismailbekova's essay provides an analysis of the situation of ethnic minorities in Kyrgyzstan and provides their views based on past field research as well as recent follow-up interviews. Throughout the recent political dramas and subsequent discussions about the political situation in Kyrgyzstan, the situation of ethnic minorities was largely ignored. This essay discusses the inter-ethnic patronage networks of both Kyrgyz state authorities and Uzbek businessmen and seeks to understand their vision of the future.

Ryskeldi Satke writes that endemic corruption is perceived to be one of the major shortcomings behind the poor preparation and inadequate response measures to the COVID-19 public health crisis in Kyrgyzstan. The Central Asian nation's corruption prone healthcare system lacks transparency, becoming a public concern during COVID-19 pandemic after a procurement scandal involving the country's top health officials. Likewise, Kyrgyz medics struggled with a high rate of virus infections among health workers due multiple reasons including shortages of PPE in the clinics and hospitals, even when foreign aid and public donations were reportedly available in the country. It remains debatable whether Kyrgyzstan has learned the lessons of the pandemic and whether the country is able to implement necessary reforms to improve its ailing healthcare.

Shirin Aitmatova, a former Kyrgyz MP, formed UMUT 2020 in 2019, launching a people's movement against corruption. UMUT 2020 is one of the activist groups behind protests that brought about the recent change of power. In this short essay, Aitmatova shares her perspective on the struggles of democracy in Kyrgyzstan and questions the efficacy of classic strategies of democracy-building in countries of the developing world based on her own experiences as a former legislator, an activist from the trenches and a former United Nations Population Fund and United Nations Development Programme employee.

Ernest Zhanaev explains the situation developed around the human rights activity in Kyrgyzstan in recent years. His essay describes how the Government egregiously harassed and abused everyone from the most resilient through to the most vulnerable civil society leaders who have openly expressed dissent, paying a huge price for their activism. The essay tries to discuss the future of the civil sector and what it means for the society in Kyrgyzstan.

Dr. Elira Turdubaeva's essay analyses the media landscape in Kyrgyzstan and the way in which the unsustainability of the business models creates the condition for elite capture, and control by political and business interests. It makes a number of detailed recommendations for action by the international community.

Begaim Usenova and ARTICLE 19 write that the rise in online harassment against media organisations and journalists in Kyrgyzstan is extremely concerning, leading to self-censorship with a chilling effect on freedom of expression in the country. The recent revelation of the presence of troll factories in Kyrgyzstan and their role in delivering online abuse against journalists further emphasises the need to address these issues at multiple levels. The situation in Kyrgyzstan is exacerbated by insufficient responses on the part of the Government of Kyrgyzstan, social media



platforms and media organisations themselves. Public expressions denigrating independent media and journalists in Kyrgyzstan by those at the highest level of government have fuelled the rise of attacks and law enforcement do not uphold Kyrgyzstan's positive obligations to protect journalists, including against online threats. The unchecked rise of hate speech against journalists, particularly on Kyrgyz-language segments of social media platform, may be linked to a relative lack of Kyrgyz-language moderation, and reporting of online harassment through these platforms has met with limited responses. In addition, independent media organisations and journalists experiencing these attacks appear reluctant to report these publicly. There is also a perception that online harassment is 'part of the job' and should be tolerated as such. The essay puts forward a number of recommendations to address these issues.

Jasmine Cameron notes that after independence Kyrgyzstan had an ambitious agenda to become a 'Switzerland' of Central Asia and open up the country to new opportunities, embrace the market economy and become a true democracy where human rights are respected and protected. However, despite these initial goals, true and meaningful reforms never took place because of the three main factors that have driven these trends and directly impacting the protection and implementation of human rights. The factors are: the endemic corruption, the lack of political will and the culture of impunity, or 'legal mentality', a mindset where people believe that there will be no consequences for ignoring or subverting the legal process, leading to a lack of respect for the rule of law. In order to overcome these obstacles, the Government of Kyrgyzstan as well as the international community must agree on a road map on how to better protect the rights of the people of Kyrgyzstan and especially the vulnerable and marginalised. The road map should include a conditionality rule that requires the Government to protect human rights in order to receive large aid packages or financial loans or technical assistance.



## 2. Violent change of government in Kyrgyzstan amidst COVID-19 pandemic: Patronal presidentialism, oligarchisation of politics, and public indignation with corruption and rigged elections

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*By Dr. Asel Doolotkeldieva<sup>187</sup>*

On October 5<sup>th</sup> 2020, several thousand Kyrgyz citizens poured in the main square of the capital Bishkek to denounce fraudulent elections. By the late evening of that day, this unexpected mobilisation led to the storming of the White House and to the beginning of a cloudy process that resulted in the removal of the incumbent president from office.<sup>188</sup>

With this recent round of events, this post-socialist state has witnessed the third violent change of government since its independence in 1991. There are many structural conditions that led the country to a permanent state of instability, not the least of which is the breakdown of the economy since the collapse of the USSR, which were never given priority by elites amidst incessant struggles for power.

Focusing on the political, this essay looks at the conditions that have enabled such frequent uprisings. In particular, it is argued that the constitutional design of 2010 did not only temper temptations to abuse office by the president but also led to the increasing oligarchisation of politics

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<sup>188</sup> The White House is a seat of the President and Parliament of Kyrgyzstan.

and a still divided opposition. These factors contributed to public frustrations about corruption and distrust towards the political establishment amidst devastating impacts of the COVID-19 pandemic.<sup>189</sup> On the other hand, the emergent party system had further implications for the balance within the state-oligarchy relationship, which still stands to shape politics in Kyrgyzstan for the foreseeable future.

### **October 2020: Murky change of government against the background of a genuine citizen mobilisation**

With the October events of 2020, Kyrgyzstan experienced the third violent change of government via a popular uprising. Although every uprising of 2005, 2010, and 2020 is unique, one element is central to all of them: citizens and political opposition challenged the usurpation of power by presidents, which they deemed illegitimate. This time around, the regime of Sooronbay Jeenbekov grew unpopular because of the combined factors of mismanagement of the COVID-19 pandemic, corruption, the usurpation of power over the legislature, and the President's perceived weak charisma. In August 2020, prior to the parliamentary elections, 53 per cent of the Kyrgyz population thought that the country was heading in the wrong direction, whereas only 41 per cent saw it going in the right direction.<sup>190</sup>

These perceptions and negative sentiments did not grow out of nowhere. In 2019, a consortium of independent mass media published a series of investigations unravelling massive corruption schemes that involved the then former deputy head of the State Customs Service, Raiymbek Matraimov, whose illegal business helped him to allegedly take \$700 million out of the country.<sup>191</sup> These investigations did not only expose the involvement of state bodies in transnational corruption but also stressed the connection between Matraimov and the highest echelons of power, including President Jeenbekov himself. These publications spurred a series of citizen protests called 'Reaksia!' (from Russian – 'Reaction!') calling on authorities to launch an official investigation into these corruption schemes.<sup>192</sup> Despite the multiple pressures coming from liberal civil society, the President kept denying Matraimov's involvement in corruption and even went as far as supporting Matraimov's political party 'Mekenim Kirgizstan' to run in the parliamentary election. Following the election outcomes, three 'parties of power', including 'Mekenim Kirgizstan', won 107 out of the 120 seats thanks to massive electoral manipulations involving the use of 'administrative resource', vote buying, and others means.<sup>193</sup> The orchestrated victory of the three parties of power left opposition forces such as 'Bütün Kyrgyzstan', 'Mekenchil', 'Reforma', and 'Ata-Meken' outside of the system. Within the context of the devastating effects of the COVID-19 pandemic on citizens' livelihoods, such usurpation of power by the ruling regime-oligarchic tandem led to powerful anti-elite sentiments.

<sup>189</sup> IRI, Public Opinion Poll Residents of Kyrgyzstan, December 2020,

[https://www.iri.org/sites/default/files/iri\\_kyrgyzstan\\_poll\\_dec\\_2020\\_eng.pdf](https://www.iri.org/sites/default/files/iri_kyrgyzstan_poll_dec_2020_eng.pdf): Unemployment, corruption and high costs of living remain at the top three concerns the Kyrgyz population have had in the past decade.

<sup>190</sup> Ibid.

<sup>191</sup> Radio Azattyk, How hundreds of millions of dollars were exited from Kyrgyzstan, November 2019,

<https://rus.azattyk.org/a/30285881.html>; Radio Azattyk, Kloop, and OCCRP, The story of Ayerken Saimati, who laundered 700 millions of dollars via Kyrgyzstan, Radio Azattyk, November 2019, <https://rus.azattyk.org/a/kyrgyzstan-azattyk-occrp-kloop-joint-investigation/30286844.html>; Bakyt Toregeldi, Traces of millions of dollars: facts and reaction, Radio Azattyk, July 2020, <https://rus.azattyk.org/a/30702217.html>

<sup>192</sup> Evgeniya Mikhaylidi, In Bishkek, but not only: "Re:Action" of Kyrgyz citizens in other cities of the world, Kloop, November 2019,

<https://kloop.kg/blog/2019/11/25/v-bishkeke-i-ne-tolko-re-aktsiya-kyrgyzstantsev-v-drugih-gorodah-mira/>; Zhamilya Zhakypbekova, Protest #ReAction 2:0 in Bishkek. How it was, 24.kg, December 2019,

[https://24.kg/obschestvo/138362\\_miting\\_REaktsiya\\_20v\\_bishkeke\\_kak\\_eto\\_bylo/](https://24.kg/obschestvo/138362_miting_REaktsiya_20v_bishkeke_kak_eto_bylo/); Aibek Biybosunov, ReAction 3:0: The public awaits the authorities' reaction, Radio Azattyk, July 2020, <https://rus.azattyk.org/a/30699889.html>

<sup>193</sup> Kaktus Media, Preliminary list of deputies of the VII convocation of the Jogorku Kenesh, October 2020,

[https://kaktus.media/doc/422474\\_predvaritelnyy\\_spisok\\_depyatov\\_vii\\_sozyva\\_jogorky\\_kenesha.html](https://kaktus.media/doc/422474_predvaritelnyy_spisok_depyatov_vii_sozyva_jogorky_kenesha.html). The post-revolutionary constitution imposes a limit on the parliamentary majority capped at 65 seats. This measure was designed to prevent any political party – in Kyrgyzstan's context of authoritarian past; it concerns primarily the 'party of power' – from usurping power (Interview with MP Omurbek Tekebaev, one of the main authors of the constitution 2010). However, as other countries and Kyrgyzstan demonstrate, the regimes succeed to bypass this constitutional constraint by propelling loyal political parties that allow forming an overwhelming majority and keeping the parliament at bay.

While struggling with economic hardships and COVID-19-related issues on their own, people observed flagrant corruption among the elites and highest echelons of power. Ordinary citizens traced these inequalities back to the excesses of the post-revolutionary party system.<sup>194</sup>

However, the peaceful protesters who gathered on the next day of the parliamentary election, October 5<sup>th</sup>, did not demand the President's immediate resignation. In addition, most 'system' elites were not in the position to contest Jeenbekov's grip on power as many of them were co-opted into the 'parties of power' on the eve of the parliamentary election. Moreover, the regime's opponents who rallied next to the protesters to contest the election outcome, and who were competing with Sadyr Japarov for public support, did not seek the President's removal as it was feared such a move could lead to a major destabilisation along the North/South cleavage and ethnic clashes like in the aftermath of the 'April Revolution' of 2010.<sup>195</sup> Finally, the international community recognised President Jeenbekov as the only legitimate authority to remain in power and prevent the country from falling into abyss.<sup>196</sup> Having the majority elite loyalty, President Jeenbekov could have, perhaps, avoided his deposing by swiftly conceding to protesters' demands and cancelling the election outcomes, for example. Without the manpower, the street opposition would not be able to contest the regime. But while he lost the momentum, the citizen mobilisation around two opposition camps has acquired its own dynamics in parallel to the dynamics of regime contestation.

The competition emerged between political forces that were illegally released from prison on the night of October 5<sup>th</sup> and who sought to capitalise on popular mobilisation. Two opposing groups were formed in the days after the start of the peaceful demonstration: a nationalist group under Japarov's leadership and an amalgam of 'liberal' forces including the former president Almazbek Atambayev.<sup>197</sup> While the Japarov's group has quickly and skilfully moved to consolidate protesters around their claims for power by framing the uprising as anti-regime and anti-elite, the liberals were slow and hesitant to adopt similar muscular strategies. The struggle for power between the two groups grew out of control when representatives of the liberal camp were ousted from the main public square, some of them were attacked and people allegedly close to Japarov shot at Atambayev's departing car.<sup>198</sup> Facing the risk of destabilisation, President Jeenbekov sought to negotiate his own remaining in power by granting legitimacy to one of these camps. The choice was not complicated: his lasting rivalry with Atambayev, whom he sacked and imprisoned after being brought to power by him, determined his option for Sadyr Japarov. On the other hand, leaving the liberal camp to win over Japarov would entail the President's certain demise. The deal between the President and the 'newcomer' Japarov was even sealed by Putin's deputy head of administration,

194 Ordinary citizens who took part in peaceful protests in the aftermath of the parliamentary election, told to the author that their mobilisation was motivated by their indignation with irresponsible elite behaviour during the COVID-19 pandemic, corruption, and regime's usurpation of power. See: Asel Doolotkeldieva, *Power and space in social mobilisations: preliminary thoughts about protests that led to a change of government in Kyrgyzstan in October 2020*, CAP papers (in Russian), forthcoming.

195 Interviews with representatives of 'Reforma' and 'Ata-Meken' political parties, and civic activists.

196 Fergana News, 'European Union calls President Jeenbekov "the only legitimate institution in Kyrgyzstan"', October 2020, <https://fergana.site/news/121128/>

197 The term 'liberal' is used here as a relative denomination of a rather heterogenous group of opposition leaders and parties who were compelled to cooperate in the face of their main competitor, populist leader Sadyr Japarov. This group has gathered liberal right-wing parties 'Bir-Bol', 'Reforma', and Respublica' on the one hand, oldest political parties claiming socialist leaning 'Ata-Meken' and 'SDPK', and pro-nationalist parties 'Bütün Kyrgyzstan' and 'Zamandash' on the other hand. In public discourses, the generic term 'liberal' was applied to this group, in contrast to populist Sadyr Japarov because of the main distinction between them on the question of the country's future political development along the strong presidentialism or party system. The temporary and unnatural consolidation of liberals was slow and ineffective. While these leaders lost the moment due to an internal competition for power and legitimisation along identity politics, they ended up mobilising around the former Prime Minister and oligarch Omurbek Babanov and the former president Almazbek Atambayev as the only politicians capable to withstand Japarov. The week after the parliamentary election in which the liberals and Japarov fought for power was decisive and as a public opinion poll shows Omurbek Babanov had a real chance to take over as he was as twice popular (16 per cent) than Sadyr Japarov (eight per cent) in August 2020. His popularity fell to three per cent in contrast to Japarov's 51 per cent in December 2020. See IRI, *Public Opinion Poll Residents of Kyrgyzstan*, December 2020, [https://www.iri.org/sites/default/files/iri\\_kyrgyzstan\\_poll\\_dec\\_2020\\_eng.pdf](https://www.iri.org/sites/default/files/iri_kyrgyzstan_poll_dec_2020_eng.pdf)

198 Kommersant, 'Ex-President Atambayev's car was shot in Bishkek, October 20', <https://www.kommersant.ru/doc/4528272>

Dmitry Kozak, who flew to Bishkek in order to facilitate the peaceful maintenance of the regime.<sup>199</sup> However, neither the President nor the Russians expected that the group he had helped to legitimise would breach the agreement and force him to resign soon after. Several members of parliament and public figures hinted to the pressures exerted by organised crime, whose alleged collusion with Japarov was decisive in the president's removal and takeover of power.<sup>200</sup> Further research is required in order to shed light on these obscure dynamics and the regime fragility.

### **'Post-revolutionary' constitutional reform 2010: Parliamentarism by discourse, money, and further oligarchisation of politics**

Authors of the post-revolutionary constitutional reform of 2010 claimed the new design would put an end to strong presidentialism by giving more powers to political parties and the parliament. However, the supposed increase in political pluralism increased the fragmentation of power hence propelling the role of a central mediator in return. Despite constitutionally diminished powers, President Atambayev managed to control the defence and special security forces, the general prosecutor and the courts. In the past, access to these institutions had allowed the authoritarian regimes to suppress the opposition and civil society.<sup>201</sup> President Atambayev gradually fell in line when he successfully attempted to first craft a loyal parliament via national elections of 2015 and then, second, to appoint a political heir via the presidential elections in 2017.<sup>202</sup> By mobilising the state apparatus, he succeeded to bring to power a formerly unknown politician, Sooronbay Jeenbekov, who only three per cent of a spring 2017 poll respondents said they trusted most against the well-established businessman-cum-politician Omurbek Babanov, who had 35 per cent of the popularity in the same survey.<sup>203</sup> Jeenbekov continued this tradition by seeking to fill the parliament with three pro-presidential parties, excluding the opposition, weakening the party system, and further eroding the relationship between the electorate and elites.

The creeping usurpation of power by the presidency is one reason for increased popular frustration, but it is not the only one. The new constitutional design did not foresee that the emerging party system would further strengthen the oligarchisation of politics, bearing real implications for the regime stability.<sup>204</sup> The new constitutional design suddenly bestowed political parties with the power to control the government and make important appointments. However, to participate in highly competitive parliamentary elections, parties faced an acute problem of funding. Sponsorship by businessmen and oligarchs quickly became *sine qua non* for managing electoral campaigns. In practice it is believed that this was often done by selling seats in electoral party lists, with the first top ten to 20 seats believed to be worth between \$500,000 thousand and \$1 million in a country with only a GDP of \$8.5 billion in 2019.<sup>205</sup> The newly elected parliamentary groups viewed the

<sup>199</sup> Kommersant, Kozak met with President of Kyrgyzstan in Bishkek, October 2020, <https://www.kommersant.ru/doc/4530007>

<sup>200</sup> Kaktus media, Aida Kasymalieva about what happened in the state residence and who gave commands to the deputies, October 2020, [https://kaktus.media/doc/423280\\_aida\\_kasymalieva\\_o\\_tom\\_chto\\_proishodilo\\_v\\_gosrezidencii\\_i\\_kto\\_daval\\_komandy\\_depytatam.html](https://kaktus.media/doc/423280_aida_kasymalieva_o_tom_chto_proishodilo_v_gosrezidencii_i_kto_daval_komandy_depytatam.html)  
<sup>201</sup> On Kyrgyzstan's semi-presidentialism see: Eugene Huskey, "Eurasian Semi-Presidentialism: The Development of Kyrgyzstan's Model of Government" in Robert Elgie & S. Moestrup, *Semi-Presidentialism Outside Europe A Comparative Study*, 2011, Routledge; Matteo Fumagalli, *Semi-presidentialism in Kyrgyzstan*, in Robert Elgie & S. Moestrup, *Semi-Presidentialism in the Caucasus and Central Asia*, 2016, Palgrave Macmillan.

<sup>202</sup> Asel Doolotkeldieva & Alexander Wolters, Uncertainty Perpetuated? The Pitfalls of a Weakly Institutionalised Party System in Kyrgyzstan, *Central Asian Affairs*, 4 (2017) 26-50.

<sup>203</sup> IRI, Public Opinion Survey Residents of Kyrgyzstan, February-March 2017, [https://www.iri.org/sites/default/files/wysiwyg/kyrgyzstan\\_february-march\\_2017\\_-\\_public.pdf](https://www.iri.org/sites/default/files/wysiwyg/kyrgyzstan_february-march_2017_-_public.pdf)

<sup>204</sup> Oligarchic power is a global historical norm (J. Winters, *Oligarchy*, Cambridge University Press, 2012) and post-soviet states were particularly exposed to this type of politics with the emergence of a new capitalist class on the ruins of the Soviet economy (see Scott Radnitz's *Weapons of the Wealthy: Predatory Regimes and Elite-Led Protests in Central Asia*, Cornell University Press, 2012 on the role of oligarchic opposition in ousting Kyrgyzstan's first president. See also Baliyar Sanghera & E. Satybaldieva's recent investigation of the rentier class in Central Asia, "The other road to serfdom: The rise of the rentier class in post-Soviet economies", *Social Science Information* 2020, vol. 59 (3), 505-536). Incorporation of these important actors was necessary for the state-building processes in the 90s, and subsequent regimes have defined differently the state-oligarchy relationships.

<sup>205</sup> Zhibek Begalieva and Azat Yntymakov, These 'tariffs' were publicly exposed and widely discussed by public: 500 thousand dollars to become an MP. Who buys parliamentary seats in Kyrgyzstan?, Current Time, October 2019, <https://www.currenttime.tv/a/parliament-seats-on-sale/30219729.html>

system as a way to access the state and use it for rent-seeking.<sup>206</sup> Employing their new constitutional powers, the parliamentary groups appointed their ministers and this way ‘divided’ the state among themselves. Oligarchs who had entered this system began employing their access to the state to return their prior investments in the election.<sup>207</sup>

Although the oligarchisation of Kyrgyz politics began in the 90s and was part of the state building, Jeenbekov’s recent regime had allowed for a certain degree of incorporation of oligarchs into the state system, which became a risk for regime stability. By summer 2020, according to elite claims oligarchic power had succeeded in infiltrating major state institutions including the special security forces, prosecution, and the courts. By placing loyal people inside the state bodies and relying on the power of money, the Matraimov family allegedly used the state to advance their own and their clients’ interests. By getting things done for a growing number of elite members, they earned the reputation of effective doers in contrast to the ‘indecisive’ and ‘slow’ President Jeenbekov.<sup>208</sup> As the electoral outcome of October elections shows, their party ‘Mekenim Kirgizstan’ was just 0.71 per cent behind the presidential party ‘Birimdik’ contesting the president’s monopoly to form the majority and control the future legislature.<sup>209</sup>

### **Violent change of government 2020: An intra-elite contestation? No, populism!**

Given the above account of state-oligarchy competition, it could be implied that Jeenbekov’s removal from office was a result of the changing state-oligarchy relationship. We do not know what would have become of this relationship if the parliamentary elections were not annulled and if Jeenbekov were to face an increased competition within the newly elected oligarchic parliament. However, such a changing of balance cannot explain the unexpected emergence of populist leader Sadyr Japarov.<sup>210</sup> Two and half months later, Sadyr Japarov not only has won the presidential election, but has succeeded in carrying out a referendum with the goal of returning to a system of strong presidentialism. At the time of writing this essay, another referendum was scheduled to take place on April 11<sup>th</sup> to vote for a new constitution in which the president becomes the head of the executive, the electoral system goes back to a mixed one and the number of deputies is reduced from 120 to 90.<sup>211</sup> The rise of a populist leader, even if it conceals an important informal process of oligarchisation that would have erupted into a major elite contestation, testifies to fundamental crises. One is the crisis of representative government, in which the emergent party system detached the elites even further from the people. By supporting Japarov’s idea of strong presidentialism people seek, paradoxically, a better accountability of the political system because it is easier to hold one person accountable rather than shallow political parties, frequently changing government ministers and the oligarchy-serving parliament. The following saying “We have brought Japarov to power and we will depose him if necessary” is currently a favourite tale one can hear in public places, bazaars and transportation. A tale that hints to the desires of the ordinary people, of the poor, who helped the populist leader to seize power, to see their own importance, to have their voices finally heard. Capitalising on people’s deep-seated frustrations and anger about elite corruption, the ineffective party system and the oligarchisation of politics, Japarov has surprisingly easily effected a constitutional coup.

206 See also Johan Engvall, *The State as Investment Market. Kyrgyzstan in Comparative Perspective*, University of Pittsburgh Press, 2016.

207 According to informants inside the Government and political parties, Matraimov’s family has allegedly financed electoral campaigns of several political parties in 2015 and the presidential campaign of Jeenbekov in 2017.

208 Informal interviews with members of parliament.

209 Official website of the State Commission for Elections, [https://newess.shailoo.gov.kg/ru/election/11098/ballot-count?type=NW\\_ROOT](https://newess.shailoo.gov.kg/ru/election/11098/ballot-count?type=NW_ROOT)

210 The space does not allow to develop on Japarov’s skillful strategies to grab power, offset other street opposition leaders, to pressure on the court justice to write off his criminal records that would prohibit him from running as a presidential candidate.

211 To date, the draft project of the constitution remains secretive and several deputies are proposing to skip the public hearings over the project.

## Recommendations

As the October violent change of government has shown, there are multiple crises at work in Kyrgyzstan. The first is the crisis of representative government and the party system which led to deepening of popular distrust towards the elites. Early popular support for nationalist Sadyr Japarov in detriment to a coalition of well-established politicians such as Babanov, Atambayev and Madumarov (despite their representation of diverse social strata and geographic constituencies) also demonstrates low trust in the establishment. Yet within the corrupt system, new leaders with real programmatic visions have no chance to emerge. The party system failed to become a source of new leadership paving the way to populism to take over. In such conditions, the donor community should reconsider its past support to political parties and parliamentarism. The current crisis of the party system shows that the past programmes aimed at enhancing exchanges between MPs and their constituencies, exchanges between Kyrgyz PMs and other world parties have severe limits. Support to political parties should acquire a new dimension in the light of the new constitution which, if adopted on April 11<sup>th</sup>, will shift to a mixed system and less power to parties.

Programmes aimed at developing and supporting liberal civil society which produce similar artificial results should be also reconsidered towards a better analysis where the real sources of authority and change are located. As the COVID-19 pandemic has shown, citizens of all avenues were quickly mobilising to step in where the state was missing or failing. From youth engagement in voluntary movements, to religious charity activities, to female solidarity groups, to business structures, to migrant safety nets, these mobilisations demonstrated existence of other sources of change and resilience. The donor aid should better understand these dynamics and work towards helping to sustain these safety nets and resilience.

It is important to understand that under the present conditions liberal NGOs and independent mass media are discredited in public eyes and enjoy a construed reputation of Western agents. Promoting these actors further will not help neither the liberal society nor the image of the international community. The focus on human rights, including the LGBT rights, has worsened considerably the Western image and consequently diminished the degree of influence of Western ideals and projects on local politics. To redress these negative images against the background of anti-Westernism prevalent in Kyrgyzstan, Western partners should work to promote other human rights images than of themselves.

As international practice shows, one of the dangers of nationalist populism in times of unaddressed economic hardships is a possible mobilisation of nationalism against vulnerable groups. In the Kyrgyz context, these traditionally include ethnic minorities, women, and LGBT people. Attacks on these groups have been frequently accompanying political changes in the country's short history of independence. Therefore, one of the donor's priorities should be focused on monitoring and preventing possible violence against these groups.

Most importantly, since current populism has economic roots, it is absolutely vital to pay more attention to people's economic security and in particular to education. Half of the country's population is less than 25 years old and their education and prospects of employment will determine the future political system of the country. There are multiple and diverse possibilities of improving the primary education which suffers from decades of underinvestment and neglect, which yet could become the motor of economic development and democratisation. One possibility is to support the teachers' education and curriculum development in rural areas. Another possibility is to promote the idea that migrant remittances should be invested in children's education and not in consumption culture. Children who suffer from the absence of migrant parents should receive extra psychological and educational council.



Finally, the donor community could help by investing in more research and public opinion polls as the primary and fundamental way of understanding societal processes that lead to populism, nationalism and right wing politics. The political system cannot know which policies to adopt if it lacks key knowledge about which policies which social groups would benefit from.



### 3. Kyrgyzstan elects a potential strongman: Implications for international partners and the future of Kyrgyz democracy

By Dr. Aijan Sharshenova<sup>212</sup>

As I queue to cast my vote at a local polling station in Bishkek, the Kyrgyz capital, I am all eyes and ears. I hope to catch anything irregular on the presidential election and national referendum day, January 10<sup>th</sup>. Nothing unusual happens in this residential district of Bishkek though: there are no celebrity voters, no (explicit) electoral fraud, and nobody is willing to try and buy my vote. Tired voters quietly trickle to the polling station, queue to have their fingerprints checked and vote for the political future of Kyrgyzstan.

#### **Revolution 3.0 and the future of Kyrgyz democracy**

*"Absolute power corrupts absolutely" - John Dalberg-Acton, 1857*

The future of Kyrgyz democracy might be bleak as populist strongman Sadyr Japarov wins a landslide victory at the presidential election and secures himself unrestrained presidential powers through the referendum. The Central Electoral Committee (CEC) sealed his victory on January 20<sup>th</sup>, having declared the election and the referendum results final and legitimate. Two CEC members refused to

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support this statement citing considerable irregularities during the entire electoral cycle in favour of Japarov.<sup>213</sup>

Their concerns are not unfounded. The legality and legitimacy of the election and the referendum are highly questionable as the process of launching both has been rushed.<sup>214</sup> The return to a strong presidential rule might be detrimental for the new Kyrgyz leadership. Three out of five Kyrgyz presidents to date have lost their seats in the course of public protests. More often than not, the protests would be sparked by the presidents' attempt to increase their powers. Both the first Kyrgyz revolution of 2005 and the second Kyrgyz revolution of 2010 were largely caused by the ruling elites' oppressive tactics and attempts to grab more power.<sup>215</sup> The third Kyrgyz revolution of 2020 was sparked by blatantly fraudulent parliamentary election that would have resulted in a very compliant parliament with only two factions: the pro-presidential political party Birimdik ('Unity') and the pro-presidential Mekenim Kirgizstan ('Kyrgyzstan my homeland').<sup>216</sup>

The third Kyrgyz revolution has been stolen from those who walked out at the Ala-Too Square to protest the unfair and unfree elections. The protesters on October 5<sup>th</sup> represented a very broad political spectrum, from the liberal progressive party Reforma to the conservative nationalist party Chon Kazat. 16 political parties ran for parliament, and 14 of them were not happy with the outcomes.<sup>217</sup> While leaders of numerous political groups negotiated fickle alliances and plans in the chaos of revolution, Sadyr Japarov's supporters took over the protests and snatched the power from the hands of hesitant political groups. President Sooronbay Jeenbekov resigned on October 15<sup>th</sup>, under pressure mounted by Japarov's foot soldiers, who quite literally besieged the Presidential Residence and the locations used by the Parliament for their extraordinary sessions.<sup>218</sup>

The Parliament, which by the October events had completed its term, had been forced out from its hiding and 'encouraged' to vote a new speaker, a Japarov ally, and to appoint an acting prime minister and acting president. Both positions were offered to Japarov. Some members of the Parliament reported threats and peer pressure.<sup>219</sup> In a similar manner, the Parliament voted to run a presidential election and a referendum on the political system.

The post-revolution events unfolded with a mind-boggling speed and, before the country knew it, Kyrgyz citizens were at the polling stations choosing the sixth president and returning to the presidential system. The CEC registered some irregularities, including 60 complaints about the use of administrative resources and vote buying.<sup>220</sup> Compared to the widespread use of administrative resources and blatant vote buying at the parliamentary election in October 2020 (to the extent that the CEC had to cancel the election outcome altogether), this election seems to reflect the voters'

<sup>213</sup> Munduzbek Kalykov, Japarov had no right to run for presidency: Two CEC members refuse to acknowledge the election results, Kloop, January 2021, <https://kloop.kg/blog/2021/01/21/zhaparov-ne-imel-prava-ballotirovatsya-v-prezidenty-dva-chlena-tsik-ne-priznali-itogi-vyborov/>

<sup>214</sup> These legal and political irregularities are well covered by Bruce Pannier, Questions arise with ex-fugitive Japarov, the favourite in Kyrgyz presidential race, Radio Free Europe/Radio Liberty, January 2021, <https://www.rferl.org/a/kyrgyzstan-presidential-election-japarov-questions-constitution-controversy-qishloq-ovoz/31038709.html>

<sup>215</sup> Temirkulov, Azamat. 2010. Kyrgyz "revolutions" in 2005 and 2010: comparative analysis of mass mobilization. *The Journal of Nationalism and Ethnicity*, Vol.38 (5): 589-600

<sup>216</sup> Isabelle Khurshudyan, After Kyrgyzstan's third uprising in 15 years, a nationalist who was sprung from prison is elected president, Washington Post, January 2021, [https://www.washingtonpost.com/world/europe/after-kyrgyzstans-third-uprising-in-15-years-a-nationalist-who-was-sprung-from-prison-is-elected-president/2021/01/11/1ed36db8-503c-11eb-a1f5-fdaf28cfca90\\_story.html](https://www.washingtonpost.com/world/europe/after-kyrgyzstans-third-uprising-in-15-years-a-nationalist-who-was-sprung-from-prison-is-elected-president/2021/01/11/1ed36db8-503c-11eb-a1f5-fdaf28cfca90_story.html)

<sup>217</sup> Election 2020: The list of parties, Azattyk, October 2020, <https://rus.azattyk.org/a/30828971.html>

<sup>218</sup> Kyrgyzstan election: President Jeenbekov resigns after protests, BBC News, October 2020, <https://www.bbc.com/news/world-asia-54553173>

<sup>219</sup> Vyacheslav Polovinko, Freedom, equality, bros: Kyrgyz President resigned and opened path to power to the local underworld, Novaya Gazeta, October 2020, <https://novayagazeta.ru/articles/2020/10/15/87529-svoboda-ravenstvo-bratva>

<sup>220</sup> Nationalist politician wins Kyrgyz presidential election, set to get sweeping powers, Azattyk, January 2021, <https://www.rferl.org/a/japarov-kyrgyzstan-presidential-election-referendum-/31040110.html>

preferences in a reasonably fair way.<sup>221</sup> As to why Japarov has not used his resources as extensively as his predecessor, it is difficult to judge, but a combination of factors might be involved. First, Japarov might have felt no need to engage in mass scale vote buying as his work and his appointee's work between the October revolution and the election day in January 2021 has already mobilised enough administrative resources to ensure his victory. Second, all available resources for vote buying have been spent back in October, and there was simply nothing left to invest in this election. Third, Japarov might be adding to his public image as a tireless anti-corruption advocate.

As flawed as these election and referendum were, the outcomes are here to stay as Japarov won almost 80 per cent of the votes and gathered 81 per cent in the presidential system.<sup>222</sup> Given the return of a strong presidential rule, it is now important to understand the new president and what his rule might mean for Kyrgyzstan and its international partners.

### **From prison to presidency: The curious case of Sadyr Japarov**

*"Why repeat those mistakes? I'm going to rule fairly" - Sadyr Japarov, January 2021<sup>223</sup>*

Amidst the chaos of the October 5-6<sup>th</sup> protests, several people were freed from prisons and temporary detention centres by their supporters. The majority were ultimately brought back by the police. Two returned voluntarily, one managed to leave the country and request political asylum, and one became the sixth president of Kyrgyzstan.

While Western observers and local liberals are terrified of the advent of a populist leader fresh out of prison, Sadyr Japarov is a highly revered figure around Kyrgyzstan. Enthused with his populist nationalist rhetoric, Japarov's supporters see him as a 'fresh promise' and last hope.<sup>224</sup> However, his political past is highly controversial.

Japarov first appeared on the Kyrgyz political scene in 2005 as a member of parliament from the pro-presidential Ak-Jol ('Light path') party. As President Bakiyev's ally Sadyr Japarov led the notoriously useless National Corruption Prevention Agency.<sup>225</sup> After Bakiyev's departure from the country, Japarov joined the nationalist Ata-Jurt ('Homeland') party. He got his first prison sentence when he attempted to climb over the White House fence with his supporters Kamchybek Tashiev (now the head of the National Security Committee) and Talant Mamytov (acting President during the last presidential campaign) at a protest action.<sup>226</sup> His second sentence was issued in 2013, when Japarov led a protest against Kumtor gold-mining company, and the Governor of Issyk-Kul region was taken hostage by protestors. Japarov fled Kyrgyzstan but was caught at the Kazakh-Kyrgyz border in 2017 and imprisoned.<sup>227</sup> He was one third of the way through serving his term, when a group of supporters freed him from the prison in October 2020 and launched his ascent to power.

While it is early to judge what Japarov's rule would bring to Kyrgyzstan, his stunning victory might tell us about the state of affairs in Kyrgyzstan. First, the phenomenon of Japarov is not unique. His

<sup>221</sup> Statement of the Ministry of Foreign Affairs of the Kyrgyz Republic, Permanent Mission of the Kyrgyz Republic to the United Nations, October 2020, <https://www.rferl.org/a/japarov-kyrgyzstan-presidential-election-referendum-/31040110.html>

<sup>222</sup> The CEC approved the outcomes of the early presidential election of the Kyrgyz Republic, Central Electoral Commission's website, January 2021, <https://shailoo.gov.kg/ru/news/4383/>; The CEC declared the referendum on the political system of the Kyrgyz Republic completed, Central Electoral Commission's website, January 2021, <https://shailoo.gov.kg/ru/news/4384/>

<sup>223</sup> As cited in Joanna Lillis, Sadyr Japarov is elected president of Kyrgyzstan in a landslide, The Economist, January 2021, <https://www.economist.com/asia/2021/01/11/sadyr-japarov-is-elected-president-of-kyrgyzstan-in-a-landslide>

<sup>224</sup> Aizirek Imanalieva, Kyrgyzstan: Japarov, last hope or populist menace?, Eurasianet, January 2021, <https://eurasianet.org/kyrgyzstan-japarov-last-hope-or-populist-menace>

<sup>225</sup> The last two years of President Bakiyev's rule were riddled with increased corruption cases, political assassinations, and all-pervasive nepotism.

