



DECLASSIFIED¹
AS/Pol (2017) 05
28 February 2017
Apdoc05_17

Committee on Political Affairs and Democracy

Evaluation of the partnership for democracy in respect of the Kyrgyz Republic

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Introductory memorandum

¹ On 24 April 2017, the Committee on Political Affairs and Democracy decided to declassify this introductory memorandum.

1. Introduction

1. On 8 April 2014 the Parliamentary Assembly adopted [Resolution 1984 \(2014\)](#) by which it granted the status of partner for democracy to the Parliament of Kyrgyzstan. It thus became the third parliament, after that of Morocco and the Palestinian National Council – and the only parliament in the Central Asian region - to apply for and be granted this status, which was established by the Assembly in 2009 to develop co-operation with the parliaments of the neighbouring States of the Council of Europe.
2. On making its official request for this status, the Parliament of Kyrgyzstan declared that it shared the same values as those upheld by the Council of Europe and made political commitments in accordance with Rule 62.2 (formerly 61.2) of the Rules of Procedure of the Assembly. These commitments are set out in paragraph 4 of [Resolution 1984 \(2014\)](#).
3. In paragraph 15 of the above-mentioned Resolution, the Assembly also considered that a number of concrete measures were essential to strengthen democracy, the rule of law and respect for human rights and fundamental freedoms in Kyrgyzstan.
4. The Assembly also pointed out that “progress in taking forward reforms is the prime aim of the partnership for democracy and should constitute the benchmark for assessing the efficiency of this partnership” (paragraph 19 of [Resolution 1984 \(2014\)](#)).
5. The Assembly therefore decided to examine the progress made in implementing the political commitments entered into by the Kyrgyz Parliament and the reforms that are considered to be essential.
6. I intend to present to the Committee the points of analysis relating to the implementation of the Kyrgyz Parliament’s political commitments in my final report after a further visit to the country in autumn 2017. At this stage, my objective is to provide colleagues with general information on Kyrgyzstan and to share my observations following my first fact-finding visit in September 2016.

2. General information

7. As very few of our colleagues are familiar with Kyrgyzstan, I think it would be useful to provide some general information on the country.
8. Kyrgyzstan is one of the five Central Asian States which became independent following the breakup of the USSR in December 1991. The capital, Bishkek, is more than 6 000 km from Strasbourg and the journey between the two cities takes over 17 hours.
9. Kyrgyzstan is a landlocked country and shares borders with Kazakhstan in the north, Uzbekistan in the west, Tajikistan in the south-west and China in the east. It is a mountainous country: 90% of the approximately 200 000 km² lie above 1 500 metres and almost a third above 3 000 metres.
10. As a result of the complex shape of its borders, Kyrgyzstan comprises several enclaves of Uzbekistan and Tajikistan and in turn has exclaves in Uzbekistan. Moreover the border between Kyrgyzstan and Uzbekistan is still not properly delimited and there are fairly frequent border incidents involving armed units from both sides. As a result relations between the two countries are very strained.
11. Transport infrastructure is under-developed. The country has only 420 km of railways and there are no interconnecting lines between the north of the country, where the rail lines are connected to the Kazak network, and the south, where they link up with the Fergana valley network in Uzbekistan. There are plans to build a railway line between China and Uzbekistan which would pass through Kirghizstan but there are many uncertainties as to whether these will actually be implemented.
12. Although Kyrgyzstan has substantial water resources, the country is sometimes faced with shortages for agriculture and everyday consumption due to bad management and significant losses. Plans are being studied to build dams in the mountains for the production of electricity but considerable investment would be required, which the country cannot afford. Moreover there is a risk of potential conflict with Uzbekistan, which fears that such a project might cause a drought owing to a drop in the level of cross-border rivers.
13. Kyrgyzstan has 6 million inhabitants and the population is continuing to grow by 1.66% per year. The Kyrgyz make up 72.4% of the population, followed by Uzbeks (14.4%) and Russians (6.6%). The percentage of Russians has declined considerably since 1991 (when they numbered over 920 000 and represented

21.5 % of the population). Over 65% of the population live in rural areas. Bishkek, the capital, has over a million inhabitants.

