

# Kyrgyzstan

by Erica Marat

*Capital:* Bishkek  
*Population:* 5.45 million  
*GNI/capita, PPP:* US\$2,070

Source: The data above were provided by The World Bank, *World Development Indicators 2012*.

## Nations in Transit Ratings and Averaged Scores

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Electoral Process	6.00	6.00	6.00	5.75	5.75	6.00	6.00	6.25	6.00	5.50
Civil Society	4.50	4.50	4.50	4.50	4.50	4.50	4.75	5.00	4.75	4.75
Independent Media	6.00	6.00	5.75	5.75	5.75	6.00	6.25	6.50	6.50	6.25
Governance*	6.00	6.00	n/a							
National Democratic Governance	n/a	n/a	6.00	6.00	6.00	6.25	6.50	6.75	6.50	6.50
Local Democratic Governance	n/a	n/a	5.75	6.25	6.25	6.50	6.50	6.50	6.50	6.50
Judicial Framework and Independence	5.50	5.50	5.50	5.50	5.50	6.00	6.00	6.00	6.25	6.25
Corruption	6.00	6.00	6.00	6.00	6.00	6.25	6.25	6.50	6.25	6.25
Democracy Score	5.67	5.67	5.64	5.68	5.68	5.93	6.04	6.21	6.11	6.00

\* Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

## EXECUTIVE SUMMARY

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After a turbulent 2010 marked by the April ouster of authoritarian president Kurmanbek Bakiyev, ethnic violence and a constitutional referendum in June, and parliamentary elections in October, Kyrgyzstan enjoyed relative stability in 2011 as its new parliamentary state began to function. In the constitutional referendum, voters had endorsed a proposal to replace the presidential system with a parliamentary one. The interim government of President Roza Otunbayeva argued that the new arrangement would make it more difficult for power to be concentrated in the hands of one person or group. The Otunbayeva administration also sought to avoid excessive state control over public life and to make the political process more transparent. The referendum proceeded despite the fact that just two weeks earlier, ethnic violence had swept through the southern portion of the country, taking the lives of over 470 people—predominantly ethnic Uzbeks—and injuring over 2,000 others.<sup>1</sup>

After the parliamentary elections, it took two months and several unsuccessful attempts for the new legislature to form a governing majority. The Social Democratic Party of Kyrgyzstan (SDPK), Ata-Jurt, and Respublika ultimately formed a three-party coalition, controlling 77 of the 120 seats. Almazbek Atambayev of the SDPK became prime minister, Akhmatbek Keldibekov of Ata-Jurt secured the post of parliament speaker, and Omurbek Babanov of Respublika became deputy prime minister. The key posts were distributed according to an informal agreement among the parties that guaranteed the speaker's post to a southerner if the premiership went to a representative of the northern part of the country.

The reforms initiated by the interim government in 2010 culminated in a presidential election held on 30 October 2011. Otunbayeva had pledged to leave her post after a year and a half, enabling Kyrgyzstan to enjoy the first peaceful and voluntary transfer of power in Central Asia. Prime Minister Atambayev won the presidency with 63 percent of the vote, defeating 15 other candidates amid 60 percent turnout. His strongest opponents, Adakhan Madumarov of the Butun Kyrgyzstan party and Kamchybek Tashiyev of Ata-Jurt, took 14.7 percent and 14.3 percent, respectively. Monitors from the Organization for Security and Cooperation in Europe (OSCE) said the election was conducted in a peaceful and orderly manner, but pointed out a number shortcomings in the voter lists and the tabulation of ballots that must be overcome for Kyrgyzstan to consolidate its democratic practices.

Following the presidential vote, the parliament formed a new ruling coalition. This time, four of the five parties agreed to an alliance, excluding only Ata-Jurt. Babanov was named prime minister and Asilbek Jeenbekov of the SDPK became speaker of the parliament.

Despite the country's visible progress toward democratic governance, serious challenges remain. Even without a single, dominant politician or party, the new parliament has implemented some illiberal policies that are reminiscent of past authoritarian regimes, including moves to curb civic and media freedoms in the summer of 2011. In this uncertain environment, it has become easy for political parties to claim credit for achievements and deny responsibility for any disasters.

The situation in Osh, which bore the brunt of the June 2010 ethnic violence, remained stable but tense in 2011. To date, nearly a dozen international and local experts have investigated the clashes and published their findings. Some conspiracy theories about the real number of dead and injured have been debunked, while others involving the alleged participation of external "third forces" are proving popular among former members of the interim government. One of the gravest challenges Kyrgyzstan's government faces is arresting and prosecuting all perpetrators of the Osh violence. Most of the suspects arrested so far have been ethnic Uzbeks, despite the fact that most of the victims were also Uzbeks. Government officials are concerned that the prosecution of ethnic Kyrgyz could cause further unrest, and the fact that most law enforcement officials and judges in southern Kyrgyzstan are themselves Kyrgyz likely leads many to make decisions along ethnic lines.