<sup>226</sup> Aizirek Imanalieva, Kyrgyzstan: Japarov, last hope or populist menace?, Eurasianet, January 2021, <https://eurasianet.org/kyrgyzstan-japarov-last-hope-or-populist-menace>

<sup>227</sup> Anna Kapushenko, Ex convict, a banker, several MPs and a national security officer: Who is running for presidency?, Kloop, January 2021, <https://bit.ly/3s8yKlb>

political persona seems to fit into the profile of populist nationalist strongmen around the globe, like Hungarian Victor Orbán or the US's Donald Trump.<sup>228</sup> In this sense, Kyrgyzstan could be analysed within the context of this global trend.

Second, the cult of Japarov stems from the frustrations of disenfranchised groups of people. His current political party Mekenchil ('Compatriot') targets the rural population and labour migrants in Russia, i.e. large groups of population, who have been marginalised and abandoned by the state. Sadyr Japarov's anti-elitist rhetoric, his life full of personal tragedies and a prison sentence for defending the interests of the common folk appeal to Kyrgyz everyman.<sup>229</sup> There is an increasing polarisation between the capital and the regions, between the urban, globalised middle class in Bishkek and the Kyrgyz-speaking rural population in the provinces. Unequal access to healthcare, education, information, job opportunities, as well as general disregard of regional development in the last 30 years have resulted in the emergence of two parallel worlds. This poses certain difficulties for international observers, who tend to approach the urban liberal world of local experts rather than the population in regions.

Third, there are legitimate concerns about Japarov's ties to organised crime and exiled corrupt officials that should be taken into account by international partners.<sup>230</sup> Japarov is still seen as an ally of the ousted and exiled President Bakiyev. Japarov's sister is accused of helping President Bakiyev's younger son, Maxim Bakiyev, launder money in Europe. Maxim Bakiyev currently lives quite comfortably in Kent, UK.<sup>231</sup> These connections are difficult to trace, but, if true, they might potentially facilitate further expansion of corruption and organised crime in Kyrgyzstan.

Japarov is currently the choice of the Kyrgyz people. However, he has a lot to prove to his supporters. Japarov steps into this position at the hardest of times, when the country is severely cash-strapped, exhausted by the pandemic, and lacking basic services to the public. Kyrgyzstan's international position is far from ideal too, after three revolutions, continuous instability and incompetent use of public resources.

### Implications for international partners

It is possible to group the nations that are engaged in Kyrgyzstan into two camps: pro-democracy camp (such as the US and the EU) and regional authoritarian powers (China and Russia). The pro-democracy camp has been engaged in the promotion of democracy, rule of law and other similar values in Kyrgyzstan for decades. The election of a populist nationalist leader and the return to a strong presidential rule could potentially affect how they shape their future policies in the country.

The EU has been cautious in its reaction to the election. Dr. Chiara Pierobon, a European researcher, noted that the EU respects Kyrgyz sovereignty and the voters' decision.<sup>232</sup> The EU would be more concerned with electoral processes and procedures that allows elections to be free and fair. For Dr. Pierobon, the reasons for the low voter turnout should be investigated in more detail and these findings should be taken into account in future EU democracy assistance initiatives addressed to civil society.

<sup>228</sup> Georgy Mamedov, Japarov is our Trump, Open Democracy, January 2021, <https://www.opendemocracy.net/en/odr/japarov-is-our-trump-kyrgyzstan-is-the-future-of-global-politics/>

<sup>229</sup> While serving his prison sentence Japarov has lost his both parents and his oldest son to diseases and a car accident, source: Aruuke Uran kyzy, From prison to presidency: Sadyr Japarov's victory, The Diplomat, January 2021, <https://thediplomat.com/2021/01/from-prison-to-presidency-sadyr-japarovs-victory/>; See more about his life in Aruuke Uran kyzy, From prison to presidency: Sadyr Japarov's victory, The Diplomat, January 2021, <https://thediplomat.com/2021/01/from-prison-to-presidency-sadyr-japarovs-victory/>

<sup>230</sup> Ivan Nechepurenko, Populist, prisoner, president: A convicted kidnapper wins Kyrgyzstan election, New York Times, January 2021, <https://nyti.ms/2LBCM4W>

<sup>231</sup> Chris Rickleton, Kyrgyzstan's former first son living the high life in UK, Eurasianet, 2015, <https://eurasianet.org/kyrgyzstans-former-first-son-living-the-high-life-in-uk-report>; See also Global Witness, Surrey Mansion Used To Hide Suspect Funds, March 2015, <https://www.globalwitness.org/en/reports/surrey-mansion-used-hide-suspect-funds/>

<sup>232</sup> Interview with Dr. Chiara Pierobon, January 2021.

The EU Spokesperson's statement indeed highlights the importance of adhering to free and fair electoral standard and calls the new leadership to fully respect democratic principles.<sup>233</sup> Professor Fabienne Bossuyt of Ghent University noted that the EU understands its limitations to promote democracy and its approach to democracy promotion is up for review. Democracy needs to come from within, and the EU will need to accommodate local forms and understandings of democracy.

The US Embassy in Bishkek issued a cautious statement congratulating the people and acknowledging Japarov as the newly elected president. However, the statement went in length to highlight the widely reported procedural irregularities, disproportionate financial means, misuse of administrative resources, and allegations of voter intimidation.<sup>234</sup> Nevertheless, the US would have to wait and see how the new President and his administration would treat the fragile Kyrgyz democracy. Dr. Shairbek Juraev, President of Crossroads Central Asia, a Bishkek-based think tank, does not think the political system generally would change Western donors' attitude to Kyrgyzstan.<sup>235</sup> They would be more concerned about the new leadership's adherence to freedom of speech, human rights, rule of law and political pluralism, as well as their policies on the matters that concern Western partners the most.

As to the regional authoritarian powers, their views and policies towards Kyrgyzstan are even more difficult to evaluate. There are reports that President Jeenbekov's resignation was a strong disappointment for the Kremlin.<sup>236</sup> Russian Deputy Prime Minister Dmitry Kozak travelled to Kyrgyzstan a few days before Jeenbekov's resignation and attempted to facilitate negotiations between key Kyrgyz political forces. Another sign of Russia's disappointment was its suspension of its financial assistance to Kyrgyzstan until the political situation stabilises. However, this could be a simple pragmatic measure to ensure Russia's assistance goes to a legitimate government.

China's approach to Kyrgyzstan is a very pragmatic one. As Bishkek-based researcher Niva Yau noted China's top two interests in Kyrgyzstan are its stability given the proximity to Xinjiang province and its potential role as a pivot for China's land-based trade routes.<sup>237</sup> However, China might have certain concerns about Japarov's nationalist rhetoric, which has been directed against foreign investors and border delimitation deals with neighbouring countries.

Overall, all international actors might have their concerns about Japarov's presidency, but their actions will depend on his policies in the areas of their concern. Japarov inherits a country in dire straits with plenty of international commitments. If he is able to address the most urgent needs of people and demonstrate adherence to Kyrgyzstan's international commitments, his presidency would last and leave a decent legacy. However, if he is unable to deliver to both domestic and international partners, he might follow the fate of his predecessors.

<sup>233</sup> Paul Stano, Kyrgyz Republic: Statement by the Spokesperson on the Presidential Elections and on the referendum on the future political system, European External Action Service, January 2021, <https://bit.ly/2Y44aLN>

<sup>234</sup> U.S. Embassy Statement on 2021 Kyrgyz Presidential Elections, January 2021, <https://kg.usembassy.gov/u-s-embassy-statement-on-2021-kyrgyz-presidential-elections/>

<sup>235</sup> Interview with Dr. Shairbek Juraev, January 2021.

<sup>236</sup> Vyacheslav Polovinko, Freedom, equality, bros: Kyrgyz President resigned and opened path to power to the local underworld, Novaya Gazeta, October 2020, <https://novayagazeta.ru/articles/2020/10/15/87529-svoboda-ravenstvo-bratva>

<sup>237</sup> Interview with Niva Tsz Yau, January 2021.

## **Recommendations**

Based on the research in this publication there are several suggestions for possible action.

### **For the Governments of Kyrgyzstan's international partners:**

- Instigate an independent investigation into the corruption schemes, where Kyrgyz corrupt officials freely launder the money stolen from Kyrgyzstan in third countries, including Western nations that are engaged in democracy promotion in Kyrgyzstan. This information is vital for the Kyrgyz public to understand domestic processes and make decisions.
- Ensure that organised crime and corrupt officials do not seek money-laundering services in your countries. Western laundromats undermine any efforts to promote democracy and rule of law and devalue the achievements of your own political systems. This could be done through introducing and expanding such programmes as the UK National Crime Agency's unexplained wealth order.
- If you are involved in promotion of democracy and rule of law, revise your engagement strategies on the ground. There is a clear gap between Western educated urban expert communities and the large mass of rural populations. Widen your pool of experts and include the non-liberal, non-democratic, non-Western-minded ones too as this might help you build your engagement strategies on a more accurate foundation. Principles of democracy and liberalism are sometimes perceived as largely Western alien concept. It is important to challenge this narrative, which often portrays civil society, liberals, human rights defenders and many other proactive members of society as 'foreign agents' and 'grant-eaters'. In order to challenge this narrative, it is required to relate the principles of democracy and liberalism to local values.

### **For the new Kyrgyz leadership:**

- Ensure that the Constitution drafting process strictly follows all legal procedures and is fair and transparent. Any more legal and political irregularities associated with the Constitution drafting and adoption process will undermine the public trust in the main legal document of the country.
- Revise the current mode of operation of the Constitutional Council to increase the transparency of the process. The Council does not share the crucial details of what has been changed so far. In addition, there seems to be no information on next steps, i.e. whether the draft will be given a round of evaluation by independent experts, and if it would be submitted to the Venice Commission for their professional feedback. The lack of transparency and clarity about the process will undermine the public trust to the new Constitution and leave many legal loopholes to challenge its legitimacy, which might cause further instability.
- Ensure a system of checks and balances within the governance structure. A strong presidential rule has never worked for Kyrgyzstan.





## 4. Social media mobilisation and the rise of populism in Kyrgyzstan

*By Gulzat Baialieva and Joldon Kutmanaliev<sup>238</sup>*

### **Nationalist populism and online political mobilisation**

The rising illiberal populism that imperils even established democracies including the US, Brazil, the UK, Turkey, and many European countries, has become a favourite political tool for many autocratically inclined politicians. Until recently, countries of the post-soviet region, where local authoritarian leaders prefer to rule with the help of traditional administrative methods of suppression, had been mostly spared from this phenomenon. But the recent political dynamics in Kyrgyzstan shows that leading political actors increasingly adopt populist language, nationalist discourses and polarising strategies to gain political power.

Looking at the recent Kyrgyz political realm, this essay discusses how nationalist populism has become a dominant political force in Kyrgyzstan. As we see today's global populism is also associated with the power of social media platforms.<sup>239</sup> Skilfully promoted through the Kyrgyz-

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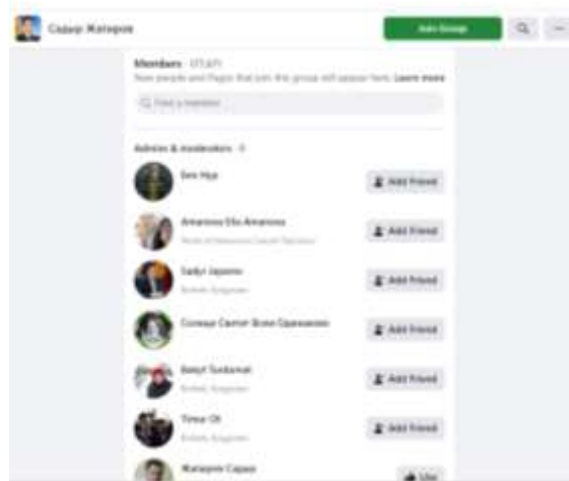
<sup>239</sup> Flew T, Iosifidis P. 2020. Populism, globalisation and social media. *International Communication Gazette*, 82(1):7-25. doi:10.1177/1748048519880721

speaking social media platforms by the newly elected president Sadyr Japarov, a pro-Japarov populist movement has gained political momentum in the aftermath of popular uprising against the then president Sooronbay Jeenbekov. On January 10<sup>th</sup>, Sadyr Japarov won the presidential elections. This happened only three months after he had been released from the prison by street protestors following rigged parliamentary elections on October 4<sup>th</sup> 2020 and popular uprising that deposed the regime of President Jeenbekov.



*A campaign banner of Sadyr Japarov (January 2021): 'Sadyr Japarov. Serving the Future!'*

Sadyr Japarov, a new president and currently the most powerful political figure who was just recently in prison, successfully employs populist behaviour by producing divisive and hostile language. Japarov represents the image of a new type of populist politician who knows how to use social media in his favour to influence people. His power derives from, and popularity is based on, an unusually high number of followers on social media. Very much like Trump, who used Twitter to have direct appeal to his supporters, Japarov personally administers several large social media groups. He admitted in his interview that he used all kinds of social media networks, created 50 groups and managed them even while in prison: *"In prison you are a free person for 24 hours, you have free time."*<sup>240</sup>



*A screenshot from Sadyr Japarov's biggest Facebook group (177K) which shows a list of the admins and moderators.<sup>241</sup> The one written in Latin Alphabet as Sadyr Japarov is his personal account which was created in 2012.<sup>242</sup>*

<sup>240</sup> Kommersant, "In prison you are a free man 24 hours a day", January 2021, <https://www.kommersant.ru/doc/4639707>

<sup>241</sup> Sadyr Japarov, Facebook Public Group, Facebook, <https://www.facebook.com/groups/1412264215689407>

<sup>242</sup> Sadyr Japarov, Facebook Personal Account, Facebook, <https://www.facebook.com/japarov.sadyr>

Online mobilisation impacts real-world mobilisation, turning it into a crucial element of Japarov's strategy that has *de facto* secured him a strategic advantage (winning the street during the initial protests and subsequently) and then the presidency. Our interviews with people in various localities indicate that Japarov's followers often mobilised by creating local WhatsApp groups, which were then used to coordinate their actions, including travel to Bishkek to join forces with other supporters in the city's Old Square.

The online mobilisation in the wake of the October post-electoral crisis that turned into actual street mobilisation and the physical presence of pro-Japarov groups in the Old Square in the post-election crisis period, was crucial to the successful rise of Japarov.<sup>243</sup> Hundreds of his supporters gathered to support and protect the populist politician following his nomination to the post of interim Prime Minister on October 6<sup>th</sup>. At the same time, supporters of a broad coalition of opposition politicians including former president Atambayev along with liberal youths gathered on the central Ala-Too square just a mile away. On October 9<sup>th</sup>, Japarov's supporters attacked and chased their opponents on the Ala-Too square.<sup>244</sup> That clash became a critical juncture that determined the fate of political power struggle. From that moment, Japarov emerged as the most powerful actor in a political scene.

### **Background to social media populism**

With the growing access to the internet and the availability of smartphones in recent years, the Kyrgyz speaking population has been increasingly exposed to online news content. Kyrgyz online nationalist groups are a relatively new phenomenon in Kyrgyzstan's social domain. According to the data report for 2020 the number of internet users in Kyrgyzstan increased by 55 thousand (+1.8 per cent) between 2019 and 2020.<sup>245</sup> There were 3.06 million internet users in Kyrgyzstan in January 2020 and 2.5 million use social networks. In Kyrgyzstan, Kyrgyz-speaking social media users usually come from traditional rural backgrounds as opposed to urban dwellers, consumers of social media content in Russian language, including the content that comes from the Russian Federation's media space.

Why now and why social media? Mobile internet provides rural people with great opportunities in expanding social communication networks through social media platforms. For many of them, news circulated in and through social media has replaced traditional newspapers and TV programmes as a primary source of getting information and entertainment. People in rural areas tended to trust the content in newspapers, so, not surprisingly, when the news circulated in social media came to replace traditional newspapers, people readily took for granted the reliability of the online content, especially if it is spread through trusted networks.

### **Emergence of nationalist groups and social media manipulation**

However, despite this, in the pre-October period, the influence of Japarov's social groups on public opinion was rather limited. Before 2020, nationalist groups were not highly visible on online platforms, mostly appearing to the public during controversial events such as anti-corruption demonstrations, the ReAction 1.0 and 2.0, the March 8<sup>th</sup> feminist march, and the Femminale art exhibition. Those events were used as focal points and windows of opportunity for nationalist groups to showcase their strength and public presence. The strong connection between these high-

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<sup>243</sup> Gulzat Baialieva and Joldon Kutmanaliev, How Kyrgyz social media backed an imprisoned politician's meteoric rise to power, openDemocracy, October 2020, <https://www.opendemocracy.net/en/odr/how-kyrgyz-social-media-backed-an-imprisoned-politicians-meteoric-rise-to-power/>

<sup>244</sup> Kyrgyzstan election: Fresh clashes as state of emergency comes into force, BBC News, October 2020, <https://www.bbc.co.uk/news/world-asia-54481063>

<sup>245</sup> Simon Kemp Digital 2020: Kyrgyzstan, DataRePortal, February 2020, <https://datareportal.com/reports/digital-2020-kyrgyzstan>

publicity events and the emergence of nationalist groups signaled the first signs of social media manipulation of the nationalist mobilisation.

In particular, the organisation of the ReAction 2.0 on December 18<sup>th</sup> was countered by an unprecedented level of sophisticated informational attacks against anti-corruption activists organised by pro-regime trolls supposedly financed by a controversial figure, Raiymbek Matraimov, popularly known as ‘Raiym Million’ for his alleged wealth.<sup>246</sup> Several edited videos and images emerged in social media several days before the ReAction 2.0 demonstration targeting anti-corruption activists. These mounted videos and edited images stated that the forthcoming demonstration was organised by LGBT groups and western agents. The pictures of some anti-corruption activists were placed next to images and video-footage of sexually explicit gay scenes and images of LGBT activists. In other images, taken from the demonstration, some participants were randomly outlined as ‘western agents’. The supposed aim of those falsified information attacks was to activate yet another societal cleavage – between conservative-nationalist and liberal groups – to shift away from the anti-corruption discourse to cause societal outrage against ReAction 2.0 exploiting homophobic and anti-western sentiments that are dominant in Kyrgyzstan’s largely conservative society. The troll attacks skillfully build on recent controversies around feminist events such as the Femminale art exhibition and the March 8<sup>th</sup> feminist march in Bishkek that was joined by some LGBT activists. These events caused huge outrage among conservative groups. Several female activists were attacked by aggressive men from nationalist groups, some of them allegedly linked to Kyrk Choro (Forty Knights) - one of the first conservative-nationalist groups, also infamous for their vigilante raids against prostitutes and brothels, that later was co-opted by Japarov’s populist movement. Their appearance at the controversial events was an indicator of growing polarisation between liberal and conservative groups.<sup>247</sup>

### Populist manipulation

Currently, pro-Japarov online groups are the most numerous and influential in the Kyrgyz-speaking social media domain. The membership significantly multiplied and the number of groups supporting Japarov mushroomed since he claimed political power last October. In the pre-October 2020 period, being probably the only politician who realised a high potential of social networks for political mobilisation, Japarov actively worked from the prison to create his support base on social media platforms. As Japarov himself claims: *“More than a hundred people whom I worked with were released while I was still in prison. They started working for me, spreading the word that I was a good man. When I got out, they were all at rallies, supporting me. That is the whole secret of the third revolution.”*<sup>248</sup> He continues in his interview after the election: *“In jail, I wasn’t just wasting time, I was working with the people through social media.”*<sup>249</sup> *For three and a half years, I communicated directly with ordinary people. I created groups on Odnoklassniki, on Facebook, on Instagram. I collected people’s contacts on WhatsApp and created more than 50 groups there: one group holds 256 contacts. Through these groups I spread information about Kumtor, about my work. That’s how I reached all the people in three and a half years.”*

Japarov’s popularity and influence sky-rocketed after he was released from the prison and nominated for the position of interim prime minister by a group of MPs with close ties to the then

<sup>246</sup> Raiym Matraimov, a former head deputy of the Customs, was a main target of the ReAction anti-corruption campaign for his involvement in high-level corruption schemes in transborder trade with China and his involvement in the assassination of Aierken Saimaiti, a whistleblower murdered by hired killers in Istanbul. Matraimov’s clan founded a Mekenim Kyrgyzstan (‘Homeland Kyrgyzstan’) party that ran in the parliamentary elections on October 4<sup>th</sup> 2020. His party gained a majority of seats along with a pro-presidential Birimdik (‘Unity’) party in what independent observers called highly fraud and rigged elections that caused outraged and popular protests.

<sup>247</sup> Joldon Kutmanaliev and Gulzat Baialieva, Polarisation grows as Kyrgyzstan tackles controversial corruption issues, openDemocracy, December 2019, <https://www.opendemocracy.net/en/odr/polarisation-grows-kyrgyzstan-tackles-controversial-corruption-issues/>

<sup>248</sup> Kommersant, “In prison you are a free man 24 hours a day”, January 2021, <https://www.kommersant.ru/doc/4639707>

<sup>249</sup> Ibid.

president Sooronbay Jeenbekov and a powerful Matraimov's clan. His overwhelming dominance in Kyrgyz social media became obvious thanks to the work of hundreds of aggressive trolls who attacked not only Japarov's political opponents, but also ordinary people with dissident and opposition views.<sup>250</sup> Their favourite target was liberal or opposition female activists whom trolls and then-ordinary users threatened with sexual violence.<sup>251</sup> The hate speech incited by online trolls, and even Japarov himself, created an atmosphere of impunity exacerbated by the inaction of state authorities, Facebook administration, and moderators of social media groups run by or affiliated with Japarov and his close associates. Such impunity further emboldened or incited ordinary users to make attacks and open death threats against the opponents of their icon. Japarov's divisive language sent clear signals to his supporters designating 'enemies of the people'. Our monitoring of social media content and interviews with prominent opponents and civic activists reveal that the intensity of online threats and hate attacks would often increase after Japarov's divisive speeches. Typically, trolls would label prominent human rights activists and opposition leaders, as 'western agents, gays, and spies'. Another critical factor is new exposure to online manipulation. The absolute absence of experience among people to deal with fake news played a crucial role in the rapid spread of populist messages and manipulation of public opinion through fake news. Massive exposure to fake news and hate speech made inexperienced ordinary social media users sincerely believe the fake content of troll factories.<sup>252</sup>



On December 12 2020, a protest by young males was held in Bishkek.<sup>253</sup> The organisers explained that they are against any protests in Bishkek. The banners read: “I am a patriot of my country. I want peace in my city”, “By organising a protest of 10 people, don’t claim your rights!”, and “I am against the destabilisation in my country”. Some internet users compared them to a new version of a conservative ‘Kyrk Choro’ group of men. The head of this movement against protests, as they call themselves *druzhinniki* (vigilantes), is Marat Mamraliev. He is a young politician and entrepreneur who is developing a security agency, the rapid response group ‘Division’.

<sup>250</sup> Gulzat Baialieva and Joldon Kutmanaliev, In Kyrgyzstan, social media hate goes unchecked, openDemocracy, December 2020, <https://www.opendemocracy.net/en/odr/kyrgyzstan-social-media-hate-goes-unchecked/>

<sup>251</sup> Ibid.

<sup>252</sup> Kamila Eshaliyeva, Real fakes: how Kyrgyzstan's troll factories work, openDemocracy, November 2020, <https://www.opendemocracy.net/en/odr/troll-factories-kyrgyzstan/?source=in-article-related-story>

<sup>253</sup> Barakelde, Anti-protest rally took place on Ala-Too Square, December 2020, <https://barakelde.org/news:419961>

Virtually all nationalist groups and social media trolls rely on anti-western and anti-liberal discourse propagandised by the Kremlin as ready-to-use templates for nationalist actors to manipulate public opinion. High legitimacy of the Kremlin's anti-liberal discourse among Kyrgyzstan's general population provided political actors with a valuable tool to manipulate public opinion. Presidents, especially Atambayev, have willingly exploited this high legitimacy discourse in their political interests. Japarov fully employed this strategy against his political opponents. What Japarov added to the existing discourse frames is an anti-establishment discourse that he has splendidly promoted through numerous social media groups that he personally controls. For example, he personally administers his biggest Facebook group, which has 180,000 members.<sup>254</sup> In general, there are more than ten big pro-Japarov groups on Facebook and Instagram. During the pre-election period, between November 19<sup>th</sup> 2020 - January 1<sup>st</sup> 2021, his Facebook groups created 49,500 posts. Japarov related groups produced more than a half of all posts generated by the biggest political Facebook groups taken together. This is much more than even groups with news information content, as the figure shows.

The army of trolls has been a crucial factor to bringing Japarov success. The hate-filled comments defending Japarov and attacking his opponents have been traced not only on Facebook and Instagram but also on YouTube. One of the authors of this paper, Gulzat Baialieva, together with Janeta Jakypova, conducted a textual data-analysis of two mostly watched videos where Japarov and his opponent Tekebaev talk about constitutional reforms.<sup>255</sup> They have scraped all 6,799 commentaries to examine how the referendum and changes to the Constitution were discussed on YouTube. Among 100 of the most frequently used words (excluding pronouns) there is no mention of 'law', 'referendum' or 'constitution'. As the cloud of words shows, the comments refer to these two politicians, Japarov and Tekebaev (used shortly by the users as a derogatory name 'Teke' meaning *goat*). After these two names, the other most frequently used words are 'people' and 'God'.



*Cloud of words used under YouTube videos related to referendum and Constitution.*

<sup>254</sup> Sadyr Japarov, Facebook Public Group, Facebook <https://www.facebook.com/groups/1412264215689407/members/admins>

<sup>255</sup> Gulzat Bayalieva and Janetta Zhakypova, *Social Networks: Discussion or Disruption*, RFE/RL, December 2020, [https://www.azattyk.org/a/31013907.html?fbclid=IwAR2ZjGvoKqTpWB\\_Eh6bny0LcNBGc6LNTsmNTRCjXcEzAgYyB6-lqQs-jlNI](https://www.azattyk.org/a/31013907.html?fbclid=IwAR2ZjGvoKqTpWB_Eh6bny0LcNBGc6LNTsmNTRCjXcEzAgYyB6-lqQs-jlNI)





*Sadyr Japarov's groups made 49,500 posts in the pre-election period. Source: Center for Media Development.*

Japarov's populist message fell on favourable ground. It came when the fatigue for the corrupted system and politicians among ordinary people reached a high point, after years of rampant corruption among politicians and officials in practically all levels of state institutions. Japarov efficiently used the people's fatigue and their distrust towards politicians. Many of his political decisions contain populist references to the 'people's will'. What we observe now is the overwhelming popularity of Japarov in mostly rural regions of Kyrgyzstan.



*Performance during the pre-electoral campaign in Karakol on December 29 2020. The scene from the local genealogy of the seven saints 'Jeti Ake'. The saints are blessing and initiating the presidential candidate Japarov blessed into the eighth saint warrior!*

Liberal groups did not manage to effectively neutralise the populist message promoted by Japarov. Nor had they an effective plan to counteract his aggressive strategy. The main weakness is the lack of grassroots connections amongst the predominantly Russophone liberal groups with Kyrgyz-

speaking social segments. They tend to adapt liberal ideas from western liberal discourse with little or no attempt to convert it into plain language that could be acceptable and comprehensible to the most traditional and rural segments of society. Abstract ideas that have little to do with the prosaic reality of everyday life of ordinary rural dwellers strongly contradict their traditional views and values. Attempts by Russophone liberals to ‘educate’ or ‘civilise’ fail to take into account the context and cultural values of rural people. Therefore, when liberal groups tried to resist Japarov’s illiberal constitutional reforms only appealing to the breach of constitutional procedures, his rural supporters simply did not buy those arguments. For Japarov’s supporters, the breach, even if they recognised it, did not make any sense because the constitution was violated so many times by Japarov’s predecessors for the personal benefit, so then why their political favourite could not do the same especially because he wanted it to work ‘in the interests of the people’?

Similarly, Kyrgyz and Russophone segments independently exist in parallel lives in social media networks rarely intersect in everyday life. But when they intersect to reflect high-publicity and controversial political and social events, the debates produce ideological cleavages and acute conflict. On the contrary, Japarov often personally engages in discussions with social media users in a simple popular language clearly understandable to many ordinary people. This informal direct contact that strikingly contrasts with the behaviour of traditional politicians appeals to many people who consider Japarov ‘our guy’.



Photo from Sadyr Japarov’s Facebook group. Pre-election campaign in Karakol, December 29 2020.

The following examples demonstrate his direct involvement in online discussions. Sadyr Japarov wrote a post on his personal Facebook account to respond to a critical publication about his endless promises: *“Were you born as a nine-months-old? Or were you born premature? Please be patient, my brother. All in good time. There is so much you don’t know...”*<sup>256</sup> Japarov’s public posts against his opponents contain a patronising, accusing and discriminative language. Japarov does not hesitate to blame his critics for fake news and uses religious articulation: *“How do you tell such lies? Have you no faith and morals?”*, called the opposing groups *“bastards”* and wrote hate-filled posts *“Go to hell those who cry out for their own interests!”*.

Some populist measures have even seemingly caught sympathies of liberal middle-class urbanites. Anti-corruption discourse ‘kusturabyz’ (we make corrupt officials throw up what they stole) or the so-called economic amnesty is another effective populist move.

<sup>256</sup> Sadyr Japarov, Facebook Post, Facebook, December 2020, <https://www.facebook.com/japarov.sadyr/posts/1754338344741087>



## Conclusion

Japarov's anti-establishment and anti-liberal rhetoric is framed as 'the people's voice' and is characteristic to many populist leaders across the world. He skillfully manipulates rising inequality in Kyrgyz society to shift blame on old elites, liberal activists, and independent media – whom he calls as 'enemies of the people' and 'traitors'. His blaming strategy and a reputation of a national hero and a victim of the corrupt and unjust system that he carefully constructed over years, allowed him to get a tight grip on ordinary people making him the most popular and powerful actor in Kyrgyzstan's political scene. Sensing his power and popularity, Japarov has taken a successful gamble on changing the constitution that would dismantle democratic institutions and grant a new president with an unprecedented level of power. A huge popularity for Japarov among ordinary people provided him with high potential to push through anti-democratic constitutional reforms that threaten to transform the country into deep authoritarianism.

We suggest that key elements of Japarov's populism, such as '*eldin talaby*' (popular will) and '*eski sayasatchylar*' (the corrupt elite), the direct appeal via social media and his political imprisonment with tragic personal consequences have been activated by context. The factors that led people to vote for President Japarov, including concerns about the country's growing economic inequality, corrupt judicial system and foreign influence, were not new in 2021. The difference was the ways in which Japarov communicated about these issues. His provocative statements, rhetoric and social media trolling increased the intensity and polarised the society. Japarov and his political team attacked opponents and the independent media, presenting them as the "*enemy*", "*western influence*" and "*threat*" to Kyrgyz unity and identity. Japarov was refashioned into a '*uluttuk lider*' (national hero). We do not suggest one silver bullet to mitigate the negative effects of populism, especially when the societies are dismantled from within. Yet, we highlight several important considerations to respond to the effects of populism:

- *Avoid efforts to 'enlighten' and 'educate' the 'other side' which aggravates polarisation:* Simply exposing people to 'the real facts', 'true story' or to break down pre-existing beliefs are ineffective and can accentuate polarisation. They are especially ineffective when they are communicated by untrusted actors or messengers, which leads people to stay even more closely to their own group-congruent beliefs.
- *Focus on shaping people's perceptions of norms:* As research on combating populism suggests people's behaviour is shaped by individual attitudes and normative context. So rather than seeking to 'educate' and to change attitudes, which more likely have developed over a long period of time, liberal actors should focus on shaping norms.
- *Create unifying beliefs, values and narratives:* Japarov focused greatly on the 'us versus them' narrative, a typical tactic used by populists and authoritarian leaders. The liberal forces should avoid using their divisive language. They should create their brand of inclusive narratives and highlight unifying beliefs and values.



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

*By Professor Eric McGlinchey<sup>257</sup>*

On the morning of October 6<sup>th</sup> 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.

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### 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.<sup>258</sup>

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.<sup>259</sup> 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.<sup>260</sup> 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.<sup>261</sup> Ethnic Uzbeks, moreover, were disproportionately faulted for instigating the 2010 violence, this despite

<sup>258</sup> 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.

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

<sup>260</sup> 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>

<sup>261</sup> 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.<sup>262</sup>

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.'<sup>263</sup> 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 8<sup>th</sup> 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.<sup>264</sup> Revealingly, while the violent attackers were not detained, 50 women's rights activists were arrested.<sup>265</sup>

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."<sup>266</sup> 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.<sup>267</sup> 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."<sup>268</sup> 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.<sup>269</sup> International donors would do well to recognise the sensitivity surrounding LGBTQ+ rights in

<sup>262</sup> 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>.

<sup>263</sup> 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).

<sup>264</sup> 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>

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

<sup>266</sup> 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\\_glavnykh\\_trebovaniia\\_vlastiam\\_videotranslaciia.html](https://kaktus.media/doc/388158_miting_kyrk_choro_i_tri_ikh_glavnykh_trebovaniia_vlastiam_videotranslaciia.html)

<sup>267</sup> Ulanova.

<sup>268</sup> 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>

<sup>269</sup> 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.<sup>270</sup> 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.

<sup>270</sup> 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."<sup>271</sup> 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."<sup>272</sup> 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.'<sup>273</sup>

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.<sup>274</sup> 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."<sup>275</sup> It is also notable, however, that Japarov, in his January 10<sup>th</sup> 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."*<sup>276</sup> 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.

<sup>271</sup> 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>

<sup>272</sup> 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>

<sup>273</sup> 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/>

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

<sup>275</sup> 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>

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

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."<sup>277</sup> 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.

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





## 6. Political crisis: Interethnic relations must be protected

*By Sardorbek Abdukhalilov<sup>278</sup>*

Kyrgyzstan has been nation-building for the last 30 years and it is seen as one of the most politically dynamic post-soviet countries. Kyrgyzstan has an ethnically diverse population, with minorities constituting about 26.3 per cent of the total population.<sup>279</sup> Meanwhile, the country's recent history shows that political destabilisation affects minorities, who are among the most vulnerable in relation to accessing political power and exercising full citizenship. The current political leadership stands for equality and interethnic harmony. The political platform of the newly elected President Sadyr Japarov, 'Serving the Future' ('Kelechekke Kyzmat'), provides that the citizens of Kyrgyzstan may be of different ethnic roots, but they all share love for Kyrgyzstan and responsibility for its ancient history and faith in its future.<sup>280</sup> The post conflict situation after the tragic June 2010 ethnic conflict in the Southern Kyrgyzstan distanced minorities from political activism. Today, Kyrgyzstan needs to take significant steps on peacebuilding interventions and comprehensive political reform in interethnic relations. The argument goes that it would be inevitable to increase level of minority participation and representation in public life, including in elected positions if Kyrgyzstan endorses 21<sup>st</sup> century nation-building.

On the eve of October 5<sup>th</sup> 2020, the world witnessed how allegations of widespread irregularities, during parliamentary elections triggered street protests in Bishkek, the capital of Kyrgyzstan, which

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<sup>279</sup> National Statistical Committee of the Kyrgyz Republic, "Kyrgyzstan" brief statistical handbook, April 2020, <http://stat.kg/en/publications/kratkij-statisticheskij-spravochnik-kyrgyzstan/>

<sup>280</sup> The political platform "Serving the Future" ("Kelechekke Kyzmat"), <https://zhaparov.kg/platforma/>



eventually ended up storming the main government building, the Parliament, the Jogorku Kenesh, and the President's administration.<sup>281</sup> The building briefly caught fire before emergency services put out the blaze and debris from inside, including government papers, and office furniture was strewn outside. In addition, on the same day, groups of protesters were able to unlawfully release high-profile political figures from prison. The political crisis created the power vacuum and paralysed the functioning of state institutions, which were not able to observe the constitutional order.

Kyrgyzstan's Central Election Commission (CEC) later annulled the results of the elections amid political unrest. On October 9<sup>th</sup> 2020, the President declared a state of emergency in Bishkek to stabilise the situation. However, the taken measure did not stop protestors pressuring the President to resign. The situation became hot and the political leadership, including President Sooronbay Jeenbekov, the Prime Minister and other top officials, stepped down in order to provide a 'peaceful transit of the power' to Sadyr Japarov. Sadyr Japarov, a former parliamentarian who was imprisoned for 11 and a half years and whom was freed on October 6<sup>th</sup> 2020, assumed power and became the *de facto* country's first person. Soon afterwards, the Supreme Court acquitted Japarov in a hasty trial and opened the way for him to become the interim Prime Minister and the country's acting President.

