



## **Kyrgyzstan at a Crossroads: Democracy and the Struggle for Human Rights**

**Shaul M. Gabbay**

Global Research Institute,

Posner Center for International Development, Denver, CO USA

### **ABSTRACT**

**This paper examines the current human rights situation in Kyrgyzstan, a Central Asian country with a complex history and a challenging human rights record. Despite gaining independence in 1991 and making strides towards democratization, Kyrgyzstan continues to grapple with serious human rights issues. This analysis focuses on three critical areas: the use of torture by law enforcement and security services, restrictions on free expression, and interference with the freedom of association. This paper highlights the gap between the government's commitments to human rights reforms and the reality of persistent abuses and systemic challenges. The study finds that these human rights abuses are not isolated incidents but are indicative of deeper societal and governmental issues that hinder Kyrgyzstan's democratic development. The paper concludes by emphasizing the need for comprehensive reforms and continued domestic and international efforts to address these human rights challenges.**

**Keywords:** Kyrgyzstan, Sadyr Japarov, human rights abuse, democracy, authoritarian, corruption, torture, censorship.

### **INTRODUCTION**

A Central Asian country of incredible natural beauty, Kyrgyzstan is rife with human rights abuses that conflict with its proud nomadic and predominantly peaceful history. Having been annexed more than once by its larger Russian neighbor, Kyrgyz people gained independence in 1991 with the collapse of the Soviet Union. Since then, concerns for Kyrgyzstan include the uncertain trajectory of democratization, endemic corruption, and at times violent interethnic relations. [1] Human rights abuses, however, are endemic, and the subject of this paper.

While efforts from foreign governments, internal justice activists and human rights organizations have all pressured Kyrgyzstan leadership to improve human rights, the momentum has instead shifted toward fewer rights and increasing abuse. Responding to these complaints, the government did investigate and prosecute some corrupt officials and some who were known to have committed human rights abuses. Nevertheless, overall impunity remains a serious problem. [2]

The list of serious human rights abuses is a long one, and includes the use of torture by law enforcement and security services; life-threatening prison conditions; restrictions on free speech including censorship and violence toward the press, extensive serious government

corruption; gender-based violence; targeting members of minority groups and LGBTQ community; documented antisemitism; and some of the worst forms of child labor. [2] Among these abuses, there are three notable human rights infractions with broad implications and interconnections with other problems that are the focus of this analysis.

The first of these is the Use of Torture by Law Enforcement and Security Services. This issue is fundamental, as it directly relates to the rule of law and the basic rights of individuals and is tied to such infractions as arbitrary arrest and independence of the judicial system.

The second issue mentioned above, and impactful beyond its immediate implications, are Restrictions on Free Expression, including the press and the internet. These protections are the core building blocks of a democracy, and their constraint impacts the state of civil liberties overall.

The third major issue is the Interference with Freedom of Association, which, like the aforementioned issues, has a defining influence on the health of a democracy. In effect, this freedom allows individuals to come together and collectively express, promote, pursue, and defend their ideas. Its absence hinders or prevents non-government organizations (NGOs) and civil society organizations, from operating effectively.

We'll consider these top human rights abuses individually.

### **USE OF TORTURE BY LAW ENFORCEMENT**

Although the law in Kyrgyzstan prohibits the use of torture, human rights concerns have long been concerned with this issue. That concern has heightened since President Sadyr Japarov won a snap election in January 2021. (Human Rights Watch, 2023) Since then, physical abuse, including inhumane and degrading treatment, reportedly increased in jails and prisons. In addition to mistreating citizens during arrest and initial containment prior to charges being brought, police abuse reportedly also remains a problem in pretrial detention and inside detention facilities under the control of the State Committee for National Security (GKNB). [2]

#### **Admission of Abuse Sans Penalties**

Every year, Kyrgyzstan registers over 400 complaints about torture used by law-enforcement officers. [4] Human rights defenders, however, claim the real number exceeds this number by a factor of five. While the problem has grown markedly since the election in 2021, Kyrgyzstan officially recognized the reality of torture being used by law enforcement twenty-five years ago. Nevertheless, in the period since, only ten police officers were sentenced using torture, according to official data. [4]

#### **Forced Confessions a Common Occurrence**

Police and Security Services reportedly torture individuals to elicit confessions during criminal investigations, a practice known to produce false statements. The courts then knowingly accept these forced confessions as evidence even though they are induced through torture. According to Bir Duino, a Kyrgyz human rights movement, courts often dismissed allegations of torture, claiming that the defendants were lying to weaken the state's case. Defense lawyers stated that once prosecutors took a case to trial, a conviction based on forced confessions was nearly certain to result. [4]