14. Sunni Islam is the dominant religion (75%), and its role in the life of the country and the number of mosques have increased considerably since 1991 (see section. 3.3. below). 20% of the population are thought to belong to the Russian Orthodox Church.

15. Unlike its neighbours, Kyrgyzstan does not have abundant natural resources (except for gold) and is one of the poorest countries in the region: its GNP per inhabitant at current prices has fallen from US dollars 1 152 (International Money Fund (IMF) data, 2012) to US dollars 956 (2016 estimate) owing, among other things, to the crises in China, Russia and Kazakhstan, its main economic partners. Over a third of the population live under the official poverty threshold, three quarters of which are concentrated in rural areas.

16. There is a considerable imbalance in Kyrgyzstan's foreign trade: while its exports amount to 1 441 billion US dollars, it imports goods for over 4 068 billion US dollars (2015 data). Its main export markets are Switzerland (39.6%, owing to gold exports), Kazakhstan (16%), Russia (11%) and the United Arab Emirates (7%). It imports goods from Russia (31.3%), China (25.3%), Kazakhstan (16.7%) and Turkey (4%).

17. Over 760 000 citizens of Kyrgyzstan (11.3% of the population) work in other countries and their remittances represent over a quarter of the country's GNP. As over 90% work in Russia and their salaries are paid in Russian roubles, the devaluation of this currency has led to a sharp decrease in foreign currency transfers.

18. Kyrgyzstan's external debt is over 50% of its GNP and the main creditors are China, Japan, Germany and Russia, as well as international financial institutions (the IMF, the World Bank, the Asian Development Bank, European Bank for Reconstruction and Development).

19. The political history of Kyrgyzstan since its independence has been very turbulent: two former Presidents were removed from office following mass protests (in 2005 and 2010), which the Kyrgyz described as "revolutions". Mr Atambayev, the current President of Kyrgyzstan, is the 4th President since the country became independent. Kyrgyzstan is the only country in Central Asia in which there have been changes of head of State for reasons other than the death of the previous President (cf. Turkmenistan in 2006 and in Uzbekistan in 2016).

20. More generally speaking, Kyrgyzstan is often considered to be an "an island of democracy" in Central Asia. It is the only country in the region where there is genuine political pluralism, which has held genuinely competitive elections and which has a dynamic civil society. It is a unique example in the region.

21. The current institutional balance in Kyrgyzstan, resulting from the referendum on constitutional amendments (December 2016) is yet to be analysed. The 2010 Constitution introduced a semi-parliamentary system of government. The Parliament decides on the composition of the government and on a number of major political issues. At the same time, appointments to certain key positions in the government, such as the Minister of Defence or the heads of security agencies, are decided by the President, who also has the right to veto legislation.

22. The President is elected by universal, direct and secret suffrage for a six-year non-renewable term of office. The current President, Mr Almazbek Atambayev, took up office on 1 December 2011 following an election which was evaluated positively by international observers, including by our Assembly. The next Presidential elections are due to be held in November 2017.

23. President Atambayev, who enjoys considerable popular support, has, on several occasions, said that he has resisted pressure, from both within the country and abroad, to amend the Constitution and stand for a second term of office.

24. The unicameral parliament, the Jogorku Kenesh (Supreme Council), has 120 seats; its members are elected by universal suffrage for a five-year period of office. The current parliament, which was elected on 4 October 2015, comprises representatives of six political parties (out of 14 parties seeking election). The current President of the Parliament, Mr Tchynybay Tursunbekov, representing the Social Democratic Party of Kyrgyzstan, was elected to this post in April 2016.

25. The Assembly observed the parliamentary elections in October 2015. The Assembly's *ad hoc* Committee concluded that the elections “were competitive and offered voters a wide choice; voters were able to choose freely from among a large number of candidates. Voting was also transparent. Polling day was calm and the voting quite well organised. The *ad hoc* Committee noted with satisfaction the presence of a large number of party representatives and non-partisan domestic observers at the polling stations visited.”².

26. Generally speaking, all the observers noted that there was a fundamental difference between Kyrgyzstan and its neighbours: a more open society and a more democratic country, with well-rooted traditions of compromise and consensus. At the same time, the Kyrgyz State is weaker and more fragile from the institutional and socio-economic standpoint and with regard to infrastructure and is not immune from further riots or revolutions.