The events of October 5<sup>th</sup> were not only about controversial elections results, but were triggered by the incompetent response of the Government to the COVID-19 pandemic. The COVID-19-related lockdown weakened the country's social-economic situation and dramatically increased the level of unemployment. As the UN CERD pointed out, the COVID-19 pandemic has been having significant adverse impacts on the enjoyment of human rights, in particular on the right to non-discrimination and to equality.<sup>282</sup> In this regard, COVID-19 remains a potential source of further social tensions, which would also affect interethnic relations in post political crisis Kyrgyzstan.

For Kyrgyzstan this is the third uprising that overthrew ruling presidents in the last 15 years. Both the 2005 and 2010 uprisings also featured political and economic crises, and caused property and power redistributions throughout the country. However, this time the Kyrgyz society managed to build up a tolerance against division. Yet, the sensitive question on 'who is the true owner of the country?' has the potential to escalate and endanger public safety and security. For example, Kyrgyzstan's recent history has been marred by interethnic conflict, predominantly between ethnic Kyrgyz (71.7 per cent of the population) and ethnic Uzbeks (14.3 per cent of the population), with large-scale clashes taking place in June 2010. The causes of these conflicts are complex with their roots in the historical and cultural differences between the two groups, state policies, and actual and perceived socio-economic and political inequality between the two groups.<sup>283</sup> The official State narrative of so-called 'separatism' supported by nationalistic political rhetoric has made it easier to paint the ethnic minorities as solely responsible for the June violence, and has given license to law enforcement and security bodies to target them for arbitrary arrest and ill-treatment. As a result, the selective investigations and prosecutions, which have since been conducted, have disproportionately targeted Uzbeks and resulted in few prosecutions of anyone else.<sup>284</sup>

The UN Special Rapporteur on minority issues, Fernand de Varennes, during his visit to Kyrgyzstan in December 2019 described the interethnic relations in Kyrgyzstan as fragile, in particular the relations between the majority ethnic Kyrgyz and the Uzbek minority following the 2010 events in Osh. The Special Rapporteur identified several factors that could bring the level of interethnic tension to a

<sup>281</sup> The Associated Press, Violent Protests in Kyrgyzstan Over Results of Election Marred by Vote Buying, The New York Times, October 2020, <https://www.nytimes.com/2020/10/05/world/asia/kyrgyzstan-election-protests.html>

<sup>282</sup> Statement on the coronavirus (COVID-19) pandemic and its implications under the International Convention on the Elimination of All Forms of Racial Discrimination.

<sup>283</sup> Reliefweb, According to the findings of the Report of the Independent International Commission of Inquiry into the Events in Southern Kyrgyzstan, Kyrgyzstan Inquiry Commission, June 2010 (see para. 228-230), [https://reliefweb.int/sites/reliefweb.int/files/resources/Full\\_Report\\_490.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_490.pdf)

<sup>284</sup> Ibid.

breaking point, such as the underrepresentation of minorities; the issue of minority languages in education and public service provision; cases of claimed unfair treatment by law enforcement and in the provision of public services; and issues relating to resource management, including water and land.<sup>285</sup>

The legal framework of Kyrgyzstan states that everyone is equal before the law and recognises the need for the adoption of special measures promoting the rights of minority communities to ensure that everyone participates in society on an equal basis with others. However, in reality, national minorities, who make up 26.3 per cent of the population, remain underrepresented in both elected and appointed government positions, particularly Russians and Uzbeks the two largest ethnic minority groups. The participation of minorities in public life in Kyrgyzstan is extremely limited compared to the proportion of these minorities to the total population of the country. Even though the Government of Kyrgyzstan has acknowledged that the legal framework provides electoral quotas for political representation of the different ethnic groups, the objectives of the law are not achieved and all quota requirements not fully enforced.<sup>286</sup> In fact, out of the 120 members of parliament, only ten belonged to a national minority.<sup>287</sup> In addition, national minorities are generally underrepresented in government positions or local administrations. A particularly acute problem is the low rate of representation of ethnic minorities in law enforcement bodies in the southern part of Kyrgyzstan. Representation of ethnic minorities in public life has deteriorated dramatically since June 2010. The lack of programmes to promote the recruitment of national minorities affects their representation in different public bodies, including law enforcement. According to the de Varennes, the *“disproportionate presence of minorities, or more accurately the near exclusion of minorities, has been linked in part to a language barrier as one of the main reasons explaining the low representation of minorities in public life.”*<sup>288</sup>

Following the events of 2010, the Government adopted the Concept on Strengthening National Unity and Interethnic Relations in 2013, which underlines the commitment of all relevant stakeholders in the country to ensuring everyone's equal rights and opportunities regardless of ethnicity. The body responsible to implement this Concept and to develop strategies for conflict prevention is the State Agency for Local Self-Government and Interethnic Relations (GAMSUMO), which was created also in 2013. However, there has been some criticism about the efficiency of GAMSUMO and the state concepts on interethnic relations. For example, a number of concerns were expressed in relation to a new concept of citizenship put forward by the Government which may be perceived as being centred around Kyrgyz ethnicity rather than a national citizenship of all members of the country's population.

In other words, the policy framework focused on creating a national identity that did not explicitly include all ethnicities and may tend to reignite past tensions by symbolically and concretely 'leaving out' minorities from that view of the nation, despite their demographic weight.<sup>289</sup> As it was indicated by the UN Special Rapporteur, the state initiatives deals more with awareness-raising activities such as on combating racial discrimination and intolerance, and does not directly address issues such as

<sup>285</sup> Fernand de Varennes, United Nations Special Rapporteur on minority rights, Visit to Kyrgyzstan, 6-17 December 2019, End of mission statement, OHCHR, December 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25422&LangID=E>

<sup>286</sup> According to Article 60 of the Constitutional Law “on elections of the President of the Kyrgyz Republic and the deputies of the Jogorku Kenesh of the Kyrgyz Republic” in making the nomination list of candidates, a political party should take into account the representation of at least 15 per cent of candidates of different ethnic affiliation, with at least five of them to be included in the list of the first 65 candidates: [https://shailoo.gov.kg/ru/vybory-oktyabr-2020\\_/constitutional-law-kyrgyz-republic-elections-president-kyrgyz-republic-and-deputies-jogorku-kenesh-kyrgyz-republic/](https://shailoo.gov.kg/ru/vybory-oktyabr-2020_/constitutional-law-kyrgyz-republic-elections-president-kyrgyz-republic-and-deputies-jogorku-kenesh-kyrgyz-republic/)

<sup>287</sup> In the Parliament (Jogorku Kenesh), 91 per cent of members are ethnic Kyrgyz. Russians have three members, Dungans have two members of parliament, whereas Kazakhs, Tatars and Uighur have one member each. While Uzbeks represent more than 14 per cent of the population, only three members of parliament are members of the Uzbek minority: <http://kenesh.kg/ru/deputy/list/35>

<sup>288</sup> Fernand de Varennes, End of mission statement of the United Nations Special Rapporteur on minority issues, Visit to Kyrgyzstan, OHCHR, 6-17 December 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25422&LangID=E>

<sup>289</sup> Ibid.

education in minority languages or the under-representation of minorities in most areas of public life.

The October 4<sup>th</sup> 2020 parliamentary elections have opened a new page in the sensitive interethnic relations. According to the ODIHR Election Observation ethnic minority candidates actively campaigned in areas where they comprise a substantial part of the population. Fierce competition within the Uzbek minority has caused a lot of anxiety among members of the community and contributed to their sense of insecurity. There were a mass brawl between supporters of leading political parties in the Aravan district of Osh, resulting in the deregistration of two ethnic Uzbek candidates.<sup>290</sup> In a separate development, a criminal investigation has been launched over the alleged vote-buying by two ethnic Uzbek candidates representing a leading party in Jalalabad. Reportedly, their supporters and relatives were subject to pressure by the local authorities and law enforcement bodies to testify against them. Following these incidents, there were cases of hateful rhetoric targeting the Uzbek community on social media.<sup>291</sup>

After October 5<sup>th</sup> 2020, minorities were frustrated when they were able to secure relatively recognisable seats in Parliament, but the events of October 5<sup>th</sup> nullified all their efforts, including financial resources. At the same time, the political crisis provided opportunities for some politicians who support nationalistic rhetoric to get access to political power. For example, Kamchybek Tashiev, leader of the nationalistic Mekenchil party, who formerly said: *“I should say openly, and let people not be offended, that the head of government should be a pure-blooded Kyrgyz, who will actually be rooting for the interests of the country”*, has been appointed as the Head of the State Committee for National Security.<sup>292</sup> In addition, Melis Myrzakhmetov, the former mayor of Osh, returned to Kyrgyzstan after seven years in ‘exile’ and has started actively participating in the country’s political life again.<sup>293</sup>

One of the notable events after October 5<sup>th</sup> that directly related to interethnic relations was the returning of the column on ‘ethnicity’ in the passports of Kyrgyz citizens. The changes were introduced on October 16<sup>th</sup> 2020 after the decisions of the Constitutional Chamber of the Supreme Court that recognised the absence of the ‘ethnicity’ column in the ID-passport of a citizen as contrary to Article 38 of the Constitution. In 2017, the controversial column on ‘ethnicity’ was removed from the new passports and installed into a special chip of the ID-card. From now, citizens, if they wish, can indicate their nationality in the ID-card. However, it may be argued that accentuating ethnic origin may also serve to undermine people’s sense of belonging to a cohesive and unified nation.

Japarov alongside his presidential campaign made a demonstrative move to initiate new constitutional order and organised the Constitutional Conference, which worked on the draft of the new Constitution even before the referendum on the form of government in the country took place.<sup>294</sup> On January 10<sup>th</sup> 2021, early presidential elections and a referendum on the form of

<sup>290</sup> Bruce Pannier, Brawls And All, Kyrgyz Parliamentary Campaigning Enters The Home Stretch, RFE/RL, September 2020, <https://www.rferl.org/a/kyrgyz-parliament-election-campaigning-analysis/30858185.html>

<sup>291</sup> ODIHR Limited Election Observation Mission Final Report, Kyrgyz Republic: Parliamentary Elections 4 October 2020, OSCE, December 2020, <https://www.osce.org/files/f/documents/7/a/472461.pdf>

<sup>292</sup> Minority Rights Group International, State of the World’s Minorities and Indigenous Peoples 2013 – Kyrgyzstan, refworld, September 2013, <https://www.refworld.org/docid/526fb7415.html>

<sup>293</sup> Melis Myrzakhmetov was mayor of Osh city from 2009 to 2013. He was mayor during the violent 2010 ethnic conflict and he has a genuine following, especially among ethnic Kyrgyz drawn to his nationalistic views. A criminal case was opened against him under the Article «Abuse of official position» of the Criminal Code of the Kyrgyz Republic. After the start of the criminal prosecution, he fled the republic. In 2015, the Osh City Court, chaired by Sheraly Kamchybekov, found the former head of the southern capital guilty and sentenced him to seven years in prison in absentia. The ex-mayor was put on the wanted list. RFE/RL’s Kyrgyz Service, Former Mayor Of Osh Returns To Kyrgyzstan, Says Country Is In ‘Dangerous Situation’, RFE/RL, October 2020, <https://www.rferl.org/a/former-mayor-of-osh-returns-to-kyrgyzstan-says-country-is-in-dangerous-situation-/30879647.html>

<sup>294</sup> Radio Azattyk, Kubanychbek Zholdoshev, Constitutional Conference: Doesn’t Wait Until Referendum?, December 2020, <https://rus.azattyk.org/a/30991457.html>

government were held in Kyrgyzstan. According to the Central Election Commission Japarov received more than 79 per cent of the vote and more than 80 per cent of voters supported a presidential rule. Right after the presidential inauguration, the Constitutional Conference provided its 'product' which has drawn criticism from the legal society. For example, compared to the existing Constitution the draft does not state that every person has the right to freely determine his/her ethnicity nor establish a direct prohibition on coercion to determine and indicate his/her ethnicity. The exclusion of these guarantees from the draft Constitution makes it possible to establish at the legislative level the obligation of citizens to indicate their ethnicity, of which certain sanctions may be imposed for non-observance.<sup>295</sup> For example, according to the current legislation, citizens who refuse to provide their biometric data are deprived of the right to vote in elections and referendums. In the long term, such provisions can lay the foundation for increased manifestations of discrimination against ethnic minorities, as well as other violations of human rights and freedoms, which are prohibited by international law. Currently, the draft of the Constitution is under scrutiny of deputies who are still holding their mandate. However, it is expected that the final draft, which solidifies presidential power, will pass with only slight changes.

Multiethnic Kyrgyzstan has for three decades tried to establish nation-building through cultural and historical propaganda on praising national heroes through reincarnating from mythic to real, and ancient to contemporary. The current state-building processes and developing national consciousness include the legends of a nation's 'great history' and grand national ideological projects.<sup>296</sup>

For example, the Manas epic, the world's longest oral narration, is seen as the main for a national ideological framework. However, without development of a common civic identity, multilingual education and respect for diversity and minority rights it will not achieve consolidated and united statehood. In this regards, the calls of the Special Rapporteur on minority issues upon the Government of Kyrgyzstan to adopt a comprehensive anti-discrimination framework that would address all grounds of discrimination, as well as more comprehensive legislation to protect the human rights of minorities become urgent. Furthermore, the Special Rapporteur suggested that the existing efforts of the Government of Kyrgyzstan to ensure the effective participation and representation of minorities in public life must be strengthened, including in relation to the operation of quotas in the country's Parliament. To address the apparently increasingly low levels of employment of minorities in the civil service of the country, including in the police and the judiciary, affirmative action programmes should be in place to increase the hiring of minorities to more closely reflect their proportion in the population. If these measures would take place, there is a high chance that the Kyrgyzstani people will build a strong national identity.

<sup>295</sup> Adilet, Analysis of the draft Constitution of the Kyrgyz Republic, February 2021, <https://adilet.kg/tpost/2i09a01nu1-analiz-proekta-konstitutsii-kirgizskoi-r>

<sup>296</sup> Central Asia-Caucasus Institute and Silk Road Studies Program, National Ideology and State-building in Kyrgyzstan and Tajikistan, 2008 [https://www.silkroadstudies.org/resources/pdf/SilkRoadPapers/2008\\_01\\_SRP\\_Marat\\_National-Ideology.pdf](https://www.silkroadstudies.org/resources/pdf/SilkRoadPapers/2008_01_SRP_Marat_National-Ideology.pdf)



## 7. A new big boss? Interethnic patronage networks in Kyrgyzstan

By Dr. Aksana Ismailbekova<sup>297</sup>

Following the parliamentary elections in Kyrgyzstan on October 4<sup>th</sup> 2020, a coup d'état took place on October 5<sup>th</sup> as a result of popular discontent with the results of parliamentary elections. There were young political groups and several established politicians from different opposition parties who played an important role in the protests.<sup>298</sup> However, this change of power in Kyrgyzstan has 'deeper and more structural causes than a mere power struggle'.<sup>299</sup>

Along with many other groups and individuals, supporters of Sadyr Japarov came out in force - the new rulers (Sadyr Japarov, Kamchy Tashiev, Talant Mamytov) being seen as 'patriots' by their supporters, and as 'nationalists' by many of the ethnic minorities, as well as by smaller more liberal or cosmopolitan elements in the Kyrgyz population. During the course of October 6<sup>th</sup> when Japarov was released from prison, he managed to be acquitted by the Supreme Court and become Prime Minister, before subsequently becoming acting President. During his 40 days in government, he managed to put his supporters in key positions (The State Committee for National Security, Speaker of Parliament, Prosecutor General and later acting President, after Japarov resigned in order to be a president, etc.).

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<sup>298</sup> Aksana Ismailbekova, *Intergenerational Conflict at the Core of Kyrgyzstan's Turmoil*, *The Diplomat*, October 2020, <https://thediplomat.com/2020/10/intergenerational-conflict-at-the-core-of-kyrgyzstans-turmoil/>

<sup>299</sup> Azamat Temirkulov, *Kyrgyzskaya mehta i chudo Sadyra Zhaparova*, *Rosa Luxemburg Stiftung Central Asia*, Medium, January 2021, <https://rosaluxca.medium.com/>

However, instead of holding new parliamentary elections, Japarov pushed for parliament to decide on presidential elections and a referendum on the form of government.<sup>300</sup> He also initiated the drafting of a new constitution of the republic and established a council to draft the constitution. These actions divided society into two camps.<sup>301</sup> Throughout these political dramas and subsequent discussions about the political situation in Kyrgyzstan, the situation of ethnic minorities was largely ignored.

There is a paradox in current Kyrgyz politics: Why is Japarov popular despite his complete disregard for the rule of law and the constitution? As I mentioned in previous research, the popularity of Japarov among the Kyrgyz citizens is that of a 'native son' (*öz bala*).<sup>302</sup> He is seen as a 'simple man' with several hats, who seeks authoritarian power, but promotes his legitimacy as national leader through his perceived personal suffering (his imprisonment) and his successful use of kinship, familiarity with Kyrgyzstan's criminal elements, apparent commitment to ending corruption, 'native son' status, ritual symbols and genealogy - values that many ordinary people identify with.<sup>303</sup> This essay puts forward an analysis of the situation of ethnic minorities in Kyrgyzstan and provides their views based on my previous research as well as recent follow-up interviews via telephone. The essay discusses the interethnic patronage networks of Kyrgyz state authorities and Uzbek businessmen and seeks to understand their vision of the future.

### **Ethnic minorities and business**

Ethnic Kyrgyz comprise 72 per cent of the population in Kyrgyzstan. The largest minority are the Uzbeks, comprising 14.6 per cent of the population, concentrated mainly in southern Kyrgyzstan near the border with Uzbekistan. More specifically, they are located mainly in the city of Osh and around Osh and Zhalal-Abad provinces in the Fergana Valley. Kyrgyz and Uzbeks reside in roughly equal proportions in southern Kyrgyzstan. For example, in 2009 the population of Osh city (total 258,000) was almost equally divided between Uzbeks (48 per cent) and Kyrgyz (43 per cent), while other ethnic groups made up the remaining nine per cent.<sup>304</sup>

Historically, the two ethnic groups have lived side by side, in constant contact with each other through a state-business 'symbiosis'.<sup>305</sup> More specifically, Uzbeks have dominated business activities – trading in the bazaar, working as shopkeepers, café owners and drivers – while Kyrgyz have tended to occupy local government structures.<sup>306</sup> However, the conflict of 2010 drastically changed and destroyed this symbiosis, and with it threatened the Uzbek business sector.

The conflict between Uzbeks and Kyrgyz that erupted in the city of Osh in the summer of 2010 was the worst the region had seen in years. On June 10<sup>th</sup> 2010 intercommunal clashes erupted as a result of political crisis in the country. Nationalism intensified in the country after the summer's deadly clashes, and a decade later a common discourse promotes Kyrgyzstan as 'the land of Kyrgyz and the rest, i.e. the ethnic minorities, are guests'. This remains a strongly held view not only among the

<sup>300</sup> Mahabat Sadyrbek, *Präsidentenschaftswahl und Referendum in Kirgistan. Zwei Schritte zurück im kirgisischen »Demokratie-Experiment«?*, Zentralasien-Analysen, 145, January 2021, <https://laender-analysen.de/zentralasien-analysen/145/praesidentschaftswahl-und-referendum-in-kirgistan-zwei-schritte-zurueck-im-kirgisischen-demokratie-experiment/>

<sup>301</sup> Gulzat Baialieva and Joldon Kutmanaliev, *How Kyrgyz social media backed an imprisoned politician's meteoric rise to power*, openDemocracy, October 2020, <https://www.opendemocracy.net/en/odr/how-kyrgyz-social-media-backed-an-imprisoned-politicians-meteoric-rise-to-power/>

<sup>302</sup> Ismailbekova, Aksana. 2017. *Blood Ties and the Native Son: Poetics of Patronage in Kyrgyzstan*. Bloomington: Indiana University Press.

<sup>303</sup> Aksana Ismailbekova, *Native son: the rise of Kyrgyzstan's Sadyr Japarov*, openDemocracy, January 2021, <https://www.opendemocracy.net/en/odr/native-son-the-rise-of-sadyr-japarov-kyrgyzstan/>

<sup>304</sup> NSC, 2009. *Population and Housing Census of the Kyrgyz Republic of 2009. Book 1. National Statistical Committee of the Kyrgyz Republic*, Bishkek.

<sup>305</sup> Liu, Morgan. 2012. *Under Solomon's Throne. Uzbek Visions of Renewal in Osh*. Pittsburgh: University of Pittsburgh Press; Megoran, Nick. 2013. *Shared Space, Divided Space: Narrating Ethnic Histories of Osh*. *Environment and Planning A* 45(4), pp. 892–907.

<sup>306</sup> Ibid.

youth, but also among the older generation in the South.<sup>307</sup> There is greater poverty in the south. Aspects of nationalisation, ethnic strife, and migration contributed to or created a sense of the Uzbeks being an ethnic minority, and have clearly sharpened the divisions between communities.

Many Uzbeks face a number of challenges on a daily basis. The main difficulties affect the economically active, who suffer constant pressure and intimidation from the state authorities and criminals alike. As a result, businesspeople have resorted to finding different kinds of creative strategies to keep their businesses secure. Measures include moving trading from the bazaar to the *mahallas* (neighbourhoods), using mobile phones for taking passenger bookings from the bus station and the airport, and avoiding selling to, or serving, potentially 'suspicious' clients. Uzbeks do not openly avoid developing businesses within their economic niches; rather they have tried to turn their existing niches into safer places by using practices that are not visible to the Kyrgyz community, and in this manner, safeguarding their businesses. Some businesses have been turned into 'safe' social projects, such as a school, hospital and madrasa. They have created ethnically exclusive zones as well as developed public services that are less likely to be targeted out of distrust.

Respondents to my research also try to use avoidance and concealment of businesses and identities, as well as using video cameras and social networks to evade contact with criminal networks. These securityscapes have developed as a reaction to different 'anticipations': the realities are experienced as physical violence, harassment and the seizure of Uzbek businesses.<sup>308</sup> According to von Boemcken et al. "securityscapes can be understood as 'imagined worlds' of security and insecurity that goad and structure the lives of people as they go about their daily business."<sup>309</sup> Thus, securityscapes are based on inter-subjectively enacted social practices and emphasise the individual agency of actors in seeking security – which is especially evident if these actors do not and cannot rely on state authorities. Below I would like to discuss three cases to show how people experience and create securityscapes: 1) Against Suyun Omurzakov's network; 2) against corruption and the system of '*dolya*' (share, cut); and 3) balance between 'low' nationalism and 'high' nationalism.

### Searching for security I: Against Suyun Omurzakov's network

Police Major General Suyun Omurzakov, First Deputy Minister of Interior of the Kyrgyz Republic is the owner of several sport clubs in Osh, where local sportsmen train. He has a low respect and prestige among local businessmen in Osh even though he enjoys higher authority in the law enforcement agencies.

On September 12<sup>th</sup> 2018, Radio Azattyk's journalists conducted an investigation into crimes in which sportsmen from Suyun Omurzakov's club were implicated. They also investigated the Omurzakov family. They reported that Ulukbek Omurzakov, an employee of the Osh regional prosecutor's office, and brother of Suyun Omurzakov, was involved.<sup>310</sup>

This was supported by the findings of another investigative report entitled 'Are Omurzakov's sportsmen enjoying immunity in Osh?' that confirmed that local businessmen complained about the Omurzakovs' extortion rackets in Osh.<sup>311</sup> It was reported that after the events were publicised,

<sup>307</sup> Sergei Abashin, Natsionalnoe stroitelstvo v Kyrgyzstane i problema uzbekskogo menshinstva, Fergana News, March 2012, <http://www.fergananews.com/article.php?id=7126>

<sup>308</sup> Ismailbekova, Aksana. 2018. Secure and Insecure Spaces for Uzbek Businesspeople in Southern Kyrgyzstan. IQAS Vol. 49 / 2018 1–2, pp. 41–60.

<sup>309</sup> Marc Von Boemcken, Conrad Schetter, Hafiz Boboyorov, Nina Bagdasarova, and Joomart Sulaimanov, Local Security-Making in Kyrgyzstan and Tajikistan. The Production of Securityscapes by Everyday Practices, BICC Working Paper 5/2016, Bonn International Center for Conversion (BICC), May 2016, [https://www.bicc.de/uploads/tx\\_bicctools/working\\_paper5-1\\_01.pdf](https://www.bicc.de/uploads/tx_bicctools/working_paper5-1_01.pdf)

<sup>310</sup> Ydyrs Isakov, Bandytskyi Osh, Radio Azattyk, September 2018, <https://rus.azattyk.org/a/29491208.html#player-set-time=4.259495>

<sup>311</sup> Ernest Nurmatov, Sportsmeny Omurzakova pol'zuyutsya neprikosnovennost'yu v Oshe?, Radio Azattyk, July 2016, <https://rus.azattyk.org/a/27881112.html>

Ulukbek Omurzakov threatened the businessmen and tried to force them to withdraw their statements. When this failed a criminal case was opened against the businessmen to silence them.<sup>312</sup>

In November 2020, officers of the State Committee for National Security detained Ulukbek Omurzakov in Osh. He was suspected of organising a raid on the coal mining company Zhol-Chirak. Together with the prosecutor, the law enforcers also detained four people from the Mukhammed-Umar sports club who it is reported were found to have ‘seized special equipment, illegally mined and sold more than 82 million soms worth of coal without making the appropriate tax and social payments.’<sup>313</sup> During a meeting with Japarov, local residents revealed that the Omurzakov family had ‘taken over’ the entire southern capital.<sup>314</sup>

In a zoom interview, Aftandil, a local resident, claimed that Omurzakov was linked to President Jeenbekov: *“Jeenbekov and Omurzakov belong to the same ‘mafia’, because both come from the Kara-Kulja district. Omurzakov is a millionaire, so he used to share his ‘dolya’ (profit) with Jeenbekov’s Kara-Kulja fund. They are related and Jeenbekov has protected Omurzakov all these years.”*

One of the owners of an Uzbek restaurant, Muhammed, told me on the phone that Suyun Omurzakov has been extorting money from the businessmen. *“I was threatened by sportsmen and militia because they asked me to sell my restaurant in the city center [to them].”* In his view, *“Sadyr has ‘courage’ and is not afraid of Omurzakov (i.e. as proof, Uluk Omurzakov was imprisoned).”* He comments, *“it is acceptable if Sadyr is illiterate, even if he does not know Russian, even if he is a bandit, because he displayed strong courage (‘dukh’). Entrepreneurs just need stability in the government. The criminals are being arrested. Order seems to be coming here. But we have to see how things will go further.”*

The arrest of Suyun Omurzakov's younger brother was seen as a sign of strength and stimulated early confidence in Japarov for many Uzbeks. Locals say that for the safety of the restaurant owners, the arrest was a sign that he could take on Omurzakov's network. However, things got more complicated later on because Suyun Omurzakov worked hard during the presidential elections to get more votes from the south by mobilising his people in an attempt to save his younger brother from prison.

On January 30<sup>th</sup> 2021, right after Japarov's inauguration, Ulukbek Omurzakov was released. A decision was made to release him under house arrest by the Bishkek Pervomaiskiy District Court and it was agreed that Omurzakov should pay 20 million som to the state budget according to his lawyer, Ikramidin Aitkulov.<sup>315</sup>

Another Uzbek respondent confirmed this saying, *“See! Jeenbekov was neither meat nor fish; he did not have ‘dukh’ (courage). He did not even say anything to Matraimov [the notorious corrupt customs official]. Instead, Japarov said ‘kusturam’ [‘vomit’, i.e., cough up the extorted money], and he forced Matraimov to bring two billion som. Now Uluk has paid 20 million som to the government.”* Whether there has been some negotiation here between Suyun Omurzakov and Japarov's team is

<sup>312</sup> Ibid.

<sup>313</sup> Elgezit, Zaderjan prokuror Uluk Omurzakov — brat zamglavi MVD Suyunbeka Omurzakova, November 2020, <https://elgezit.kg/2020/11/12/zaderzhan-prokuror-ulukbek-omurzakov/>

<sup>314</sup> Today.kg, Advokat schitayet bezosnovatel'nym sodержaniye v SIZO Ulukbeka Omurzakova, January 2021, <https://today.kg/news/411336/>

<sup>315</sup> Radio Azattyk, Zaderzhanny po podozreniyu v reyderstve prokuror Omurzakov vyshel na svobodu, RFE/RL, January 2021, <https://rus.azattyk.org/a/zaderzhanny-po-podozreniyu-v-reyderstve-prokuror-omurzakov-vyshel-na-svobodu/31078504.html>; Sputnik.kg, Vyplatil 20 mln — brata zamglavy MVD KR otpustili pod domashnij arrest, February 2021 [https://m.ru.sputnik.kg/society/20210201/1051299107/ulukbek-omurzakov-domashnij-arrest.html?mobile\\_return=no](https://m.ru.sputnik.kg/society/20210201/1051299107/ulukbek-omurzakov-domashnij-arrest.html?mobile_return=no)



still uncertain; it may be that his younger brother was released because Omurzakov proved that he could be loyal to Japarov.

### Searching for security II: Against corruption, '*dolya*' (share)

The owner of several cafés, Akbar, supported and voted for Japarov because Japarov said that he would fight corruption, in particular he said that he would eliminate the system of '*dolya*' (the practice by which shares of business profits are given to corrupt state authorities as well as to criminal groups). Akbar also said that Japarov had been in prison and had experienced injustice through his skin (*jon terisi menen otkorgon*) and (understood) the difficulties of life. Considering the situation of the Uzbek businessmen, Akbar further commented, "*we have to follow what the Government says to protect our business. We would not go against the Government.*"

When I asked the question as to whether there had been any changes since Japarov's presidency, Akbar responded positively. According to him, "*The younger brother of Kadyr Aliev [pseudonym], one of the important state authorities in Osh, used to be the head of police of Oron [pseudonym] district. He used to collect 'dolya' even from sunflower seed (semechki) sellers. [i.e. from small traders such as car washing services, small garages, food services, catering, shops, etc]. When Aliev's younger brother first came to power, he would invite each businessman into his office (at the request of the precinct officer) and openly tell them that they should share their profits (dolya suragan) as a way to 'congratulate him on his new position' (kuttuktap).*"

Akbar gave him 2,000 som, saying that he only had that amount of money to give. The businessmen were also required to provide their telephone numbers. Depending on Aliev's brother's needs, they would then be called. For example, Albek Ormonov would demand two kilos of meat regularly, and once a month he would order *ash* (pilaf) for six to seven friends from the restaurateur gratis. Other precinct officers would also come and order the café owners to provide them with catering services. This official would threaten not only local businessmen, but even state officials, saying "*I heard you won the tender, where is my share (dolya)? Fortunately, this person has now been fired, and the current new appointee seems to be a trustworthy state official (taza bala eken).*"

Another businessman, Alisher, talked about the complexities of the electricity grid: "*I have electric service limited to 20 kilowatts for my restaurant, for which I paid 120,000 som, but in winter usage goes beyond 20 kilowatts because I need to heat the premises and have other additional needs. In summer, I have to cool ice cream and other products. So in winter or summer we exceed usage of 20 kilowatts and an electricity inspector immediately comes to me and asks for additional money (dolya). The electricity inspector gives me the option of either paying the full fine to the government or half the fine to him. Of course, I choose to pay half the fine to the inspector.*"

Apparently, it is not possible to obtain a 30 or 40 kilowatts supply; if it were available the state authorities would lose the chance to extract their *dolya*. Instead, they allow only 20 kilowatts and the inspectors 'deal' with the violations in their own ways. For a supply of over 30 kilowatts, the state requires the restaurant owner to get a transformer, which would cost 500,000 som. In addition, one also needs to get permissions from an architect, a technical inspector, the village head and finally the public's consent. It is not easy to get a transformer, so the businessmen have to stay within the 20 kilowatts permitted usage and pay for additional supplies used with *dolya*.

Another Uzbek respondent told me that the police are considered locally to be even more arrogant (*nahalnyi*) than criminals, and do not understand the situation of businesspeople. Criminals impose stricter controls than the official laws. According to the respondent you can 'buy off' the police, but it is very difficult to 'buy off' criminals. Uzbek businessmen have to give '*dolya*' for the street boys/criminal networks (*köchö baldar*) and collect '*grev*' (a remittance or a package sent to a

prisoner) for convicts, especially for the *'bratva'* (criminal leaders). Businessmen donate a small amount of money (for food, cigarettes, soap) to the prisoners. The state budget has very limited funds for prisoners. Apparently, the names of all cafés and restaurants are acknowledged by prisoners, in a practice known as *otmetka*. Business people describe criminals as less shameless (*oni ne naglye*) and say they understand that if their business is not doing well that they might have to wait a while for payment.

Three of my respondents told me that the *'nahalyni'* police had not come to them recently, which is already good news. Nevertheless, we will have to wait and see how things develop - at the moment there is a change of power. This period is called a *'waiting state'* (*sostojina ojidaniya*) by many businesspeople.

### Searching for security III: Balance between 'low' nationalism and 'high' nationalism

Japarov's main opponent was a southerner, Madumarov, who is known as a 'ethnic' nationalist because of his advocacy against the Uzbek mass media when he was the first Secretary of State.<sup>316</sup> Madumarov got ten per cent of the vote in Osh oblast, whereas Japarov got 82 per cent, so Madumarov was a distant second.<sup>317</sup> However, he is also considered a nationalist by more than just ethnic minority groups. He is still remembered by many representatives of ethnic minorities for his divisive statement of 2007 (made when he was the State Secretary of Kyrgyzstan) when he opined that "Kyrgyzstan is indeed our common home, but other nations here are tenants".<sup>318</sup>

Most ethnic minorities habitually vote for a northern presidential candidate or party whose leader is a northerner. As such, every Kyrgyz politician tries to win votes from ethnic minorities, particularly Uzbeks. During the elections, Kyrgyz politicians used to win the support of ethnic minorities by recruiting influential people of non-titular ethnicity to their electoral teams. According to Ilias, another Uzbek businessman, Japarov has *'dukh'* (courage, in Kyrgyz as *"erki bar eken"*) and is from the north of Kyrgyzstan. *"Since Soviet times, we have supported someone from the north"*, says one of my respondents. Furthermore, Ilias says *"It is easy to deal with state authorities from the north. Northerners, unlike southerners, have very little nationalist thinking. They can also openly protest against criminals. Because of this trust and sympathy, the Southern Uzbeks prefer the Northern Kyrgyz authorities because they have not forgotten the conflicts in Osh of 2010 when the Uzbek community was targeted."*<sup>319</sup> It is important to see distinction between Japarov's economic populism and cultural conservatism/nationalism, which differs from a more ethnic nationalist like Madumarov.

A strategy was officially adopted to form a civil identity of 'Kyrgyzstani' in 2013, not based on ethnicity. Later, on the basis of this decision, the column indicating a citizen's ethnicity in the national passport was abolished. However, after Japarov came to power, he re-introduced this field by decree in response to a Supreme Court decision based on the current constitution. The 'ethnicity' column will again appear in the passports of Kyrgyz citizens. This began to worry ethnic minorities, particularly the Uzbeks who were particularly affected by the June 2010 events. Yet, the indication of ethnicity is voluntary, so they should not have to declare it if they do not want to.<sup>320</sup>

<sup>316</sup> Interview with my informant in Osh, Zoom, 07.02.2021

<sup>317</sup> President, Referendum 2021, Itogovye dannye ZIK posle ruchnogo podscheta, AKI Press, <https://akipress.org/elections/president2021/?hl=ru#region-2>

<sup>318</sup> Erica Marat, Kyrgyzstan: perspektivy pluralizma, Global Centre for Pluralism, November 2017, [https://www.pluralism.ca/wp-content/uploads/2017/11/ericamarat\\_prospectsforpluralism\\_RU.pdf](https://www.pluralism.ca/wp-content/uploads/2017/11/ericamarat_prospectsforpluralism_RU.pdf)

<sup>319</sup> Aksana Ismailbekova and Philipp Lottholz, The Conflict in South Kyrgyzstan Ten Years on: Perspectives, Consequences, Actions, Central Asia Program, July 2020, <https://centralasiaprogram.org/archives/16380?fbclid=IwAR2UZqrzFKRXotQtGjgpKWxbQHhndkoy79xxd7vg-4l2RxWVg6t3di3J774>

<sup>320</sup> 24.kg, V pasportakh kyrgyzstantsev vnov' poyavitsya grafa «natsional'nost'», October 2020, [https://24.kg/vlast/169312\\_vpasporth\\_kyrgyzstantsev\\_vnov\\_poyavitsya\\_grafa\\_natsionalnost/](https://24.kg/vlast/169312_vpasporth_kyrgyzstantsev_vnov_poyavitsya_grafa_natsionalnost/)

### Concluding remarks

To understand why people support Japarov despite his violations of the rule of law, it is important to look at the security strategies of Uzbek businessmen. They have put their trust in someone who is a 'controversial' figure, but who also is perceived as having personally experienced the injustice of the law, and is able to show his strength against other strong 'mafia' networks. The boundaries of state, business, and criminal have been blurred in the context of Kyrgyzstan.<sup>321</sup> Despite this, we see how many ordinary people want an end to the absurd levels of corruption. Sadly, however, it is quite difficult to avoid having police and others with power trying to extract bribes and *dolya* in the current environment.<sup>322</sup> As the above examples show, the police, judges and prosecutors are highly corrupt, as the process of reforming law enforcement agencies has consistently failed to meet the expectations of donor organisations and members of civil society due to existing authoritarian political regimes and weak local governance.<sup>323</sup>

People's personalities and difficulties tend to coincide with the head of the potential state power they want. People are attracted to politicians who reflect their values. In the case of Japarov, people began to identify with him due to shared experiences, '*dukh*' (courage), and his identity as a 'northerner with 'low' nationalist ideals'. All these aspects contributed to people's mobilisation.