**National Democratic Governance.** Kyrgyzstan made clear progress in reforming its political system in 2011. The parliament's work was largely open to the public, while the president sought to make the functioning of all government structures more transparent by creating special Public Advisory Councils. However, the parliament implemented a number of illiberal policies during the year that limited freedom of speech and oppressed ethnic minorities. *As a result, Kyrgyzstan's national democratic governance rating remains unchanged at 6.50.*

**Electoral Process.** The 30 October presidential election marked the first peaceful and voluntary transfer of power in Kyrgyzstan. As with the parliamentary elections in 2010, the presidential vote was fairly transparent and monitored by international observers. The OSCE lauded the peaceful and orderly conduct of the voting, and while it also identified a number of flaws that caused the election to fall somewhat short of democratic standards, these problems were not seen as substantial enough to affect the outcome. *Kyrgyzstan's rating for electoral process improves from 6.00 to 5.50.*

**Civil Society.** Kyrgyzstan's civil society played an important role in overseeing the new government's work as well as the electoral process. Since the April 2010 regime change, local nongovernmental organizations (NGOs) have been able to function more freely, without fear of government oppression. Some leading NGOs were involved in virtually all of the interim president's initiatives on ethnic reconciliation, promoting religious rights, and reforming the judicial system. However, NGOs in southern Kyrgyzstan that were engaged in postconflict reconstruction and

reconciliation experienced pressure from local officials throughout 2011. *Kyrgyzstan's civil society rating remains unchanged at 4.75.*

**Independent Media.** Kyrgyzstan's media outlets function in a relatively open environment, reporting on key political and social developments and obtaining access to all major government and parliamentary meetings. While very few journalists work in southern Kyrgyzstan, leaving developments in that part of the country underreported, the national media overall showed a great degree of independence in 2011, presenting the views of a range of political and civil society actors. *Kyrgyzstan's rating for independent media improves from 6.50 to 6.25.*

**Local Democratic Governance.** Kyrgyzstan continued working toward greater decentralization of political power and the strengthening of local government in 2011. With the help of Kyrgyz NGOs and international donors, the central government moved to amend its legislative framework to ensure efficient local government administration. All towns and villages in Kyrgyzstan were administered by local authorities during the year, but many remained in the hands of ineffective, poorly trained, or abusive officials. *Kyrgyzstan's local democratic governance rating remains unchanged at 6.50.*

**Judicial Framework and Independence.** The judicial system and law enforcement agencies continued to disproportionately target ethnic Uzbeks and remained susceptible to political pressure. Torture and unwarranted detentions are still widespread in the country's prisons and jails. Otunbayeva made a considerable effort to reform the judicial sector, but her initiatives did not yield significant results in 2011. *Kyrgyzstan's rating for judicial framework and independence remains unchanged at 6.25.*

**Corruption.** Newly formed Public Advisory Councils and the decentralized political system have increased transparency in most government structures. However, it remains to be seen whether this will translate into a decrease in corruption in state institutions. Most entrepreneurs did not see any improvements in this area in 2011. *Kyrgyzstan's corruption rating remains unchanged at 6.25.*

**Outlook for 2012.** Kyrgyzstan's 2010 parliamentary and 2011 presidential elections were the first in post-Soviet Central Asia in which the frontrunner was unable to secure a landslide victory, as most regional leaders have engaged in various forms of manipulation to ensure the desired result. However, having participated in relatively transparent elections, neither Atambayev nor his main opponents seem ready to adopt a similarly transparent approach to governance. Most observers believe that the next president of Kyrgyzstan will try to recentralize power in his own hands. The country's stability will also depend on how competing factions led by Madumarov and Tashiyev choose to work with the incumbent government.

Atambayev's SDPK led the process of coalition formation in the parliament and was able to install Jeenbekov in the speaker's position. The other parties in the coalition have supported the SDPK's growing influence to date. But the president's opponents fear that he will take control over decisionmaking on foreign and economic policy, which previously belonged to the cabinet and parliament. Furthermore, Atambayev has shown little interest in supporting initiatives begun by his predecessor. It is unclear whether he will continue reforming the judiciary and law enforcement agencies, which have been implicated in human rights abuses and ethnic discrimination. Other challenges faced by the new leadership include deteriorating energy infrastructure, a bleak economy, and widespread corruption. So far the president has not articulated a plan to deal with these pressing issues.

# MAIN REPORT

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## National Democratic Governance

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
n/a	n/a	6.00	6.00	6.00	6.25	6.50	6.75	6.50	6.50

Kyrgyzstan has made visible progress in opening up its political system since the fall of President Kurmanbek Bakiyev's authoritarian regime in April 2010. Despite criticism among some Kyrgyz experts for her reluctance to push for even greater reforms, interim president Roza Otunbayeva actively recruited members of civil society into the political process and promoted far-reaching changes in law enforcement and the judicial system. Under her supervision and with international assistance, Kyrgyzstan has created special Public Advisory Councils (PACs) designed to make government operations more transparent. Sessions of the parliament are now broadcast live on television and radio. Furthermore, the Central Election Commission (CEC) has become more independent from political pressure. According to the new law on elections, the commission's members are nominated and approved by the parliament and represent all political factions. Although the CEC banned international observers and local nongovernmental organizations (NGOs) from participating in some of its meetings, the bulk of its work was open to the public.