3. Fact-finding visit (September 2016)

27. The fact-finding visit I made to Kyrgyzstan from 7 to 9 September 2016 was the first opportunity for me to get to know this country. The visit was not easy to organise: I was appointed Rapporteur in September 2015 but was unable to establish contact with the Kyrgyz representatives to the Assembly until January 2016. The dates agreed on had to be changed twice for various reasons.

28. The visit enabled me to gain a first impression of Kyrgyzstan and to discuss the implementation of the partnership with our Kyrgyz counterparts and representatives of the government – including President Atambayev, with whom I had an interview of over an hour - and of the international community. At the same time, a large part of the discussions concerned the political agenda – both in the region and in the country itself. The programme of the visit is set out in the appendix.

29. The fact that President Atambayev agreed to give me a long personal interview may be considered proof of the importance the Kyrgyz authorities attach to the partner for democracy status granted to the Kyrgyz Parliament, and more generally, to Kyrgyzstan's image as a country committed to democracy.

30. To my regret, a whole series of meetings were not confirmed at the last minute because of the absence of the persons I was supposed to meet. We also received accounts of the situation and contributions from non-governmental organisations and representatives of civil society.

3.1. Specific points mentioned in [Resolution 1984 \(2014\)](#)

3.1.1. Free and fair elections

31. I welcome the fact that the Assembly was invited to observe the parliamentary elections in October 2015 as recommended in the Assembly's Resolution.

32. As already indicated, the Assembly made a generally positive appraisal of the 2015 parliamentary elections and considered them to be a step forward. However, in its report the Observation Committee drew attention to several weak points and invited the Kyrgyz authorities to continue co-operating with the Assembly so as to implement the recommendations set out in [Resolution 1984 \(2014\)](#) and those of the Venice Commission contained in its opinions in 2011 and 2014 with a view to improving its legal framework and electoral practices.

33. I also expressed the hope that the Assembly would be invited to observe the next occasions when the public are called on to vote, including at the referendum on constitutional amendments. The Kyrgyz authorities appear to have responded to my appeal: an invitation to observe the referendum was sent to the President of the Assembly in November. Unfortunately it arrived too late for us to organise an observation mission.

3.1.2. Fight against corruption

34. Despite obvious efforts in this field, little progress has been made with regard to corruption. According to numerous reports, corruption is still widespread in public administration, the police and the judicial system, which makes it impossible to effectively implement an anti-corruption policy not only in these areas but also in the tax system, the customs system and in the allocation of public tenders.

² [Doc. 13920](#), para 41.

35. The business community is faced with favouritism and political interference, which severely undermines the entrepreneurial climate and has a deterrent effect on potential investors. The everyday "petty corruption" (for example in clinics, schools, public services, etc.) seems to be omnipresent.

36. Serious efforts are urgently required to make the fight against corruption a national priority. Co-operation with the Council of Europe, which has a specific anti-corruption body (Group of States Against Corruption, GRECO) and a raft of conventions in this field, could prove to be very useful.

3.1.3. Preventing torture

37. According to some international observers and local NGOs, torture by the police and prison authorities is still very widespread but the authorities have begun to implement an active policy to counter this problem.

38. The people I spoke to in Kyrgyzstan told me that a programme had been put in place for the supervision of places of detention as part of the national mechanism for preventing torture and ill-treatment. The Criminal Code has also been amended to make torture a crime. We have also been informed of criminal proceedings against police officers accused of acts of torture.

39. In order to eradicate such practices, which are deeply rooted in the police and prison system in Kyrgyzstan, profound changes will have to be made not only in police methods and the criteria for assessing the performance of law-enforcement agencies but also in the mentality of police personnel.

3.1.4. Inter-ethnic relations following the violent events of 2010

40. The need to review the tragic events which took place in 2010 and caused several deaths in South Kyrgyzstan continues to be a sensitive issue to raise with the Kyrgyz representatives. According to some observers, the official version of these events, according to which the blame lies essentially, if not exclusively, with the Uzbeks, is part of a broad "post-revolutionary" consensus and serves to legitimise the government and to consolidate the majority. This constitutes a major political obstacle to the unbiased investigation of the crimes committed during the 2010 riots and the implementation of the principles of fair process and the fight against impunity.

