

KYRGYZSTAN

1. PRESENTATION¹

Basic Facts ²	
Name of Country	Kyrgyz Republic (Kyrgyzstan)
Capital	Bishkek
Population	5,213,898
Area	198,500 sq km
Average Life Expectancy	68.49 years
Ethnic Groups	Kyrgyz 64.9%, Uzbek 13.8%, Russian 12.5%, Dungan 1.1%, Ukrainian 1%, Uygur 1%, other 5.7%
GDP per capita, PPP	\$2,100

Community of Democracies	
Previous participation	Warsaw 2000: Not invited Seoul 2002: Not invited Santiago 2005: Not invited

Timeline of Recent Major Events in Kyrgyzstan:

- **2005** February 27 & March 13 – Parliamentary elections, first and second rounds.
- **2005** March 24 – Tulip Revolution; President Akayev and his government forced out of power by opposition demonstrations. A new government formed with Kurmanbek Bakiyev and Feliks Kulov as its leading figures.
- **2005** May 12 – Bakiyev and Kulov announce their electoral “tandem”; Bakiev agrees to nominate Kulov for the post of prime minister if he is victorious in the presidential poll. Kulov agrees to withdraw his candidacy for the presidency.
- **2005** May 13 – Andijan shootings in Uzbekistan; refugee flow to Kyrgyzstan.
- **2005** July 10 – Early presidential elections; Bakiev wins with 89% votes. He subsequently nominates Kulov as prime minister.
- **2005** September 27 – Parliament denies six candidates proposed by Bakiyev and Kulov for ministerial positions, among them key leaders of the Tulip Revolution.
- **2005** October – Prison riots lead to the killing of a parliamentary deputy attempting to mediate in a dispute between organized criminals. Three deputies assassinated in four months in attempts by criminal underworld figures to influence government.
- **2006** February 13 – Resignation of opposition leader Omurbek Tekebayev as speaker of parliament. He publicly split with President Bakiyev.
- **2006** April 29 – First major demonstration of “For Reforms” movement led by Tekebayev.
- **2006** May 11 – Assassination of criminal leader and disputed winner of parliamentary elections, Ryspek Akmatbayev.³

¹ Principal author: Bertelsmann Stiftung

² Source: *CIA World Factbook* at <http://www.cia.gov/cia/publications/factbook/index.html> (accessed on July 21, 2006).

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- **2006** May 27 – Second major demonstration of “For Reforms” movement. Bakiev agrees to remove three key figures in the government, as demanded by the demonstrators; the leaders agree a tacit compromise with the government on a variety of issues, in particular constitutional reform.
- **2006** September – Opposition leader Omurbek Tekebayev arrested on drug possession charges in Warsaw. Bakiev’s brother, Deputy Chair of the National Security Services, resigns after being implicated in planting the drugs.
- **2006** November 9 – After a week of vociferous opposition protests in Bishkek, President Bakiev signs a new constitution that establishes greater balance between the Kyrgyz government’s executive and legislative branches.

2. BACKGROUND

The Kyrgyz Republic has not participated in any previous Community of Democracies meetings. The Bamako Ministerial is perhaps the first time that the country ought to be considered for invitation. Kyrgyzstan is a former Soviet Republic, whose democratization record has fluctuated widely since gaining independence. From 1991 until the mid-1990s, Kyrgyzstan stood out among former Soviet countries as a country more open to liberalization both politically and economically, earning it the nickname “the island of democracy in Central Asia.” However, as the government of President Askar Akayev sought to consolidate its position, it grew increasingly authoritarian until being ousted in the March 24, 2005, “Tulip Revolution.” These dramatic events brought a new leadership and, more importantly, a new beginning to politics in the country. After ten years of increasing government violation of the rule of law, Kyrgyzstan gained a new opportunity to set off on a fresh track of reform.