Members of the new parliament elected in October 2010 have been learning to engage in substantive debates on important issues, including the adoption of a state budget, ethnic tensions in southern Kyrgyzstan, and the investigation of corruption charges. However, the legislature is still vulnerable to a possible reassertion of presidential power or dominance by the Social Democratic Party of Kyrgyzstan (SDPK), which Almazbek Atambayev led until he was elected president in October 2011. Furthermore, the parliament has shown no reluctance about adopting statutes that restrict freedom of speech or appointing judges who would likely protect the incumbent parties' interests.

There are currently five parties represented in the 120-seat unicameral parliament: Ata-Jurt (28 seats), the SDPK (26), Ar-Namys (25), Respublika (23), and Ata-Meken (18). Four of them formed a ruling coalition following the presidential election, excluding Ata-Jurt and replacing the three-party bloc—Ata-Jurt, SDPK, and Respublika—that had governed since late 2010. Under the new arrangement, Omurbek Babanov of Respublika was named prime minister, and Asilbek Jeenbekov of the SDPK was chosen as speaker of parliament. Compared with the lengthy process that followed the 2010 parliamentary elections, the new parliamentary alliance emerged fairly easily under the leadership of the SDPK.

The three-party coalition had suffered from partisan and personal rivalries. In one heated debate in April, Ata-Jurt leader Kamchybek Tashiyev and Respublika member Altynbek Sulaimanov actually came to blows.<sup>2</sup> The factions have also had

difficulties maintaining internal party cohesion. The once-popular Feliks Kulov was ousted as leader of Ar-Namys after failing to calm divisions within his party. Kulov had been able to win a parliamentary mandate in 2010 largely due to support from ethnic Uzbeks in the country's south, who saw him as prepared to restore order to the ethnically divided cities of Osh and Jalalabad.

Members of the interim government refused to accept responsibility for the June 2010 ethnic violence, instead preferring to blame culprits ranging from Bakiyev loyalists to Islamic extremists and organized criminals. In each version of events, the government tried to argue that the violence was carefully organized and premeditated by secretive "third forces." In May 2011, former Finnish lawmaker Kimmo Kiljunen issued the findings of the international Kyrgyzstan Inquiry Commission (KIC) in Bishkek, summarizing over five months of research and 750 interviews. The KIC concluded that political fanaticism, mixed with ethno-nationalism, had sparked the violence. Most victims were ethnic Uzbeks, but "ethnic Kyrgyz also suffered very significant losses," according to the report.<sup>3</sup> The commission said instances of murder, rape, torture, and other forms of abuse during and after the outbreak of violence remained underreported, and many looted weapons remained unaccounted for, meaning they could be used in future clashes.

The KIC found no evidence that organized crime or other "third forces" had participated in the violence. Instead, the report argued that it was likely sparked by local economic, political, and social factors. Military and government officials were largely ineffective at stopping the bloodshed and preventing the illegal seizure of state weaponry by perpetrators who attacked Uzbek communities. The commission said some officials were suspected of complicity in crimes against humanity.

Weeks before Kiljunen released the critical report, Kyrgyz political leaders had tried to dismiss the KIC's credibility, arguing that it was biased against them and that its members were easily misled by rumors spread among the local population and media. A number of lawmakers tried to discredit Kiljunen because the report blamed them for failing to prevent Osh casualties. Officials also declared that they opposed the investigation because they believed the resulting report would spark new ethnic clashes. In late May 2011, 95 members of the parliament voted to declare Kiljunen *persona non grata*. The inability of much of the political class to tolerate free discussion on this sensitive issue makes it unlikely that the public will ever reach a consensus on the facts of the violence.

Otunbayeva criticized the parliament's decision, insisting that the citizens of Kyrgyzstan should no longer live in fear of oppression and persecution for criticizing the government. Kiljunen noted that the Kyrgyz government had not hindered the investigation, but Otunbayeva's administration did question some aspects of the KIC's approach. Mira Karybayeva, head of the president's Department of Ethnic and Religious Policy and Interaction, said that although the KIC had recognized the weakness of state power and the general fragility of the ethnic situation in Kyrgyzstan, the conflict was still evaluated "as though Kyrgyzstan was a strong country, with functioning government institutions, full control over the entire state territory, strong armed forces that were adequately equipped and with a

solid understanding of human rights.”<sup>4</sup> She said it was obvious that none of these elements were present when the conflict erupted.

In June, the parliament continued its attempts to regulate and stabilize interethnic relations by restricting information on the topic. The chamber voted 95 to 25 to issue a decree that, among other things, called for a ban on the popular news website, *Fergana.ru*, which has frequently published material exposing atrocities committed by security forces against Uzbeks during and after the June 2010 clashes. A number of lawmakers also urged that the popular social networking site *Diesel.kg* be rigidly controlled or shut down.