In times when the rule of law does not work and people are tired of judiciary injustice and do not trust the state anymore, they start supporting 'controversial' figures, such as Japarov, despite his violations of the rule of law, as the ways to search for justice and hope for change. At the same time, businessmen describe their situation as the 'waiting state', by claiming that we will see how things will develop.

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<sup>321</sup> Erica Marat, The State-Crime Nexus in Central Asia: State Weakness, Organized Crime, and Corruption in Kyrgyzstan and Tajikistan, Central Asia-Caucasus Institute & Silk Road Studies Program, October 2006, [https://isdpc.eu/content/uploads/publications/2006\\_marat\\_the-state-crime-nexus-in-central-asia.pdf](https://isdpc.eu/content/uploads/publications/2006_marat_the-state-crime-nexus-in-central-asia.pdf)

<sup>322</sup> I would like to thank Nathan Light for this comment during the Roundtable "Society and Politics in the 2019-2020 Elections and Constitutional Revisions in Kyrgyzstan" Organised by Institute for Russian and Eurasian Studies (IRES), February 2021.

<sup>323</sup> Erica Marat, OSCE Police Reform Programmes in Kyrgyzstan and Tajikistan: Past Constraints and Future Opportunities, EUCAM, October 2012, <https://eucentralasia.eu/2012/10/osce-police-reform-programmes-in-kyrgyzstan-and-tajikistan-past-constraints-and-future-opportunities/>; more about The Politics of Police Reform of Erica Marat, can be found here: <https://www.wilsoncenter.org/event/book-talk-the-politics-police-reform>



## 8. Corruption in Kyrgyzstan healthcare blamed for disastrous response to COVID-19

By Ryskeldi Satke<sup>324</sup>

COVID-19's impact on the global community revealed many inefficiencies in how the countries responded to the spread of the pandemic across borders. While some states have achieved promising results, others have struggled with response measures due to healthcare capacity limitations. In certain cases, capacity is not the only concern which contributed to the public health crisis. Kyrgyzstan is one of the examples where the country's corruption record has exacerbated the Kyrgyz Government's response measures to contain COVID-19. The Central Asian nation's corruption perception index in 2019 was scored 30 out of 100 by global watchdog Transparency International, finding itself next to the countries, such as Djibouti, Ukraine and Azerbaijan, that have similar records.<sup>325</sup>

Widespread corruption in the state institutions, including healthcare, is one of the primary triggers of political instability in Kyrgyzstan, where governments have been overthrown on three occasions since 2005.<sup>326</sup> Conceivably, the Kyrgyz Government has come under criticism during the COVID-19 crisis for a lack of transparency and oversight of the donations, 'grants and loans' from its own

<sup>324</sup> Ryskeldi Satke is a regional editor for Central Asia at the Third Pole multilingual web platform. Follow him on Twitter @RyskeldiSatke. Image by Official website of Bishkek City Hall.

<sup>325</sup> Anti-Corruption Research Center Transparency International Kyrgyzstan, Transparency International, <https://www.transparency.org/en/countries/kyrgyzstan>

<sup>326</sup> Another revolution in Kyrgyzstan?, European Parliament, October 2020, [https://www.europarl.europa.eu/RegData/etudes/ATAG/2020/659300/EPRS\\_ATA\(2020\)659300\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2020/659300/EPRS_ATA(2020)659300_EN.pdf)

citizens and international organisations, including IMF, ADB, KfW, AIIB, IDB, WB and the EU.<sup>327</sup> Meanwhile, Amnesty International lambasted the country's authorities for forcing medics to work long hours during the pandemic without extra pay for service in "prison-like" conditions.<sup>328</sup>

However, a dysfunctional healthcare is only one of the primary worries in the country, which was outlined by the USAID funded International Republican Institute's nationwide poll in Kyrgyzstan's seven regions and two largest cities ahead of the controversial parliamentary election on October 4<sup>th</sup> 2020.<sup>329</sup> The Kyrgyz Government's response to COVID-19, corruption and healthcare were named as the most important problems in the nation, according to a survey.<sup>330</sup> Endemic corruption was also addressed by the World Health Organization's (WHO) report on Kyrgyzstan's two decades-long health financing reform, pointing out as recently as 2019 the "conflict of interest" tendencies among state officials including the country's presidential administration.<sup>331</sup> WHO's recommendations to the Kyrgyz authorities stated:

*"Where it is not possible to avoid having some members with a conflict of interest, clear policies on declaration and recording of conflicts at council/committee meetings, and procedural rules for handling situations of conflict of interest (e.g. recusal rules from some discussions and decisions), should be developed and adopted by the appropriate ministries."*<sup>332</sup>

Despite consistent guidance from international organisations, the Kyrgyz Government failed to sustain transparency policy when spending \$645 million on COVID-19 emergency response during the pandemic in 2020. The Organized Crime and Corruption Reporting Project (OCCRP) platform scrutinised the country's accountability mechanism which has "offering no detailed information on where the funds" were going.<sup>333</sup> The OCCRP report indicated that the Kyrgyz authorities "did not have the resources to track down the spending". Similarly, cases of corruption in rural medical clinics and hospitals highlight a deeply entrenched culture of bribery and impunity. In one such case, medics and personnel of the southern Leilek district hospital in Batken region were appealing to the country's former president and chief prosecutor in the middle of the COVID-19 public health emergency for assistance with addressing burgeoning corruption at the hospital.<sup>334</sup> Protesting medics complained that the hospital director *"turned work in the hospital into a business. He opens extra vacancies and hires freelancers. Everyone who gets a job gives from 10,000 to 20,000 soms (\$120-\$230) to the head nurse of the hospital... Some people say that they gave the money personally to the director"*.

Likewise, the country's former Minister of Health, Kosmosbek Cholponabyev, was arrested and taken into custody in September 2020 for abuse of power while in office and organising a corruption scheme, which inflicted financial "damage to the state budget in the amount of nearly nine million

<sup>327</sup> Alexandra Li, No Transparency in Kyrgyzstan's Coronavirus Spending, OCCRP, June 2020, <https://www.occrp.org/en/coronavirus/no-transparency-in-kyrgyzstans-coronavirus-spending>; Olga Ruslanova, How Much Will COVID-19 Cost for Kyrgyzstan?, CABAR, June 2020, <https://cabar.asia/en/how-much-will-covid-19-cost-for-kyrgyzstan>

<sup>328</sup> Kyrgyzstan: Medics suffer rights violations, pay high personal price during COVID-19 pandemic, Amnesty International, September 2020, <https://www.amnesty.org/en/latest/news/2020/09/kyrgyzstan-medics-suffer-rights-violations-pay-high-personal-price-during-covid19-pandemic/>

<sup>329</sup> Kyrgyzstan Poll Suggests High Voter Intent Ahead of Parliamentary Elections, IRI, September 2020, <https://www.iri.org/resource/kyrgyzstan-poll-suggests-high-voter-intent-ahead-parliamentary-elections>

<sup>330</sup> Ibid.

<sup>331</sup> WHO – Regional Office for Europe, Governance of health financing and strategic purchasing of services in Kyrgyzstan, 2019, [https://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0004/412654/GHF\\_SPS\\_KGZ\\_-11-09-2019\\_WEB.pdf](https://www.euro.who.int/__data/assets/pdf_file/0004/412654/GHF_SPS_KGZ_-11-09-2019_WEB.pdf)

<sup>332</sup> Ibid.

<sup>333</sup> Alexandra Li, No Transparency in Kyrgyzstan's Coronavirus Spending, OCCRP, June 2020, <https://www.occrp.org/en/coronavirus/no-transparency-in-kyrgyzstans-coronavirus-spending>

<sup>334</sup> Jazgul Masalieva, Medical workers of Leilek complain to President of corruption, 24kg, May 2020, [https://24.kg/english/152640\\_Medical\\_workers\\_of\\_Leilek\\_complain\\_to\\_President\\_of\\_corruption/](https://24.kg/english/152640_Medical_workers_of_Leilek_complain_to_President_of_corruption/)

soms" (\$106,000).<sup>335</sup> Previously, the Security Council of Kyrgyzstan stated that there are eight corruption risks in the national Mandatory Health Insurance Fund (MHIF) relating to the transfer, redistribution of compulsory health insurance funds and collusion with pharmaceutical companies.<sup>336</sup>

The World Bank's assessment of the Kyrgyz primary healthcare improvement programme indicated that MHIF is a "single purchaser of health services" in the country "managing 80% of the domestic public financing for health, contracting with 261 health institutions and providing health care services at all levels."<sup>337</sup>

**Table 3: Government health expenditure by MOH and MHIF, 2017 (actual)**

	Thousand Kyrgyz som	USD equivalent	%
MHIF	13,064,888	192,130,700	80
MOH	3,211,742	47,231,494	20
Total MOH and MHIF	16,276,629	239,362,194	100

Source of data: Integrated Fiduciary Reports (IFRs)

Source: Primary Health Care Quality Improvement Programme, World Bank, 2017

Kyrgyz media repeatedly raised the subject of corruption incidences in the MHIF, which is ultimately a result of its twisted legislative foundation.<sup>338</sup> MHIF is the single payer institution in the country's health sector with "responsibility for pooling health funds and purchasing health services" under the law "On health insurance of citizens in the Kyrgyz Republic" and regulation on the Mandatory Health Insurance Fund under the Government of the Kyrgyz Republic.<sup>339</sup> In addition to having a defective legal base, MHIF conducts its own internal audit of expenditure and it is in charge of "supplying, distributing, storing, purchasing goods and services, and financing healthcare organisations". Essentially, corruption risks in MHIF are consorted with a lack of clear regulations and weak oversight. WHO's Regional Office for Europe working report in 2018 stated that "external assessment and inspection by the Mandatory Health Insurance Fund and by the Medical Accreditation Commission exercise central control but provide little support for organisational development, benchmarking, improving performance or public accountability".<sup>340</sup> WHO's regional office also shared similar concerns regarding the country's "governance, monitoring and inspection of public-sector healthcare organisations" that are "fragmented, weak and ineffective".<sup>341</sup>

<sup>335</sup> Aida Dzhumashova, Kosmosbek Cholponbaev placed in pretrial detention center 1 in Bishkek, 24kg, September 2020, [https://24.kg/english/165584\\_Kosmosbek\\_Cholponbaev\\_placed\\_in\\_pretrial\\_detention\\_center\\_1\\_in\\_Bishkek/](https://24.kg/english/165584_Kosmosbek_Cholponbaev_placed_in_pretrial_detention_center_1_in_Bishkek/)

<sup>336</sup> President of the Kyrgyz Republic, Security Council Information,

[http://www.president.kg/ru/apparat\\_prezidenta/sovety\\_pri\\_prezidente/informaciya\\_soveta\\_bezopasnosti](http://www.president.kg/ru/apparat_prezidenta/sovety_pri_prezidente/informaciya_soveta_bezopasnosti)

<sup>337</sup> The World Bank, Technical Assessment: Kyrgyz Republic – Primary Health Care Quality Improvement Program (P167598), <http://documents1.worldbank.org/curated/en/278311557237004060/pdf/Final-Technical-Assessment-Primary-Health-Care-Quality-Improvement-Program-P167598.pdf>

<sup>338</sup> Kaktus Media, 8 corruption risks in the MHIF. Will eradicate, December 2016, [https://kaktus.media/doc/348575\\_8\\_korruptsiyonnyh\\_risikov\\_v\\_foms.\\_bydyt\\_iskoreniat.html](https://kaktus.media/doc/348575_8_korruptsiyonnyh_risikov_v_foms._bydyt_iskoreniat.html)

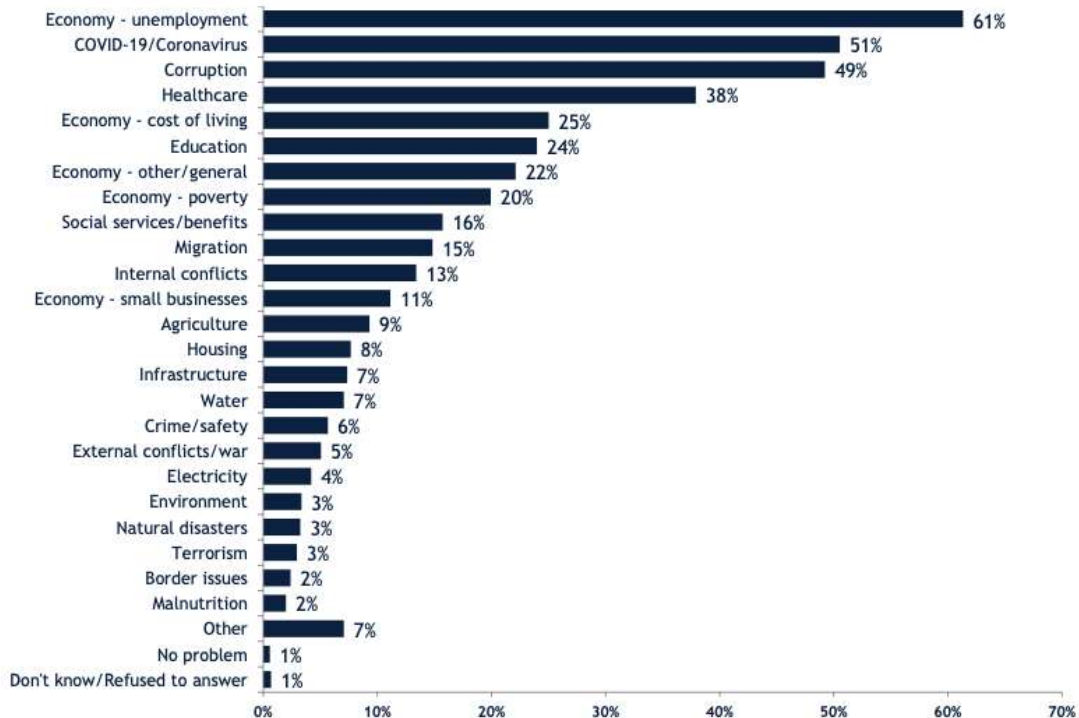
<sup>339</sup> Ainura Ibraimova, Baktygul Akkazieva, Aibek Ibraimov, Elina Manzhieva and Bernd Rechel, Kyrgyzstan: Health system review, Health Systems in Transition, Vol. 13 No. 3 2011, European Observatory, [https://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0017/142613/e95045.pdf](https://www.euro.who.int/__data/assets/pdf_file/0017/142613/e95045.pdf); Law of the Kyrgyz Republic: About health insurance of citizens in the Kyrgyz Republic, Ministry of Justice of the Kyrgyz Republic, October 1999 No. 112, <http://cbd.minjust.gov.kg/act/view/ru-ru/275?cl=ru-ru>; Regulations on the Mandatory Health Insurance Fund under the Government of the Kyrgyz Republic, Ministry of Justice of the Kyrgyz Republic, September 2018 No. 420, <http://cbd.minjust.gov.kg/act/view/ru-ru/93506>

<sup>340</sup> Quality of care review in Kyrgyzstan, Working document, WHO – Regional Office for Europe, September 2018, [https://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0004/383890/kgz-qoc-eng.pdf?ua=1](https://www.euro.who.int/__data/assets/pdf_file/0004/383890/kgz-qoc-eng.pdf?ua=1)

<sup>341</sup> Kyrgyzstan - Governance of health financing and strategic purchasing of services in Kyrgyzstan (2019), WHO – Regional Office for Europe, <https://www.euro.who.int/en/countries/kyrgyzstan/publications/governance-of-health-financing-and-strategic-purchasing-of-services-in-kyrgyzstan-2019>

However, a bribery case involving MHIF officials in January 2020 reignited public debate when one of its top department employees was arrested for extorting a 143,000-som (\$1,686) bribe in the nation's capital Bishkek.<sup>342</sup>

### What is the most important problem facing our country today? (Spontaneous response; multiple responses permitted)



Source: Public Opinion Poll Residents of Kyrgyzstan, IRI, 6-15 August 2020

Subsequently, Kyrgyz journalists from the investigative group 'PolitKlinika' online publication released in early July 2020 their investigation into public procurement involving the country's health authorities in February 2020 prior to the COVID-19 crisis. The report revealed that the prices for personal protective equipment (PPE) and medical masks were over inflated and excessive for certain items.<sup>343</sup> For example, protective suits with a market price tag of 2,000 soms (\$23) per unit in Bishkek city were purchased for 6,000 soms (\$70) per suit. The same for respiratory masks that were purchased for 300-400 soms (\$3.5-\$4.7) per item when the local market prices for the very same masks ranged from 30 to 150 soms (\$0.3-\$1.7). Public outrage resulted in a criminal investigation launched on July 10<sup>th</sup> by the country's Financial Police on former Kyrgyz president's directive to probe health officials responsible for a corrupt procurement scheme.<sup>344</sup>

Whether PPE and medical masks were properly distributed during the initial COVID-19 crisis in the country's poorly funded hospitals and clinics remains debatable after a public scandal in the Bishkek city hospital following personnel complaints regarding PPE shortage.<sup>345</sup> Similarly, ADB and UNDP assessments on the impacts of COVID-19 stated that by "29 June 2020, 783 Kyrgyz Republic health workers had been diagnosed with COVID-19 (15% of all confirmed cases in the country to this

<sup>342</sup> Tatyana Kudreyavtseva, Director of Bishkek branch of CMIF arrested for bribe extortion, 24.kg, January 2020, [https://24.kg/english/142116\\_Director\\_of\\_Bishkek\\_branch\\_of\\_CMIF\\_arrested\\_for\\_bribe\\_extortion/](https://24.kg/english/142116_Director_of_Bishkek_branch_of_CMIF_arrested_for_bribe_extortion/)

<sup>343</sup> Making money from coronavirus: A simple mask costs 25 soms, protective clothing costs 6000 soms (Longrid), pk.kg, July 2020, <https://pk.kg/news/19017>

<sup>344</sup> Kyrgyzstan: fight against COVID-19 could degenerate into a corruption scandal, Acca, July 2020, <https://acca.media/en/kyrgyzstan-fight-against-covid-19-could-degenerate-into-a-corruption-scandal/>

<sup>345</sup> Guliza Avazova, The head doctor of the hospital No. 1 in Bishkek was fired after the scandal with PPE, Kaktus Media, August 2020, [https://kaktus.media/doc/418313\\_glavvracha\\_bolnicy\\_1\\_v\\_bishkeke\\_yvolili\\_posle\\_skandala\\_s\\_sizami.html](https://kaktus.media/doc/418313_glavvracha_bolnicy_1_v_bishkeke_yvolili_posle_skandala_s_sizami.html)



*date). This very high proportion raises questions about the supply of personal protective equipment (PPE) for health professionals and highlights the need for additional training of health workers on infection prevention and control. Part of the aid received by the government might need to be channelled towards establishing sufficient domestic stores and/or production of affordable yet high-quality PPE.*"<sup>346</sup>

Concurrently, the Ministry of Health and the local authorities were scrutinised by the country's Interim officials after a change of government following the political crisis in October 2020.<sup>347</sup> Deputy Prime Minister Elvira Surabaldieva criticised the lack of transparency for medical and humanitarian aid that was donated to the country during the initial COVID-19 emergency. Simultaneously, a lack of adequate supply of PPE and medical masks steered complaints from the outspoken Kyrgyz health workers who took their criticism of authorities online, sharing their struggle experiences and frustrations on social media.<sup>348</sup> In one instance, a young medic wrote on his Twitter account: *"The media write that doctors are provided with personal protective equipment. In fact, I was given a mask with holes on my duty today that is unlikely to protect me from being infected with coronavirus. And then they wonder why doctors are infected with COVID-19."*<sup>349</sup>

However, the outspoken medic later complained he was reprimanded for posting a message online and deleted his Twitter account. His next public appearance was shown on the country's TV network when he apologised for spreading false information earlier. The International Partnership for Human Rights (IPHR) regional watchdog later concluded that the Kyrgyz State Committee on National Security was detaining whistle blowers to *"hold 'preventive' discussions with them, threatened them with criminal prosecution and released them after they publicly 'apologised' and 'repented'". Many of those targeted were accused of disseminating incorrect information about the spread of COVID-19 in different parts of Kyrgyzstan, while some were medical professionals who had highlighted problems relating to the pandemic (such as the lack of means of protection) at hospitals or other health care facilities.*"<sup>350</sup>

<sup>346</sup> COVID-19 in the Kyrgyz Republic: Socioeconomic and Vulnerability Impact Assessment and Policy Response, Institutional Document, ADB, August 2020, <https://www.adb.org/documents/covid-19-kyrgyz-republic-socioeconomic-vulnerability-impact>

<sup>347</sup> Dina Maslova, Elvira Surabaldieva criticised the Ministry of Health and local authorities for reports on humanitarian aid, Kaktus Media, December 2020, [https://kaktus.media/doc/427174\\_elvira\\_syrabaldieva\\_raskritikovala\\_minzdrav\\_i\\_mestnye\\_organ\\_y\\_za\\_otchety\\_po\\_gympomoshi.html](https://kaktus.media/doc/427174_elvira_syrabaldieva_raskritikovala_minzdrav_i_mestnye_organ_y_za_otchety_po_gympomoshi.html)

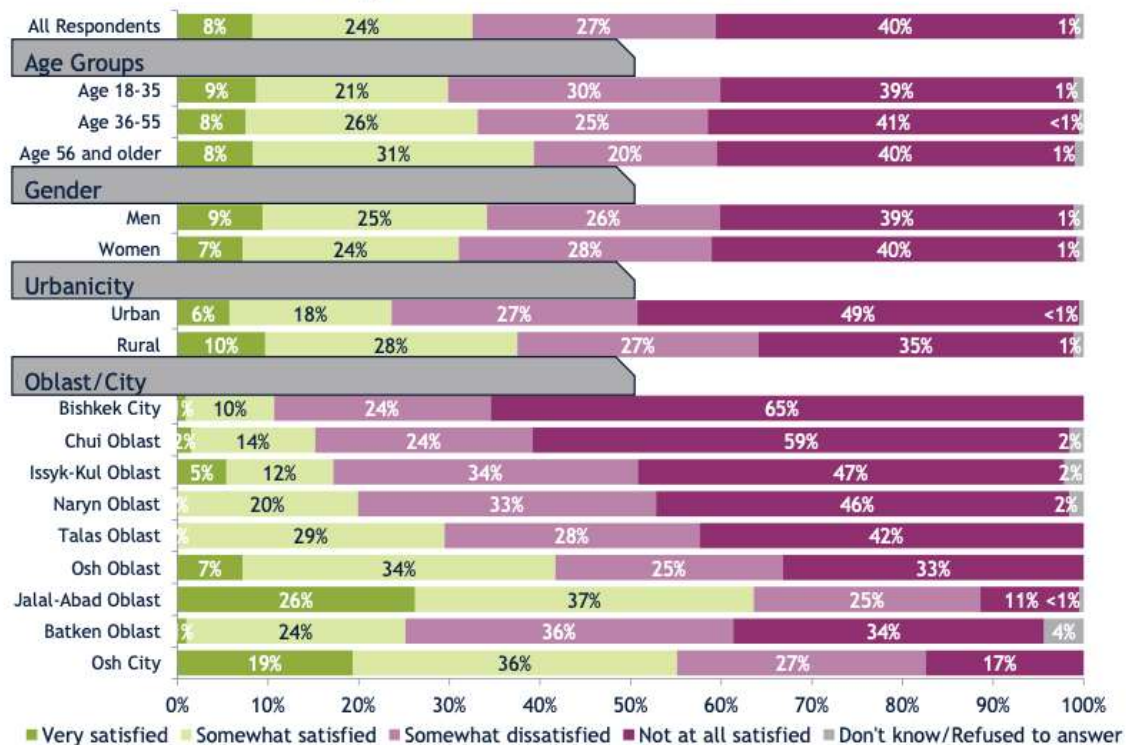
<sup>348</sup> Robin Forestier-Walker, Kyrgyzstan gov't faces backlash over doctor's 'forced confession', Al Jazeera, April 2020, <https://www.aljazeera.com/videos/2020/4/20/kyrgyzstan-govt-faces-backlash-over-doctors-forced-confession>

<sup>349</sup> In Kyrgyzstan, medical staff is afraid to complain about poor working conditions, Acca, April 2020, <https://acca.media/en/in-kyrgyzstan-medical-staff-is-afraid-to-complain-about-poor-working-conditions/>

<sup>350</sup> Human rights impact assessment of the COVID-19 response in Kyrgyzstan, IPHR, July 2020, <https://www.iphronline.org/wp-content/uploads/2020/07/Covid-19-KYZ-final.pdf>



## To what extent are you satisfied with the national government's response to the coronavirus?



Source: Public Opinion Poll Residents of Kyrgyzstan, IRI, 6-15 August 2020

The Kyrgyz Government's response to COVID-19 pandemic left the majority of the country's poverty-stricken nation dissatisfied with nearly 70 per cent of the population expressing disapproval of how the Kyrgyz authorities handled the public health crisis, according to an IRI poll. It appears that public tension in the aftermath of the COVID-19 crisis was not in favour of the now overthrown government of former President Sooronbay Jeenbekov who was also ultimately toppled following a controversial parliamentary election on October 4<sup>th</sup>. The latest political disturbances in Kyrgyzstan are increasingly indicative of the urgent need for healthcare reform based on realistic goals rather than status quo. Kyrgyz public health professionals believe that endemic corruption in the country's ailing healthcare is not the only issue. Dr. Rakhman Toichuev of the National Academy of Science told the author that a lack of competent officials in the Ministry of Health and the imperfect legislative basis for the health system are perhaps the most significant concerns.

However, the healthcare crisis amid the first and second waves of COVID-19 sparked a fresh round of public debates in the country regarding reform of the health services. There are various views as to how to move forward from corruption-prone and stagnant healthcare to transparent and efficient service provider. Kyrgyz health officials and lawmakers seem to favour integration of MHIF and Ministry of Health after the Interim government announced a sweeping reform of the state bodies.<sup>351</sup> Contrarily, experts disagree that such intermediary steps will bring results thus leading to negative outcomes since the country scores poorly on reforms overall. Bermet Baryktabasova, an expert on evidence-based medicine, argues that *"everyone works as much as the level of development of the country as a whole allows. One cannot expect ideal work from the Ministry of*

<sup>351</sup> Kyrgyzstan plans to cut number of civil servants by 10%, Kabar, November 2020, <http://en.kabar.kg/news/kyrgyzstan-plans-to-cut-number-of-civil-servants-by-10/>

*Health, the MHIF, when the work of all other state bodies, the government, and so on is imperfect.”*  
352

The latest ADB and UNDP policy study paper in response to the COVID-19 crisis recommended the Kyrgyz authorities “reduce or abolish financial contribution (e.g., co-payments) and administrative barriers (e.g., requirements concerning proof of residence, legal identification, etc.) to quality health services; and invest in mobile solutions and digitalisation” which would contribute to more transparency in healthcare.<sup>353</sup> Global development groups also advised the country’s Government to *“strengthen health information systems with emphasis on mapping essential service lists against resource requirements and available budgets; mapping public and private pharmacies and suppliers, identifying regional and spatial disparities (including informal peri-urban settlements); and strengthening inventory and procurement management.”*<sup>354</sup>

Certainly, it is true that Kyrgyzstan has not done more to improve standards of living for the country’s poverty-stricken population since gaining independence in 1991, let alone eradicating deeply entrenched bribery and corruption in the Government including healthcare. It has been widely known among domestic healthcare experts that corruption risks occur in the system of procurement, namely in the procurement of PCR tests, in laboratories and the procurement of PPE and other medical drugs.<sup>355</sup> Critics argue that a lack of control over purchases paves way for corruption. Therefore, addressing these concerns must be on the Kyrgyz Government’s priority list for improvement-oriented goals in healthcare. However, it is unlikely that the country’s healthcare will have drastic changes in the nearest terms due to unresolved structured issues within the Kyrgyz state.

<sup>352</sup> Maria Orlova, Itching to reform. When you need to measure seven times, 24.kg, November 2020, [https://24.kg/obschestvo/173665\\_zud\\_reformirovaniya\\_kogda\\_nado\\_sem\\_raz\\_otmerit/](https://24.kg/obschestvo/173665_zud_reformirovaniya_kogda_nado_sem_raz_otmerit/)

<sup>353</sup> COVID-19 in the Kyrgyz Republic: Socioeconomic and Vulnerability Impact Assessment and Policy Response, ADB, Institutional Document, August 2020, <https://www.adb.org/documents/covid-19-kyrgyz-republic-socioeconomic-vulnerability-impact>

<sup>354</sup> Asian Development Bank, COVID-19 in the Kyrgyz Republic: Socioeconomic and Vulnerability Impact Assessment and Policy Response, August 2020, <https://www.adb.org/documents/covid-19-kyrgyz-republic-socioeconomic-vulnerability-impact>

<sup>355</sup> Marat Uraliev, Bermet Baryktabasova demanded to quickly develop a unified register of distribution of humanitarian aid, Kaktus Media, December 2020, [https://kaktus.media/doc/427677\\_bermet\\_baryktabasova\\_potrebovala\\_bystree\\_razrabotat\\_edinyy\\_reestr\\_raspredeleniia\\_gympomoshi.html](https://kaktus.media/doc/427677_bermet_baryktabasova_potrebovala_bystree_razrabotat_edinyy_reestr_raspredeleniia_gympomoshi.html)



## 9. Corruption – the only constant of Kyrgyzstan’s faux democracy

By Shirin Aitmatova<sup>356</sup>

### Fighting corruption ad nauseam

For more than a quarter of a century, a number of Kyrgyz politicians have been using democracy as an ideological play to bamboozle and win the support of the West. At the same time, corruption and kleptocracy grew as fast as the promises of democracy by the ruling elite. Despite the fact that accusations of corruption have implicated most of the presidents that have lead the country since its independence, decades of constant fight against corruption have brought no results.

This is despite the fact, that Kyrgyzstan joined a number of international organisations and ratified number of treaties (the UNCAC in 2005, OECD’s Istanbul Anti- Corruption Action Plan, the Extractive Industries Transparency Initiative (EITI) in 2007 and joined the Open Government Partnership (OGP) in 2017), Kyrgyzstan still ranks among the most corrupt states in the world (The Transparency International Corruption Perceptions Index ranks Kyrgyzstan 124 out of the 180 countries as per 2020. Its score is 31 out of 100).<sup>357</sup> The international community has been continuously reassured

<sup>356</sup> Shirin Aitmatova is a former MP from Kyrgyzstan who lead UMUT 2020 - a people's movement against corruption. Aitmatova is a polemicist, an investigator who has collaborated with RFE/RL, Kloop.kg, Bellingcat and The Guardian. As a legislator and an activist her iconoclastic political work has shaken up Kyrgyzstan more than once. Aitmatova studied at Downe House School, Bryn Mawr College, The New School and Sarah Lawrence College. Currently she is working on a tell-all book about growing up as the daughter of the most famous Central Asian author, her decisive role in contemporary Kyrgyz politics and the page-turner story of leading UMUT 2020. *Image by Matthias Buehler under (CC).*

<sup>357</sup> United Nations: Office on Drugs and Crime, Signature and Ratification Status, February 2020, <https://www.unodc.org/unodc/en/corruption/ratification-status.html>; OECD, CAN – Anti-Corruption Network for Eastern Europe and Central Asia, Istanbul anti-corruption action plan: Third round of monitoring – Kyrgyzstan – Progress update, September 2017, <https://www.oecd.org/corruption/acn/OECD-ACN-Kyrgyzstan-Progress-Update-September-2017-ENG.pdf>; EITI, Kyrgyz Republic,

with promises of democratic change by the Kyrgyz authorities and it has provided and continues to provide loans to fight corruption and provide institutional recommendations, but corruption is still the only constant in Kyrgyzstan.

UMUT 2020, a people's movement against the corrupt political elite, kleptocracy and nepotism, demanded transparency and further evolution of applied democracy in Kyrgyzstan in the summer of 2019. The people's movement stormed the political discourse with a series of investigative videos that launched a powerful, viral effect, succeeding in 'waking' the people, despite political repressions that culminated in GKNB surveillance of activists and the unlawful detention of my husband undertaken by the secret police of Kyrgyzstan and Kazakhstan. He was consequently held in prison for close to a year in retaliation against the movement's activism. Based on the case of UMAT 2020's Matraimov campaign, an analysis of the political processes has localised certain hotspots that have been often overlooked and need to be reckoned with if Kyrgyzstan is to have success at restoration and sustainability of justice.

RFE/RL's Kyrgyz service (Azattyk), Kloop and the Organized Crime and Corruption Reporting Project (OCCRP) in May 2019 released an investigative piece divulging a large-scale corruption scheme in Kyrgyzstan that facilitated money-laundering, providing access to a legitimate financial system for dirty money coming out of Kyrgyzstan (Annex 1: 'The 700-Million Dollar Man') in May, 2019. UMAT 2020 demanded that the authorities give a legal assessment of the information aired in this joint investigation that exposed allegations of a smuggling ring headed by Matraimov who had covertly overtaken the customs system. Despite the demands for clarification, or for any kind of reaction from our government, the authorities of Kyrgyzstan chose to ignore the demands of the public concerning the Matraimov investigations. Having exhausted all possible and legal ways to appeal to the Government with no results, UMAT 2020 decided to further the campaign by taking part in peaceful protest rallies, which took place in Bishkek in November and December 2019.

Kyrgyz authorities did finally detain Matraimov, an ally of former President Sooronbay Jeenbekov, earlier in October 2020 as part of a corruption investigation, but only after the dramatic events and the fall of President Jeenbekov. He was however released the same day based due to his promises to compensate the state for his crimes. A second attempt to detain Matraimov has recently been ordered by the court of law for a period of two months after public discontent.

Matraimov's case epitomises the failure of the anti-corruption struggle in Kyrgyzstan that has plagued the country for decades. As is reflected in the volume of the shadow economy in Kyrgyzstan in recent years, according to various estimates, is estimated from 23.6 per cent to 53.5 per cent.<sup>358</sup> According to the latest study of the SHADOW project, the level of the shadow economy in Kyrgyzstan is 42 per cent of GDP as per 2018.<sup>359</sup>

Smuggling is believed to be the largest part of the shadow economy. In recent years, according to Chinese data, Kyrgyzstan receives \$5.5 billion USD a year from China's exports. However, Kyrgyzstan's statistics show the official volume of imports from China to be \$1.9 billion. A difference of \$3.6 billion is not a small discrepancy.<sup>360</sup> Neighbouring Kazakhstan has also announced the

<https://eiti.org/kyrgyz-republic>; Open Government Partnership, Kyrgyz Republic – Member Since 2017 – Action Plan 1, <https://www.opengovpartnership.org/members/kyrgyz-republic/>; Transparency International, Anti-Corruption Research Center Transparency International Kyrgyzstan, <https://www.transparency.org/en/countries/kyrgyzstan>

<sup>358</sup> National Statistical Committee of the Kyrgyz Republic, Dynamics and parameters of the non-observed economy in the Kyrgyz Republic, April 2019, <http://www.stat.kg/ru/news/dinamika-i-parametry-nenablyudaemoj-ekonomiki-v-kyrgyzskoj-respublike/>; Ivallo Izvorski, et al. Kyrgyz Republic: Country Economic Memorandum, World Bank Group, 2020, <http://documents1.worldbank.org/curated/en/679681585289928309/pdf/Main-Report.pdf>

<sup>359</sup> IBC Members' News, Results of a research of the international SHADOW project presented in Bishkek, December 2020, [http://ibc.kg/en/news/members/4807\\_results\\_of\\_a\\_research\\_of\\_the\\_international\\_shadow\\_project\\_presented\\_in\\_bishkek](http://ibc.kg/en/news/members/4807_results_of_a_research_of_the_international_shadow_project_presented_in_bishkek)

<sup>360</sup> Greater Europe Archives, <http://greater-europe.org/archives/7725>

unreliability of customs statistics of Kyrgyzstan as well.<sup>361</sup> This says a lot about the shrinking possibility for building a fair society in Kyrgyzstan, as is the case in practically all developing countries.

### **Real democracy or 'façade' democracy?**

Billions of US dollars of foreign aid and investments enriched the Kyrgyz ruling class that pillaged state funds and created nepotistic opportunities for illegal enrichment of their extended families, while the majority of the people were reduced to having to having someone leave behind their families in order to find employment in Russia.