The parliamentary elections in 2005 were the trigger that ultimately brought down the regime of President Akayev. These elections were characterized by considerable systematic interference by state authorities in favor of particular candidates; the prevalence of business owners and other wealthy candidates; widespread corruption and vote-buying; and the intimidation and marshalling of particular categories of voters, such as students and employees of state enterprises. Fearing a “colored revolution,” the government interfered in several ways, including the use of propaganda—particularly in Akayev’s speeches. The government also heavily blackmailed opposition candidates, and used courts to block candidatures. While the elections met a standard similar to previous ones, this vote nonetheless triggered mass mobilization against the regime. Demonstrators raised other grievances, such as poverty and inequality, corruption and nepotism, arbitrary and unjust courts, the persecution of opposition leaders, and the so-called “family rule” of President Akayev. Protests were initially localized around specific individuals or patrons, but later the opposition merged into a nascent national movement. It was led by several well-known individuals, all of whom had previously been part of the

³ Akmatbayev’s mandate was denied by the Central Electoral Commission for reasons of criminal record. At the time, he was also facing murder charges.

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Akayev regime, including Kurmanbek Bakiyev, who was prime minister before being forced to resign in 2003.

Following the Rose and Orange Revolutions in Ukraine and Georgia, and sharing the pretext of fraudulent elections, the March 24 ousting was widely declared a “Tulip” Revolution. In some ways, Kyrgyzstan’s Tulip Revolution was a broad-based collective action of people throughout the country. At its climax, it brought together previously disparate opposition groups, youth movements and a number of non-governmental civic organizations. However, Kyrgyzstan’s “revolution” must be viewed on its own terms, given the weight of Soviet legacies in Kyrgyzstan’s political culture.

The new government, with Bakiyev as president and Felix Kulov as prime minister, has made significant departures from the previous regime—some positive, but others worrisome. During the past year, parliament has had an incomparably stronger voice than in the past. The prime minister and his cabinet have been stronger and more autonomous than the puppet ministers of the past, and generally, central power has been noticeably curtailed. However, this devolution of power has been accompanied by extralegal popular political activism, repeated changes of leadership in local governments following such protests, as well as illegal attempts to seize private land and economic assets.

More than a year since the Tulip Revolution, Kyrgyzstan is still undergoing a process of both political and economic adjustment. In many areas, the future pathway is unclear although the general rhetoric of the government has been firmly for democracy, a free economy and the rule of law. The obvious strengthening of parliament is a positive sign. The prime minister’s increased power is also encouraging. Greater demonstrated tolerance toward public protests and a generally conciliatory government stance are further good signs. However, these positive moves are yet to be consolidated, both constitutionally and in the political culture.

3. ANALYSIS

While the statistical measures appended to this report indicate a generally poor state of affairs in Kyrgyzstan, the dramatic and rapid political changes experienced in 2005 and 2006 demand deeper, more contextual analysis. Our findings indicate that with regard to some of the Criteria for Participation, significant improvements have been made, although they remain unconsolidated, while other areas show little or no improvement. In any case, the new government has made notable progress in comparison with the previous regime.

Democratic Institutions and Processes

Free, fair and periodic elections by universal and equal suffrage, conducted by secret ballot

Since independence in 1991, the country has held elections regularly. No term of any office, be it of the president, parliament or lower-level elected offices, was illegally extended beyond the prescribed period. However, Akayev was granted the right to a “third” term (only two are permitted) by the Constitutional Court, which ruled that changes to the constitution in 2003 constituted a new version and, therefore, allowed Akayev to extend his time as president.

Suffrage in Kyrgyzstan is universal and equal, includes all adults of 18 years of age and older and observes the principle of “one person, one vote”; voting is also done by secret ballot. However, the actual conduct of elections grew increasingly problematic, and culminated in the Tulip Revolution of March 2005.

As was recognized by nearly all observers, the manner in which the early presidential elections of July 10, 2005 were conducted showed considerable improvement. The Organization for Security and Cooperation in Europe (OSCE) election observation report, for example, states that “the early presidential election marked tangible progress by the Kyrgyz Republic towards meeting OSCE commitments, as well as other international standards for democratic elections.”⁴ Alternative candidates had full freedoms of assembly and campaigning, the media provided open access to all candidates’ campaigns, and voter intimidation or bribing was mostly absent, except in isolated and unauthorized cases involving candidates’ “volunteer” supporters. Nevertheless, media coverage in general focused on the Bakiyev-Kulov tandem, and the election outcome was predictable. Bakiyev, with Kulov’s backing, was clearly far more popular than any other candidate among an electorate that favored stability over a real contest after several months of unrest. Though officially competitive, there was only one candidate in the running with a chance of winning.