Of the 35 provisions in the decree, perhaps the most problematic was a ban on the “emergence of monoethnic” communities in ethnically mixed areas, as well as in places that have experienced interethnic conflict. The measure effectively seeks to control the freedom of movement of ethnic minorities inside the country and limit their right to preserve their ethnic identity and cultural heritage by choosing to live alongside other members of their group.

Although not all elements of the decree were implemented, its passage by an overwhelming majority demonstrated that most members of the parliament are unfamiliar with the concept of freedom of speech and inclined to seek Soviet-style, authoritarian solutions to domestic unrest. A small group of moderates, mostly from the ranks of the opposition *Ata-Meken* party, spoke out against the parliament’s decisions. Younger lawmakers in particular have shown a propensity to learn and to liberalize their views. Some have complained that their votes were cast in absentia without their permission, and they are now seeking to change the voting procedures.

Overall, however, Kyrgyzstan was significantly more stable in 2011 compared with the previous year. Aside from several demonstrations in Bishkek and the southern regions, most political infighting seems to have moved into the parliament, and the successful transfer of power from Otunbayeva to Atambayev after a relatively free and fair election set an important precedent that could reduce the likelihood of another violent regime change.

#### Electoral Process

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
6.00	6.00	6.00	5.75	5.75	6.00	6.00	6.25	6.00	5.50

On 30 October 2011, Kyrgyz voters elected a new president, the first under the new parliamentary system. Although the exact outcome of the election was largely unpredictable, Prime Minister Atambayev emerged as the clear frontrunner several months before the vote. With 60 percent turnout and 16 candidates running, Atambayev took 63 percent of the vote. His chief opponents, Adakhan Madumarov and Kamchybek Tashiyev, captured 14.7 percent and 14.3 percent, respectively. According to the new constitution, the president is limited to a single term of six years.

Over 300 Organization for Security and Cooperation in Europe (OSCE) observers and 1,000 observers from the nongovernmental Coalition for Democracy and Civil Society monitored the election. According to the OSCE,<sup>5</sup> the candidate registration process was inclusive, and the campaign was open and respected fundamental freedoms. However, hundreds of citizens were not able to cast their votes because of incomplete voter lists, and some cases of attempted vote buying by Madumarov's supporters were reported. The CEC's work was "adequate, but sometimes lacked transparency," the OSCE concluded. Most observers agreed that the election's flaws were not sufficient to affect the overall outcome.<sup>6</sup>

The campaign was conducted in a freer environment than any of Kyrgyzstan's previous presidential elections. For the first time, all competing candidates had the opportunity to participate in televised debates, during which citizens, especially those using the internet, could submit questions. The debates addressed pressing economic and political issues, and most candidates called for stronger rule of law, urged greater national unity in the face of north-south and ethnic divisions, and distanced themselves from corruption.

Initially, 86 candidates had registered, but 50 dropped out before the official campaign period began. Most were either unable to collect the necessary signatures, submit the 100,000 som (US\$2,200) registration fee to the CEC, or pass the Kyrgyz-language proficiency exam. A few candidates, including Omurbek Tekebayev of Ata-Meken and Nariman Tuleyev of Ata-Jurt, simply decided not to run.

During the campaign, Atambayev's opponents and various NGO leaders accused him of using his position as prime minister to gain an unfair advantage over other candidates.<sup>7</sup> In response to growing criticism, Atambayev agreed to delegate his responsibilities to his deputy, Omurbek Babanov. The leader of the Coalition for Democracy and Civil Society, Dinara Oshurakhunova, has said that civil society observers did not uncover any cases of administrative resources being used in favor of specific candidates.<sup>8</sup> However, Atambayev's preelection decision to raise salaries for teachers was seen as a campaign strategy, and he did apparently enjoy key advantages in terms of financing and media attention. According to an analysis by *Internews*, his campaign spent as much money as all the other candidates combined, and his name led both in the number of mentions and the number of positive mentions in the press.<sup>9</sup>

Although Atambayev ultimately won by a wide margin, opinion polls in the months before election day suggested that he did not have enough support to win outright in the first round. In August, polls found that he was popular among 31 percent of voters, with the strongest support coming from the north.<sup>10</sup> He was also the only candidate to have secured at least 10 percent support in all seven of the country's *oblasts* (regions). Tashiyev, widely popular in southern Kyrgyzstan, was in second place, closely followed by another "southern" candidate, Madumarov. Both had hoped to reach a runoff and were courting the same general constituency, though Tashiyev is popular in Jalalabad, while Madumarov's stronghold is Osh oblast. The prospect of a second round pitting Atambayev against a single opponent based in the south threatened to stoke regional rivalries.<sup>11</sup> But Tashiyev sought to

play down his image as a divisive nationalist,<sup>12</sup> and Atambayev positioned himself as someone who recognized the need to break down the regional divide and unite the country. In his inauguration speech on 1 December, Atambayev expressed his support for eliminating the ethnic identity category on passports, though it was unclear at year's end whether such pronouncements would lead to concrete policies.