Not only was democracy taken hostage and cheaply exploited by Kyrgyz government officials but they soon figured out that while half the population is employed overseas as migrant laborers and sends money for subsistence from abroad to their families, it's very convenient to keep pillaging and letting the state run on financial aid from our democratic allies. No need to improve the economy, no need to create jobs, no need to create tolerable living conditions for Kyrgyz citizens when all you need to do is present yourself correctly before the West and call yourself a 'democrat'.

A surprisingly overlooked political analyst by the international academia is Alymbek Biialinov, who had warned of the superficiality of the Kyrgyz variant of democratisation, describing the process as the "coloring in" of the existing Soviet system of management and governance with insignificant additions of hollow democratic institutions such as the free market institutions.<sup>362</sup> All too often Kyrgyz democratisation was limited to renaming or changing signs on existing ministries and government departments which at closer look had very little to do with switching to a true market economy.

Under the veneer of a façade democracy, Kyrgyzstan was left with ghost institutions of a bygone Soviet system with the same centralised management in which the state strictly controls the economy and the life of citizens and where the courts and law enforcement agencies are punitive bodies in the hands of the state that gladly wreck lives instead of defending the rights and freedoms of our citizens. The state administration apparatus interferes in the activities of private businesses in order to extort money and seize property. And to this day, our government agencies refuse to recognise the inviolability of private property rights.

The recent events of October 2020, when political upheaval in Kyrgyzstan resulted in the collapse of the Government of now-former President Sooronbay Jeenbekov and the rise of Sadyr Japarov, a "former convict" as the New York Times has so condescendingly labeled him, to the position of president-elect.<sup>363</sup> Knowing the Kyrgyz judicial system first hand after the arrest of my husband, any one of us is literally a step away from becoming a convict in a country with no human rights and no justice. But what gave rise to these changes? And who brought the leader whom many are quick to label a populist out of a prison cell and walked him to the throne? Could it be that Kyrgyz fake democrats have unwittingly aided in their own exposure and subsequent loss of political influence?

Democracy has lost its luster in Kyrgyzstan, having become a word that resonates with irony, a word that has lost most of its meaning for our impoverished nation. Like children raised in institutions, the Kyrgyz Government has learnt no skills to succeed in this world - it simply grew used to relying on others. If before we asked Moscow for handouts, nowadays we ask all countries. Not much has changed in terms of taking on responsibility by our political leaders.

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<sup>361</sup> Ivan Zuenko, The Eurasian Gap: Winners and Losers of the Economic Union, Carnegie Moscow Center, November 2016, <https://carnegie.ru/commentary/?fa=65114>

<sup>362</sup> Alymbek Biialinov o Mnenie Akipress, <http://mnenie.akipress.org/find/?query=Алымбек%20биялинов&place=crosstop>

<sup>363</sup> Andrew Higgins, A Convicted Kidnapper Is Chosen to Lead Government of Kyrgyzstan, The New York Times, October 2020, <https://www.nytimes.com/2020/10/10/world/asia/kidnapper-kyrgyzstan-prime-minister.html>

Why did façade democracy turn out to be more dangerous even than authoritarianism? Façade democracy in Kyrgyzstan did not pave the road to more democracy or better democracy - it only paved the road to authoritarianism. After all, a veneer of democracy can be easily and swiftly removed and painted over if need be. Contrary to the hopes of international allies, façade democracy did not gradually turn into true democracy if one is to analyse the failure to thrive of the seeds of democracy on Kyrgyz soil as demonstrated in the backsliding that the nation gladly chose during the recent elections.

Well, of course, those nice pseudo democratic leaders are more pleasant to deal with than complete tyrants, moreover some of them speak English and have learnt to say the right things to get more treats. And do not forget that, it's mostly children of former government officials (like myself) who have benefitted first, studying abroad after the collapse of the Soviet Union, creating a whole 'mafia' of local staff within international organisations, hiring their friends and relatives, deciding which local organisations are to receive financing and which do not. These international organisation royalty, for reasons unbeknownst, are never frowned upon by the Western headquarter administrations that claim to carry the bright torch of democracy into the dark of the developing world.

Speaking English sadly does not make one a better person, a better professional, nor a democrat. Façade democracy erodes the importance of the rights guaranteed in the Constitution, which through inconsistent application of democratic values by fake democratic leaders, snowballed towards an ultimate crisis of complete discrediting of democracy as is demonstrative in the events that have unfolded in Kyrgyzstan in October 2020.

Since the only democracy that the people of Kyrgyzstan had experienced personally was fake, inconsistent, and useful only for the elite and their families, the majority of the people would rather accept reality as is, a familiar construct will do and the majority have chosen to embrace a less democratic and a more centralised system of governance.

Façade democracy, incites a reaction similar to the reaction of the human body to substandard antibiotics when may cause antibiotic resistance and even failure of treatment. This is especially risky in critical situations when antibiotic resistance can often be the cause of preventable mortality – façade democracy or substandard democracy has masked the infection of corruption and nepotism until this faux bubble burst. It has now been laid bare that a fairy sprinkle of democracy that landed on the surface of the existing political construct failed to transform it into a magic carriage.

What is the use of these anti-corruption, anti-kleptocratic detailed plans, programs and strategies, if their implementation is entrusted to the same 'façade' leaders under whom corruption flourishes in the hollow and impotent institutions entrusted to them?

Transnational criminal organisations, supported by 'façade' democratic leaders continue to prosper, trafficking drugs and other types of contraband across the country's borders which goes to show that official anti-corruption efforts are often for show and are often politically motivated.

Before the eyes of the whole world, impoverished and tiny Kyrgyzstan has defied injustice once again. But, with what outcome and what cost? Developments in Kyrgyzstan in the next few years will determine whether democracy regains its footing, or whether the shift towards authoritarianism and/or Islamisation accelerates. It remains to be seen whether the new Government's apparent political resolve to fight corruption will translate into real changes in the country.





## 10. Down from human rights activity to activism in Kyrgyzstan

By Ernest Zhanaev<sup>364</sup>

You may struggle to find a country that praises civil society sector and persecutes it simultaneously as much as Kyrgyzstan; where non-governmental organisations (NGOs) are needed most to cover up the dilettante state's lack of coherence and responsiveness.

The human rights situation in Kyrgyzstan has been deteriorating for years and the foreign support of the civil society sector has been gradually fading away due to financial crises, rising nationalism in the donor countries, eroding democratic principles, deadly conflicts emerging worldwide, and the current pandemic.

Kyrgyz civil society, especially human rights defenders, feel betrayed by its state. There might be many indicators of this, such as anti-NGO law initiatives or persecution of particular leaders, but one is the heaviest – the Osh violence in 2010. It is the most enduring pain for many who tried to do their best to overcome the artificially promoted post-colonial differences the state persistently focuses on, atrocities of the law enforcement authorities, and the excessively triumphal behaviour of the Government in the aftermath of the conflict.

<sup>364</sup> Ernest Zhanaev, a human rights writer and consultant based in the UK since 2014. He was instrumental in making the Kyrgyzstan parliament adopt the UN Optional Protocol to the Convention Against Torture and latterly to pass legislation for greater financial transparency in electoral law. Also, he edited English news for the independent Fergana News covering developments in Central Asia. Now consultant for international organisations and think tanks Ernest researches human rights issues in post-Soviet countries specialising on freedom of speech, social and political development. He is currently also a postgraduate student at University of St Andrews. *Image by UN Women in Europe and Central Asia under (CC).*

The Government and its proxies long-pursued NGOs and civil leaders to release themselves from ‘a burden’ of control. By sentencing Azimjan Askarov, the state reached several targets – ‘winning’ the war against the ‘enemy of the state’; the civil society ‘exposed’ as a ‘fifth column’; and ethnic Uzbeks considered as ‘diaspora’, not ‘a rooted’ community in Kyrgyzstan despite historical evidence. It was a victory over the non-governmental sector, which fiercely pushed for peacebuilding and rule of law. The government’s contempt for NGO’s relative independence amid the outcry over the imprisonment of ethnic Uzbek human rights defender extended to the denial of the privileged status of USAID aid programme.<sup>365</sup> And, it can be considered as a point defining further policies.

Some Kyrgyz scholars when abroad abstain from criticising the Government about its ethnic policy in the presence of public officials. They do not insist on the widely publicised findings even in a secure environment with Chatham House rules. The tragedy of the ethnic violence in 2010 and the consequent harassment, abuse, and asset stripping of ethnic Uzbeks might no longer cause discomfort to those who had not sustained any losses in the conflict, but survivors still live in continuous fear.

However, the Kyrgyz Government’s revised policy towards the development aid organisations and its own civil society seems not to be reactive, emotional or independent – it too served the interests of the expanding Eurasian Economic Union led by Russia. In 2014, Kyrgyzstan adopted more harsh policies towards its human rights defenders following the condemnation of the civil sector by Russian media and diplomacy. Kyrgyzstan backed the annexation of Crimea, ousted the US military base, and received significant financial support from Russia.<sup>366</sup> The state-funded media of Kyrgyzstan continued condemning the civil leaders over their critics of the Russian activity in Ukraine throughout the year.

It seems that the Kyrgyz government found 2014 perfect timing for a crackdown of the active critics among the NGO leaders. Many factors were leading to this moment, one of which was related to the influence of the US support of the civil sector in Kyrgyzstan, the US military base stationing near Bishkek in response to the global terroristic threat, and the international condemnation of the state’s response on the ethnic violence in 2010. President Atambayev proposed Russia to establish another military base later.<sup>367</sup>

When the UN describes human rights defenders, they emphasise that everyone promoting or protecting human rights can call themselves human rights defenders.<sup>368</sup> Amnesty names human rights defenders as ‘some of the bravest people in the world’.<sup>369</sup> In Kyrgyzstan, defending human rights has become a profession like any job in the civil society sector supported by the international community. The financial independence of civil society increased tensions with civil servants and the state media pushed myths about high salaries of the former increasing the cleavage further. Indeed, individuals involved in the activism and capable of promoting the values essential for every citizen can apply for financial support from abroad and rely on it. This has been the case for years.

<sup>365</sup> Olga Dzyubenko, Defiant Kyrgyzstan says canceled treaty will hit U.S. aid agency, Reuters, July 2015, <https://www.reuters.com/article/us-usa-kyrgyzstan-idUSKCN0PW0QA20150722>

<sup>366</sup> RFE/RL, Kyrgyzstan Says Crimea Referendum 'Legitimate', March 2014, <https://www.rferl.org/a/kyrgyzstan-recognition-crimea-referendum-ukraine-russia/25304439.html>; Stephanie Ott, Russia tightens control over Kyrgyzstan, The Guardian, September 2014, <https://www.theguardian.com/world/2014/sep/18/russia-tightens-control-over-kyrgyzstan>

<sup>367</sup> Bruce Pannier, Kyrgyzstan's President Wants Another Russian Military Base, RFE/RL, June 2017, <https://www.rferl.org/a/kyrgyzstan-new-russian-base-atambaev-putin-afghanistan/28583538.html>

<sup>368</sup> OHCHR, Who is a defender, <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx>

<sup>369</sup> Amnesty International UK, Human rights defenders – some of the bravest people in the world, January 2018, <https://www.amnesty.org.uk/human-rights-defenders-what-are-hrds>



## Cases

There were plenty of facts speaking about the increasingly hostile environment for human rights activists and the most publicised case of late Azimjan Askarov is eloquent enough. As one famous civil society leader commented, *“I have no hope [left] after the death of Azimjan Askarov and therefore I left the human rights activity”*.<sup>370</sup> The penitentiary agency known as ‘GSIN’ that represents the Kyrgyz state and is responsible for the care of its inmates did not prevent the death of a prominent and awarded human rights defender Azimjan Askarov in July 2020.

While the judges did everything possible to keep Askarov imprisoned, GSIN continued to withhold medical assistance despite pleadings from all over the world to release the venerable man until he fell completely ill. GSIN then hospitalised him in its penitentiary premises only when his health deteriorated irreversibly.<sup>371</sup> Askarov died the same night after being admitted to hospital. The official cause of his death was given as ‘pneumonia’.<sup>372</sup> It is no doubt that the Kyrgyz state is responsible for this crime against humanity leaving the late Askarov with no professional medical help in the turmoil of the COVID pandemic. Other crimes included blatant violations of human rights during the investigation, judicial hearings and re-trials of his case after the UN Human Rights Committee decision that called for his release.<sup>373</sup>

The sudden and untimely departure of the most persecuted, and well-known abroad, human rights defender and the final post-mortem result worsens the state’s position that they were ‘impartial’ towards Azimjan Askarov. To conclude, the Kyrgyz authorities saw no purpose of keeping Askarov healthy and alive, while applying the norms of early or temporary release selectively to other prisoners.

The penitentiary authority issued unescorted ‘furlough’ orders during the unrest in October 2020 to release prisoners including the former president and prime minister, who had been sentenced for grave crimes. The fairness of their trials is also questionable. However, such speedy decisions benefiting individuals backed by political groups mar the claims of the Government about their impartiality.

For ten years since 2010, human rights defenders have remained as outcasts for the authorities and political groups. There are few doubts left about the whole state system, even the President’s office under every President tried to undermine the independent role of the civil sector, and persecution of individual leaders has often been politically ‘expedient’. While the international media summarises harassment and persecution of civil activists well enough the details of many cases appear to be largely opaque for many and local news outlets barely cover them.

Local police in Issyk-Kul province irritated by anti-torture activist Kamil Ruziev threatened him in 2015 and consequentially he diminished his public activity.<sup>374</sup> The GKNB (the special service overlooking national security) then started criminal proceedings against Ruziev, detaining him in 2020.<sup>375</sup> He was released following the public outcry but not all the charges were dropped.

<sup>370</sup> Abdumomun Mamaraimov, Facebook, December 2020,

<https://www.facebook.com/abdumomun.mamaraimov/posts/10208073977203607>

<sup>371</sup> OHCHR, Kyrgyzstan must uphold its human rights obligations and release human rights defender Azimjan Askarov, says UN expert, May 2020, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25872&LangID=E>

<sup>372</sup> OHCHR, Kyrgyzstan: Death of human rights defender Azimjan Askarov a stain on country’s reputation, says UN expert, July 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26138>

<sup>373</sup> CCPR/C/116/D/2231/2012, The United Nations Human Rights Committee, May 2016, [https://tbiinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/116/D/2231/2012&Lang=en](https://tbiinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/116/D/2231/2012&Lang=en)

<sup>374</sup> Aleksandra Li, Активист заявляет о преследовании и угрозах за правозащитную деятельность [‘Activist states about persecution and threats for human rights activity’], Voice of Freedom of Central Asia, February 2015, <http://vof.kg/?p=18578>

<sup>375</sup> Ayzirek Imanaliyeva, Kyrgyzstan: Fresh arrest shows how screws are tightening on civil society, Eurasianet, June 2020, [https://eurasianet.org/kyrgyzstan-fresh-arrest-shows-how-screws-are-tightening-on-civil-society?fbclid=IwAR1wQg920jqch4pDSqWguQv\\_LKIJ9SkqdNfdYQv-66O0gZzlU8O3U5KAerY](https://eurasianet.org/kyrgyzstan-fresh-arrest-shows-how-screws-are-tightening-on-civil-society?fbclid=IwAR1wQg920jqch4pDSqWguQv_LKIJ9SkqdNfdYQv-66O0gZzlU8O3U5KAerY)

The nationalists and law enforcers threatened and tried to assault human rights lawyer Nurbek Toktakunov when he represented Azimjan Askarov in 2010 and 2011. He continued to litigate in high-profile cases but fell victim to smear campaigns involving intrusive surveillance and fake exposures by media sympathetic to the Government.<sup>376</sup>

President Atambayev sued prominent human rights lawyer Cholpon Djakupova for her criticism of his incumbency in 2017.<sup>377</sup> The lawyer reported on continuous surveillance in the aftermath of the October 2020 change of power.<sup>378</sup>

Another prominent human rights journalist, Ulugbek Babakulov, after the vilification by the then president Atambayev and threats by nationalists fled Kyrgyzstan days before GKNB charged him with a crime.<sup>379</sup> Later, France granted him asylum.

Membership of Aziza Abdirasulova and Tolekan Ismailova in the council on interethnic policies under President Atambayev ended prematurely because of vilification by the then incumbent president.<sup>380</sup> Abdirasulova also found out she was under close surveillance by the GKNB.<sup>381</sup> Both civil leaders unsuccessfully attempted to sue President Atambayev for moral damage.

Dinara Oshurahunova, Burul Makenbayeva, former NGO leader Gulnara Djurabayeva, and former Supreme Court Judge Klara Sooronkulova found that unknown individuals were following, photographing, and recording their conversations.<sup>382</sup> The law enforcement authorities formally investigated the case with no suspects or feasible explanation to why.

The GKNB targeted whole human rights organisations during the period when Kyrgyzstan started the integration process into the Eurasian Economic Union - called Customs' Union at the time - and led by Russia. In 2015, they raided the offices of the Human Rights Advocacy Centre and Bir Duino in Osh, while searching the houses of the lawyers of the organisation.<sup>383</sup>

Leading human rights advocates, including the author, founded a Council of Human Rights Defenders, initially under the Ombudsman of Kyrgyzstan in 2008, to serve as an informal platform to raise awareness about human rights and the rule of law, and warn the state and the public about systemic issues when the formal institutions failed to do so. The platform also used its resources and outreach to public figures as a conflict resolution mechanism.

<sup>376</sup> RFE/RL, Former Kyrgyz PM's Defense Lawyer Says Targeted By Smear Campaign, February 2019, <https://www.rferl.org/a/former-kyrgyz-pm-s-defense-lawyer-says-targeted-by-smear-campaign/29785685.html>

<sup>377</sup> Edliyar Arykbayev, Эмоции, оскорбления, ирония и сарказм: За что судят правозащитницу Чолпон Джакупову? ['Emotions, insults, irony and sarcasm: Why the human rights defender is being tried'], Kloop, May 2017, <https://kloop.kg/blog/2017/05/02/oskorbleniyaemotsiironiyaisarkazmzachtosudyatpravozashhitnitsucholpondzhakupovu/>

<sup>378</sup> Cholpon Djakupova, Facebook Post, Facebook, October 2020, <https://www.facebook.com/cholpon.djakupova/posts/3370862356329938>

<sup>379</sup> RFE/RL's Kyrgyz Service, Kyrgyz Journalist 'Given Political Asylum' In France, Radio Free Europe/Radio Liberty, February 2019, <https://www.rferl.org/a/kyrgyz-journalist-who-denies-hate-incitement-charge-says-given-political-asylum-in-france/29791479.html>

<sup>380</sup> Abdumomun Mamaraïmov, Азиза Абдирасулова: "Парламент Кыргызстана совершил преступление против государства" ['Aziza Abdirasulova: Kyrgyzstan parliament committed crime against state'], Fergana Agency, February 2019, <https://fergana.news/articles/105294/>

<sup>381</sup> Alina Pak, Правозащитница Азиза Абдирасулова заявила, что за ней следят ['Human rights defender Aziza Abdirasulova says she is followed'], Kloop, December 2016, <http://kloop.kg/blog/2016/12/08/pravozashhitnitsaazizaabdirasulovazayavilachtozanejsledyat/>

<sup>382</sup> Fergana Agency, Киргизские правозащитницы пожаловались на прослушку ['Kyrgyz human rights defenders complained about wiretapping'], September 2018, <http://www.fergananews.com/news/32607>

<sup>383</sup> Justin Burke, Kyrgyzstan: Criminal Probe Has Rights Activists on Alert, Eurasianet, November 2014, <http://www.eurasianet.org/node/70846>; Chris Rickleton, Kyrgyzstan's Security Agents Intimidating Uzbek Minority, Activists Say, Eurasianet, April 2015, <https://eurasianet.org/kyrgyzstans-security-agents-intimidating-uzbek-minority-activists-say>

One of the most significant achievements of the Council was an amnesty for the Nookat 2008 disturbance participants, although the human rights defenders demanded a full acquittal.<sup>384</sup> Almost all the defendants were ethnic Uzbeks who had been sentenced for extremism in a process full of procedural violations and torture. Another instrument of conflict resolution became possible at that time. This is how the foundation was laid for councils under future presidents.

The annexation of Crimea in 2014 highlighted the specifics of the relationship between Kyrgyzstan and Russia. The Council of human rights defenders fiercely criticised the Russian hostility towards Ukraine and denounced the Kyrgyz Government siding with the Kremlin. It was no surprise that the media backing the Russian and Kyrgyz government reviled this group of independent individuals.<sup>385</sup> The Council of Human Rights Defenders ceased to exist that same year.

The downfall of the Council as a conflict resolution mechanism became a signal that the pressure is increasing and that it would jeopardise such a resource, leaving a vacuum for radical and latent activity.

The Collective Security Treaty Organisation, also led by Russia and including some former Soviet republics, criticised the Government of Kyrgyzstan hinting that numerous NGOs in the country cause a threat to its sovereignty.<sup>386</sup> An initiative to impose more intrusive controls over the activity of NGOs via a draft law on foreign agents or additional reporting almost reached its goal in 2016 before being dropped under pressure from civil society and Western donors, but the toxic environment created by the debate became another contributing factor to the hostile environment for human rights activists.<sup>387</sup>

Many of those mentioned or not mentioned civil leaders or human rights lawyers and activists would not share widely their stories about more dangerous harassment by law enforcement or proxies. These abuses would include numerous attempts to cause accidental injury or even death, arrest for deeds not associated with their activity – such as alleged drink driving or consumption of controlled drugs – that would not be publicly approved.

It is quite understandable that some civil leaders accept national awards to keep their activity public and exercise some sort of protection from abuse.<sup>388</sup> When the national authorities refrain from honoring human rights activists the foreign democracies and international organisations step up to raise awareness about how dangerous human rights profession is.<sup>389</sup>

<sup>384</sup> David Trilling, Evaluating Kyrgyzstan's Impact on the Islamic Militant Threat in Central Asia, Eurasianet, June 2010, <https://eurasianet.org/evaluating-kyrgyzstans-impact-on-the-islamic-militant-threat-in-central-asia>

<sup>385</sup> StanRadar.com, "Совет правозащитников Кыргызстана" ангажированность или беспристрастность? (анализ обращений за 6 лет) ['Council of human rights defenders' bias or impartiality? (analysis of statements for 6 years)], July 2014, <http://www.stanradar.com/news/full/10870sovetravozaschitnikovkyrgyzstanaangazhirovannostilibespristrastnostanalizobraschenijza6let.html>

<sup>386</sup> Eleonora Beyshenbek kyzy, НПО Кыргызстана в поле зрения ОДКБ ['Kyrgyzstan NGOs in sight of CSTO'], RFE/RL's Kyrgyz Service, March 2015, <http://rus.azattyk.org/a/26890889.html>

<sup>387</sup> Anna Lelik, Kyrgyzstan: Foreign Agent Bill Nixed, NGOs Rejoice, Eurasianet, May 2016, <https://eurasianet.org/kyrgyzstan-foreign-agent-bill-nixed-ngos-rejoice>; Ayzirek Imanaliyeva, Kyrgyzstan: Draft bill threatens to drive NGOs against the wall, Eurasianet, May 2020, <https://eurasianet.org/kyrgyzstan-draft-bill-threatens-to-drive-ngos-against-the-wall>

<sup>388</sup> President of the Kyrgyz Republic website, 'О награждении государственными наградами Кыргызской Республики' ['On State Awards of the Kyrgyz Republic'], November 2017, [http://www.president.kg/files/docs/award/ukaz\\_noyabr\\_russ.pdf](http://www.president.kg/files/docs/award/ukaz_noyabr_russ.pdf)

<sup>389</sup> US Department of State, 2014 Human Rights Defender Award Ceremony for Azimjan Askarov and Foro Penal, July 2015, <https://2009-2017.state.gov/r/pa/prs/ps/2015/07/244903.htm>

### Activism as a response to COVID-19

Kyrgyzstan experienced a reaction to the COVID-19 related situation also witnessed in other developing countries with persistent corruption too. Mass activism of volunteers, including from the civil sector, supported by individuals and entrepreneurs, helped the country to alleviate a weak and unprofessional response by the Government to the coronavirus outbreak. Even political activists, with their party finances associated with corrupt officials, were not so efficient.

Activism itself is filling the gaps but it should also be able to form a civil society not merely civil sector delivering services sometimes substituting the state. In Kyrgyzstan, it would possess expertise the state agencies lack. It is not a coincidence that one of the leading universities in Central Asia is in Bishkek – the American University of Central Asia – with its numerous alumni having international exposure it comes as a benefit for the society.

The GKNB under President Atambayev tracked down his critics on Facebook and it expanded their work under his successor.<sup>390</sup> Along with the Ministry of Interior, they were revealing dissent on social media regarding the poor performance of the Government on the COVID-19 pandemic, visiting the homes of critics and demanding to deny their words publicly, sometimes leading to arrests and convictions.<sup>391</sup> Suspicions of the public about the misuse of the huge amount of international aid directed to the fight against the pandemic have consequentially only further contributed to unresolved grievances about the political changes that almost never worked.<sup>392</sup>

This might have become one of the triggers that created the mass online activism and gave birth to the first crowdfunded political party consisted of activists, volunteers, and young politicians called 'Reforma'.<sup>393</sup> Some of the volunteers have since joined the mainstream political parties.

Revolutions have never been complete in Kyrgyzstan and they have remained a tool of violent power change, benefiting only the rise of one political group over others, the sponsors of the presidency, and have been the reason for the deaths of many innocent civilians.

Politicians, unlike civil activists, are backed by their constituency, political groups and financial supporters. Partially, therefore, when in demise, politicians prefer to risk being unlawfully tried and imprisoned, thus accumulating political gains accounting for early release, after power change.

It was the activists, mainly from Bishkek, who first protested against the mass violations in the parliamentary elections and consequently led to a standoff with law enforcement authorities. However, experienced politicians with support from the provinces seized the momentum – released the political prisoners, started forming an interim government and drafting a new constitution. Later, after winning the January 2021 presidential election, Sadyr Japarov 'revealed' that he planned the October 2020 revolution while in prison.<sup>394</sup>

There are many 'ifs' for the future of human rights activities in Kyrgyzstan – if there would be continuous financial and moral support of it by the international institutions and foreign donors; if

<sup>390</sup> Nurjamal Djanibekova, 'Спецслужбы проверяют критиков Атамбаева в "Фэйсбуке"' ['Special services scrutinise critics of Atambayev on Facebook'], Kloop, January 2017, <http://kloop.kg/blog/2017/01/10/spetssluzhbyproveryayutkritikovatambaevavfejsbuke/>

<sup>391</sup> Kloop, 'Тот, кого нельзя называть. Как кыргызстанцев преследуют за критику президента' ['He Who Must Not Be Named. How Kyrgyzstani Persecuted for Criticising President'], July 2020, <https://kloop.kg/blog/2020/07/31/tot-kogo-nelzya-nazyvat-kak-kyrgyzstantsev-presleduyut-za-kritiku-prezidenta/>

<sup>392</sup> Aleksandra Li, 'Кыргызстан тратит миллионы долларов на борьбу с коронавирусом, но власти скрывают как расходуются деньги', ['Kyrgyzstan spends millions of dollars to fight coronavirus but authorities conceals how money is spent'], Kloop, June 2020, <https://kloop.kg/blog/2020/06/24/milliony-na-covid/>

<sup>393</sup> Bruce Pannier, 'Who's Who In Kyrgyzstan After The Latest Tumultuous Uprising?', RFE/RL, October 2020, <https://www.rferl.org/a/who-is-who-in-kyrgyzstan-after-the-latest-tumultuous-uprising/30882154.html>

<sup>394</sup> Vladimir Soloviev, 'В тюрьме ты 24 часа в сутки свободный человек' ['You are a free man in prison 24 hours a day'], Kommersant, January 2021, [https://www.kommersant.ru/doc/4639707?from=main\\_1#id1957426](https://www.kommersant.ru/doc/4639707?from=main_1#id1957426)

there would be enough legal space for human rights activism; if the state would refrain from imposing pressure on human rights defenders; and if there would be no persistently growing impunity against those who seek to restrict basic human rights and freedoms.

The old diplomatic approach by leading democracies of imposing sanctions (such as against former Sudanese President Al-Bashir over Darfur) against human rights abusers would barely affect them in Kyrgyzstan, now morally standing by Russia. Or, probably, it would have the same inconsistent or unsustainable effect as with the case of Azimjan Askarov, where the names of perpetrators were well-known starting from the local police officer torturing the human rights defender up to Prosecutor General that oversaw his case.<sup>395</sup>

Stable financial support is essential for any activity seeking sustainable goals. Who knows, maybe the private sector would start sponsoring local or national human rights activism to promote human rights and freedoms like it did when the pandemic hit Kyrgyzstan? In the meantime, some lawyers are already catching up on the defence of human rights, whether by representing individual cases or litigating on a strategic level.

Although foreign or international missions stationed in Bishkek represent donors, their influence on the Kyrgyz authorities is weak and bound by much anticipated and largely technical outcomes of their joint projects. Decision-makers in the governments or headquarters sponsoring reforms in Kyrgyzstan should demand bigger results from its government. The aid directed on democratic development should be conditional on the results and satisfaction of the Kyrgyz civil sector.

The established democracies should not limit themselves with merely raising their concern over rule of law issues but make sure their voices over the respect of human rights and freedoms heard. This is how the value of the taxpayers' money brought to the Kyrgyz people would start to improve, and, Kyrgyzstan may stop persecuting own human rights activists.

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<sup>395</sup> Front Line Defenders, Case of Azimjan Askarov, July 2020, <https://www.frontlinedefenders.org/en/case/azimjan-askarov-sentenced-life-imprisonment>



## 11. Media landscape in Kyrgyzstan: Caught between elite capture and control of political and business interests

By Dr. Elira Turdubaeva<sup>396</sup>

### The media system of Kyrgyzstan

Andrei Richter, now the Director of the OSCE Office of the Representative on Freedom of the Media, categorises the key commonalities in the media systems of Central Asia and some other post-Soviet nations as being: the authorities' informal circulation of guidance to the press; the inability of the opposition and independent media to receive services from the state and state-controlled media infrastructures; denying 'disloyal' media access to advertising and information; the abuse of state monopolies and subsidies; misuse of libel laws; promoting a culture of self-censorship; and illegal pressure, including violence against journalists.<sup>397</sup> Despite country-by-country differences, the commonalities of their systems predominate. They also include honor-and-dignity' laws that threaten journalists with prison and media outlets with bankruptcy; little or no market support for self-sustaining media organisations; public distrust of the press; unethical behaviour by some journalists; control over licensing, airwaves and internet service providers; and physical attacks on

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<sup>397</sup> Richter, A. 2008. Post-Soviet Perspective On Censorship and Freedom of the Media: An Overview, International Communication Gazette 70(5):307-324, <https://journals.sagepub.com/action/doSearch?target=default&ContribAuthorStored=Richter%2C+Andrei&>

and harassment of journalists.<sup>398</sup> Nevertheless, national perspectives vary widely on, for example, what constitutes a conflict of interest and what duty – if any – journalists owe to support development of national identity and statehood, particularly in a comparatively young country such as Kyrgyzstan without a history or tradition of national identity.<sup>399</sup>

After the collapse of the Soviet Union, Kyrgyzstan's media have, with some exceptions, enjoyed greater freedom than journalists in neighbouring Kazakhstan have.<sup>400</sup> Freedom House ranks Kyrgyzstan in number 38 out of 100 countries in terms of press freedom and defines it as partly free, as the country consistently demonstrates the highest scores on freedom of speech and expression in Central Asia, including in sections on media independence and the expression of political views.<sup>401</sup>

At the same time, the media system has preserved many recognisable features from the Soviet times. For example, many Kyrgyz journalists serve the state sponsored nationalist ideology the same way they served the Communist Party.<sup>402</sup>

According to the journalist and academic Eric Freedman, in Central Asia, the western concept of 'independent' press is often confused with 'anti-regime press', and news organisations that describe themselves as 'independent' are often, in reality, allied with and subsidised by an opposition party and in some instances subsidised by individual office holders or office-seekers.<sup>403</sup>

Under the assessment of progress against the freedom of speech objective in its Media Sustainability Index, the NGO IREX asserts that the legal framework in Kyrgyzstan, including the constitution, guarantees freedom of the press and freedom of speech. Nevertheless, they show how the authorities kept up their prosecution of media outlets, journalists, and human rights activists; denied several journalists access to public meetings; and did not always honor their obligation to release official information upon request.<sup>404</sup>

According to a Reporters Without Borders Report in 2019, the pluralism of the Kyrgyz media is exceptional in Central Asia, but the polarisation of Kyrgyz society is reflected in the media and in the environment journalists work in.<sup>405</sup>

According to Freedman, there was only slow movement towards privatising state-owned media.<sup>406</sup> Independent and oppositional media also remained in financial peril due to the country's weak economy and high poverty level.

At the same time, the corruption that pervades much of government and business infects journalism in the country. Some journalists and news outlets demand under-the-table payments – 'envelope

<sup>398</sup> Despite Kyrgyzstan's higher position of freedom of speech compared to other Central Asian countries, journalists can be detained, warned, blacklisted and attacked in Kyrgyzstan and especially face regular threats for covering sensitive issues and/ or criticising public figures (Kurambayev, 2016). Kurambayev, B. (2016). Journalism and democracy in Kyrgyzstan: the impact of victimizations of the media practitioners. *Media Asia*, 43(2), 102-111.

<sup>399</sup> Freedman, E. 2009. When a democratic revolution isn't democratic or revolutionary. *Journalism* 10(6): 843–861.

<sup>400</sup> Junisbai et.al., 2018. Are Youth Different? The Nazarbayev Generation and Public Opinion in Kazakhstan, *Problems of Post-Communism*.

<sup>401</sup> Freedom House, *Freedom in the world 2020*, Kyrgyzstan, <https://freedomhouse.org/country/kyrgyzstan/freedom-world/2020>

<sup>402</sup> Freedman, E. 2011. Theoretical foundations for researching the roles of the press in today's Central Asia, in edited volume by Freedman and Shafer, *After the czars and commissars: Journalism in authoritarian post-soviet Central Asia*, pages 1-16, Michigan State University Press.

<sup>403</sup> Freedman, E. 2009. When a democratic revolution isn't democratic or revolutionary. *Journalism* 10(6): 843–861.

<sup>404</sup> IREX, Europe & Eurasia, *Media Sustainability Index 2019*, <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2019-full.pdf>

<sup>405</sup> Reporters Without Borders, *Detailed methodology*, <https://rsf.org/en/detailed-methodology>

<sup>406</sup> Freedman, E. 2012. Deepening shadows: The eclipse of press rights in Kyrgyzstan, *Global Media and Communication* 8 (1), 47-64.

journalism’ – either to report or not to report on a topic. In part, that practice reflects the low salaries for journalists and salary stagnation at a time of rapidly rising costs of living.<sup>407</sup>

According to Freedman, the weak national economy also made a market-supported media system unobtainable and unsustainable, with non-state media continuing to rely on the financial goodwill of foreign governments and multinational agencies, NGOs and foreign investors.<sup>408</sup>

### **Media economics and media ownership in Kyrgyzstan**

At the beginning of 2020, according to the Unified State Register of Statistical Units, there were 1.8 thousand economic entities registered as mass media on the territory of the republic, and over the past five years their number has increased by almost 18 per cent. Among them are the newspapers ‘Kyrgyz Tuusu’, ‘Slovo Kirgizstana’, ‘Erkin-Too’, ‘Vecherniy Bishkek’, ‘Kutbilim’, ‘Super-Info’, ‘Avtogid’ and other publications.

In Kyrgyzstan there are 126 independent broadcasters, including the ‘National Radio Television Centre’, broadcasting company ‘New Television Network’, broadcasting company ‘Independent Bishkek Television’, the radio center ‘Pyramid’, radio station ‘Europe’ and others.

There were 9.73 million mobile connections in Kyrgyzstan in January 2020.<sup>409</sup>

Challenges to media in Kyrgyzstan include the still-potent practices of the Soviet press system in which ideology trumped media independence; low salaries for journalists in Kyrgyzstan; patriotism; and a wobbly economic foundation for a prospective market-based media system. Furthermore, many journalists worry about media economics and ownership as the viability of independent media remains in doubt. Although state subsidies underwrote government-affiliated publications and broadcasters during this period, a limited advertising market existed to sustain independent outlets, with the government as the main source of the limited advertising revenue available. Later, outside advertising increased, thus reducing government’s ability to use advertising to influence the media, yet oppositional press still generally depended on the deep pockets of politically motivated sponsors. Besides the understanding of local media as businesses, in Kyrgyzstan they are also seen as the ideological tools of state and nation building by allowing state propaganda on public service media outlets.

According to the IREX 2019 Media Sustainability Report, private media outlets are understaffed and underfunded, making it difficult for them to produce their own content.<sup>410</sup> The outcome is ‘press release journalism’, when media materials heavily rely on the opinions of politicians and press releases shared by state institutions. The same finding was revealed in my research for the IWPR which found that press releases (76.7 per cent) are still the major information source for journalists’ news reports in the country followed by websites (39.5 per cent).<sup>411</sup> The IWPR report also found that the main barriers and threats for high quality journalism in Kyrgyzstan are “insufficient financial resources” and “weak professional ethics”.