Multiparty system and freedom to form democratic political parties that can participate in elections

The political party system of Kyrgyzstan has expanded rapidly in terms of quantity but not in terms of quality. To date, the country has registered more than 80 political parties of various kinds, of which one third have been established since March 24, 2005. While establishing political parties is very easy in Kyrgyzstan, their electoral prospects are limited by the current law, which does not provide for proportional representation.⁵ A limited experiment in the 2000 parliamentary elections, where party lists provided a

⁴ Kyrgyzstan: President Election, 10 July 2005, OSCE/ODIHR Election Observation Mission, Final Report, accessible at: http://www.osce.org/documents/odihr-el/2005/12/17585_en.pdf

⁵ As Muratbek Imanaliev, president of the Institute for Public Policy said in interview, “multiparty system in Kyrgyzstan is only half true – when political parties do not themselves participate in elections, they cannot develop as a system,” 21 August 2006, Bishkek.

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quarter of the members of one chamber of parliament, was done away with in the 2005 elections. According to the current Electoral Code, parties could nominate and support their own candidates for parliament in the 2005 elections, but without party lists, and largely without party platforms policies. A multiparty system, therefore, remained superficial. The new constitution adopted by the president and parliament in November 2006, however, envisages a proportional, party-list election system for the next election cycle.

Guaranteeing that everyone can exercise his or her right to take part in the government of his or her country, directly or through freely chosen representatives

The Kyrgyz Republic Constitution guarantees the right to elect or be elected to office to all eligible citizens; other means of political participation, such as demonstrations, protests or petitions are also guaranteed. Actually, however, until the Tulip Revolution, this right of direct or indirect participation was limited in various ways, including the fatal shooting of six protesters by police in 2002, and demonstrations being either dispersed by force or prevented by legal provisions on a regular basis through 2003 and selectively thereafter.

Certain observable changes, although limited, have taken place in many areas since the 2005 revolution. Most notably, the country has witnessed countless actions of public protest and meetings, with conservative estimates putting their number at more than 3,000 since the revolution.⁶ This trend duly alarmed the government and the overwhelming majority of citizens who habitually shun open political actions. However, frequency of protests dropped considerably by summer 2006, following a tentative agreement between the government and the new opposition.⁷ In May 2006, President Bakiyev issued a decree to implement a new public policy-making program, where the key point was to involve state structures, organs of local governance and civil society groups in public policy decision-making.⁸ Very democratic in spirit, the program has seen little implementation or impact.

Rule of Law

The obligation of an elected government to protect and defend the constitution, refraining from extra-constitutional actions and to relinquish power when its legal mandate ends

During the Tulip Revolution, the country's leadership—which lacked a legitimate means of assuming office—found itself in a dubious position vis-à-vis the constitution.

⁶ Freedom House, *Countries at the Crossroads 2006. Country report – Kyrgyzstan*, available at: http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=7&ccrpage=31&ccr_country=122

⁷ As the frequency of protests began to fall, some voices raised concern of a possible 'devaluation of protests' – a disenchantment with direct protest action as their success rate drew to zero. See Kumar Bekbolotov, "Protesting Kyrgyzstan: 'devaluation' of meaning or increasing effectiveness?", 23 May 2006, Institute for Public Policy, Bishkek, available at: <http://ipp.kg/en/analysis/191-23-05-2006>

⁸ Decree of President of the Kyrgyz Republic, 11 May 2006, "On Measures of [improving] interaction between state organs, organs of local self-governance, and civil society in the Kyrgyz Republic"

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Last amended in 2003, the constitution had been an issue of contention between the opposition and Akayev's regime, which had built up a concentration of power in the executive through constitutional changes introduced via numerous referenda. But acting outside of this order—however spurious it may have been—would only compromise leaders' already tenuous authority. Therefore, in the early days and weeks after the revolution, Bakiyev and his team of "revolutionaries" chose to maintain a degree of constitutionality, even though this meant some moves, such as recognizing and working with the newly elected parliament, would prove unpopular.⁹ In summer 2005, Bakiyev disregarded a constitutional draft, which was prepared by the Constitutional Council and more than doubled the size of the body to 300 members. The committees and working groups were formed and produced competing drafts envisioning strictly presidential, strictly parliamentary and mixed systems of government. Increasingly, Bakiyev began to question the need for speedy reform, arguing that the current constitution should remain in place until the next round of presidential and parliamentary elections in 2010. As opposition pressure mounted, Bakiyev subsequently appointed a constitutional task force under deposed prosecutor-general Azimbek Beknazarov.