### Civil Society

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
4.50	4.50	4.50	4.50	4.50	4.50	4.75	5.00	4.75	4.75

Following the regime change in April 2010, civil society groups renewed their public activities. Many Kyrgyz and international NGOs paid considerable attention to developments in the south, mobilizing their resources to help reconciliation and reconstruction efforts. Some leading NGOs were involved in virtually all of the interim president's initiatives on ethnic reconciliation, promoting religious rights, and reforming the judicial system. Otunbayeva recruited civil society activists to oversee the work of various public institutions. Her efforts, however, sometimes faced resistance from state officials and lawmakers who deemed it improper to provide civil society observers with access to state information.

Some NGO workers have readily accepted voluntary roles in the PACs, including prominent activists like Aziza Abdirasulova of the group *Kylym Shamy* and Nurzat Abdurasulova of *Unison*. PAC participants voiced their concerns on issues such as police reform, the state budget, and the country's energy policy. Although officials often refrain from directly responding to their criticism, the PACs have nevertheless provided greater transparency to some of the ministries' work. For instance, Aziza Abdirasulova revealed cases of human rights abuses by the Interior Ministry, while Nurzat Abdurasulova's PAC shed light on the workings of the hydropower sector within the Ministry of Energy.

Overall, there is a myriad of reputable civil society activists who regularly speak out on current affairs. Many of the recommendations are not fulfilled by the government and the parliament, but NGOs have become an important force by educating the public about the legality and ethics of the government's policies.

Civil society actively participated in the election observation process. The Coalition for Democracy and Civil Society dispatched its own observers across the country in 2011 to oversee both local election commissions as they prepared for the presidential vote and the CEC's work on election day. Any instance in which observers or the CEC failed to abide by the rules was immediately reported. NGOs closely observed the vote counting, often offering the most comprehensive assessment of the returns across the country.

Nongovernmental groups have also been involved in judicial reform. A special presidential commission made up of NGO leaders oversaw the implementation of two laws—"On the status of judges" and "On the council to select judges"—that

were intended to combat corruption in the judiciary. Members of the commission, including Dinara Oshurakhunova and lawyer Nurbek Toktakunov, expressed concern over the ways in which the parliament ignored the recommendations offered by civil society groups. Instead of choosing new judges in an impartial manner, lawmakers informally opted for judges who would be likely to represent their interests. Civil society activists argued that this repeated mistakes made by the previous regime and left the judicial system vulnerable to political manipulation.

Several major NGOs spoke out against the parliament's decision to ban Kiljunen, the KIC chairman, from the country, and called on legislators to follow the recommendations of his report. In an open letter written on behalf of the International Federation of Human Rights, they asked Otunbayeva to prosecute all perpetrators of the ethnic violence in Osh.<sup>13</sup> The parliament ignored these demands and did not overturn its decision on Kiljunen.

A number of NGOs are involved in monitoring the postconflict situation in Osh and Jalalabad. They focus on reconstruction, reconciliation, and the mental health of victims. In a statement addressed to Otunbayeva, a coalition of 12 NGOs called for greater attention to the well-being of women and children in the affected areas. Other groups have carried out projects to send children from victimized families to special, therapeutic youth camps.

Most government structures are tolerant of civil society's criticism, and some, such as the Ministry of Energy and the Ministry of Finance, take the PACs' recommendations into consideration. The judiciary, the Ministry of Interior, and most members of the parliament, however, have not yet learned to collaborate with NGOs. Furthermore, civil society activities are not always safe, and NGO leaders continue to face political and social pressure. Abdurasulova's son was beaten and taken into custody by Bishkek police a few days after she testified in front of the president and Interior Ministry on cases of torture by law enforcement agencies. The situation is grimmer in the south. An informal divide between NGOs led by ethnic Kyrgyz and those led by ethnic Uzbeks has widened, with each group concentrating on its own communities.

### Independent Media

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
6.00	6.00	5.75	5.75	5.75	6.00	6.25	6.50	6.50	6.25

Kyrgyzstan's media market is considerably freer than it was during the Bakiyev era. Media outlets primarily based in Bishkek function in a fairly open environment, reporting on major political and social topics such as elections, government policies, and national security. Journalists are present at all major government and parliamentary meetings, and some government institutions that were traditionally closed to the media, such as the Ministry of Interior and the Ministry of Energy, have been opening up to journalists.

The online social media community continues to grow, with urban youth using Twitter, Facebook, and Google+ to exchange information. Discussions on social networking sites are dynamic and seldom controlled. Otunbayeva; former parliament speaker Akhmatbek Keldibekov; parliament members including Shirin Atimatova, Tursunbai Bakir uulu, and Dastan Bekeshev; and several presidential candidates have opened Facebook and Twitter accounts, and some of them regularly interact with other users.

The interim government under Otunbayeva made the reform of national television and radio programming a priority. Shortly after the regime change in April 2010, leaders of the state broadcaster KTRK and members of the interim administration sought to restructure KTRK's management. KTRK subsequently became a public service broadcaster led by a formally independent board of directors.