One example of such activity is described in the following published account. “On the evening of September 6, 2020, a 51-year-old resident of Nookat district of Osh region, Kabylzhan Alidzhanov, came back home with numerous bruises and pain in [his] kidneys and groin area. Four hours earlier, he was detained and taken to the building of the local police department, where law-enforcement officers extorted more than 570 thousand som (nearly 6,700 dollars) from him as a non-existent debt, according to his relatives. Otherwise, they threatened to incriminate a few crimes in him: fraud, robbery, brigandism, and drug marketing and to imprison him for many years. When beating Alidzhanov, the police officers, according to him, threatened to sell his children and his pregnant daughter-in-law to slavery in Chechnya, and the latter gave birth to a premature child. The local prosecutor’s office, according to the Alidzhanovs, refused to accept their complaint about the police officers.” [4]

### **Delayed Trials Erase Evidence**

Such accounts of torture are numerous and well documented. According to the US State Department reports: Through September [of 2022] the “Anti-torture Coalition reported 63 allegations of torture registered by the Prosecutor General’s Office, including 54 by police officers and one by the GKNB. According to the Antitorture Coalition, 12 of the 63 investigations into torture were dropped on administrative grounds.” [2]

In most torture cases where police or security forces faced prosecution, the charges were ultimately dismissed. Frequently, these acquittals were attributed to prolonged delays caused by numerous procedural objections or other hurdles. NGO’s point out that, persons held in detention facilities, were often denied visitors, and pre-trial detention periods were reported to be lengthy. By the time the cases reached a hearing, the evidence had often become outdated, leading to their dismissal as ‘stale,’ meaning the injuries were no longer visible. [5] In a bitter ironic twist, courts regularly accepted confessions allegedly induced through torture as valid evidence.

### **RESTRICTIONS ON FREE EXPRESSION**

For a nation to be deemed a true democracy, it must maintain minimal restrictions on free expression across various mediums, including speech, writing, film, the press, and the internet. Indeed, free expression is a very cornerstone of democracy. For many years, this foundational imperative was revered in the region. In fact, Kyrgyzstan’s independent media has long been considered the most developed and diverse in Central Asia. However, despite the president’s adamant claim that freedom of expression was an “absolute priority” (24KG, 2023), the Kyrgyz people are facing what journalists, bloggers, and others consider an unprecedented danger. [7] As we saw with the use of torture, complaints on the restriction on free expression are increasing at a rapid pace and picking up speed since the election of President Sadyr Japarov in 2021.

### **Ongoing Efforts to Impose Strict Media Laws**

Efforts to silence free expression have been surprisingly blatant. Multiple drafts of new laws have been introduced into the Kyrgyz parliament in increasingly restrictive verbiage and tone. The most recent of these calls for media outlets to register with the justice ministry or digital development ministry as well as with the government directly. Draft laws will, if passed, call for criminal penalties up to ten years in prison on a formal charge of “propaganda.” [7]

Opponents of the proposed drafts have been vocal as well, going so far as to intimate an authoritarian flavor. “The epidemic of repressive laws spreading from a diseased Russia in recent months is now hitting Kyrgyzstan hard. If freedom of expression was President Japarov’s ‘absolute priority,’ as he again claimed on 5 May, he would not have proposed this new media law, which strengthens his control over the press.” [7]

### **Western Governments and NGO’s Weigh In**

Occasionally a particular government action is egregious enough to draw closer scrutiny from the outside world and raise alarm bells. Such an event occurred after Radio Azattyk, an independent Kyrgyz radio station, published a video report on their website about a border conflict between Kyrgyzstan and Tajikistan. Months later, the Ministry of Culture, Information, Sport, and Youth Policy applied to the court to shutter the station, accusing them of spreading Tajik disinformation and violating a ban on “propaganda of war, violence, and cruelty, national or religious exclusiveness, and intolerance of other peoples and nations.” [8]

Kyrgyz authorities promptly blocked Radio Azattyk’s websites and froze the station’s bank accounts, attracting global attention and revealing other government infractions that may have gone unnoticed. When news organizations, NGOs, and western governments started weighing in with negative positions, [9] the Kyrgyzstan government seemed to grow only bolder and more strident. That’s when U.S. Senators Bob Menendez and Jim Risch, the chairman and ranking member of the Senate Foreign Relations Committee, condemned Kyrgyzstan’s use of its “false information law” to crack down not only on Radio Azattyk, but on independent media *in toto*. [10]