On July 27, 2006, Kyrgyzstan's task force on constitutional reform reported to the government. Three drafts were provided to Kulov and Bakiyev prescribing parliamentary, presidential and mixed presidential-parliamentary systems respectively. All three drafts envisaged a parliamentary chamber composed of seventy five members, fifty of whom are elected via party lists.¹⁰ On November 9, 2006, Bakiyev signed a new constitution that establishes greater balance between the Kyrgyz government's executive and legislative branches after a week of vociferous opposition protests in Bishkek. The constitution, a compromise document rapidly drafted by opposition and pro-government lawmakers to restore stability, gives parliament the authority to appoint the prime minister and the right to choose government ministers. The legislature will be expanded from 75 to 90 members. Parliament also gains control over the National Security Service.

Ensuring that the military remains accountable to democratically elected civilian government

Kyrgyzstan has limited military and security forces. Structurally, they are divided between the Ministry of Internal Affairs (the police), the Ministry of Defense (the army and recently announced airforce), and a number of other organs with small armed formations, such as the national security service and border forces. The armed forces have remained consistently under the control of the civilian government, with the president as the commander-in-chief of the armed forces as stipulated in the constitution. However, military and police accountability has been a growing concern in recent years. In July and August of 2006, security services were used against Muslim leaders and "militant groups" in the south of the country. This has caused concern domestically and

⁹ This sensitive legal situation and the fine maneuver by the Bakiyev team is well explained in Countries at the Crossroads report, Freedom House, 2006, at:

<http://www.freedomhouse.org/template.cfm?page=70&release=401>

¹⁰ See, RFE/RL Newline, 'Kyrgyz Constitution Group finishes Work', Friday 28 July, 2006, Volume 10, Number 137, available at: <http://www.rferl.org/newline/2006/07/2-tca/tca-280706.asp>, accessed: 27/08/06.

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suggests a more aggressive, perhaps politicized, counter-terrorism policy. Such actions also reflect a growing strategic partnership in counter-terrorism with Kyrgyzstan's authoritarian neighbor Uzbekistan.

Equality of access and protection under the law

Asked about the rule of law in Kyrgyzstan, ex-government minister Muratbek Imanaliev answers: "Just consider this: which is stronger in Kyrgyzstan, the law or a telephone call, the law or kinship relations? I think it is obvious—telephone calls and relations matter more."¹¹ This statement represents, in a nutshell, the triumph of personal connections over legal principles, which pervade all spheres of life in the country. In political or judicial decision-making the supremacy of the law is consistently compromised in favor of either a directive from higher level authorities, pressure by criminal authorities, the plight of relatives, or offers of financial or other rewards to the decision makers.¹²

Corruption in Kyrgyzstan is pervasive, with almost all institutions of the public sector implicated. Corruption is often defended in terms of cultural traditions, such as gift-giving in exchange for services. In Transparency International corruption surveys, Kyrgyzstan has consistently appeared in the bottom 20 - 25 of the list of surveyed countries. However, in the last three consecutive surveys, the Kyrgyzstan's *Corruption Perceptions Index* (CPI) score has improved by one-tenth each time, from a meager 2.1 in 2003 to 2.2 to 2.3 (on a scale of 10) in 2004 and 2005, respectively.¹³

Separation of powers and independence of the judiciary

Under the constitution of the Kyrgyz Republic, a formal separation of powers between the three branches is enshrined. However, the constitution also positions the president above other branches, as "the symbol of unity of the people and state authority, guarantor of the Constitution of the Kyrgyz Republic, rights and freedoms of human being and citizen." This latter provision, arrived at after repeated changes to the constitution through referenda by ex-President Akayev, has eroded the structural separation of powers ostensibly provided for in Kyrgyzstan's first constitution. The now adopted new constitution may create a more clear and substantive separation of powers.