However, the parliament in September 2011 overrode a presidential veto and converted television's Channel 5 into a parliamentary channel. The station used to be under the control of Bakiyev's son, and was nationalized after his ouster. Civil society activists expressed fears that Channel 5 would effectively revert to its former status as a propaganda outlet.

Although there is no shortage of journalism opportunities in Bishkek, very few journalists work in southern Kyrgyzstan, and developments in that part of the country continue to be underreported. Most coverage in the local press contains ethnonationalist views or tries to avoid mention of ethnic tensions altogether. Ethnonationalist voices stating that the majority should rule over minority groups were less prominent on television and in the press in 2011, but they still loudly spread their message in some Kyrgyz-language newspapers. Nearly all Uzbek-language television channels, such as Osh TV and Mezon TV, have been seized by individuals aligned with local government officials and converted to Kyrgyz-language formats, leaving the Uzbek minority largely without media outlets.

Limits on media are emerging in other contexts as well. The CEC initially denied accreditation to online news agencies ahead of the October 2011 presidential election, essentially barring them from covering the campaign, despite the fact that they had been accredited in previous national elections. Most candidates complained that the ban did not include clear definitions of what is considered a news agency, or criteria to determine when a media appearance qualifies as part of an election campaign. However, the parliament intervened in mid-August, reversing the CEC ruling.

In an attempt to control the influence of Russian television, the Kyrgyz parliament banned live broadcasts of all foreign channels during the election period.<sup>14</sup> The agenda of Russian media has traditionally been to portray pro-Russia candidates in a positive light, while giving negative coverage to pro-Western or anti-Russian candidates. Russian print and broadcast media are popular in Kyrgyzstan, particularly in the north. They have an enormous impact on public opinion, especially on topics such as Kremlin policies and international political developments.

Ata-Meken leader Omurbek Tekebayev, who claimed his party suffered from negative reporting by Russian media before the 2010 parliamentary elections, was the ban's primary initiator. As a result of the legislation, all providers of cable television featuring foreign channels were forced to broadcast foreign news reports with a one-hour delay and to delete any news or analysis dealing with Kyrgyzstan's elections. Despite these restrictions, the OSCE's overall media freedom assessment during the election campaign was positive, concluding that all candidates had equal access to television, print, and online outlets.<sup>15</sup>

In another incident that exposed tensions between Russia and the Kyrgyz authorities, Russia's Channel One was taken off the air in Kyrgyzstan and replaced with KTRK programs in February, generating harsh criticism from the Russian embassy in Bishkek. The embassy accused the Kyrgyz side of breaking bilateral agreements, though it did not specify which pacts had been violated.<sup>16</sup>

#### Local Democratic Governance

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
n/a	n/a	5.75	6.25	6.25	6.50	6.50	6.50	6.50	6.50

The constitution adopted in June 2010 ensures that Kyrgyzstan's parliament represents all regions of the country, and lawmakers often speak out on issues that concern their communities. Over the past decade Kyrgyzstan has been developing a body of legislation to support local governments. There are also laws supporting traditional forms of self-governance. A 2008 law on local governance was designed to ensure that local officials have the financial and political resources to meet the needs of the population. In line with this law and previous legislation, in 2011 all towns and villages in Kyrgyzstan were administered by local governments.<sup>17</sup>

With the help of the Open Society Institute and the United Nations Development Programme, the legislative base is regularly updated, with amendments added in 2011. International donors also help local governments boost transparency and enhance information exchanges with the central authorities. Local government officials have access to materials to educate themselves on their rights and responsibilities, as well as various bureaucratic procedures. They also have opportunities for special training and advisers to consult regarding social issues. For instance, in September fifty NGO activists trained local officials to deal with gender issues and ensure that women's interests are represented.<sup>18</sup> The Association of Municipalities of the Kyrgyz Republic also held a series of training sessions with local government officials on democratic ways to manage communal properties.<sup>19</sup>

While Kyrgyzstan has formally achieved its goals on decentralization, most local government officials lack the professionalism and experience to govern according to the new legislation. Often they are criticized for a lack of efficiency. Many members of local councils are unaware of their own roles and responsibilities, while heads of villages (*ail okmoty*) do not pass their knowledge and experience on

to their successors.<sup>20</sup> In some areas, mainly in southern Kyrgyzstan outside the city of Osh, parliament members have more power than local officials and members of local councils. However, in Osh itself, Mayor Melis Myrzakmatov, who was appointed by Bakiyev, continues to enjoy monopolistic power, controlling local law enforcement agencies and thuggish groups of supporters.

Ethnic minorities are still underrepresented in the legislative and executive branches. The most troubling example is the ethnic imbalance among law enforcement institutions, particularly in southern Kyrgyzstan. Over the past year the number of ethnic Uzbek policemen in Osh and Jalalabad has decreased substantially. They now make up about 2 percent of all forces combined.<sup>21</sup> This is a significant shortfall, given that ethnic Uzbeks account for roughly 40 percent of the population in some areas.