With the trend toward online outlets, newspaper circulation has decreased by 30–35 per cent over the past few years. The mass media law requires print media to state its readership circulation on every publication, but many newspapers fail to do so, making it difficult for the public to assess the

<sup>407</sup> Ibid; Freedman, E. 2007. ‘After the Tulip Revolution: Journalism Education in Kyrgyzstan’, Paper presented at the World Journalism Education Congress, Singapore.

<sup>408</sup> Freedman, E. 2012. Deepening shadows: The eclipse of press rights in Kyrgyzstan, *Global Media and Communication* 8 (1), 47–64.

<sup>409</sup> Simon Kemp, Digital 2020: Kyrgyzstan, DataReportal, February 2020, <https://datareportal.com/reports/digital-2020-kyrgyzstan>

<sup>410</sup> IREX, Europe & Eurasia, Media Sustainability Index 2019, <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2019-full.pdf>

<sup>411</sup> Turdubaeva et.al., The status of media and the role of social media in Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, IWPR, November 2018, <https://iwpr.net/global-voices/print-publications/status-media-and-role-social-media-kazakhstan-kyrgyzstan>



scale of print media consumption. Subsidies from obscure owners constitute the main source of income of private media outlets. While experts involved in the IREX 2019 Media Sustainability Report believe that advertising is scarce, other experts suggested that the market for digital advertising is growing.<sup>412</sup>

Currently, 60 channels compete for a fairly small advertising market, which has led to widespread dumping prices and further deflation of the market. According to the Law on Television and Radio Broadcasting, half of the content broadcast between 7:00 am and 10:00 am and between 6:00 pm and 11 pm must be locally produced. However, according to the Expert Consulting Agency study, on average, the 20 monitored channels broadcast only 31 per cent local content—42 per cent of the content is in Russian and another 25 per cent is foreign.<sup>413</sup> Outside of those time slots, some channels significantly decrease the broadcasting of local content, and others broadcast none at all. Only a few channels, such as KTR, KTR-sport, KTR-Music, NTS, and EITR meet the standards required by the law.

In Kyrgyzstan, the migration of advertising from local media to global platforms and online media is impacting the sustainability of local media. The cost-cutting strategies of local media in Kyrgyzstan and the poor salaries of journalist employed in local media impact editorial quality.

There are still no developed models for the development of media in Kyrgyzstan, and the search for a way to develop it is still ongoing.

### **A Struggle to adapt to the new media landscape**

The media landscape in Kyrgyzstan represents a diverse and rapidly changing media sector. The media in Kyrgyzstan has struggled to adapt to the new media landscape, which emerged after transition to Digital Broadcasting. New local TV Channels were launched both on regional and national level which compete for audiences in regions. Online local and global news agencies are also providing content for regional audiences along with regional news agencies. Media outlets in Kyrgyzstan are using new digital technologies such as developing mobile applications and doing live streaming and podcasts. However, sustainability is still an issue when it comes to financial matters. The public service media is still depending on government subsidies and private media on advertisement and individual sponsors, mainly politicians and business people.

The weakness of the professional culture and the strength of other external pressures local journalists feel (e.g., poor pay, government subsidies and pressure, a weak market and lagging local business interest, generational fragmentation, and now a fragmented digital and print production environment) leads to a fragmented professional culture and fragmented work practices. These journalists are pushed in varying directions while still seeking purpose and autonomy in their daily work, and there is little professional coherence to offer them shared purpose and practice.

Young people in Kyrgyzstan are especially flexible in adopting digital tools in their daily lives and practices such as political and social activism and as a tool to express their identity and personal views.<sup>414</sup>

<sup>412</sup> IREX, Europe & Eurasia, Media Sustainability Index 2019, <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2019-full.pdf>

<sup>413</sup> Media Research of Kyrgyzstan, M-Vector Research and Consulting Group (2018), 2018, [www.m-vector.com](http://www.m-vector.com)

<sup>414</sup> Zhunushova, S. O. 2017. The role of mass media as the main factor of transformation of social identity of youth in Kyrgyzstan under modern conditions. Роль СМИ как основного фактора трансформации социальной идентичности молодежи Кыргызстана в современных условиях. Проблемы современной науки и образования, (11 (93)).; Nasimova, G., Kilybaeva, Sh., Smagulov, K., & Basygarieva, Zh. 2019. Political Activity of the youth Kazakhstan and Kyrgyzstan: a comparative analysis. ПОЛИТИЧЕСКАЯ АКТИВНОСТЬ МОЛОДЕЖИ КАЗАХСТАНА И КЫРГЫЗСТАНА: СРАВНИТЕЛЬНЫЙ АНАЛИЗ. Центральная Азия и Кавказ, 22(1), 68-83.; Richter, A. 2008. Post-Soviet Perspective On Censorship and Freedom of the Media: An Overview, International Communication Gazette 70(5):307-324.

In August 2020, a contradictory law was proposed by the Parliament of the Kyrgyz Republic “On Manipulating Information,” which specifically targets online speech that authorities allege interferes with the conduct of politics in the country.<sup>415</sup> This law emerged as the Government’s response to combat false information and fake news about COVID-19, but the motivation behind the legislation is much deeper.<sup>416</sup> This law has a potential to restrict political expression online and to have detrimental effects on online political participation and freedom of speech in Kyrgyzstan. This law demonstrates the contemporary global struggle over fake news, misinformation, and the need to balance facts and perspectives. The law was not signed by the President of that time, Sooronbay Jeenbekov, and was sent back to Parliament for second reading.

## Challenges related to COVID-19

### Access to information

The advertising market has decreased further due to the economic crisis in Central Asian countries and due to the increase of social media and Google advertising market in the region. The decrease in advertising revenues of media outlets may lead to further financial difficulties and dependency. The safety of journalists was an issue during pandemic. Outdoor reporting and filming by all private media outlets was stopped due to the lockdowns. Only state media outlets were able to function during lockdowns in Kyrgyzstan. The functioning of private media outlets was limited by the Government who required special permissions to work during lockdowns which caused problems in access to information. Investigative journalism was not possible due to the limited access to information sources during lockdowns. Interviewing public, getting information from state organisations and ministries was limited. Coordination Crisis Centers provided very scarce information on the situation to journalists. Speaking about the impact of the coronavirus on the work of journalists, focus group participants noted that female journalists had the most difficult time during the pandemic. With traditional roles still entrenched, especially during COVID, looking after the children, helping them complete tasks, cooking food for the whole family, and at the same time trying to find time to do their journalistic work is a physically and mentally draining challenge to keep up with. For this reason, some journalists stated they had experienced psychological stress. The same opinion was expressed by journalists and experts during an online survey.<sup>417</sup>

### Misinformation and Fake News as a threat

During the pandemic fake news and misinformation about COVID-19 was spread in Central Asia through social media and some local media outlets. Conspiracy theories, memes, and fake information were widely spread causing panic and fear in the region. Hate Speech, online harassment and online attacks on journalists, activists and opposition politicians in Kyrgyzstan increased after the October 2020 events.

The role of social media’s impact on democratic discourse is widely acknowledged, however each context is unique, especially so in the post-soviet Central Asian space where the media landscape varies enormously from closed spaces to relatively open and in the case of Kyrgyzstan thriving. Social media plays an important role in opening and closing democratic spaces, especially in post-authoritarian and low-income countries like Kyrgyzstan with a robust media landscape and its potential to inciting political and social conflict.

Another phenomenon which has been associated with social media is an increasing activity of ‘troll factories’, which are not just engaging in spreading misinformation online but also have an impact

<sup>415</sup> NetBlocks, Internet disrupted in Kyrgyzstan as protests break out over alleged vote rigging, October 2020, <https://netblocks.org/reports/internet-disrupted-in-kyrgyzstan-as-protests-break-out-over-alleged-vote-rigging-JBQp0YAo>

<sup>416</sup> Natalie Simpson, Fake News, Real Censorship: A New Bill Threatens Freedom of Speech in Kyrgyzstan, FPRI, July 2020, <https://www.fpri.org/article/2020/07/fake-news-real-censorship-a-new-bill-threatens-freedom-of-speech-in-kyrgyzstan/>

<sup>417</sup> Ashiraliev, E. 2020. What is the current state of Kyrgyz Journalism?, Public Foundation Journalists.

on political life of the country. These 'troll factories' create and efficiently run fake accounts for high profile politicians such as Kyrgyzstan's ex-president Sooronbay Jeenbekov and Almazbek Atambayev, and support of Sadyr Japarov.<sup>418</sup> The coordinated actions of fake accounts and trolls online, combined with online harassment and hostility by supporters of Sadyr Japarov, who took over as interim leader in October 2020 after the post-election protests, are causing polarisation in Kyrgyz society. Trolls and fake accounts of Japarov's supporters are using online abuse and offense to attack and silence activists, journalists and oppositional politicians during and after the October 2020 events in Kyrgyzstan. According to a recent article on openDemocracy about fakes and troll factories in Kyrgyzstan, they are offering a service to politicians and prominent figures who want to manipulate public opinion and paid-for 'troll factories' have become increasingly common on Kyrgyzstani social media. These troll factories run networks of fake accounts, using them to burnish their clients' images and to denigrate opponents by flooding pages and websites with 'likes' and comments.<sup>419</sup> The press service of the State Security Committee announced on November 28<sup>th</sup> 2020 a "Call on everyone to cooperate in the interests of peace in the country", as reports of "Provocative nature that various kinds of threats and posts of aggressive content allegedly from supporters of Sadyr Japarov are received through fake accounts in social networks" have become more frequent.<sup>420</sup> Politician Bektur Asanov (candidate in the January 2021 presidential elections) recorded a video message on November 26<sup>th</sup> 2020 where he spoke about the threats that he and his supporters receive on social networks from obscure accounts. After that, he turned to Japarov with a demand that he calms his supporters down. The day before, the Civil Control Committee called on law enforcement agencies to unite in the fight against the "aggression and threats" of Japarov's supporters.<sup>421</sup> Activists noticed a flurry of aggression and threats, including death threats and threats of terrorism against individual politicians who criticise Sadyr Japarov.

According to Ashiraliev, the OTRK (Public TV and Radio Channel) and the Ala-Too 24 TV channel in Kyrgyzstan, which was opened under it, turned into a propaganda and agitation channel of the three branches of government, especially the President, and did not become a public channel as was originally intended.<sup>422</sup>

One of the features of the current Kyrgyz journalism is a strong reduction in analytical content. According to Ashiraliev, journalists and media have noted that this particular area had many requirements and a lot of questions accumulated.<sup>423</sup> The situation was criticised when there are almost no analytical programmes in state official newspapers, mass media or TV channels, and if there are any, their number is negligible. This problem brings us back to the question: does society have a need for good quality, in-depth journalism and commentary? In any case, it is probably time for journalists to start producing more analytical content so that the people will have a need for it.<sup>424</sup>

Although much has been done in terms of promoting media literacy in Central Asia, there is still a gap in strengthening critical thinking and media literacy in the wider public of Central Asian states. Because of a lack of critical thinking and media literacy, the 'infodemic' and misinformation was

<sup>418</sup> Alexander Shabalin, "Troll Factory" by Matraimovs and Zheenbekovs started working for Sadyr Japarov- "Фабрика троллей" Матраимовых и Жээнбековых начала работать на Садыра Жапарова, Kaktus Media, October 2020, [https://kaktus.media/doc/423035\\_fabrika\\_trolley\\_matraimovyh\\_i\\_jeenbekovyh\\_nachala\\_rabotat\\_na\\_sadyra\\_japarova.html](https://kaktus.media/doc/423035_fabrika_trolley_matraimovyh_i_jeenbekovyh_nachala_rabotat_na_sadyra_japarova.html); Kamila Eshaliyeva, Real fakes: How Kyrgyzstan's troll factories work, openDemocracy, November 2020, <https://www.opendemocracy.net/en/odr/troll-factories-kyrgyzstan/>

<sup>419</sup> Ibid.

<sup>420</sup> Aigerim Ryskulbekova, GKNB considers reports of threats from fakes as "proactive", Kloop, November 2020, <https://kloop.kg/blog/2020/11/28/gknб-schitaet-soobshheniya-ob-ugrozah-so-storony-fejkov-provokatsionnymi/>

<sup>421</sup> Ibid.

<sup>422</sup> Ashiraliev, E. 2020. What is the current state of Kyrgyz Journalism?, Public Foundation Journalists.

<sup>423</sup> Ibid.

<sup>424</sup> Ibid.

huge during pandemic in Central Asia.<sup>425</sup> There is also a growing tendency of using social media to manipulate public opinion especially during elections and political events in Central Asia. As the case of Kyrgyzstan during the October 2020 events has shown, massive online attacks of trolls and fake accounts on journalists, activists and oppositional politicians are growing and silencing them. That is why there is a need to promote critical thinking and media literacy among the general public in Central Asia.

**Recommendations for the international community:**

- To help Kyrgyz media master new development models of media; and
- Promote the development of high quality regional media through capacity-building, including training on investigative training, generative advertising revenue, crowd funding and other skills.

**Fighting misinformation in Central Asia:**

- Civil society organisations can play a role in monitoring social media and providing systematic reporting in relevant timeframes. An evidence-based understanding of the threats and vulnerabilities can be the basis of effective solutions;
- Provide access to correct information about COVID-19;
- To train local journalists on science-based journalism to help them report on the pandemic;
- To launch a new course on science-based journalism in the Journalism Departments of Universities to teach journalism students how to do science-reporting;
- To launch MOOCS (Massive Open Online Courses) that are free online courses available for anyone to enroll on 'Journalism and Pandemic' for journalism students and journalists in the region;
- To develop video-lessons and game based learning platforms on reporting the pandemic;
- To support local media research on the coverage of COVID-19 by local media and the spread of misinformation and disinformation in Central Asia;
- To support information campaigns against the 'infodemic' and misinformation;
- To develop manuals and toolkits for local journalists in their local languages on how to reporting on COVID-19 and pandemic;
- To use digital technologies, such as fact-checking software programmes and the detection of fake accounts and bots on social media, in the fight against misinformation and disinformation, and build capacity for journalists and media in Central Asia;
- To assist in improving the professional knowledge of journalists (quality of education, outlook, and worldview);
- To promote the qualitative development of the regional media;
- To convey to journalists such basic values of journalism as the Code of Ethics, how to transmit reliable information, and tell the truth;
- To train media organisations to conduct audience analysis and based on its results, achieve the trust of the people, and develop a model of how to operate based on audience funding;
- To create fair competition among the media; and
- To establish and distribute industry journalism that will cover other important aspects of life (medicine, economy, tourism, agriculture, scientific and technological achievements).

**Capacity-building for journalism education in Central Asia:**

- To update the curriculum;
- To train teachers about how to use online teaching;

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<sup>425</sup> An infodemic is too much information including false or misleading information in digital and physical environments during a disease outbreak. It causes confusion and risk-taking behaviours that can harm health. It also leads to mistrust in health authorities and undermines the public health response (WHO, 2020) Infodemic (who.int)

- To translate journalism books into the Kyrgyz language and to support media research at universities;
- To support development of course materials such as course books, course readers and other educational resources;
- To support the launch of online courses and video-lessons on journalism and media in local languages; and
- To link journalism teachers and students in Central Asia up with European counterparts through exchange programmes.

**Strengthening media literacy in Central Asia:**

- To promote development of the media literacy curriculum, pedagogical staff training and the development of teaching aids through the organisation of exchange visits to countries with well-established programmes in media literacy and media education;
- To consider funding of a fact-checking platform or another technological know-how to debunk misleading information, information manipulation and fake news through regular monitoring and verification of information which represents public interest; and
- To raise awareness about the public role of media, media regulation and the dissemination of information, the right to freedom of speech and expression and responsibility it comes with.

**Support for media in promoting gender equality in Central Asia:**

- Train journalists on how to report on violence against women and girls;
- Train journalists on how to report on gender equality;
- Develop gender-sensitive editorial policies for media outlets;
- Train editors and producers on how to be gender-sensitive in monitoring their reports; and
- To support media monitoring on gender-sensitive reporting by independent monitoring agencies.

**Support for media during elections:**

- Train journalists how to cover elections.

**Supporting media in fighting radicalisation in Central Asia:**

- Train media outlets and journalists in Central Asia on how to provide conflict-sensitive coverage of news and topics on religion and radicalisation.



## 12. Out from under the bridge: Trolling and harassment of independent media in Kyrgyzstan

By Begaim Usenova and ARTICLE 19<sup>426</sup>

In November 2019, Radio Free Europe/Radio Liberty's *Radio Azattyk*, the *Organised Crime and Corruption Reporting Project* (OCCRP) and its Kyrgyz member centre, *Kloop.kg*, published their joint investigation into widespread corruption in Kyrgyzstan's customs service.<sup>427</sup> The online harassment and abuse of journalists following this investigation marked the beginning of a new era in the intimidation of Kyrgyzstan's independent media, which has continued throughout the recent election period. This article charts the development of online harassment of independent journalists and media organisations, exploring the responses of the state, social media platforms and journalists themselves and making targeted recommendations to address this issue.

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ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the rights to freedom of expression and information. It takes its name and mandate from Article 19 of the Universal Declaration of Human Rights which guarantees the right to freedom of expression. ARTICLE 19 has produced a number of standard-setting documents and policy briefs based on international and comparative law and best practice on issues concerning the right to freedom of expression. Increasingly, ARTICLE 19 is also examining the role of international internet technical standard-setting bodies and internet governance bodies in protecting and promoting freedom of expression.

<sup>427</sup> RFE/RL Radio Azattyk, OCCRP, *Kloop.kg*, *Plunder and Patronage in Central Asia*, OCCRP, November 2019 <https://www.occrp.org/en/plunder-and-patronage/>

## Background

Independent media in Kyrgyzstan and their journalists have been regularly harassed in recent years, particularly through problematic defamation legislation.<sup>428</sup> An important example of this is the multi-million-som lawsuits brought against independent online news platform, *Zanoza.kg* (now *Kaktus Media*), and others in March 2017 by then-president Atambaev.<sup>429</sup> The case has been referred to the UN Human Rights Committee and is awaiting their recommendations. However, the publication in November 2019 of the *Azattyk*, OCCRP and *Kloop.kg* and investigation marks a change in the nature of threats and attacks against independent media and the beginning of a significant increase in online harassment. The publication of the investigation and follow-up reporting by other independent media led not only to other physical attacks, but also digital attacks, and online harassment of journalists involved in the investigation.<sup>430</sup> This trend continued throughout 2020, further intensifying following the disputed parliamentary elections on October 4<sup>th</sup> 2020 and the proposed constitutional reform, initially proposed on November 17<sup>th</sup> 2020.

## Intimidating investigative journalists

Following the publication of the investigation in November, *Kloop.kg*, independent online news platform, *Kaktus Media*, and others noted the increased presence of 'trolls' on social media networks, criticising the investigation and harassing those journalists involved.<sup>431</sup> The accounts of these 'trolls' posted comments discrediting the journalistic investigation as well as attacking those who planned to attend a peaceful protest against the corrupt practices revealed in the country planned for November 25<sup>th</sup> 2019. Attacks on independent media in Kyrgyzstan is not a new development. However the traditional methods of intimidating and silencing critical voices exemplified by the 2017 defamation lawsuits have been augmented by the new tools of trolling and online harassment.

## Election of the trolls

Following Kyrgyzstan's October 4<sup>th</sup> 2020 parliamentary elections and the Central Election Commission's decision to annul the results, online threats directed towards independent media and journalists increased, alongside physical violence against journalists.<sup>432</sup> The rise of 'troll factories' at this time and their use to discredit both political opponents and media coverage is thought to have contributed to the significant increase online abuse received by journalists at this time.<sup>433</sup>

## Targeting Azattyk

Together with other independent media in Kyrgyzstan, *Azattyk* has long faced criticism and attack from politicians at the highest level, with concerted attempts to discredit the media organisation

<sup>428</sup> ARTICLE 19, Kyrgyzstan: Law protecting President's "honour and dignity" should be abolished, August 2017, <https://www.article19.org/resources/kyrgyzstan-law-protecting-presidents-honour-and-dignity-should-be-abolished/>

<sup>429</sup> ARTICLE 19, Kyrgyzstan: Stop legislative harassment of Zanoza.kg and its journalists, December 2017, <https://www.article19.org/resources/kyrgyzstan-stop-legislative-harassment-of-zanoza-k-g-and-its-journalists/>

<sup>430</sup> Ruslan Kharizov, Нападение на Болота Темирова. Редактор Factcheck.kg выступил с заявлением, 24.kg, January 2020, [https://24.kg/obschestvo/140225\\_napadenie\\_nabolota\\_temirova\\_redaktor\\_Factcheckkg\\_vyistupil\\_szayavleniem/](https://24.kg/obschestvo/140225_napadenie_nabolota_temirova_redaktor_Factcheckkg_vyistupil_szayavleniem/); Aida Dzhumashova, Траты жены Матраимова. DDoS-атака сайта Factcheck.kg продолжается, 24.kg, December 2019, [https://24.kg/obschestvo/138321\\_traty\\_jenyi\\_matraimova\\_DDoS-ataka\\_sayta\\_Factcheckkg\\_prodoljajetsya/](https://24.kg/obschestvo/138321_traty_jenyi_matraimova_DDoS-ataka_sayta_Factcheckkg_prodoljajetsya/)

<sup>431</sup> Adeim Ubakeeva, Наглядно. Фейки и реальные люди, чьи фото они украли, Kloop.kg, January 2020 <https://kloop.kg/blog/2020/01/22/naglyadno-fejki-i-realnye-lyudi-chi-foto-oni-ukrali/>; Aidana Abduvaitova, Тролли хотят выдать акцию за свободу слова за гей-парад. Еще один из них хвалит Матраимова, Kaktus Media, December 2019, [https://kaktus.media/doc/402916\\_trolli\\_hotiat\\_vydat\\_akciu\\_za\\_svobody\\_slova\\_za\\_gey\\_parad\\_eshe\\_odin\\_iz\\_nih\\_hvalit\\_matraimova.html](https://kaktus.media/doc/402916_trolli_hotiat_vydat_akciu_za_svobody_slova_za_gey_parad_eshe_odin_iz_nih_hvalit_matraimova.html); Aleksandr Shabalin, О работе троллей и ботов, поддерживающих Матраимова после расследования о \$700 млн, Kaktus Media, November 2019, [https://kaktus.media/doc/401754\\_o\\_rabote\\_trolley\\_i\\_botov\\_podderzivaushih\\_matraimova\\_posle\\_rassledovaniia\\_o\\_700 mln.html](https://kaktus.media/doc/401754_o_rabote_trolley_i_botov_podderzivaushih_matraimova_posle_rassledovaniia_o_700 mln.html)

<sup>432</sup> Aidai Tokoyeva, Медиаобщество призвало политиков осуждать онлайн-угрозы журналистам и активистам со стороны своих сторонников, Kloop.kg, December 2020, <https://kloop.kg/blog/2020/12/01/mediasoobshhestvo-prizvalo-politikov-osuzhdad-onlajn-ugrozy-zhurnalistam-i-aktivistam-so-storony-svoih-storonnikov/>

<sup>433</sup> Kamila Yeshaleyeva, "У каждого было около 200 аккаунтов в соцсетях". Как устроены "фабрики троллей" в Кыргызстане, OpenDemocracy, November 2020, <https://www.opendemocracy.net/ru/fabriki-trollei-v-kyrgyzstane/>

and its journalists beginning even in advance of the publication of the corruption investigation.<sup>434</sup> However, even despite this long history of criticism and attack, *Azattyk*'s journalists current report facing unprecedented levels of online intimidation and harassment. Public statements by leading politicians singled out *Azattyk*, potentially contributing to the increase in online attacks against the news platform.<sup>435</sup>

### Criticised for challenging constitutional reform

On November 17<sup>th</sup>, draft amendments to the constitution of the Kyrgyz Republic were announced. National and international media and civil society organisations, including the Media Policy Institute (MPI) and ARTICLE 19, criticised the proposed amendments, which threatened to violate the rights and freedoms inherent in the existing constitution and guaranteed by international law.<sup>436</sup> Individual journalists, activists and lawyers, particularly women, who spoke out against the proposed changes became particular targets of online attacks. There were personally threatened, intimidated, insulted and discredited.<sup>437</sup> This clear attempt to stifle critical voices, with a potential chilling effect on freedom of expression was particularly notable on Kyrgyz-language segments of social media platforms.<sup>438</sup> MPI and other representatives of the media community have called on political leaders not to support online intimidation and harassment of critical voices and to take action against online attacks, particularly given the risk that these may prove the foundation for physical violence.<sup>439</sup>

### State inaction to address threats

Journalists say that they do not report online harassment and abuse to Law Enforcement Agencies, believing that their concerns will not be addressed.<sup>440</sup> This may be in part because certain political actors have played a facilitating role in the online harassment of journalists: either by directly provoking or failing to condemn such attacks and thereby contributing to a general climate of impunity.

ARTICLE 19's recent guidelines on investigating online harassment and abuse of women journalists set out States' obligations to protect journalists, both offline and online, as follows:<sup>441</sup>

- Under international human rights standards, States must protect the right to freedom of expression in law, policy and practice, to ensure a safe and enabling environment for journalists to carry out their work independent and without undue interference. States also have a positive obligation to ensure that crimes designed to silence journalists and freedom

<sup>434</sup> 24.kg, Нападки на свободу слова. Эффект перевернутых граблей, October 2020, <https://journalist.kg/ru/analytics/napadki-na-svobodu-slova-effekt-perevernutyh-grablej/>; Azamat Түнаев, Каковы главные угрозы свободе кыргызстанских СМИ?, CABAR, December 2019, <https://cabar.asia/ru/kakovy-glavnye-ugrozy-svobode-kyrgyzstanskih-smi>

<sup>435</sup> Aidana Abduvaitova, Садыр Жапаров прокомментировал угрозы и давление на журналистов от своих сторонников Kaktus Media, October 2020, [https://kaktus.media/doc/423236\\_sadyr\\_japarov\\_prokommentiroval\\_ugrozy\\_i\\_davlenie\\_na\\_jyralistov\\_ot\\_svoih\\_storonnikov.html](https://kaktus.media/doc/423236_sadyr_japarov_prokommentiroval_ugrozy_i_davlenie_na_jyralistov_ot_svoih_storonnikov.html); Aizhamal Dzhamankulova, Садыр Жапаров заявил, что «Азаттык» искажает смысл его слов. Медиаобщество считает обвинения и.о. президента угрозой для СМИ, November 2020, <https://kloop.kg/blog/2020/11/10/sadyr-zhaparov-zayavil-chto-azattyk-iskazhaet-smysl-ego-slov-mediasoobshhestvo-schitaet-obviniya-i-o-prezidenta-ugrozj-dlya-smi/>

<sup>436</sup> ARTICLE 19, Kyrgyzstan: Draft Constitution threatens freedom of expression and freedom of the media, December 2020, <https://www.article19.org/resources/kyrgyzstan-draft-constitution-threatens-freedom-of-expression-and-freedom-of-the-media/>

<sup>437</sup> Mirlan Kadyrov, Как онлайн-угрозы подрывают демократию, RFE/RL Radio Azattyk, December 2020, <https://rus.azattyk.org/a/30978025.html>

<sup>438</sup> Bakyt Toregeldi, В соцсетях кыргызстанского сегмента участились угрозы и запугивания, RFE/RL Radio Azattyk, November 2020, <https://rus.azattyk.org/a/30964989.html>

<sup>439</sup> Media Policy Institute, Медиаорганизации Кыргызстана призывают и.о. президента публично признать и подтвердить роль свободных СМИ в демократическом обществе, November 2020, <http://media.kg/wp-content/uploads/2020/11/mediaorganizacii-kyrgyzstana-prizyvayut-i.o.-prezidenta-publichno-priznat-i-podverdit-rol-svobodnyh-smi-v-demokraticeskom-obshhestve.pdf>

<sup>440</sup> Mirlan Kadyrov, Как онлайн-угрозы подрывают демократию, RFE/RL Radio Azattyk, December 2020, <https://rus.azattyk.org/a/30978025.html>

<sup>441</sup> ARTICLE 19, Investigating online harassment and abuse of women journalists, 2020, <https://www.article19.org/wp-content/uploads/2020/11/Gender-Paper-Brief-3-.pdf>



of expression are prohibited, attacks on journalists prevented, journalists are protected and instigators of attacks are prosecuted.

- Available research shows that there is a lack of clarity about how best to pursue legal accountability for online harassment and this can often lead to the adoption of new, overly broad laws that harm freedom of expression.
- Any regulation restricting or limiting the right to freedom of expression should comply with the three-part test under Article 19 para 3 of the ICCPR; while criminal law should be used in exceptional circumstances when online harassment and abuse reaches certain severity, such as causing serious harm.

In 2019, the OSCE Representative on Freedom of the Media's report on online harassment or abuse of journalists recommended that in cases when online harassment and abuse *'is likely to cause serious harm, the police and prosecuting authorities must proactively and vigorously investigate the harassment or abuse in a timely fashion, and perpetrators should be prosecuted accordingly. Such a response should not be wholly dependent on the victim's coming forward and calling for the punishment of the perpetrators since the online harassment interferes with the right to freedom of expression of both the journalist and the public at large (and should, therefore be treated as a public matter).'*<sup>442</sup>

### **Social media platforms struggle to respond**

Many journalists and media organisations have also addressed their concerns about online harassment and intimidation to social media platforms through the various reporting mechanisms larger platforms provide. However, individuals have not received responses to their complaints.

In a recent briefing looking specifically at online harassment and abuse against women journalists, ARTICLE 19 acknowledges the attempts by social media platforms to develop community standards and other policies to challenge harassment and abuse.<sup>443</sup> Facebook, Twitter and YouTube (Google) all state that harassment and abuse are not tolerated on their platforms and address violations of these terms and conditions in a number of ways, including content removal, labelling and user suspension. Facebook has a dedicated section on its website, co-developed with a number of journalist support organisations, which provides guidance on how journalists can stay safe online.<sup>444</sup>

However, the briefing goes on to point out that these terms and conditions are often broad and vague, and guidelines are not enforced consistently, in particularly with regard to reporting or identification mechanisms, appeals and complaints of harassment and abuse, and remedies. Enforcement mechanisms are not always easy to find and companies' responses are often lacking or inconsistent. There is a lack of transparency over the action taken in response to online harassment and abuse and the use of algorithms and machine learning to flag content in violation of their terms and conditions. In addition, in the context of Kyrgyzstan, the rise of unchecked online harassment on the Kyrgyz-language segment of social media platforms suggests that there is inequitable moderation of Russian- and Kyrgyz-language content.

<sup>442</sup> OSCE, Legal Responses to Online Harassment and Abuse of Journalists: Perspectives from Finland, France and Ireland, March 2019, <https://www.osce.org/representative-on-freedom-of-media/413549>

<sup>443</sup> ARTICLE 19, Online harassment and abuse against women journalists and major social media platforms, 2020, <https://www.article19.org/wp-content/uploads/2020/11/Gender-Paper-Brief-2.pdf>

<sup>444</sup> Facebook, Safety tips for journalists, <https://www.facebook.com/formedia/blog/safety-tips-for-journalists>

## Conclusion

The rise in online harassment against media organisations and journalists in Kyrgyzstan is extremely concerning, leading to self-censorship with a chilling effect on freedom of expression in the country. The recent revelation of the presence of troll factories in Kyrgyzstan and their role in delivering online abuse against journalists further emphasises the need to address these issues at multiple levels. As we have evidenced through this article, the situation in Kyrgyzstan is exacerbated by insufficient responses on the part of the Government of Kyrgyzstan, social media platforms and media organisations themselves. Public expressions denigrating independent media and journalists in Kyrgyzstan by those at the highest level of government have fuelled the rise of attacks and law enforcement do not uphold Kyrgyzstan's positive obligations to protect journalists, including against online threats. The unchecked rise of hate speech against journalists, particularly on Kyrgyz-language segments of social media platform, may be linked to a relative lack of Kyrgyz-language moderation, and reporting of online harassment through these platforms has met with limited responses. In addition, independent media organisations and journalists experiencing these attacks appear reluctant to report these publicly. Media workers do not consistently document and report on online harassment abuse, assuming lack of response from law enforcement agencies or social media platforms. There is also a perception that online harassment is 'part of the job' and should be tolerated as such.

MPI and ARTICLE 19 therefore put forward the following recommendations to address these emerging challenges, adapting those presented in ARTICLE 19's recent briefings on online abuse and harassment against women journalists, and the OSCE's Safety of Female Journalists Online – A #SOFJO Resource Guide, authored by ARTICLE 19.<sup>445</sup>

### *For the Government of Kyrgyzstan:*

- Establish a national action plan on the safety of journalists with particularly reference to online safety and gender responsive approach;<sup>446</sup>
- Increase expertise among judicial personnel and law enforcement on issues of freedom of expression, safety of journalists and harassment and abuse, offline and online, with a gender-responsive approach;<sup>447</sup>
- Urges political leaders, public officials and/or authorities to refrain from denigrating, intimidating or threatening the media, including individual journalists, or using misogynist or any discriminatory language towards women journalists, thereby undermining trust in the credibility of journalists and respect for the importance of independent journalism;<sup>448</sup> and
- Strengthen protocols, methods and procedures to investigate crimes against journalists and freedom of expression.<sup>449</sup>

### *For social media platforms operating in Kyrgyzstan:*<sup>450</sup>

- Social media companies should improve their internal redress mechanisms, respecting due process safeguards. These should also be able to address any refusal to remove content, such as gender-based harassment and abuse, that is arguably in breach of the companies' community standards;

<sup>445</sup> ARTICLE 19, Online abuse and harassment against women journalists, 2020, <https://www.article19.org/onlineharassment/>; OSCE, Safety of Female Journalists Online, <https://www.osce.org/fom/safety-female-journalists-online>

<sup>446</sup> Silvia Chocarro, Sarah Clarke, Paulina Gutiérrez, Judy Taing (ARTICLE 19), SAFETY OF FEMALE JOURNALISTS ONLINE - A #SOFJO Resource Guide, OSCE, 2020, [https://www.osce.org/files/f/documents/2/9/468861\\_0.pdf](https://www.osce.org/files/f/documents/2/9/468861_0.pdf)

<sup>447</sup> Silvia Chocarro, Sarah Clarke, Paulina Gutiérrez, Judy Taing (ARTICLE 19), SAFETY OF FEMALE JOURNALISTS ONLINE - A #SOFJO Resource Guide, OSCE, 2020, [https://www.osce.org/files/f/documents/2/9/468861\\_0.pdf](https://www.osce.org/files/f/documents/2/9/468861_0.pdf)

<sup>448</sup> UN General Assembly, Resolution adopted by the Human Rights Council on 6 October 2020 (Forty-fifth session), October 2020, <https://undocs.org/en/A/HRC/RES/45/18>

<sup>449</sup> Silvia Chocarro, Sarah Clarke, Paulina Gutiérrez, Judy Taing (ARTICLE 19), SAFETY OF FEMALE JOURNALISTS ONLINE - A #SOFJO Resource Guide, OSCE, 2020, [https://www.osce.org/files/f/documents/2/9/468861\\_0.pdf](https://www.osce.org/files/f/documents/2/9/468861_0.pdf)

<sup>450</sup> ARTICLE 19, Online harassment and abuse against women journalists and major social media platforms, 2020, <https://www.article19.org/wp-content/uploads/2020/11/Gender-Paper-Brief-2.pdf>

- Social media companies should notify their decisions to affected parties and give sufficiently detailed reasons for the actions they take against particular content or accounts. They should also provide clear information about any internal complaints mechanisms; and
- Social media companies should consider joining multi-stakeholder regulatory bodies such as social media councils that would allow better public oversight of their practices, including in the area of gender-based harassment and abuse. In particular, the Facebook Oversight Board should consider gender harassment and abuse cases in their case work and provide the appropriate guidance on how better and more effectively address this issue, in line with international freedom of expression standards.

*For journalists and media organisations in Kyrgyzstan:*<sup>451</sup>

- Monitor and document online abuse and harassment and use information to raise awareness among key actors, including through journalistic articles and investigations;
- Ensure support to journalists, including psychosocial, to those who are facing online abuse and harassment, and those who are at higher risk of experiencing such attacks, including through peer-to-peer networks, training and other practical support;
- Develop and effectively implement safety policies that include a holistic approach towards safety and security, including physical, legal, psychosocial and digital security; and
- Uphold ethical standards and journalistic codes to ensure the highest quality of journalism.

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<sup>451</sup> Silvia Chocarro, Sarah Clarke, Paulina Gutiérrez, Judy Taing (ARTICLE 19), SAFETY OF FEMALE JOURNALISTS ONLINE - A #SOFJO Resource Guide, OSCE, 2020, [https://www.osce.org/files/f/documents/2/9/468861\\_0.pdf](https://www.osce.org/files/f/documents/2/9/468861_0.pdf)



### 13. Kyrgyzstan: Why human rights have been declining over the last 20 years and what happened to the ‘Switzerland’ of Central Asia?