Today, the president, the prime minister and parliament are *de facto* on more equal footing than they were during the late Akayev years. President Bakiyev has at times worked constructively with both the prime minister and parliament and has been prepared to respect their claims to authority. However, the third branch of power, the judiciary, is far from finding an equal footing with these power institutions. Increasingly, in a trend continuing under Bakiyev, the judiciary has become dominated by the executive branch

¹¹ Personal interview with Muratbek Imanaliev, president of the Institute for Public Policy, former minister of foreign affairs; 21 August 2005, Bishkek.

¹² *Kyrgyzstan's Prison System Nightmare*, op.cit. p 16. Accessible at: http://www.crisisgroup.org/library/documents/asia/central_asia/118_kyrgyzstans_prison_system_nightmare_web.doc

¹³ Transparency International, www.transparency.org

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and the president. The president effectively appoints the judges of all courts and the top prosecutors. Fearing the loss of their positions, judges and prosecutors often make verdicts as instructed by “phone calls from the top.” Hence, this dependency of the judiciary has a direct bearing on the rule of law. The attempts by the Bakiyev government to address these fundamental problems are, as were those of its predecessors, uneven and to date largely ineffectual.

Human Rights

Freedom and independence of the media

There have been notable, though limited, improvements made to the freedom and independence of the media. The Freedom House 2006 report on Kyrgyzstan states, “Media freedom has improved greatly since the revolution, but significant problems remain.”¹⁴ Previously state-owned and controlled media are undergoing a major transformation into public or private bodies. The television and radio company of Kyrgyzstan’s second largest city is now a public media organization overseen by representatives of the government, parliament, and civil society, but it is limited in range and cannot challenge the main channel’s monopoly. A similar transition is planned for the National Television and Radio Corporation (NTRC), although a law to this effect previously passed by parliament has been vetoed by the president. Bakiev has recently signed a decree setting up a supervisory board for NTRC. The board will comprise representatives of the president, the parliament, and NTRC itself. The majority of previously state-owned newspapers were slated for privatization by presidential decree at the end of 2005; however, this process has not been completed due to technical difficulties among the newspaper publishers. Though these initiatives constitute mere initial steps, which in themselves might be superficial, they “would have been unthinkable in the Akayev era.”¹⁵

The respect of human rights, fundamental freedoms and the inherent dignity of the human being

The Kyrgyz Republic’s record on human rights is inconsistent. Where the importance and universality of human rights is recognized, observance varies. Most individual freedoms are generally observed in today’s Kyrgyz Republic. An especially notable improvement is observed in freedoms of assembly, speech and criticism of the government. However, human rights violations occur for three reasons: law enforcement organs at both operational and tactical levels intentionally violate these rights; the government is not able to secure certain human—especially economic and social—rights for the people; and existing politico-cultural conditions render both the Kyrgyzstani

¹⁴ Freedom House, *Countries at the Crossroads 2006. Country report – Kyrgyzstan*, available at: http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=7&ccrpage=31&ccr_country=122

¹⁵ Interview with Elvira Sarieva, executive director, *Internews – Kyrgyzstan*, Interview with the authors, 18 August 2006, Bishkek

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public and their political leaders tolerant or even supportive of suppressing certain fundamental rights.

Kyrgyzstan's criminal justice system, from arrest to trial to detention, remains extremely dysfunctional: arrests are often made for arbitrary reasons, the accused are systematically denied due process, confessions are routinely coerced, the presumption of innocence until proven guilty is *de facto* reversed, and sentences are disproportionate to crimes and handed down without any consideration for rehabilitation. As the International Crisis Group (ICG) reports, about 80 percent of all sentences in recent years were prison sentences, with prison conditions being degrading to human dignity and harmful to inmates' health.¹⁶

Some encouraging steps have, however, been taken. In March 2006, the government adopted a prison reform program "Umut," which is intended to make the Kyrgyzstan penal system more humane and bring it in line with international standards.¹⁷ After failing to win parliamentary agreement on abolishing the death penalty, President Bakiyev declared a moratorium on the death penalty until it is abolished. A special working group has also been established by presidential decree to create a draft of a reform program for the judiciary and law enforcement in Kyrgyzstan. The reforms are to be aimed specifically at the "real provision of rights and freedoms of a person and citizen, and in the interests of the society and state."¹⁸