With international donor assistance, Kyrgyzstan built 1,780 transitional homes within months of the June 2010 violence, which destroyed about 2,000 houses. In addition, 34 new multistory apartment buildings were built for displaced families. However, partly because of inefficient local governance and poor center-periphery collaboration, the reconstruction process has proceeded unevenly. While villages like Cheremushki have been largely abandoned by residents who fled abroad due to fear of more violence, everyday discrimination, and lack of resources to construct new houses, others like Furqat have successfully rebuilt after receiving sufficient construction materials from international donors. The disparity highlights the difference between the work of various international groups, as well as local governments' control of building materials. Local observers have reported widespread corruption at all stages of the reconstruction process.<sup>22</sup> Although some businesses owned by ethnic Uzbeks are opening in southern Kyrgyzstan, cases of daily ethnic violence are still widespread.

Kyrgyzstan's NGOs have been actively involved in observing local governments at work. In October 2011, Nazgul Turdubekova, head of the Children's Rights League, criticized local officials for trying to avoid dealing with the poorest groups in their communities by delegating that responsibility to social workers.<sup>23</sup> NGOs have also criticized the central government for failing to implement a coherent long-term strategy on local government development, as well as for the lack of watchdog mechanisms to ensure that local officials are operating effectively.

#### Judicial Framework and Independence

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
5.50	5.50	5.50	5.50	5.50	6.00	6.00	6.00	6.25	6.25

The judicial system faces the task of identifying and prosecuting the perpetrators of the June 2010 ethnic violence. Roughly 300 cases were initiated in 2010, but only a small number have reached the courts. The vast majority are stalled because defendants, witnesses, and lawyers have encountered intimidation, and local judges refrain from taking potentially explosive cases to avoid further instability.<sup>24</sup>

The country's law enforcement agencies have predominantly arrested ethnic Uzbeks, despite the fact that Uzbeks accounted for 75 percent of the casualties and suffered 90 percent of the property losses, according to Amnesty International.<sup>25</sup> The number of people receiving life sentences in prison, the highest penalty, more than doubled to 39 in 2011, from 15 in 2010. Nearly all were convicted of contributing to violence during the Osh events. Among the ethnic Uzbeks who have received life sentences are prominent human rights activist Azimjon Askarov and businessman Kadyrjan Batyrov.

The government's standard informal explanation is that trials of ethnic Kyrgyz suspects would cause unrest in the country, and that state institutions are not strong enough to hold off mobs of angry protesters representing the ethnic majority. While government officials recognize the seriousness of the ethnic imbalance of suspects, they frequently have to rely on information provided by civil society groups and international organizations, as national and local law enforcement agencies often try to conceal cases of torture, illegal raids, and arbitrary arrests. According to ethnic Uzbeks from Osh, the bribes required to win release from detention range from US\$2,000 to US\$20,000, depending on the legitimacy and seriousness of the charges.<sup>26</sup> Most law enforcement officials and judges in southern Kyrgyzstan are ethnic Kyrgyz, raising the likelihood of anti-Uzbek bias.

The best-known case of ethnicity-based prosecution in Kyrgyzstan is that of Askarov. He was convicted in September 2010 of complicity in the murder of an ethnic Kyrgyz policeman during the June clashes and of inciting ethnic hatred. Askarov has reportedly been tortured at a detention facility at least twice. In December 2011 the Supreme Court denied his appeal and upheld his sentence of life in prison.

Within this context of corrupt and biased law enforcement agencies in southern Kyrgyzstan, four policemen indicted for the fatal abuse of an ethnic Uzbek suspect in a Jalalabad detention facility went on trial in October 2011. The victim, Usmanjan Kholmirezayev, was a Russian citizen who had died that August as a result of torture and denial of appropriate medical treatment. The trial was moved to a different jurisdiction—Sokoluk, near Bishkek—in an effort to avoid violence outside the courtroom.<sup>27</sup> Still, at least three protests against the trial took place in the Bazar-Korgon district of Jalalabad, where Kholmirezayev had been detained and tortured. Witnesses from the law enforcement community testified that their colleagues were not involved in actions that could have led to Kholmirezayev's death.

Another key issue to be addressed by the judicial system is violence and other crimes related to the overthrow of Bakiyev. During 2011 Kyrgyzstan's courts proceeded slowly with the trials of 28 officials accused of killing civilians during the 7 April 2010, antigovernment demonstrations in Bishkek, and of large-scale corruption during Bakiyev's regime. These included members of the "Alfa" special forces unit, Bakiyev's close allies, and members of his family; seven of the defendants were being tried in absentia.

The trials have shown that Kyrgyzstan's judicial system remains weak and far from impartial. They have been conducted in an atmosphere of chaos, with relatives

of victims on several occasions trying to physically attack the defendants and the judges. The courts also face pressure from allies of the defendants, many of whom remain powerful in the country. In August, for example, former defense minister Baktybek Kalyev was transferred from a detention center to house arrest on health grounds, after about 60 lawmakers—most of them former members of Bakiyev's Ak-Jol party—appealed to the Supreme Court on his behalf. The various obstacles and disruptions encountered during the trials have led to repeated adjournments and delays.