By Jasmine Cameron<sup>452</sup>

#### Summary

It has been more than two decades since the Kyrgyz Republic became independent. At that time, Kyrgyzstan had an ambitious agenda to become a ‘Switzerland’ of Central Asia and open up the country to new opportunities, embrace the market economy and become a true democracy where human rights are respected and protected. However, despite these initial goals, true and meaningful reforms never took place because of the three main factors that have driven these trends and directly impacting the protection and implementation of human rights. The factors are: the endemic corruption, the lack of political will and the culture of impunity, or ‘legal mentality’, a mindset where people believe that there will be no consequences for ignoring or subverting the legal process, and lack of respect for the rule of law. In order to overcome these obstacles, the Government of Kyrgyzstan as well as the international community must agree on a road map on how to better protect the rights of the people of Kyrgyzstan and especially the vulnerable and marginalised. The road map should include a conditionality rule that requires the Government to protect human rights in order to receive large aid packages or financial loans or technical assistance. In other words, the human rights agenda should always be front and center of the internal policies, and be a main objective during the external negotiations or evaluations of progress.

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<sup>452</sup> Jasmine Cameron, Esq., is a US-trained human rights lawyer, originally from Kyrgyzstan. Jasmine has been working for the US Government and non-profit organizations and living overseas for many years. She was implementing the rule of law and human rights programs in the regions of Europe and Eurasia. *Image by Embassy of the Kyrgyz Republic to Switzerland.*

## Background

Kyrgyzstan is a small landlocked country in Central Asia, located south of Kazakhstan and west of China, which gained its independence in 1991 after the dissolution of the Soviet Union.<sup>453</sup> The population of the country is slightly over six million people, with the majority of people living in rural areas and 32 per cent of the population living under the poverty line.<sup>454</sup>

In the earlier stages of independence, Kyrgyzstan was consistently called the ‘Switzerland’ of Central Asia, illustrating the international community’s hopes for the country and its potential to become an ‘island of democracy’ in the region.<sup>455</sup> Kyrgyzstan joined many international organisations and ratified the main human rights conventions.<sup>456</sup> For example, in 1992, Kyrgyzstan became the member of the World Bank, in 1994, Kyrgyzstan was the first among Central Asian republics to accede to the Universal Declaration of Human Rights and in 1998 was the first country of the former Soviet republics to join the World Trade Organization.<sup>457</sup>

Although the country took these important steps to become a democracy, through the years the Government of Kyrgyzstan has not respected, promoted, protected, and fulfilled its human rights obligations or its democratic promise. The country is considered to be only partially free by Freedom House’s Freedom in the World Report, with a score of 38/100.<sup>458</sup> It is battling endemic corruption and was placed at 126<sup>th</sup> out of 180 on the Transparency International Corruption Perception Index (CPI).<sup>459</sup> The rule of law reforms have stalled and the 2020 WJP rule of law index was at 0.48 or 87<sup>th</sup> place out of 128 countries; judicial independence remains elusive with the score of three out of seven, placing it at 106<sup>th</sup> out of 141 in the 2019 Global Competitiveness Index; and the country’s overall human rights record is worsening.<sup>460</sup>

The leaders of Kyrgyzstan fell into a disappointingly familiar cycle of retrenchment and backsliding on human rights and reforms. The first President, Askar Akayev, was elected in October 1991. Initially he positioned himself as a reformer and a moderate leader.<sup>461</sup> However, in his later years in office, he became more authoritarian by suppressing opposition members, more corrupt by allowing his family and others become enriched on local resources, and more willing to let lapse those international and local rules that might have reigned in his corruption.<sup>462</sup> This behaviour led to the

<sup>453</sup> CIA: The World Fact Book, Kyrgyzstan, The World Factbook, CIA.gov, <https://www.cia.gov/the-world-factbook/countries/kyrgyzstan/>

<sup>454</sup> Ibid.

<sup>455</sup> The Frontline World, Kyrgyzstan, The Kidnapped Bride, PBS, March 2004, <http://www.pbs.org/frontlineworld/stories/kyrgyzstan/facts.html>

<sup>456</sup> OHCHR, View the ratification status by country or by treaty, Ratification Status for Kyrgyzstan, United Nations Human Rights Treaty Bodies, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=93&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=93&Lang=EN). In 1994, Kyrgyzstan ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural rights (CESCR), and the Convention on the Rights of the Child (CRC). In 1997, it joined the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT), as well as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). In 2003, Kyrgyzstan joined the *Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (CMW). Most recently, in 2019, Kyrgyzstan joined the Convention on the Rights of Persons with Disabilities (CRPD).

<sup>457</sup> Ibid. See also World Trade Organization, Kyrgyz Republic to become WTO member, October 1998, [https://www.wto.org/english/news\\_e/pres98\\_e/pr114\\_e.htm](https://www.wto.org/english/news_e/pres98_e/pr114_e.htm); see also United Nations, Sustainable Development Knowledge Platform, [https://sustainabledevelopment.un.org/content/documents/26459VNR\\_2020\\_Kyrgyzstan\\_Report\\_English.pdf](https://sustainabledevelopment.un.org/content/documents/26459VNR_2020_Kyrgyzstan_Report_English.pdf)

<sup>458</sup> Freedom House, 2020 Freedom in the World Report, <http://www.pbs.org/frontlineworld/stories/kyrgyzstan/facts.html>

<sup>459</sup> Transparency International, Annual Report, <https://www.transparency.org/en/countries/kyrgyzstan>. It also gives the score of 31 out of 100 (0 - highly corrupt and 100 - very clean), though this score is an improvement from the years before, for example, in 2012 Kyrgyzstan had the score of 154.

<sup>460</sup> World Justice Project, WJP 2020 Rule of Law Index, <https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2020>; World Economic Forum’s 2019 Global Competitiveness Index, <http://www.pbs.org/frontlineworld/stories/kyrgyzstan/facts.html>; Human Rights Watch, 2021 World Report Kyrgyzstan, <https://www.hrw.org/world-report/2020/country-chapters/kyrgyzstan>; Amnesty International, Kyrgyzstan, <https://www.amnesty.org/en/countries/europe-and-central-asia/kyrgyzstan/report-kyrgyzstan/>

<sup>461</sup> Regine A. Spector, *The Transformation of Askar Akaev, President of Kyrgyzstan*, University of California, Berkeley, Spring 2004, [https://isees.berkeley.edu/sites/default/files/shared/2004\\_02-spec.pdf](https://isees.berkeley.edu/sites/default/files/shared/2004_02-spec.pdf)

<sup>462</sup> RFE/RL, Central Asia Report: August 22, 2002, RFE/RL, August 2002, <https://www.rferl.org/a/1342268.html>

‘Tulip’ revolution in March 2005, and Akayev resigned a month later.<sup>463</sup> The second President Kurmanbek Bakiyev was elected in July 2005. Despite initial optimism, his presidency was marred by many problems including a failing economy, ties to criminals and the killings of several Members of Parliament (Jogorku Kenesh), corruption and his family’s battles over lucrative businesses.<sup>464</sup> In 2010, another revolution forced Bakiyev to flee and President Atambayev eventually took power in December 2011, following a short stint by Rosa Otunbayeva as interim President. Atambaev’s presidency was also troubled and problematic. While some reforms took place and new amendments to the constitution were adopted during his one six-year term in office, he was connected with many corruption cases ‘ranging from the illegal privatisation of municipal property to the embezzlement of funds from infrastructure projects.’<sup>465</sup> In November 2017, new President Sooronbay Jeenbekov became President, in the so-called first democratic transfer of power in the country. Jeenbekov was not president for long, however, and in 2020, after contested Parliamentary elections he was forced out in another revolution, that many observers called a *coup d’état*.<sup>466</sup> While it is too early to rule on how sincerely the most recent president Sadyr Japarov’s administration will support a human rights agenda, the methods used by him and his supporters to achieve power are concerning.

During this period, the overall human rights record deteriorated - the rights of the vulnerable, minority, women and marginalised groups remain unprotected; torture practices are common; human rights defenders, journalists and lawyers are harassed, and the environment for the civil society to operate is becoming more difficult.<sup>467</sup> The gender inequality in society and violations against the rights of women and girls have been getting worse in spite of recent legislative amendments aimed at improving the situation.<sup>468</sup> Violence against women is “wide-spread” and women are subject to “domestic violence, bride kidnapping, trafficking, early marriages and physical abuse” with limited access to justice to remedy such violations.<sup>469</sup> The situation with the rights of people with disabilities remains to be “unsatisfactory”.<sup>470</sup> People with disabilities continue to be discriminated against and isolated from the community especially when it comes to the access to medical care, political participation in decision-making on disability issues and the policy-making processes, though hopes are high for improvements after the 2019 CRPD ratification.<sup>471</sup> The rights of minorities continue to remain a sensitive topic for the Government and society especially in the

<sup>463</sup> International Crisis Group, Kyrgyzstan After the Revolution, May 2005,

[https://www.justice.gov/sites/default/files/eoir/legacy/2014/09/29/icg\\_05042005.pdf](https://www.justice.gov/sites/default/files/eoir/legacy/2014/09/29/icg_05042005.pdf)

<sup>464</sup> BBC NEWS, Kyrgyz MP shot dead in Bishkek, May 2006, <http://news.bbc.co.uk/1/hi/world/asia-pacific/4759301.stm>; BBC NEWS, Kyrgyz rally against corruption, April 2006, <http://news.bbc.co.uk/1/hi/world/asia-pacific/4958146.stm>

<sup>465</sup> Satina Aidar, What we know about alleged elite corruption under former Kyrgyz president Almazbek Atambayev, openDemocracy, October 2018, <https://www.opendemocracy.net/en/odr/what-we-know-about-alleged-elite-corruption-under-former-kyrgyz-president-almazbek-atambayev/>

<sup>466</sup> Vladimir Pirogov, Coup d’etat ‘under way’ as Kyrgyzstan opposition claims power, The Sydney Morning Herald, October 2020, <https://www.smh.com.au/world/asia/coup-d-etat-under-way-as-kyrgyzstan-opposition-claims-power-20201006-p562lo.html>

<sup>467</sup> Human Rights Watch, Kyrgyzstan: Events of 2019, (HRW 2019 Report), <https://www.hrw.org/world-report/2020/country-chapters/kyrgyzstan>; see also Amnesty International, Kyrgyzstan, <https://www.amnesty.org/en/countries/europe-and-central-asia/kyrgyzstan/report-kyrgyzstan/>; see also Committee to Protect Journalist (CPJ): Kyrgyzstan, 2020,

<https://cpj.org/europe/kyrgyzstan/2020/>; see situation with human rights defenders at Frontline Defenders, Kyrgyzstan, <https://www.frontlinedefenders.org/en/location/kyrgyzstan>; see also the situation with lawyers Legal Clinic Adilet’s Report on Lawyers, <http://www.adilet.kg/en/news/full/415>; see also Kyrgyzstan’s Bar Association’s Public Letter to the Kyrgyz President on concerning trends of attacks on lawyers, [www.advokatura.kg/foto/obrashchenie-k-prezidentu-kyrgyzskoy-respubliki](http://www.advokatura.kg/foto/obrashchenie-k-prezidentu-kyrgyzskoy-respubliki); Radio Azattyk, Osh: The lawyer says that he was under surveillance and eavesdropping, November 2020, <https://www.azattyk.org/a/30966296.html>

<sup>468</sup> Human Rights Watch, Kyrgyzstan: Events of 2019, <https://www.hrw.org/world-report/2020/country-chapters/kyrgyzstan>

<sup>469</sup> UN Women, Kyrgyzstan, <https://eca.unwomen.org/en/where-we-are/kyrgyzstan>; see also American Bar Association, Center for Human Rights: Violence against Women in Kyrgyzstan: Barriers to Accessing Justice, Fair Trial Rights, and the Right of Peaceful Assembly, December 2020, [https://www.americanbar.org/groups/human\\_rights/reports/violence-against-women-in-kyrgyzstan--barriers-to-accessing-just/](https://www.americanbar.org/groups/human_rights/reports/violence-against-women-in-kyrgyzstan--barriers-to-accessing-just/); see also American Bar Association, Center for Human Rights, Trial Observation Report: Kyrgyzstan vs. Gulzhan Pasanova, May 2020, [https://www.americanbar.org/groups/human\\_rights/reports/kyrgyzstan\\_vs\\_Gulzhan\\_Pasanova1/](https://www.americanbar.org/groups/human_rights/reports/kyrgyzstan_vs_Gulzhan_Pasanova1/)

<sup>470</sup> Gulmira Kazakunova, Kyrgyzstan’s Social Protection Measures and Programmes, United Nations, June 2018,

<https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2018/06/3-1.pdf>

<sup>471</sup> Amnesty International, One year after CRPD ratification in Kyrgyzstan, March 2020, <https://www.amnesty.org/en/latest/campaigns/2020/03/one-year-after-crpdt-ratification-in-kyrgyzstan/>

aftermath of the 2010 inter-ethnic conflict in the south of Kyrgyzstan.<sup>472</sup> An Uzbek minority human rights defender and journalist Azimjan Askarov was detained, tortured and prosecuted after these events.<sup>473</sup> Askarov passed away in prison on July 25<sup>th</sup> 2020, in spite of the 2016 UN Human Rights Committee's decision demanding his immediate release and many other interventions and advocacy efforts by the international community.<sup>474</sup> The torture practices by the law enforcement bodies have been an on-going reality for the past decades and appear to be "systematic".<sup>475</sup> For example, in the first half of 2019, there were 171 allegations of torture registered in Kyrgyzstan and only in 11 cases prosecutors opened and investigated the cases.<sup>476</sup> The situation of human rights of the LGBTQ people remains challenging when violations, hate crimes and discrimination based on gender identity and sexual orientation are "menacingly systematic" and continuing.<sup>477</sup>

While many factors could account for these failures, the three most relevant reasons hindering the protection and enforcement of human rights are corruption, the lack of political will to protect human rights and the culture of impunity, i.e. legal mentality that allows a continuing culture of disrespect for the rule of law and human rights. These reasons affect human rights directly because the core of these human rights lie in protection of the most vulnerable and marginalised people, thus the existence of corruption and its repugnant effects harm the vulnerable people by denying them essential government services such as social support, health services, education, as well as legal services such as access to lawyers, courts and law enforcement.<sup>478</sup>

### Corruption

In the last two decades, Kyrgyzstan, just like many other countries of the former Soviet Union, was one of the most corrupt countries in the world.<sup>479</sup> Though many anti-corruption laws and initiatives were enacted, this negative trend endures.<sup>480</sup> Kyrgyzstan's corruption continues to be one of the most challenging obstacles in its overall development with a score of 29/100 in the Global Competitiveness Index and remains to be a barrier for rule of law implementation as indicated above.<sup>481</sup>

The Kyrgyz people themselves recognise and react to the detrimental effects of corruption. When asked about government performance, they indicated corruption as the third most important concern (47 per cent) after health (67 per cent) and the economy (52 per cent).<sup>482</sup> After the June 2019 Organised Crime and Corruption Reporting Project's (OCCRP) reporting, 'Plunder and

<sup>472</sup> Minority Rights Group International, Kyrgyzstan, <https://minorityrights.org/country/kyrgyzstan/>. Kyrgyzstan also got a 55 place in 2020 on the people under threat index that identifies communities facing potential threats of genocide, mass killing, or systematic repressions.

<sup>473</sup> Human rights Watch, Kyrgyzstan: Travesty of Justice for Rights Defender, <https://www.hrw.org/news/2017/01/24/kyrgyzstan-travesty-justice-rights-defender>

<sup>474</sup> Committee to Protect Journalists, Azimjan Askarov, <https://cpj.org/campaigns/azimjon-askarov/>; also see, OHCHR | Release Azimjan Askarov and quash his conviction, UN human rights experts urge Kyrgyzstan, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19853&LangID=E>; see the UN Human Rights Committee's decision at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/116/D/2231/2012&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/116/D/2231/2012&Lang=en); US State Department, 2014 Human Rights Defender Award Ceremony for Azimjan Askarov and Foro Penal, <https://2009-2017.state.gov/r/pa/prs/ps/2015/07/244903.htm>; Human Rights Watch, Joint Letter to the EU on Detention of Azimjan Askarov in Kyrgyzstan, November 2018, <https://www.hrw.org/news/2018/12/06/joint-letter-eu-detention-azimjon-askarov-kyrgyzstan>

<sup>475</sup> Olga Dolzhenkova and Alexandra Vasilkova, The History Of Torture In Kyrgyzstan: "Used Combat Sambo Techniques To Protect Oneself", CABAR, July 2020, <https://longreads.cabar.asia/the-history-of-torture-in-kyrgyzstan>

<sup>476</sup> US Department of State, 2019 Country Reports on Human Rights Practices: Kyrgyz Republic (DOS 2019 HRPR), <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/kyrgyzstan/>

<sup>477</sup> Joint submission to the United Nations Universal Periodic Review, Kyrgyzstan: Human Rights Violations Of LGBT, <https://ilga.org/wp-content/uploads/2016/02/Shadow-report-15.pdf>; Human rights Watch, 2019 World Report, Kyrgyzstan, <https://www.hrw.org/world-report/2020/country-chapters/kyrgyzstan>

<sup>478</sup> Lucy Koechlin and Magdalena Sepúlveda Carmon, Corruption and human rights: exploring the connection.

<sup>479</sup> Robert Legvold, Corruption, Global Security, and World Order, Corruption, the Criminalized State and Post-Soviet Transition.

<sup>480</sup> OECD, Kyrgyzstan, Anti-Corruption Reforms in Kyrgyzstan, March 2015, <http://www.oecd.org/daf/anti-bribery/Kyrgyzstan-Round-3-Monitoring-Report-ENG.pdf>

<sup>481</sup> OECD, Kyrgyzstan anti-corruption project, <http://www.oecd.org/corruption/acn/kyrgyzstananti-corruptionproject.htm>

<sup>482</sup> Transparency International, Corruption Barometer, Annual Report Kyrgyzstan, 2016 <https://www.transparency.kg/files/AnnualReport2016.pdf>

Patronage in the Heart of Central Asia', on Kyrgyzstan's customs officials' funneling \$700 million out of the country, people took to the streets and demanded accountability and investigation into these allegations.<sup>483</sup> In October 2020, another series of reporting on corruption by the OCCPR called 'The Matraimov Kingdom' was published and caused a strong public reaction right before the October parliamentary elections, which themselves were characterised as having serious allegations of vote buying.<sup>484</sup> The protests against corruption and other political events in Bishkek, the capital of Kyrgyzstan, have been on-going since.<sup>485</sup>

While corruption exists in many areas of society including education, health care, city utilities, the corruption in the justice system has the most detrimental effect on the implementation and enforcement of human rights. The Government should be able to protect and fulfil its international human rights obligations and rely on the legal system in place to hold perpetrators accountable whether they are state or non-state actors. A legal system should allow for the Government to, first, conduct effective investigations at the initial stages of the legal process. Second, prosecutors should establish cases with sufficient and sound evidentiary basis to send to court. Third, the courts must comply with the fair trial standards to ensure impartial, competent and fair hearings to deliver just and legally sound decisions.

In practice, the insidious effects of corruption make reaching accountability during these legal steps a very bumpy and problematic process. Due to corruption, the law enforcement bodies are known for being ineffective, unprofessional, abusive and weak. The local culture of tribalism -- where people support their relatives affiliated with the same local tribes -- leads to "nepotism and unprofessional conduct, which in turns leads to operational inefficiencies."<sup>486</sup> Some local police districts are influenced by local government officials making them vulnerable to partiality when investigating cases.<sup>487</sup> Victims often have a difficult time convincing police officers to even register complaints in part because of the pervasive corruption and, in part, because of the legal culture discussed below. For example, in 2019, there were 9,000 cases of domestic violence. Of those, approximately 5,456 cases were registered with the authorities as administrative cases, and only around 784 were registered as criminal.<sup>488</sup> Bribery, as a form of corruption, of law enforcement bodies remains common among citizens in order to avoid investigation or prosecution.<sup>489</sup> When asked if respondents or members of their families paid a bribe to police in the previous year when they came into contact with the service, 61 per cent replied positively which indicates that bribing police officials is a common practice.<sup>490</sup> While legislation exists to prohibit corruption including bribery, the laws overall have mostly declarative nature and do not envision detailed mechanisms of implementation.<sup>491</sup>

Extortion by law enforcement officers of those accused in the form of threatened arbitrary arrests, torture and the potential criminal prosecution is also quite common.<sup>492</sup> For example, police targets

<sup>483</sup> OCCRP, Plunder and Patronage in the Heart of Central Asia, November 2019, <https://www.occrp.org/en/plunder-and-patronage/>; US News, World News, Hundreds Protest Over Kyrgyz Corruption Report, November 2019, <https://www.usnews.com/news/world/articles/2019-11-25/hundreds-protest-over-kyrgyz-corruption-report>

<sup>484</sup> OCCPR, The Matraimov Kingdom, October 2020, <https://www.occrp.org/en/the-matraimov-kingdom/>; see also, OSCE, Office for Democratic Institutions and Human Rights, Kyrgyzstan, ODIHR Limited Election Observation Mission, October 2020, [https://www.osce.org/files/f/documents/7/a/472461\\_0.pdf](https://www.osce.org/files/f/documents/7/a/472461_0.pdf)

<sup>485</sup> RFE/RL, Kyrgyz Activists Rally Against Corruption, February 2021, <https://www.rferl.org/a/kyrgyz-activists-rally-against-corruption/31102170.html>

<sup>486</sup> Risk and Compliance Portal, Kyrgyzstan Country Report, July 2020, <https://www.ganintegrity.com/portal/country-profiles/kyrgyzstan/>

<sup>487</sup> Ibid.

<sup>488</sup> Human Rights Watch, Kyrgyzstan – Events of 2018, <https://www.hrw.org/world-report/2019/country-chapters/kyrgyzstan#e81181>

<sup>489</sup> Risk and Compliance Portal, Kyrgyzstan Country Report, July 2020, <https://www.ganintegrity.com/portal/country-profiles/kyrgyzstan/>

<sup>490</sup> OECD, Kyrgyzstan, Anti-Corruption Reforms in Kyrgyzstan, March 2015, <http://www.oecd.org/daf/anti-bribery/Kyrgyzstan-Round-3-Monitoring-Report-ENG.pdf>

<sup>491</sup> Ibid

<sup>492</sup> U.S. Department of State, 2019 Country Reports on Human Rights Practices: Kyrgyz Republic, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/kyrgyzstan/>



the members of the marginalised community and LGBT people to extort money from them. The Human Rights Watch reported that police tortured and extorted money from gay men and threaten them not to seek accountability.<sup>493</sup> When one of such victims, Mikhail Kudryashov, tried to demand remedies, the court did not adjudicate his case, thus, contributing to the culture of impunity and lack of accountability.<sup>494</sup>

Further, there is no relief from corruption when a case gets to the courts - the bribes and cash payments in relation to judicial decisions are among the highest in the world.<sup>495</sup> The judges and judiciary in general are vulnerable to corruption in part because of the politicised system of judicial appointments and low salaries for judicial personnel.<sup>496</sup> In 2010, a new Council for the Selection of judges was introduced and was tasked with the selection of candidates for the judges to the Constitutional, Supreme and local courts to be appointed by the President and the Parliament. Although the council did not include any representatives from the executive branch, the two-third of the council consisted of the members of the political parties in parliament making the appointment process vulnerable to political influence.<sup>497</sup> The judicial branch is also dependent on the executive branch because the executive is responsible for the budget allocation.<sup>498</sup>

Many attempts have been made to reform and eradicate corruption in the justice system, but with limited success. In 2019, the Kyrgyz Government, with the support of donors, adopted a number of changes to the local laws attempting to eliminate “repressive measures” and develop “new methods” to better protection of human rights.<sup>499</sup> The reforms aimed to, among other things, shift the authority in investigative actions from prosecutors to courts, create an office of investigative judge, introduce a new system of probation, digitise courtrooms and investigative offices, and create a unified register.<sup>500</sup> It is still too early to see any marked improvements.

Other initiatives also supported by foreign donors include the EU’s 12.2 million euro rule of law programmes that have been running since 2014 and are focusing to increase the “effectiveness of judicial administration by creating transparency and credibility within judicial and court structures and fighting corruption.”<sup>501</sup> The United States Agency for International Development (USIAD) funded and implemented numerous programmes over the past years to support the Kyrgyz judiciary.<sup>502</sup> For example, in 2008-2010, USAID administered the Millennium Challenge Corporation’s (MCC) Threshold programme of \$16 million, which supported reforms in the judiciary, as well as in prosecutorial services, to fight corruption.<sup>503</sup> The e-justice programme implemented through the International Development Law Organization (IDLO) was another USAID-funded initiative which assisted with the creation of a country-wide portal [www.sot.kg](http://www.sot.kg) that aims to make all court decisions available to the public by digitising them.<sup>504</sup> The most recent project funded by the USAID is a \$3.2

<sup>493</sup> Human rights Watch, Kyrgyzstan: Police torture gay men, <https://www.hrw.org/europe/central-asia/kyrgyzstan>

<sup>494</sup> Ibid.

<sup>495</sup> Risk and Compliance Portal, Kyrgyzstan Country Report, July 2020, <https://www.ganintegrity.com/portal/country-profiles/kyrgyzstan/>

<sup>496</sup> Transparency International, Kyrgyzstan: Overview of Corruption and anti-corruption, <https://www.transparency.org/en/countries/kyrgyzstan>; see also Sustainable Development Goals, Voluntary Review of the Kyrgyz Republic, p. 121, [https://sustainabledevelopment.un.org/content/documents/26459VNR\\_2020\\_Kyrgyzstan\\_Report\\_English.pdf](https://sustainabledevelopment.un.org/content/documents/26459VNR_2020_Kyrgyzstan_Report_English.pdf)

<sup>497</sup> Transparency International, Kyrgyzstan: Overview of Corruption and anti-corruption, <https://www.transparency.org/en/countries/kyrgyzstan>

<sup>498</sup> Ibid.

<sup>499</sup> Sustainable Development Goals, Voluntary Review of the Kyrgyz Republic, [https://sustainabledevelopment.un.org/content/documents/26459VNR\\_2020\\_Kyrgyzstan\\_Report\\_English.pdf](https://sustainabledevelopment.un.org/content/documents/26459VNR_2020_Kyrgyzstan_Report_English.pdf)

<sup>500</sup> TI Report, at p. 8 and Voluntary Review, at p. 122.

<sup>501</sup> IRZ, Kyrgyzstan: The Rule of Law Programme in the Kyrgyz Republic – 2<sup>nd</sup> phase (ROLPRO2), April 2020, <https://www.irz.de/index.php/en/projects/74-kirgisistan-eu-projekte/1771-kyrgyzstan-the-rule-of-law-programme-in-the-kyrgyz-republic>

<sup>502</sup> USAID, U.S. Foreign Aid by Country, [https://explorer.usaid.gov/cd/KGZ?fiscal\\_year=2021&measure=Obligations](https://explorer.usaid.gov/cd/KGZ?fiscal_year=2021&measure=Obligations)

<sup>503</sup> Millennium Challenge Corporation, Kyrgyz Republic Threshold Program, <https://www.mcc.gov/where-we-work/program/kyrgyz-republic-threshold-program>

<sup>504</sup> International Development Legal Organization, E-Nabbling Sustainable Development: Lessons From E-Justice Programming In Kyrgyzstan, December 2018, <https://www.idlo.int/sites/default/files/pdfs/publications/IDLO%20-%20LLB%20-%20E-Justice%20-%20December2018.pdf>

million programme to “increase public trust in the Judiciary as an independent branch of power”.<sup>505</sup> While all these initiatives are very much needed, they are not always sustainable nor fully implemented once the grants money runs out, meaning that ultimately the local government is not held accountable for delivering long-term change.

### **Lack of political will power**

The second factor that contributes to poor human rights protection is the lack of political will when the key decision makers fail to understand, implement and ensure that the policy solutions for human rights protections are carried out.<sup>506</sup> Former Presidents of Kyrgyzstan, Akayev, Bakiyev, Atambaev, Jeenbekov, and their administrations all lacked the necessary political will and failed to deliver and implement needed reforms to ensure sufficient protection of human rights. The reasons for this lack of political will are multifaceted and complex, but corruption, abuse of office for personal gain, ties to the criminal world, and corrupt personal agenda seem to top the list.

While the first President Akayev was publicly outlining ambitious plans to build a new democratic and independent country where the rule of law prevailed, his era was characterised by limited support, funding and follow-through of human rights policies, plans and programmes. Akayev’s personnel policy of keeping the ‘old guard’ at the important regional governor positions as well as to staff other top seats of power with a close tribal network did not promote reform, as those leaders did not understand, implement and enforce the new policies in the regions, ensuring that his administration’s commitment to reform would fail.<sup>507</sup>

With President Bakiyev, the human rights agenda took a back seat when his close circle engaged in power grabs, dealing with criminal elements, and dividing lucrative contracts and businesses. The next two presidents, Atambaev and Jeenbekov, had followed similar patterns where their administrations did not have either true commitment to reform, nor had clear ideas or understanding of the policy solutions require to implement and deliver solutions to specific problems.<sup>508</sup> Such approaches certainly undermined the reform process and demonstrated the lack of political will to deliver basic rule of law to the public.

### **People’s ‘legal mentality’ - the culture of impunity and disrespect for the rule of law**

The third issue responsible for the poor record of human rights is people’s ‘legal mentality’, i.e. the culture of impunity and the low level of respect and understanding of the concepts of the rule of law.<sup>509</sup> The laws protecting human rights are not implemented and do not work in practice if people do not believe in those laws, do not trust them and do not think there is accountability for violating them. As a result, such beliefs ultimately shape the attitudes and lead to behaviours where violating the law becomes a norm for both state-actors and citizens.

<sup>505</sup> USAID, Trusted Judiciary, Fact Sheet, Kyrgyz Republic, <https://www.usaid.gov/kyrgyz-republic/fact-sheets/trusted-judiciary>

<sup>506</sup> Since the 2000s, a term of political will has been defined, measured and mapped, and applied to many scenarios in the newly created states of the former Soviet states. The scholars define the political will as the extent of committed support among key decision makers for a particular policy solution to a particular problem. In other words, a set of decision-makers with a common understanding of a particular problem on the formal agenda is committed to supporting – a commonly perceived, potentially effective policy solution. See: Lori A. Post, Amber N. W. Raile, and Eric D. Raile, Defining Political Will, Montana State University, August 2010, [https://scholarworks.montana.edu/xmlui/bitstream/handle/1/14420/Raile\\_PoliticsPolicy2010\\_A1b.pdf;jsessionid=56375A117171857854D2CF29975F8C84?sequence=1](https://scholarworks.montana.edu/xmlui/bitstream/handle/1/14420/Raile_PoliticsPolicy2010_A1b.pdf;jsessionid=56375A117171857854D2CF29975F8C84?sequence=1)

<sup>507</sup> Regine A. Spector, “The Transformation of Askar Akaev, President of Kyrgyzstan, University of California, Berkeley, 2004, [https://isees.berkeley.edu/sites/default/files/shared/2004\\_02-spec.pdf](https://isees.berkeley.edu/sites/default/files/shared/2004_02-spec.pdf)

<sup>508</sup> Satina Aidar, What we know about alleged elite corruption under former Kyrgyz president Almazbek Atambayev, openDemocracy, October 2018, <https://www.opendemocracy.net/en/odr/what-we-know-about-alleged-elite-corruption-under-former-kyrgyz-president-almazbek-atambayev/>; see also Bertelsmann Stiftung, Transformation Index, Country Report 2020 Kyrgyzstan, <https://www.bti-project.org/en/reports/country-report-KGZ.html#pos15>

<sup>509</sup> This is a self-made term and is not commonly used, in the relevant literature it’s more likely referred to as the culture of impunity or legal culture. However, I prefer to use the term of ‘legal mentality’, as the term incorporates the idea of people’s mindset towards the rule of law culture.

The culture of the rule of law is a complex and multifaceted concept in practice and there are vast resources, literature and manuals exist on the topic.<sup>510</sup> In Kyrgyzstan, the low culture of respect for the rule of law has its origins from the Soviet culture, where transparency, equality and accountability were an uncommon practice and ‘telephone justice’ was a norm.<sup>511</sup> In the current conditions of Kyrgyzstan, for example, lawyers (less so judges and prosecutors) are assaulted in or outside the courtroom by the members of the community because of the lack of understanding of the role of the legal profession as the lawyers are often identified with their clients and because of the lack of the accountability and consequences for such behaviour.<sup>512</sup> Similarly, the victims of gender violence would often be harassed not only by the perpetrator’s family, but also by the members of the larger community, as well as law enforcement and prosecutors because of their ignorance of the laws and wide-spread misogyny and sexism.<sup>513</sup>

To change this legal mentality towards the rule of law, there should be a desire from the community to make appropriate changes – both the Government and civil society.<sup>514</sup> In 2016, the Kyrgyz Government seemingly understood the problem and adopted a resolution on the Concept of Increasing of Legal Culture of the Population of the Kyrgyz Republic for 2016-2020 (Concept).<sup>515</sup> The concept aimed to “introduce a systematic approach to improve the legal culture, including legal training and education of the population, formation of modern legal culture and behaviour.”<sup>516</sup> The concept outlined a set of objectives and an action plan to reach those goals by raising awareness among the public and setting up educational initiatives to inform young generation about the importance of following the laws, by working with the local media to create relevant public campaigns, and by coordinating with the government agencies to ensure the implementation of these objectives. For example, one of such activity under this Concept was the ‘bus of solidarity’ initiative where a group of local lawyers traveled to remote areas of Chui and Osh regions to provide free legal advice, servicing 4,145 people in 2016-2017 and approximately 4,000 people in 2020.<sup>517</sup>

Other advocacy campaigns took place to achieve these goals. In 2008, the above mentioned MCC Threshold anti-corruption programme created cartoons for children highlighting human values that stealing, lying and cheating are not good behaviours and are not acceptable by their families, their community and the country.<sup>518</sup> In 2014, similar public awareness campaigns, competitions, art exhibits, and programmes also took place to improve the legal culture and to fight the culture of

<sup>510</sup> United Nations and the Rule of Law, <https://www.un.org/ruleoflaw/what-is-the-rule-of-law/>; see also Leanne McKay, *Toward-a-Rule-of-Law-Culture*, United States Institute of Peace, 2015, [https://www.usip.org/sites/default/files/Toward-a-Rule-of-Law-Culture\\_Practical-Guide\\_0.pdf](https://www.usip.org/sites/default/files/Toward-a-Rule-of-Law-Culture_Practical-Guide_0.pdf); see also Center for Teaching the Rule of Law, Educational Resources, <https://www.thecenterforruleoflaw.org/educational-resources.html>

<sup>511</sup> UNDP in Kyrgyz Republic, *The legal culture starts from me, from you, from us, from each member of the society*, September 2020, <https://www.kg.undp.org/content/kyrgyzstan/en/home/presscenter/articles/2020/08/legal-culture-starts-with-every-member-of-society.html>; see also Ministry of Justice of the Kyrgyz Republic, *On approval of the Concept of increasing the legal culture of the population of the Kyrgyz Republic for 2016–2020*, <http://minjust.gov.kg/en/content/755>; See also International Crises Group, *Kyrgyzstan: The Challenge of Judicial Reform*, April 2008, <https://www.crisisgroup.org/europe-central-asia/central-asia/kyrgyzstan/kyrgyzstan-challenge-judicial-reform>

<sup>512</sup> Lawyers for Lawyers, *Surveys of Working Conditions Lawyers*, <https://lawyersforlawyers.org/en/survey-of-working-conditions-lawyers/>

<sup>513</sup> American Bar Association, Center for Human Rights, *Trial Observation Report: Kyrgyzstan vs. Gulzhan Pasanova*, May 2020, [https://www.americanbar.org/groups/human\\_rights/reports/kyrgyzstan\\_vs\\_gulzhan\\_pasanova1/](https://www.americanbar.org/groups/human_rights/reports/kyrgyzstan_vs_gulzhan_pasanova1/)

<sup>514</sup> Leanne McKay, *Toward-a-Rule-of-Law-Culture*, United States Institute of Peace, 2015, [https://www.usip.org/sites/default/files/Toward-a-Rule-of-Law-Culture\\_Practical-Guide\\_0.pdf](https://www.usip.org/sites/default/files/Toward-a-Rule-of-Law-Culture_Practical-Guide_0.pdf)

<sup>515</sup> Ministry of Justice of the Kyrgyz Republic, *On approval of the Concept of increasing the legal culture of the population of the Kyrgyz Republic for 2016–2020*, <http://minjust.gov.kg/en/content/755>

<sup>516</sup> UNDP in Kyrgyz Republic, *Towards a sustainable access to justice for legal empowerment in the Kyrgyz Republic*, <https://www.kg.undp.org/content/kyrgyzstan/en/home/projects/towards-a-sustainable-access-to-justice-for-legal-empowerment-in0.html>

<sup>517</sup> UNDP in Kyrgyz Republic, *4,000 People Received Legal Aid Within Six Days*, December 2020, <https://www.kg.undp.org/content/kyrgyzstan/en/home/presscenter/pressreleases/2020/12/fla-decade.html>

<sup>518</sup> Aljazeera, *Kyrgyzstan cartoon takes aim at corruption*, YouTube, December 2009, <https://www.youtube.com/watch?v=Y6-2o4P4TSY>. I was honored to be part of this initiative by helping to create and manage this project.

impunity.<sup>519</sup> While such individual programmes and actions may have been a success at that time, the consistency of the message and sustainability of such efforts is lacking. Without appropriate support from all stakeholders, it will likely take years to make a measurable difference in local legal culture. It remains an open question if the new administration will see this as a problem worth addressing.