41. In this context, I was informed that the "Askarov" case, the most emblematic among others, had been re-opened by the Supreme Court, which had referred it for review to a court of second instance in a different region from that where the initial verdict was issued. However, according to the persons I spoke to this case is still extremely sensitive for the whole country and could provoke unrest and bring a violent end to fragile inter-ethnic peace.

42. I was also told that the Uzbek minority feels increasingly marginalised in the face of Kyrgyz ethno-nationalism. For example, I was informed of the difficulties which the Uzbek minority encounter in undertaking university studies in their mother tongue, which jeopardises their chances of professional success in Kyrgyzstan. During my next visit, I will pay particular attention to the situation of minorities and inter-ethnic relations.

3.2. Proposed amendments to the Constitution

43. The constitutional amendments initiated by President Atambayev in summer 2016 were the main subject of a political debate in the country during my visit and almost of all of those I spoke to, including the President himself, made some reference to them.

44. A few weeks prior to my visit, the Office for Democratic Institutions and Human Rights of the OSCE (ODIHR) and the Venice Commission were asked for an opinion on the first version of these amendments. Their preliminary opinion³ – which was quite critical – was made public a week before my visit.

45. I heard completely diverging opinions on the proposed amendments and arguments both for and against the reform. Some of those I spoke to seemed to be overly alarmist, announcing "the imminent end of democracy in Kyrgyzstan" while others relativized the scope of the proposed changes and even presented them as "a major advance against the return of authoritarianism". However, during my visit, the procedure to be followed to set the process in motion was uncertain and the final content of the proposed amendments had not yet been finalised.

³ CDL-PI (2016)009, 29 August 2016.

46. The President – whose term of office was due to expire a year later and who had on several occasions said that he would not seek a second term of office – ensured me that he was determined to consolidate democratic achievements and to use the constitutional amendments to prevent a return to an authoritarian regime, by strengthening the role of the government and the responsibility of the parliament.

47. His opponents believe, to the contrary, that the amendments are aimed at strengthening the government to the detriment of the parliament.

48. There was therefore a great deal of uncertainty about the reform. The only certainty that I could see was the President's determination to implement the reform by means of a referendum.

49. The referendum in question was held on 11 December 2016. The draft amendments which were the subject of the referendum had been modified. It appeared that some of the criticisms made by the Venice Commission were taken into account but the Commission had not been asked to issue an opinion on the final draft. Some 80% of the voters approved the proposed changes while 15% voted against and 5% of the votes were declared invalid. The turnout of participation was 42%.

3.3. *The rise of Islamism:*

50. According to not only the Kyrgyz authorities but also foreign observers, there has been an alarming increase in radical Islamism since the country became independent.

51. Although Sunni Islam is the main religion in Kyrgyzstan, this religion has never played a dominant role in Kyrgyz social and political life. The Kyrgyz State and society are secular both in law (Article 1 of the Constitution) and in practice. Kyrgyz Islam has always been moderate and was a traditional and cultural aspect of life in Kyrgyzstan and not an instrument for uniting people or focusing them on their identity.

52. However, over the past few years there has been a substantial penetration of foreign imams seeking to establish Saudi or Qatari models of Salafist Islam in Kyrgyzstan to the detriment of traditional forms of worship.

53. Whereas in 1990 there were only 39 mosques in Kyrgyzstan, there are now 70 times as many and in 2016 there were over 2 740 – more than the number of schools in the country. Virtually all new mosques were built in the first decade of the 21st century with money from the Gulf States. Two thirds of the mosques are in the less developed areas in the south of Kyrgyzstan.

54. Imams from abroad dictate what people should wear (including full-face veils for women) and how people should behave, and impose traditions imported from their own countries, which are different from local traditions. Islamic organisations seek to spread their influence throughout society by distributing "social" aid to exemplary members of Islam who follow their precepts to the letter, thereby filling the vacuum left by the weak Kyrgyz public services.