Freedom of religion, which enjoys stronger guarantees in Kyrgyzstan than in neighboring countries, has been largely maintained. However, these guarantees have become more complex with the government's identification of fundamentalist groups, who reportedly deny the state's legitimacy and incite their followers to civil disobedience. A religious party of Hizb-ut-Tahrir has been banned, and its members persecuted by law enforcements agencies, despite the lack of substantiated evidence that it poses a physical security threat to that state.

Minority rights and protection against discrimination

Rights of equality are ostensibly guaranteed under the constitution. However, a sense of discrimination is widespread, and perceptions of regional and ethnic favoritism have risen since the 2005 revolution.¹⁹ One of the more politically resonant issues has been language, where the dilemma has been between the revival and development of the local Kyrgyz language and the continued dominance of Russian among urban dwellers and in most of the north. While Kyrgyzstan is extremely diverse, there are only two languages

¹⁶ *Kyrgyzstan's Prison System Nightmare*, International Crisis Group, Asia report #118, 16 August 2006, Brussels. http://www.crisisgroup.org/library/documents/asia/central_asia/118_kyrgyzstans_prison_system_nightmare_web.doc

¹⁷ In recent months, and especially since autumn 2005, when there were a series of prison riots, Kyrgyzstan's prisons have been open to inspection by civil society and human rights groups, who have been reporting on the conditions of prisons and inmates.

¹⁸ Decree of the President of the Kyrgyz Republic on "Establishing a working group...", April 20, 2006, Government House, Bishkek.

¹⁹ Two interviewees, Sasykbaeva and Imanaliev, stressed this as a major deterioration.

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with special status – Kyrgyz as the state language and Russian as the official language. Recently, groups within the Uzbek ethnic minority, which constitutes about 15% of the population, have demanded an official status for their language. Russian speakers have consistently felt discrimination in terms of employment opportunities on the basis of not knowing the state language. Language issues are particularly important to ethnic minority groups, among whom Akayev had managed to win respect due to his sensitivity to their rights and interests; they are therefore distrustful of the new government.²⁰ Minority groups have been suspicious of the new administration, fearing a turn to Kyrgyz nationalism, which thus far seems largely unfounded. To date, there has been no openly discriminatory policy on the basis of language, except the office of the president, where a presidential candidate must be fluent in Kyrgyz.

Discrimination is more open and observable with respect to gender. Though several women ran as candidates, there is not a single female member of parliament. For the July 10 presidential elections, one of the six candidates was a woman—the first female candidate for this post ever. President Bakiyev has been inclined to institute a positive discrimination policy, requiring that women make up “no less than 30% in state organs and organs of local government.”²¹

Since the dissolution of the Soviet Union, the rights of children, the elderly and persons with disabilities have been challenged due to the economic hardship of the state and population. Many children do not attend school and are engaged in physically harmful jobs at the bazaar and on the street. Health care for the elderly has been of poor quality or too expensive, beyond their own financial abilities. The new government has begun taking certain steps to improve the situation, although substantial physical improvements have yet to materialize. In August 2006, the president signed the “Law on Children,” which was promoted by civil society groups and outlines the rights and privileges of children and their protection.

The observance of international law and internationally-accepted democratic principles and values

The Kyrgyz Republic is a member and/or signatory of most important international agreements, treaties and norms. In general, it does not violate these obligations openly and directly. However, we should note one recent, high-profile violation with respect to the handling of refugees from Uzbekistan. In the aftermath of the May 2005 shootings in Andijon, an Uzbek city near the Kyrgyz border, about 500 Uzbek citizens fled to Kyrgyzstan. After a process of negotiations led by the UNHCR about 450 refugees were taken from Kyrgyzstan to third, safe countries. Approximately 15 of the refugees remained in Kyrgyz jails, of whom around half were taken to third countries later, and the other half handed over to the Uzbek authorities. Uzbekistan had claimed that many of the refugees were in fact terrorists or criminals of other sort, and presented dossiers for a

²⁰ See the press release on the publication of the Freedom House 2006 Countries at the Crossroads report, August 3, 2006, available at: <http://www.freedomhouse.org/template.cfm?page=70&release=401>

²¹ Decree of the President of the Kyrgyz Republic “On Measures of Improving Gender Policy”, 6 May 2006, Government House, Bishkek. Published in *Erkin Too* newspaper, issue #22, 24 May 2006.