### Conclusion and Recommendations

The path forward for Kyrgyzstan is a challenging one and difficult choices and coordinated action must be made if there will be a serious attempt to bring real reform and respect for rule of law, and thus providing for better protection for human rights. That said, Kyrgyzstan faces an important decision point – rule of law leads to greater prosperity and integration with the international community. Continued endemic corruption leads to stagnation and instability. It is not too late for Kyrgyzstan to pursue tangible reforms even in times of political instability. That said, the longer these reforms are delayed, the more difficult they will be to bring to conclusion. Given Kyrgyzstan's low culture of rule of law, at a certain point, existing systems will not be able to bear the pain and uncertainty that long-term reforms necessitate. In order to improve the situation for the protection of human rights in Kyrgyzstan, all stakeholders have a role to play:

- The Kyrgyz Government have to demonstrate commitment and put the human rights agenda front and center into their internal policies using a human rights-based approach;
- The Kyrgyz Government has to respect, promote, protect and fulfil its international human rights obligations, failure to do so may trigger conditions of the financial and technical assistance;
- The Kyrgyz Government have to show political will and true commitment to combat corruption and improve the rule of law;
- The Kyrgyz Government should continue its work on improving the legal mentality and educating the population on the importance of the rule of law and respect for the legal norms;
- Local civil society should continue to monitor the human rights situation, report on any violations and raise awareness both locally and with the international community;
- Local civil society should also be more unified and show more solidarity when it comes to the protecting their professional rights and their interests, for example, for the lawyers, journalists, minorities, and marginalised groups;
- The international community should use their leverage and put conditions that the human rights agenda and rule of law are included and are addressed by the local government when negotiating for potential loans or financial assistance programs; and
- The international community and donors should continue to provide assistance in a demand driven way supporting the human rights defenders, civils society organisations and empowering local communities to continue the reforms and make changes for the better.

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<sup>519</sup> OECD Report, p. 28.



## 14. Conclusions and recommendations: Resolving the situation

By Adam Hug<sup>520</sup>

This Retreating Rights publication has tried to set out the scale of the challenges facing Kyrgyzstan today. The people of Kyrgyzstan have seen the same movie several times now: rapid, chaotic political change leading to new leaders with big promises but who fall prey to the same vices as those they replaced, leading in turn to further dramatic change. The central question now remains whether President Japarov will follow the same script as his predecessors. However while certain issues have been amplified since the October 2020 upheaval, most of Kyrgyzstan's challenges have been years in the making and at their heart lie three mutually reinforcing problems: corruption, hatred and impunity.

There are a lot of questions then for those who want to help Kyrgyzstan tackle these 'three evils'.<sup>521</sup> Western Governments working with Kyrgyzstan have not ignored the country's structural problems but they have perhaps been guilty of sometimes downplaying them. There has been a tendency to compare the country with the shocking human rights performance of its Central Asian neighbours rather than addressing Kyrgyzstan purely on its own merits, something that may have dulled some of the urgency of the response. Rather than panic though, it is time for a clear eyed assessment of the present situation, including examining the progress (or lack thereof) of previous approaches, in order to turn 'deep concern' into action.

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<sup>520</sup> Adam Hug became Director of the Foreign Policy Centre (FPC) in November 2017. He had previously been the Policy Director at the FPC from 2008–2017. His research focuses on human rights and governance issues, particularly in the former Soviet Union. He also writes on UK and EU foreign policy. *Image by Dan Lundberg under (CC).*

<sup>521</sup> Channelling the spirit of Dr Martin Luther King Jr. rather than Communist Party of China.

As ever it is easier to diagnose a problem than to suggest a suitable remedy. However many of the authors in this contribution have tried to chart a possible way forward for international engagement in Kyrgyzstan. This conclusion seeks to marshal some of those ideas and add some additional ones. The challenges are both conceptual and practical, around what goals Western donors are seeking to achieve and what mechanisms they are trying to use to attain them.

Given the failings of the Kyrgyz state during the pandemic and the endemic levels of corruption that riddle the delivery of public services and all parts of public life that helped lead to the subsequent collapse and reformation of state authority in October, there is an urgent need to review projects that have been focused on capacity building in government ministries, state agencies and with the Supreme Council (Parliament). A significant proportion of international donor support, notably from the EU, has been channeled directly to the Government in the form of budget support.<sup>522</sup> There are important capacity building and local ownership arguments in favour of budget support in the context of a relationship of trust between donors and government. However there are reasons to reconsider existing approaches given the enduring levels of graft within these institutions (even if donor funded work is subject to heavy scrutiny such projects can displace other funding that can be used for less helpful purposes), their lack of accountability to citizens of Kyrgyzstan and the variable outcomes of different schemes.<sup>523</sup> As Ernest Zhanaev notes there is a tendency for an overly technocratic approach to assessing the outcomes of joint projects, an expert involved in some of these processes described it as 'box ticking'.<sup>524</sup> An open and frank review would have been welcome even if the October 2020 events had not taken place. As President Japarov is looking at ways to consolidate the power of the central state and the international community should only find new ways to do this in return for real change in how things work.

Beyond working directly with the Government of Kyrgyzstan there is a tendency for governmental and institutional donors to package up their support into large funding bids, with bureaucratic reporting mechanisms in English. This approach is not always as conducive as it could be for the capacity building of local civil society (both activists and organisations) or the ability to move swiftly and creatively to address emerging issues.<sup>525</sup> This leads to many contracts being won by big international players, both consultancies and NGOs, with local organisations sometimes only able to benefit as junior partners.

When it comes to Kyrgyzstan's civil society, as discussed in the introduction and many of the essays, it is increasingly clear that local NGOs are not only under legislative and political pressure but that the campaign of delimitation has sadly been successful in the eyes of a significant proportion of the public. Asel Doolotkeldieva concludes her essay by arguing that *'it is important to understand that under the present conditions liberal NGOs and independent mass media are discredited in public eyes and enjoy a construed reputation of Western agents. Promoting these actors further will not help neither the liberal society nor the image of the international community. The focus on human rights,*

<sup>522</sup> Ana-Maria Angheliescu, Should Europe Worry About Kyrgyzstan?, The Diplomat, January 2021, <https://thediplomat.com/2021/01/should-europe-worry-about-kyrgyzstan/>; EEAS, Kyrgyz Republic and the EU, October 2020, [https://eeas.europa.eu/delegations/kyrgyz-republic/1397/kyrgyz-republic-and-eu\\_en](https://eeas.europa.eu/delegations/kyrgyz-republic/1397/kyrgyz-republic-and-eu_en); European Commission, Kyrgyzstan, [https://ec.europa.eu/international-partnerships/where-we-work/kyrgyzstan\\_en#:~:text=EU%20bilateral%20development%20cooperation%20with,education%2C%20rural%20development%20and%20investments](https://ec.europa.eu/international-partnerships/where-we-work/kyrgyzstan_en#:~:text=EU%20bilateral%20development%20cooperation%20with,education%2C%20rural%20development%20and%20investments)

<sup>523</sup> Eurasianet use the Askarov case to highlight the lack of progress made by donor backed rule of law programmes: Eurasianet, Kyrgyzstan: Will fury around Askarov death end up signifying nothing?, July 2020, <https://eurasianet.org/kyrgyzstan-will-fury-around-askarov-death-end-up-signifying-nothing>

<sup>524</sup> In conversation with the author.

<sup>525</sup> This essay notes the English language reporting requirements: Ana-Maria Angheliescu, Should Europe Worry About Kyrgyzstan?, The Diplomat, January 2021, <https://thediplomat.com/2021/01/should-europe-worry-about-kyrgyzstan/>; As noted in the introduction the top partners for USAID funding are all either US development consultancies, large NGOs or other US agencies: USAID, U.S. Foreign Aid by Country: Kyrgyzstan, 2018, [https://explorer.usaid.gov/cd/KGZ?fiscal\\_year=2018&measure=Obligations](https://explorer.usaid.gov/cd/KGZ?fiscal_year=2018&measure=Obligations)

*including the LGBT rights, has worsened considerably the Western image and consequently diminished the degree of influence of Western ideals and projects on local politics’.*

So given that are legitimate concerns about the operation and outcomes of activities conducted at all levels there is a compelling case for an open, holistic and independent review of all donor spending by governments, multilateral institutions (including the development banks) and international foundations in Kyrgyzstan. This should be informed by a wide-ranging evidence gathering process involving a mix of independently run focus groups and public opinion polls to gauge broader public opinion (to help understand both what the public would like to see prioritised and what they understand about the current situation, including past donor efforts).<sup>526</sup> Not only should such a process ensure that it reaches beyond those who would normally engage in donor initiatives, but there is, as Sharshenova notes, a need to engage with those with different viewpoints (including institutional stakeholders and experts, those whose values may be different to existing liberal interlocutors, including moderate or constructive critics of donor actions).<sup>527</sup>

While any review process must be led by evidence on the ground the experts who have contributed to this collection have some important ideas to suggest. Both Sharshenova and Doolotkeldieva argue, in line with development best practice, strongly in favour of finding new ways to root democratic and governance practice in the local rather than international. Sharshenova argues that *‘democracy needs to come from within, and the EU will need to accommodate local forms and understandings of democracy’*, while Doolotkeldieva writes that in order *‘to redress these negative images (of NGOs and liberal values) against the background of anti-Westernism prevalent in Kyrgyzstan, Western partners should work to promote other human rights images than of themselves’*. The focus needs to be on shared principles rather than specific structures, so while using examples of Western institutions and practices can sometimes help illustrate ideas and inform operational understanding, the systems that evolve in Kyrgyzstan would benefit from being able to draw legitimacy from local values and history, as well as examples of good practice from other developing country contexts.

One of the major conceptual challenges is around what the international community should be prioritising. Given the level of cynicism amongst many in Kyrgyzstan towards liberally minded initiatives, some of the contributors here have argued in favour of a switch in priority towards projects focused on economic security and education rather than rights. There are a couple of dimensions to assess here. Firstly, many of the existing major donor projects in Kyrgyzstan have focused on building the economy and improving access to education, with limited to mixed results. However in this author’s opinion there could well be scope for a switch in focus to more directly tackling issues of economic inequality and providing grassroots support to family incomes of those most in need rather than an emphasis on entrepreneurship and business development at a higher level, if both poverty reduction and the need to tackle populist discontent are seen as a strategic priority for donors.

Secondly, it is worth noting the global context of development aid budgets dropping around the world, with major global cuts to the UK’s Foreign Aid budget and the withdrawal of Germany as a bilateral donor from Kyrgyzstan, on the grounds of reprioritisation and claims that poverty reduction efforts had already been a success.<sup>528</sup> So funding for a major new drive on more inclusive economic

<sup>526</sup> Factoring in such exercises across the world, much of what can be gleaned will likely show how loosely rooted some (even strongly held) perceptions are in the details of current or past donor activity.

<sup>527</sup> As well as engaging with past and present users of donor funded services, there should be outreach to the wider public particularly in rural areas.

<sup>528</sup> Tatyana Kudryavtseva, Germany announces reduction in cooperation with Kyrgyzstan, 24.kg, May 2020, [https://24.kg/english/152054\\_Germany\\_announces\\_reduction\\_in\\_cooperation\\_with\\_Kyrgyzstan/](https://24.kg/english/152054_Germany_announces_reduction_in_cooperation_with_Kyrgyzstan/)

development may face significant resource hurdles, particularly once emergency COVID support schemes have been wound down.

Thirdly, it is important to examine a narrative that donors or ‘the West’ should have focused on economic development before civic freedoms and democracy (with a view that the latter would follow the former) in a global context. For example, since the 1990s enormous amounts of Western development aid has been spent in countries like Uganda and Rwanda with a successful focus on delivering local education initiatives, improving primary health care, access to water and micro-level economic development, yet both (and many others recipients) are still authoritarian regimes, with Uganda experiencing recent electoral repression as well as having a worse Transparency International Ranking for Corruption than Kyrgyzstan.<sup>529</sup> This is not to argue against the enormous value such development initiatives have in terms of improving people’s life chances but the evidence is certainly limited that this automatically provides a future spring board for political development and reform. So while in Kyrgyzstan the lack of progress on economic development, poverty reduction and equality have helped nationalist and reactionary groups cynically to compare and contrast funding for NGOs, that poverty is used as a distraction from the corruption and mismanagement that really lies behind that failure. This author would caution against taking an ‘either/or’ approach to ‘development’ or civil and political rights. This is not least because the two agendas can join effectively together to try to address issues of governance, transparency and accountability which lie at the heart of Kyrgyzstan’s problems.

This is not intended to be a counsel of despair, to throw away everything people have worked hard for and to give up. There are many past programmes that have made a positive difference to people’s lives and any new strategy from donors will need to find ways to engage with the state to help tackle certain development challenges; there will continue to be a role for international expertise and the ability to work at scale; and working with existing and emerging civil society groups will be a crucial part of the picture going forwards. In particular those civil society activists and human rights defenders who have weathered enormous pressures, made huge personal sacrifices to prevent abuse or to painstakingly achieve incremental change should not simply be cut loose to fend for themselves against the powerful forces they have angered over the years. But it is nevertheless time for reflection and while this collection does not pretend to have all the answers, it does attempt to suggest some of them.

So any major shifts in funding priorities should be informed by the findings of the type of review suggested above and be driven by local demand in order to build public credibility. Nevertheless, there are a number of important themes to be considered that flow from the analysis in this publication. Firstly, a rigorous focus on governance, transparency and accountability will be important to tackle the systemic problems of corruption, hate (often linked to nationalism, misogyny and homophobia) and impunity that this publication concentrated on. Secondly, a number of essay contributors here, and other experts interviewed as part of the research, strongly argue for a rethink of previous international engagement work with political parties and Parliament, given how recent events have further exposed the hollowness of such political vehicles. This is not to suggest a bar on engagement with the development of political ideas with civil society or to end inter-Parliamentary engagement as a form of diplomacy, but at least in the short-term capacity building efforts need to be rethought in recognition of the ephemeral nature of party allegiances and where the true sources of power lie in the current political system.

Work on domestic violence, women’s rights and LGBTQ rights remain hugely important areas for donors, not least given that there are few options for domestic funding for protecting these communities and the growing risks they face provide a clear need for efforts to monitoring threats

<sup>529</sup> Transparency International, Transparency International Uganda, <https://www.transparency.org/en/countries/uganda>



and preventing possible violence. However it is abundantly clear that such work has been weaponised and deployed against the wider range of liberal minded initiatives and ‘the West’ in general. There are no easy answers about what might shift the tide of public opinion on these issues but donors can perhaps think more about how they can develop and promote narratives around their wider interventions that emphasise areas of shared interest with the wider Kyrgyz population. Building positive, unifying and engaging public narratives, rooted in local preferences, about the work that liberal civil society (including journalists, human rights defenders, NGO workers and lawyers) are doing are likely to be the most effective ways of gradually shifting public opinion. Fact-checking and myth-busting can be helpful to inform elite policy actors in their work but the wider research on their use shows that this approach can be of limited use in reaching out to many sceptics, particularly where the message carrier is not trusted and the sources of disinformation (often people they know) are more trusted. So a combative approach to challenging falsehood can often harden rather than soften resistance, accentuating polarisation and often act to amplifying negative messages to a wider audience as Gulzat Baialieva and Joldon Kutmanaliev note. There may however be less confrontational approaches that can find some areas of commonality, while respecting difference, that open up new conversations. There is scope to learn from the burgeoning global literature on psychology and messaging and then look to implement best practice in Kyrgyzstan.

Donors will be considering what role that could and should play in supporting new volunteer and social movements.<sup>530</sup> As Doolotkeldieva notes there is more that can be done to understand and map the dynamics and dimensions of these more fluid forms of civic mobilisation to identify where the real sources of authority and change are located. It will be important that conversations between these movements and the international community are shaped by the wishes of the activists, who may well have understandable wariness about engaging with the international donors (even when their assistance could be helpful) given the ways in which more traditional civil society has been demonised for its links to the ‘West’.

When looking at traditional donor support to civil society, as set out above there needs to be a process of reflection, recalibration and reform but there would seem to be two recommendations that might help move things forward, though they are somewhat in contradiction with each other. Local civil society groups would benefit from greater flexibility and speed of response from donors to help them adapt to the fast changing local environment and to enable them to be more closely driven by priorities arising from local need, rather than plugging in to strategies devised in donor home capitals. Such a flexible approach (including core funding) would likely rely, in this time of ever greater desire for scrutiny and accountability to donor taxpayers, on working with trusted partners with whom donors have an established working relationship and a confidence in their operational capacity. However this does not necessarily fit very well with the second clear recommendation which is to find ways to support fresh voices and new thinking, given the critique posed by Shirin Aitmatova and others that certain donor approaches and partnerships have gone stale over several decades. There would seem to be a misalignment between the local Kyrgyz demand for creativity, innovation and risk-taking and the Western donor taxpayer demand for accountability. There is a need to make the case that innovation and outcomes can be more important in showing value for money than what can be caricatured as box ticking exercises. Some Western aid sceptics may be willing to consider more creative approaches if packaged in the right way, particularly given that some of their often misplaced concerns can echo local complaints about ‘the usual suspects’ and ‘grant eating’. Decisions on any strategic changes should be based on evidence and the eventual approach would be likely to comprise a mix of greater flexibility for some trusted partners and

<sup>530</sup> COVID response to the *druzhinniki* who protected businesses from potential rioting to the *Bashtan Bashta* (start with your head) protest movement, which in recent months has organised creative campaigns against elements of the proposed constitution, to youth engagement in voluntary movements, to religious charity activities, to female solidarity groups, to business structures, and to migrant safety nets

involving a new generation of organisations, but it is important that this not be business as usual masquerading as something new if the credibility gap of donor aid is to be addressed.

As discussed above, any strategic rethink is coming at a hugely challenging time for the international donors, as demands rise in the wake of COVID and as budgets are often being cut. This context gives less room for maneuver than would be ideal and makes it more difficult to provide the stability and predictability of funding that can be so important. However, it is important that the international community takes a holistic view about the range of tools available to it.

Given that the EU has negotiated but not yet ratified its 2019 Enhanced Partnership and Cooperation Agreement with Kyrgyzstan and the UK is currently negotiating its new partnership arrangements there is surely scope to link progress on completing these deals (and in the case of the UK-Kyrgyzstan deal uprating it to match the EU's current plans) in return for some concrete and measurable actions to reassure partners that there will be no further backsliding on human rights. Partners could continue to explore new ways to use trade and investment incentives, with human rights conditionality and anti-corruption safeguards that can be leveraged and tailored to incentivise reform and improved development outcomes. Conditionality against clear benchmarks will be important but needs to be coupled with increased incentives to have resonance in an environment where the 'West' is clearly behind Russia and China in terms of Kyrgyzstan's strategic priorities. This could potentially include ways to examine debt forbearance (such as interest relief) and debt reductions and relief on the portion of Kyrgyzstan's debt held by multilateral banks (around 44 per cent of total external debt, which at \$1.7bn is a relatively small figure by global standards) and other Western partners.<sup>531</sup> Such efforts could help to free up funding for services in the governance revenue budget and give the country the policy space to consider new capital investment projects (a comprehensive approach to existing debt relief could also be linked to find ways to improve transparency and accountability over new lending by China and other partners).

There is also a clear role the international community can play outside of Kyrgyzstan to address some of the systemic failings within it. This means being willing to use the personal sanctions (including asset freezes, banking system and visa bans) provided by the US, UK and EU Magnitsky powers, and anti-corruption mechanisms such as the UK's Unexplained Wealth Orders.<sup>532</sup> The US have already deployed their Magnitsky sanctions in relation to Raimbek Matraimov on grounds of corruption.<sup>533</sup> Although the UK and EU schemes currently do not include corruption as a reason for applying such sanctions but other anti-corruption tools perhaps may be more appropriate in jurisdictions where assets identified in Kyrgyzstan's corruption scandals are to be found.<sup>534</sup> Officials involved in the torture and imprisonment of Azimjan Askarov, should however be eligible for all three mechanisms, sending a strong signal against impunity, though potentially with a less direct impact on the lives of the alleged perpetrators. It should go without saying that the ways in which the Kyrgyz elites have used international real estate markets, company formation and other tools, provide more evidence

<sup>531</sup> Dirk van der Kley, COVID and the new debt dynamics of Kyrgyzstan and Tajikistan, Eurasianet, October 2020, <https://eurasianet.org/covid-and-the-new-debt-dynamics-of-kyrgyzstan-and-tajikistan>

<sup>532</sup> Though Kyrgyzstan may not have the level of wealth that fuels large scale oligarchic expansion overseas seen in the cases of Russia, Kazakhstan and Azerbaijan but it does have some and particularly given the potential links to organised crime these potential pressure points should be on the radar of the international community.

<sup>533</sup> U.S. Department of the Treasury, Global Magnitsky Designations, September 2020, <https://home.treasury.gov/policy-issues/financial-sanctions/recent-actions/20201209>

<sup>534</sup> Foreign & Commonwealth Office and Foreign, Commonwealth & Development Office, Guidance: Global Human Rights Sanctions: Information Note for NGOs and Civil Society, Government.uk, July 2020, <https://www.gov.uk/government/publications/global-human-rights-sanctions-information-note-for-non-government-organisations-and-others-interested-in-human-rights/global-human-rights-sanctions-information-note-for-ngos-and-civil-society>; Foreign & Commonwealth Office and Foreign, Commonwealth & Development Office, Policy Paper: Global Human Rights Sanctions: consideration of designations, Government.uk, July 2020, <https://www.gov.uk/government/publications/global-human-rights-sanctions-factors-in-designating-people-involved-in-human-rights-violations/global-human-rights-sanctions-consideration-of-targets>;

Council of the EU, EU adopts a global human rights sanctions regime, December 2020, <https://www.consilium.europa.eu/en/press/press-releases/2020/12/07/eu-adopts-a-global-human-rights-sanctions-regime/>

of the need for wider anti-corruption reforms across the West, as addressed in other FPC publications and the wider literature.<sup>535</sup>

International social media companies can certainly play their part to help address the situation on the ground. They can look at ways to expand access to Kyrgyz language moderation and support to tackle online hate speech, particularly at times of political tension such as elections or constitutional referendums or around known flashpoints such as International Women's Day. As Begaim Usenova and ARTICLE 19 argue the internal redress mechanisms of social media platforms still need further improvement and better sign posting, with a particular focus on tackling gender-based abuse. Further steps should be taken to expedite review mechanisms for those who are repeat victims, building on progress so far. Social media companies and donors can find ways to collaborate to help journalists and activists in Kyrgyzstan develop new methods of generating advertising revenue, crowdfunding and other monetisation techniques. Traditional donor funding can and should still assist with training on investigative reporting and on support for Kyrgyz language and local journalists, including how best to use social media and online dissemination channels. Given the rise in online abuse (to complement and amplify in-person threats) social media companies and donors (including donors linked to social media companies) need to do more to provide psychosocial support for victims of abuse and to facilitate the holistic documentation of such targeted abuse campaigns against journalists, human rights defenders, NGO workers and lawyers, with a particular focus on those in rural areas without established support networks.

There is much to say about what Western partners can do in relation to the situation, more than can be contained above or in this publication. However it is important not to ignore the political agency of the new Government of Kyrgyzstan. President Japarov's background and his rise to power have raised a number of legitimate concerns about what may come next and so there is perfectly understandable scepticism about future prospects, not least given the trajectory of his many predecessors upon taking office. However, it is important to find appropriate ways to constructively engage with Japarov's stated objectives and find the right mix of incentives and pressure to try and hold him to his pledges. International partners will need to make clear that further attempts to shrink the already reduced civic space or to target vulnerable groups and journalists who annoy him will lead to concerted and wide-ranging push back. Despite the many reservations noted in this publication about the approach being taken by Japarov to tackling corruption, his desire to be seen to be doing something by his supporters is clear. This could provide new opportunities to mutually identify illegitimately acquired assets stashed around the world, provided that such efforts are not solely targeted at his political opponents.

President Japarov has a long held beliefs about the importance of state consolidation and the centralisation of power in response to the chaos of previous years. It is clear that this political prospectus has some public appeal but it is at odds with a previous desire by donors and local civil society to see the distribution of power away from the 'strong man as President' (a key factor in the 2005 and 2010 revolutions) and towards to Supreme Council and local communities, with the intention of creating greater pluralism. In following these perfectly laudable objectives, the approach of the last ten years may have to some extent redistributed power, but it often did so in opaque and unaccountable ways, with a corrupted Parliament and players behind the scenes shaping decision-making (a key factor in the events of October 2020).

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<sup>535</sup> For example: FPC, Finding Britain's role in a changing world: Project the UK's values abroad, December 2020, <https://fpc.org.uk/publications/projecting-the-uks-values-abroad/>; Susan Coughtrie, Unsafe for Scrutiny: Examining the pressures faced by journalists uncovering financial crime and corruption around the world, FPC, November 2020, <https://fpc.org.uk/publications/unsafe-for-scrutiny/>; FPC, Unsafe for Scrutiny: How the misuse of the UK's financial and legal systems to facilitate corruption undermines the freedom and safety of investigative journalists around the world, December 2020, <https://fpc.org.uk/publications/unsafe-for-scrutiny-12-2020-publication/>

This author would argue that there is no single correct international model to follow and that there is not always a clear link between the form and function of government, between structures and accountability. This can perhaps be illustrated by two well-known, but far from perfect, democratic models. Though the US President is often still described as the most powerful person in the world, the country's Presidential System is designed with such substantial congressional and judicial 'checks and balances' that the President often has a real challenge in passing much of his agenda. Furthermore, given the substantial power held at state level there are large areas of policy and practice where the federal government is only tangentially involved. Whereas the UK's Westminster Parliament, claimed to be 'the mother of Parliaments', in fact consolidates more power in the hands of the executive and central government than almost any other in the democratic world.<sup>536</sup>

Despite the very low turnout, President Japarov's victory and the approval of the change to a Presidential system by a wide margin will see him push ahead with his project of state consolidation and power centralisation, which he argues will enable Kyrgyzstan to deliver a more competent government and better outcomes for its public. This consolidation process clearly carries significant risks that it could quickly lead the country further down the road to full authoritarianism. However, given where things stand following the approval by referendum of the move to transfer powers from the Parliament to the President, there is a need to try and find new ways to help provide genuine transparency and accountability. Considering the referendum result and Japarov's clearly stated objectives, it may be that arguments around retaining some 'checks', in the form of requirements to sometimes pause the breakneck speed with which he is making change and consult with the public (giving the opportunity for a populist like Japarov to learn what citizens think in real time and therefore potentially head off issues that may cause him problems) may have a greater chance of gaining some (if probably limited) traction than demands to retain 'balances' that give power (and opportunities for horse trading and corruption) to other political players that are or can be captured by powerful interests.<sup>537</sup>

One of the emerging issues will be what to do about the Kurultai. Given the history of the proposal and its backers and the abuse of similar schemes in Central Asia as a tool for presidential power to undermine or bypass parliamentary scrutiny it is absolutely clear why many activists have focused on trying to stop its inclusion in the new constitution. However the proposal, albeit in a watered down version, has made it into the revised February 2021 draft and, given the importance of some its backers to President Japarov's electoral coalition, it seems likely that something called a Kurultai will be created whenever the constitution is finally voted on and, in all likelihood, adopted. So while efforts to remove this provision may well continue, it is important for civil society and the international community to consider what lessons they would like to seek to be applied from local community practices in Kyrgyzstan and from models of consultative bodies in developing countries around the world that could be more helpful than the current ideas being floated. If Western models can be of assistance to the discussion, then examples might include the European Economic and Social Committee (EESC), the mostly slow paced and bureaucratic EU consultative body of 'social partners' that acts as a generally harmless and sometimes helpful adjunct to the Union's democratic structures, through to the 'Citizens Assembly' models used particularly effectively in Ireland but also in places like Canada and Denmark.<sup>538</sup> There are certainly a wide range of different ideas out there for inclusive collective discussion and decision-making rather than leaving the body to be a self-appointed talking shop for older men or a rubber stamp for the whims of those in power, which it risks becoming without proactive engagement by those with better ideas.

<sup>536</sup> Provided they are able to command a Parliamentary majority and the UK's first-past-the-post electoral system has led to majority governments for almost all of the democratic era. Even in recent times where that has not been the case, such as the 2010-15 Conservative-Liberal Democrat coalition and the 2017-19 Parliament, the Prime Minister and Cabinet still have enormous power and latitude to run the Government as they see fit on an operational basis without reference to Parliament.

<sup>537</sup> In the US system, where the term originates, the checks are provided by the balancing institutions.

<sup>538</sup> The Citizen's Assembly, <https://www.citizensassembly.ie/en/>

Beyond the debate around the Kurultai, there will be a need to focus efforts on the other contentious issues that remain in the February draft constitution. Four particular areas stand out to this author. In the current draft, Article 8.4 would create a requirement that *‘political parties, trade unions and other public associations ensure the transparency of their financial and economic activities’* that may give constitutional weight to efforts to increase NGO regulation and bureaucratic pressure. The continued, though watered down, presence of a ‘moral and ethical’ values test in Article 10.4, which states that *‘in order to protect the younger generation, events that contradict moral and ethical values, the public consciousness of the people of the Kyrgyz Republic may be limited by law’* is a continuing concern. Efforts must be made to ensure that this is only applied to issues such as protecting young people from age inappropriate content, such as pornography, rather than providing a backdoor mechanism to suppress discussion about women’s or LGBTQ rights issues that offend ‘traditional’ sensibilities. The experience of how the Russian Federal Law *‘for the Purpose of Protecting Children from Information Advocating for a Denial of Traditional Family Values’*, has been used to repress their LGBTQ community is certainly a worrying precedent in that regard.<sup>539</sup>

As Sardorbek Abdukhalilov notes the proposed new constitution no longer has the requirement, set out in Article 38 of the existing constitution, that *‘everyone shall have the right to freely determine and state his/her ethnicity. No one may be forced to determine and state his/her ethnicity’*.<sup>540</sup> While recently this requirement has been watered down to allow for the state to place an optional ethnicity section on passports and other forms of ID, there are fears that without such constitutional protection it may become mandatory to state their ethnicity on their ID, despite the provision of the newly proposed Article 1.5 that *‘The people of Kyrgyzstan are citizens of all ethnic groups of the Kyrgyz Republic’*.<sup>541</sup> Abdukhalilov separately notes the importance of enforcing existing quotas for minority groups on electoral lists and recommends that similar measures should be brought in to improve diversity in government service and public bodies.

The draft Constitution, in Article 105, would also seem to further consolidate the power of the Prosecutor General’s office. It states that *‘supervision over the accurate and uniform execution of laws and other regulatory legal acts is carried out by the prosecutor’s office of the Kyrgyz Republic’*.<sup>542</sup> Adilet have argued that this wording will *‘provide the prosecutors with the right to conduct inspections of citizens, commercial organisations, other economic entities, non-governmental, non-commercial organisations, institutions, enterprises, etc.’* and the power to control or replace other supervisory mechanisms.<sup>543</sup> This consolidation risks creating a tool that could be used even more efficiently to pressurise critics of the Government if effective safeguards are not put in place.

Jasmine Cameron suggests that the new Government of Kyrgyzstan should set out a fresh *‘road map on how to better protect the rights of the vulnerable and marginalised’*. Such a plan could include the ‘National Action Plan for the safety of journalists’ with clear procedures and enforcement capacity that Begaim Usenova and ARTICLE 19 recommend. Such a new plan, replacing the Jeenbekov-era 2019-21 National Human Rights Action plan, could enable President Japarov to take personal

<sup>539</sup> Human Rights Watch, No Support: Russia’s “Gay Propaganda” Law Imperils LGBT Youth, December 2018, <https://www.hrw.org/report/2018/12/11/no-support/russias-gay-propaganda-law-imperils-lgbt-youth>

<sup>540</sup> Institute, Kyrgyzstan’s Constitution of 2010, [constituteproject.org, https://www.constituteproject.org/constitution/Kyrgyz\\_Republic\\_2010.pdf](https://www.constituteproject.org/constitution/Kyrgyz_Republic_2010.pdf)

<sup>541</sup> Jogorku Kenesh of the Kyrgyz Republic, From November 17, 2020, the draft Law of the Kyrgyz Republic “On the appointment of a referendum (nationwide vote) on the draft Law of the Kyrgyz Republic” On the Constitution of the Kyrgyz Republic”, November 2020, <http://www.kenesh.kg/ru/article/show/7324/na-obshtestvennoe-obsuzhdenie-s-17-noyabrya-2020-goda-vinositsya-proekt-zakona-kirgizskoy-respubliki-o-naznachenii-referenduma-vsenarodnogo-golosovaniya-po-proektu-zakona-kirgizskoy-respubliki-o-konstitutsii-kirgizskoy-respubliki> (As revised in February 2021)

<sup>542</sup> Ibid.

<sup>543</sup> Adilet, Analysis of the draft Constitution of the Kyrgyz Republic, February 2021, <https://adilet.kg/tpost/2i09a01nu1-analiz-proekta-konstitutsii-kirgizskoi-r>

ownership of such an agenda, and use it as a basis for efforts to reassure his sceptics and critics that he will not abuse the Presidential ‘bully pulpit’ to target them or encourage his supporters to do so. For any human rights road map or action plan to be more than another meaningless piece of paper to distract the international community, it should be authored and owned by the new Government but clearly linked to rights based conditionality around the signing of new partnership agreements, debt relief, new aid to the Government and further investment in infrastructure or economic development.

A number of authors in this collection try to help illuminate who President Japarov is and how he came to power. He has, or at least has been able to craft, a powerful personal story that resonates with a significant section of the public. As Aksana Ismailbekova puts it *‘to understand why people support Japarov, despite his violations of the rule of law, it is important to look at the security strategies of Uzbek businessmen. They have put their trust in someone who is a ‘controversial’ figure, but who also is perceived as having personally experienced the injustice of the law, and is able to show his strength against other strong ‘mafia’ networks. The boundaries of state, business, and criminal have been blurred in the context of Kyrgyzstan.’* So if the popular contention that most politicians in Kyrgyzstan are thieves is true (or at least partially true), it is understandably tempting for people to support the one who portrays himself as Robin Hood rather than someone who insists they are beyond reproach, despite evidence to the contrary.

President Japarov has also tapped into the same well of public concern about instability and a desire for strength or political courage (dukh) that so many populist figures use around the world. This dynamic is particularly relevant in the context of the recent chaos, corruption and lack of capacity in the Kyrgyz state. So it is absolutely understandable for observers, both inside and outside Kyrgyzstan to be concerned but in the absence of a significant deterioration in freedoms (or for those inside the country until new alternatives begin to emerge), there needs to be an attempt to find areas of Japarov’s agenda where common ground can be found, such as holding him to his rhetoric on tackling corruption, while organising and mobilising against emerging issues of concern.<sup>544</sup>

This publication shows that while on the surface the political landscape has changed dramatically since October 2020, in other important respects much has not changed and many of the same trends and forces are at work shaping the situation as they ever have been. The outlook may seem bleak but many of the dark clouds over Kyrgyzstan’s political system have been there for a long time. Kyrgyzstan’s people are resilient but its freedoms are fragile and action must be taken to prevent further backsliding. The Japarov Presidency should be a spur to review, revise and reinvigorate the international community’s engagement with Kyrgyzstan, focused on efforts to tackle corruption, hatred and impunity.

So this publication makes a number of potential recommendations for the international community and the Government of Kyrgyzstan.

#### **Recommendations for the Government of the Kyrgyz Republic, international institutions, Western partners and donors:**

- Ensure a rigorous focus on issues of corruption, hatred and impunity;
- Undertake a systemic review of international donor funded projects in Kyrgyzstan including budget support, the use of consultancies and working with NGOs. It should look at both objectives and implementation, based on evidence and widespread engagement;
- Find ways to empower fresh thinking and new voices, while giving partners the space and resources to adapt to local priorities;

<sup>544</sup> Rather than it being used for selective prosecutions and backroom deals as it has in the past

- Encourage the Japarov Government to develop a new and comprehensive National Human Rights Action Plan;
- Increase human rights and governance conditionality in order to unlock stalled EU and UK partnership agreements, debt relief, further government related aid and new investment;
- Deploy Magnitsky Sanctions and anti-corruption mechanisms more widely;
- Expand Kyrgyz language moderation by social media companies and strengthen reporting and redress mechanisms;
- Push for further amendments to the draft constitution to protect NGOs, trade unions, free speech and minority rights, and avoid increasing the Prosecutor General's office's power; and
- Explore new mechanisms for civic consultation learning from local practices in Kyrgyzstan, consultative bodies in other developing countries and the use of Citizens Assemblies.

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