55. Socially disadvantaged members of Kyrgyz society, who have a low level of education, are poor and are disappointed with traditional social structures are vulnerable to Salafist propaganda and may yield to the temptation to seek justice elsewhere. It is a breeding ground for radicalisation and the recruitment of fighters prepared to go to war in Syria and Iraq.

56. The Kyrgyz authorities appear to be aware of the dangers of the rise of radical Islam. A national programme on religious matters has recently been developed. President Atambayev attaches special importance to this problem. During our meeting, the President, who declares himself devout and seems to be a fine connoisseur of Islam, insisted on the need to resist the spread of Islamic radicalism. In particular, he had organised a public awareness-raising campaign under the slogan "Where do we go from here?" aimed at promoting traditional Kyrgyz values and preserve the secular character of the State and society.

3.4. *Participation of Kyrgyz partners in the work of the Assembly*

57. During my visits to the Parliament and my meetings with government representatives, I particularly emphasised the need for Kyrgyz delegates to attend our meetings and take part in our work.

58. Indeed their participation is much less visible than that of the other delegations which hold the status of partner for democracy. In particular I mentioned the example of the Moroccan Parliament and the Palestinian National Council whose representatives are fully integrated into the work of the Assembly and its Committees.

59. In contrast, since my appointment as Rapporteur in September 2015, the Kyrgyz parliamentarians have attended the meetings of the Committee on Political Affairs and Democracy three times: in January and October 2016 and in January 2017 – the last two occasions took place after my visit.

60. I therefore strongly urged the President of Parliament and the Minister for Foreign Affairs that at least one delegate should be present at each session – and that it would be better if there were two – one to represent the majority and one the opposition, and that they should come at least once a year with the entire delegation.

61. It is obvious that, given the distances and the long travelling times, as well as the increasingly restricted budget of the Parliament of Kyrgyzstan, it is much more difficult for the Kyrgyz parliamentarians to come to Strasbourg or Paris than for their Moroccan or Palestinian colleagues.

62. Nevertheless, there can be no genuine partnership without their presence, participation and dialogue.

63. In this regard, it would be a good idea to once again call on the Parliaments of Council of Europe member States and institutional partners such as the European Union to consider the possibility of contributing to the financing of the participation of Kyrgyz parliamentarians in the work of the Assembly.

64. We, for our part, could consider holding some of our activities – Committee and Sub-Committee meetings and seminars – in Kyrgyzstan.

4. Preliminary conclusions

65. Despite certain recent developments in Central Asia, Kyrgyzstan is still the only country in the region to have chosen a pluralist political model and which claims to be committed to the democratic values on which the Council of Europe is based and determined to implement reforms designed to consolidate the rule of law and respect for human rights.

66. The fact that the Parliament du Kyrgyzstan was granted partner for democracy status in 2014 was recognition of the aspirations of Kyrgyzstan and a strong signal of support for the country from the Assembly.

67. All the persons I talked to during my fact-finding visit to Kyrgyzstan in September 2016 – including at the highest level – very much appreciated this recognition and support and said they hoped that the partner for democracy status would be confirmed and renewed.

68. The Kyrgyz authorities admit that they are under pressure from their neighbours to abandon the pro-democratic model and return to the “traditional” political system of the region, in other words authoritarianism. They need our enhanced support, including in the economic field.

69. I, for my part, like all of my predecessors, stressed the fact that the status is neither an honorary distinction nor proof that they are a “perfect democracy”. On the contrary, [Resolution 1984 \(2014\)](#) mentioned a large number of problems with regard to democratic governance that need to be sorted out and stressed the need for reforms in several areas.

70. Even if the situation in Kyrgyzstan with regard to democracy, respect for human rights and fundamental freedoms and the rule of law appears to be much better than in neighbouring Central Asian countries, it must be evaluated in terms of European standards given that the Parliament clearly chose them as benchmarks when it applied for partner for democracy status.

71. The partnership with the Assembly must serve as a tool for making progress on the road to reform and the provisions of Resolution 1984 of the Assembly are benchmarks on that road.

72. The people I spoke to at the Kyrgyz Parliament agreed on the importance of these aspects of Resolution 1984, which they see as a reform programme, while pointing out that it is a long-term programme which cannot be put in place overnight without running the risk of destroying the fragile political balance in Kyrgyz society.