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number of them. Under the already strained relations between the two countries, in August 2006 Kyrgyzstan's prosecutor general made a politically-determined move in handing over 5 jailed refugees to Uzbekistan.²²

4. SUGGESTIONS FOR IMPROVEMENT

With little over a year since the "Tulip Revolution," it is difficult to speak of definitive trends in Kyrgyz politics under Bakiyev. It remains to be seen whether the new government's pronouncements and initiatives in favor of democratization will lead to robust advances in democratization. Since coming to power in March 2005, the new regime under Kurmanbek Bakiyev has adhered primarily to a conciliatory and consultative form of government. This approach is at risk less from direct and concerted malfeasance, or episodes of authoritarianism and oppression, than from governmental incapacity and a lack of authority.

While the new government of the Kyrgyz Republic has made some progress generally in democratization, the rule of law and the independence of the judiciary are still areas with a very poor record. Numerous difficulties have also been noted elsewhere in this report. However, in this time of flux it must be noted that the change of government has yielded a net benefit in providing new openings for democratization and wider social and economic reform. Thus, Kyrgyzstan's performance on key principles of democratic governance since 2005, despite some substantial shortcomings, constitutes a modest advance toward meeting the Criteria for Participation.

The Kyrgyz Republic today stands at an opportune threshold, having broken away from a decade-long trend toward authoritarianism under the Akayev regime. For all stakeholders, including the political leadership, citizens and the country's international friends and donors, March 2005 was a genuine watershed that requires citizens to seize the opportunity and demand more of their government.

Many significant challenges remain, and if unaddressed, will preclude serious progress in democratization. The government of the Kyrgyz Republic, led by President Bakiyev, parliament, and Prime Minister Felix Kulov, ought to act with greater resolve and consistency in several areas, where success is within reach.

- **On a multiparty system:** The new constitution envisages a proportional, party-list election system. In order to implement these changes, the laws on political parties and elections are in need for reform.
- **On the media:** Genuine media freedom is achievable within a short period. The government must complete the processes it has initiated of privatizing previously government-owned newspapers and putting the governmental NTRC under public control and management through a tripartite (executive, parliamentary, and civil society) governing council. The airwaves must be made accessible for all private broadcasting media, ending the current NTRC monopoly in this area. As a matter

²² A further alarm spread in the media about the alleged disappearance of five other Uzbekistan refugees from their temporary residences in Osh, Kyrgyzstan. Human Rights Watch, the UNHCR, and U.S. Embassy in Bishkek addressed notes of concern on this issue to the Kyrgyz government on August 24-25.

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- of priority, the promised legal change to guarantee more rigorous protection of journalists from official pressure must be prepared in consultation with representatives of the media and subsequently adopted.
- **On the separation of powers and independence of the judiciary:** With the adoption of the new constitution, separation of powers is constitutionally guaranteed. It is now important that the provisions are implemented. Specifically, measures must be introduced to guarantee greater independence of the judiciary. These may include an independent system for nominating, appointing and removing judges, making the salaries of the judges commensurate with the responsibility they carry out, as well as a comprehensive approach to reforming the judiciary.
 - **On the rule of law:** The level of corruption is perhaps the greatest stain on Kyrgyzstan's democratization record. The Bakiyev government's record has thus far been disappointing. This struggle must be led from the top by the highest officials and offices. Specifically, state bodies and officials should submit declarations of income and undertake other measures of transparency regarding governmental rules and procedures. Transparency must be the strategic goal of Kyrgyzstan's anti-corruption struggle.
 - **On governmental capacity:** The new Kyrgyz government has faced immense challenges in its capacity to govern and maintain authority in all regions of the country, and has seen gradual improvement. Effective and independent justice and law enforcement systems are particular priorities. In the longer term, governmental capacity would benefit from a genuine empowerment of local self-governance and the involvement of civil society.
 - **On international assistance:** Beyond the government of Kyrgyzstan, a pivotal role in democratization can be played by outside actors, such as foreign states, inter-governmental and private donors, and international non-governmental organizations. Donors must continue to test the government's willingness to accept outside support for radical reform of the judiciary, the prison system, and the media environment. Strong encouragement and effective support from outside is important to preserve the new government's commitment to democratization, and specifically to meet the criteria of a democratic state more fully.