When the government closed the station down entirely six months after blocking its websites and freezing its bank accounts, condemnation skyrocketed. Domestic and international human rights watchdogs, Kyrgyz politicians, celebrities, intellectuals, journalists, lawmakers, and rights activists all demanded the government reverse its decision. Amnesty International reiterated its call for “Kyrgyz authorities to stop the harassment and intimidation of journalists and government critics, and fully respect and protect freedom of expression for all media in Kyrgyzstan.” [11]

### **Other Limitations on Expression**

According to the human rights watchdog Amnesty International, Kyrgyz authorities used a variety of tools to suppress expression. Included among them are “criminal charges of inciting hatred, disobedience, riots or violence to suppress freedom of expression, including by targeting media workers and preventing criticism of public figures by journalists and the media.” (Amnesty International, 2023)

In a Russia-esqe move, Kyrgyz authorities arrested a dual Russian and Kyrgyzstani national journalist named Bolot Temirov, accusing him of possession of illegal drugs. Later he was charged with document forgery and illegal border crossing. One month prior to his acquittal, authorities stripped him of his Kyrgyzstani citizenship. Months later, despite his declared innocence, he was deported to Russia.

## **INTERFERENCE WITH FREEDOM OF ASSOCIATION**

In Kyrgyzstan, the fundamental freedom of association is increasingly under threat due to restrictive laws that govern the funding and operations of non-governmental organizations (NGOs) and civil society organizations (CSOs).

### **Burdensome Regulations on NGOs and CSOs**

Here, again, the pattern of growing authoritarianism has manifested itself wildly since January 2021 when President Sadyr Japarov took office. Oppressive new laws continue to emerge, in this case with mandates for stringent reporting required for NGOs and CSOs along with increased government oversight for the activities and finances of these civil organizations. So onerous are these requirements and control that they render the organizations impotent. Those groups with the highest level of government scrutiny include anyone working to improve human rights or the environment, as well those demanding government accountability.

### **Restrictions on Foreign Funding**

Creating a secondary blow to NGO's and CSO's are the increased restrictions on foreign funding. Because these organizations are often reliant on outside funds to sustain their operations, many are forced to curtail their activities. [2]

The ruse behind such oppressive new laws suggest that these local non-profits are to be considered as foreign agents, implying their work has ulterior motives, other than the stated and true motives of helping their fellow Kyrgyz citizens. Doubling their woes, fellow citizens begin to suspect employees of such organizations of negative intentions, when the opposite is the case.

These restrictions have far-reaching impact and hurt society overall. NGO's and CSO's in all societies play a vital role of advocating for social change, provided services to marginalized groups, and holding government accountable. Further, these new laws keep others in society from wanting to associate with or help so-called foreign agents to prevent being targeted by government agents.

These new laws and other oppressive measures not only impede the work of vital civil society organizations but also undermine the broader democratic foundations by limiting the space for public discourse, dissent, and community mobilization. It is imperative for the health of Kyrgyzstan's democracy that these constraints be re-evaluated and reformed to foster an environment where civil society can thrive and contribute effectively to the nation's progress.

## **CONCLUSION**

This analysis of Kyrgyzstan's human rights landscape illustrates how critical this juncture is in the country's democratic trajectory. Despite its overt claims to stand proudly among the worlds' greatest democracies, Kyrgyzstan's current human rights situation casts a shadow on its democratic claims, and indeed its theoretical aspirations.

The use of torture by law enforcement, restrictions on free expression, and interference with the freedom of association are not mere isolated incidents; they are symptomatic of deeper systemic issues that challenge the very essence of democracy and justice.

As the nation becomes more overtly oppressed, and the government's abusive actions continue even in the face of internal and international calls for reform, one can only surmise this behavior will continue unabated. The government's actions, particularly since the election of President Sadyr Japarov, suggest a shift towards greater control and suppression, impacting not only the individuals and groups directly affected but also the broader societal fabric.

As Kyrgyzstan continues to navigate its post-Soviet identity and place in the global community, the resolution of these human rights issues will be paramount in determining the nation's trajectory. The future of Kyrgyzstan as a democratic, just, and inclusive society hinge on its ability to confront and rectify these pressing human rights concerns. The path forward is fraught with challenges, but it is only through addressing these issues head-on that Kyrgyzstan can hope to realize its potential as a nation that truly upholds the dignity and rights of all its citizens.

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