73. The actual situation in Kyrgyzstan and current political priorities also need to be taken into account. It would therefore be a good idea, in continuing our co-operation with Kyrgyzstan, to proceed in stages and to focus on a limited number of priorities in respect of which real and verifiable advances should be made. In

my forthcoming report, I intend to make concrete proposals so that the partnership is geared towards practical results.

74. Kyrgyzstan, like many other States in the region and far beyond, must face the growing threat of radicalisation which is making the country even more vulnerable. The response to this threat should include, among other things, the consolidation of authority and of respect for democratic institutions, in particular by stepping up the fight against corruption and impunity, making institutions and political pluralism more representative, and developing inclusive policies in the fields of social relations, culture and education. Dialogue within our Assembly could prove to be useful to our Kyrgyz partners in meeting this challenge.

75. I regret that the presence of our Kyrgyz colleagues at Committee meetings and the Assembly sessions continues to be unsatisfactory and very much less frequent than that of our other partners for democracy. I encourage the Parliament of Kyrgyzstan to take full advantage of the opportunities offered by their status, to take an active part in the work of the Assembly and its Committees and to engage in genuine dialogue and co-operation with our members. Without this active participation, it is possible that the Assembly support for continuing the partnership with the Parliament of Kyrgyzstan may decline.

76. I nevertheless believe that the Assembly should continue to support the implementation of reforms in Kyrgyzstan and to commend our colleagues' commitment to parliamentary democracy despite external pressure and internal difficulties, while keeping a close eye on political developments in the country.

77. I intend to make a further visit to Kyrgyzstan in the second half of 2017, before the Presidential elections to be held in November and to present my report to the Committee in December 2017.

Appendix: Programme of the fact-finding visit, 7-9 September 2016**Wednesday 7 September**

- 14.00 Meeting with Mr Lucio SARANDREA, UNDP Chief Technical Adviser on the Rule of Law, Dimension Chief for Democratic Governance Programme
- 15:30 Meeting with Mr Artem AZNAURIAN, Political Officer, and Ms Anete ERDMANE, Human Dimension Officer, OSCE Centre in Bishkek

Thursday 8 September

- 09.30 Meeting with Mr Erlan ABDYLDAEV, Minister of Foreign Affairs
- 11.00 Meeting with Mr Almazbek ATAMBAEV, President of the Kyrgyz Republic
- 12.30 Lunch hosted by Mr Chynybai TURSUNBEKOV, Chairperson of the Jogorku Kenesh (Parliament) of the Kyrgyz Republic
- 14.00 Meeting with:
- Ms Altynai OMURBEKOVA, Deputy Chairperson of the Jogorku Kenesh of the Kyrgyz Republic, member of the Committee on constitutional law, State structure, legal-judicial issues and rules of procedure
- Mr Janybek BAKCHIEV, Chairperson of the Committee on the rule of law and combating crime
- Mr Almambet SHYKMAMATOV, Deputy Chairperson of the Committee on constitutional law, State structure, legal-judicial issues and rules of procedure
- Ms Cholpon DJAKUPOVA, member of the Committee on constitutional law, State structure, legal-judicial issues and rules of procedure
- 15.00 Meeting with Mr Kanybek IMANALIEV, Deputy Chairperson of the Foreign Affairs Committee
- 16.00 Meeting with Mr Kubatbek OTORBAEV, Ombudsman of the Kyrgyz Republic
- 17.00 Meeting with Mr Jaap ORA, Chargé d'Affaires, Head of Political, Press and Information Section, and Ms Claudia HOCK, Attaché, Project Manager, Cooperation Section, Delegation of the European Union to the Kyrgyz Republic

Friday 9 September

- 09.00 Meeting with Ms Feruza DJAMASHEVA, Deputy Chairperson of the Supreme Court of the Kyrgyz Republic
- 10.30 Meeting with Mr Tilektash ISAYEV, member of the Foreign Affairs Committee, and Mr Uzarbek ZHYLKYBAEV, member of the Committee on constitutional law, State structure, legal-judicial issues and rules of procedure
- 12.00 Meeting with Mr Abdymanap KUTUSHEV, Head of the Secretariat of the Jogorku Kenesh of the Kyrgyz Republic