Kyrgyzstan's window of opportunity, which was forced open on March 24 by the people of Kyrgyzstan itself, remains ajar. Responsibility for advancing democracy, justice and good governance lies primarily with the government. The regime has been facing greater resistance to change in some areas than in others, while in still other areas the new elite itself has shown less initiative for change. A combination of initiative, commitment and persistence can turn Kyrgyzstan into the kind of state called for by the Tulip Revolution—democratic, fair, well-governed and prosperous.

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5. STATISTICS AND INDICATORS

World Bank Institute Governance Indicators 2005	Kyrgyzstan Score	Key
Voice and Accountability	22.7	Range 0-100 (Lower value indicates weak voice and accountability; higher value indicates strong voice and account)
Political Stability and Absence of Violence	13.7	Range 0-100 (Lower value indicates weak political stability and high violence; higher value indicates opposite)
Government Effectiveness	20.6	Range 0-100 (Lower value indicates weak government effectiveness; higher value indicates strong govt. effectiveness)
Regulatory Quality	24.8	Range 0-100 (Lower value indicates weak regulatory quality; higher value indicates strong regulatory quality)
Rule of Law	13.5	Range 0-100 (Lower value indicates weak rule of law; higher value indicates strong rule of law)
Control of Corruption	13.8	Range 0-100 (Lower value indicates weak control of corruption; higher value indicates strong control of corruption)

Freedom House: Freedom in the World 2007	Kyrgyzstan Score	Key
Political Rights	5	Range 1-7 (Lower value indicates good system of political rights; higher value indicates bad system political rights)
Civil Liberties	4	Range 1-7 (Lower value indicates good system of civil liberties; higher value indicates bad system civil liberties)
Status	PF	3 Categories: F (Free); PF (Partly Free); NF (Not Free)

Freedom House: Freedom of the Press 2006	Kyrgyzstan Score	Key
Total Score	64NF	Range 0-100 (Lower value indicates total free press; higher value indicates less freedom) / 3 Categories: F (Free); PF (Partly Free); NF (Not Free)

Freedom House: Nations in Transit 2006	Kyrgyzstan Score	Key
Electoral Process	5.75	Range 1-7 (Lower value indicates strong electoral process; higher value indicates weak electoral process)
Civil Society	4.50	Range 1-7 (Lower value indicates strong civil society; higher value indicates weak civil society)
Independent Media	5.75	Range 1-7 (Lower value indicates strong independent media; higher value indicates weak independent media)
National Democratic Governance	6.00	Range 1-7 (Lower value indicates strong democratic governance; higher value indicates weak democratic governance)
Judicial Framework and Independence	5.50	Range 1-7 (Lower value indicates strong and independent judiciary; higher value indicates weak and corrupt judiciary)
Corruption	6.00	Range 1-7 (Lower value indicates low level of corruption; higher value indicates high level of corruption)

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Bertelsmann Transformation Index 2006	Kyrgyzstan Score	Key
Stateness	7.3	Range 0-10 (Lower value indicates negative democratic development; higher value indicates positive democratic development)
Political Participation	3.8	
Rule of Law	3.8	
Stability of Democratic Institutions	2.0	
Political and Social Integration	3.7	
Total Score Political Transformation	4.08	Range 0-10 (Lower value indicates negative democratic development; higher value indicates positive democratic development) / Arrow shows trend in democratic development (↑Improved; ↓Worsened)
Total Score Political Management	4.17	Range 0-10 (Lower value indicates lower quality of political management; higher value indicates higher quality of political management)

Corruption Perceptions Index 2006	Kyrgyzstan Score	Key
Total Score	2.2	Range 0-10 (lower value indicates high corruption; higher value indicates lower values of corruption)

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