During her tenure as interim president, Otunbayeva took a number of steps aimed at increasing the impartiality of the police and courts, including rotating officers and judges between northern and southern Kyrgyzstan. She also sought to appoint 445 new judges with the help of the parliament and independent observers. She created a special council consisting of members of civic groups to observe the process. However, the first few rounds of judicial appointments took place in a highly politicized environment, and the lawmakers responsible for choosing new judges chose to ignore the recommendations of civil society groups.

The police are infamous for petty corruption, widespread human rights violations, and the use of torture to force confessions. Abdurasulova, the civic activist, has identified 20 cases of torture that led to the death of the suspect over the past three years and alleges that not all cases of abuse are reported. Doctors working within law enforcement structures are reluctant to report inmates' injuries from torture and poor health out of a fear of losing their jobs.<sup>28</sup> In an important step, Kyrgyzstan invited the United Nations Special Rapporteur on torture to visit the country in December 2011. Bishkek has also attempted to learn from Georgia's police reform, with Deputy Prime Minister Shamil Atakhanov traveling there in early 2011 and leading efforts to implement similar changes in Kyrgyzstan beginning in 2012. However, it remained unclear at the end of 2011 whether President Atambayev would continue the Otunbayeva administration's reform efforts.

### Corruption

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
6.00	6.00	6.00	6.00	6.00	6.25	6.25	6.50	6.25	6.25

Kyrgyzstan's new parliamentary system has contributed to greater transparency. On several occasions, parliament members and government officials have sought to expose current cases of corruption as well as malfeasance by the former regime. Since the April 2010 regime change, considerable progress has been made in reducing corruption in the hydropower sector and the provision of fuel supplies for the U.S. military transit center at Manas airport. This has primarily been the result of Otunbayeva's efforts, which included greater cooperation with the international community and encouragement of civil society participation in overseeing the work of state institutions. It remains to be seen whether Atambayev will sustain her anticorruption initiatives.

In Transparency International's 2011 *Corruption Perceptions Index*, Kyrgyzstan's score improved slightly to 2.1, from 2.0 in 2010 (on a scale of 0 to 10, with 0 being the worst). At the same time, the World Bank's *Doing Business 2012* report indicates that Kyrgyzstan has slipped three positions since 2010, and is now ranked 70th among 183 economies. The country scores particularly low in terms of "paying taxes" and "resolving insolvency."

The World Bank findings correspond with other studies conducted in 2011. In a survey of 1,200 Kyrgyz entrepreneurs, some 44 percent indicated that they thought corruption had worsened over the past year, while 45 percent said it remained the same. About 38 percent of the entrepreneurs agreed that the current punishments for corruption are not harsh enough to serve as a deterrent. A quarter of respondents said the government must increase the transparency of its financial institutions. The entrepreneurs complained that the tax agency and customs control were the most corrupt institutions, followed by the Ministry of Interior and other law enforcement agencies.<sup>29</sup>

The newly formed PACs will monitor the activities of the Ministry of Finance, the Ministry of Energy, and the Ministry of Interior—all government bodies that have traditionally been accused of serving the few at the top of the regime. PACs also monitor operations at the Manas fuel-supply facility, formerly a lucrative business for Bakiyev's family. The councils' members represent NGOs and independent observers, and have full access to government records.

The Fuel and Energy Sector Transparency Initiative, created at Otunbayeva's request in 2010 to oversee the work of the hydropower sector, has considerably increased the transparency of this vital industry. Electricity generated by Kyrgyzstan's hydropower plants is one of the country's most important exports. According to Abdurasulova of Unison, the transparency initiative works with both customers and the government to reduce corruption within the sector.<sup>30</sup> Customers are encouraged to stop stealing energy by colluding with corrupt meter readers, while the government's investment plans are made public and scrutinized. This arrangement could potentially increase public trust, lead to efficient privatization, and attract foreign investment. By contrast, during Bakiyev's reign, the hydropower sector became one of main sources of illegal income for a few people inside the regime, and their theft and neglect brought the industry to the brink of collapse, causing regular blackouts during the winter months.

However, several recent scandals around major business enterprises linked to government officials and parliament members have confirmed that ruling elites still seek to informally control the country's economic resources. For example, disputes over the ownership of and alleged corruption at MegaCom, a cellular communications provider and one of the most profitable companies in the country, pitted Deputy Prime Minister Omurbek Babanov against prosecutor general and later presidential candidate Kubatbek Baibolov, with each accusing the other of illegal financial dealings. Otunbayeva sacked Baibolov as prosecutor general in March for allegedly receiving a US\$500,000 bribe from MegaCom to protect company officials from embezzlement charges. Baibolov denied the allegations,

arguing that people close to the political leadership were attempting to illegally capture the company.

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