

Kyrgyzstan *Events of 2021*

Kyrgyz citizens, who were evacuated from districts bordering Tajikistan following the fighting along the Kyrgyz-Tajik disputed border, are seen inside of a school gym in Kyrgyzstan's southwestern town of Batken on May 1, 2021.

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In a year marked by Sadyr Japarov's win at a snap presidential election in January, Kyrgyzstan adopted a new constitution that includes provisions undermining human rights norms and engaged in a short border conflict with Tajikistan.

Throughout the year, Kyrgyzstan's caretaker parliament adopted several problematic bills including one imposing unnecessary financial reporting requirements on nongovernmental organizations (NGOs), and another overly broad bill penalizing "false" information. In February, the government initiated a massive legal review that was rushed and failed to involve a proper consultation process.

In late April, a border conflict between Kyrgyzstan and Tajikistan killed at least 41 people, injured hundreds, and displaced thousands.

Measures put in place to protect women and girls have yet to end impunity for domestic violence, which remains widespread. An investigation into the death in custody of the

workers and a foreign media correspondent remain banned from Kyrgyzstan. In March, Kyrgyzstan repatriated 79 children, who were held in prisons in Iraq together with their mothers as Islamic State suspects. The returnees reportedly underwent rehabilitation before being placed with family members.

Parliamentary Elections

Two days after the disputed parliamentary elections on October 4, 2020, ensuing protests, Kyrgyzstan's Central Election Committee (CEC) annulled the outcome and scheduled a rerun for December 20. However, on October 22, the caretaker parliament adopted amendments postponing new parliamentary elections until sometime in 2021 to allow for constitutional reforms initiated by the then acting president Sadyr Japarov. The amendments were adopted in violation of procedural norms, rushed through three readings in parliament in one day. This allowed the caretaker parliament to continue passing numerous laws, including many that violate the country's international human rights obligations—such as the modified editions of the criminal and criminal procedural codes, with excessive criminalization and decrease in the rights of detainees. Elections were scheduled for November 28, 2021.

Constitutional Reform

The Council of Europe's (CoE) Venice Commission and the Organization for Security and Cooperation in Europe's (OSCE) Office for Democratic Institutions and Human Rights issued a joint opinion concluding that the constitution—adopted by referendum on April 11—contains provisions threatening the necessary balance of power and the protection of individual freedoms, essential to democracy and rule of law.

Several provisions directly violate international human rights standards. Article 10 prohibits activities, public events, and dissemination of information contrary to “moral values and the public consciousness of the people of Kyrgyzstan” and is incompatible with fundamental human rights to freedom of expression, assembly, and association. Another provision includes a requirement to obtain advance permission from the authorities to hold peaceful assemblies.

Civil Society

In June, parliament adopted a bill on NGOs that imposes additional burdensome financial reporting requirements on civil society groups. President Japarov signed the bill into law in July.

interrogation as a witness. Ruziev had filed a lawsuit against the GKNB and the prosecutor's office for failing to investigate his complaint that officials had psychologically abused him and threatened him, including at gunpoint, during his detention. The case against Ruziev was sent to court in September 2020 and is ongoing after numerous postponements.

On July 25, 2020, the human rights defender Azimjon Askarov died in custody. Askarov had served 10 years of a life sentence imposed after an unfair trial on politically motivated charges. The Kyrgyz Investigative Department of the State Penitentiary Service was tasked with investigating his death, which was problematic as the Penitentiary Service also oversaw his detention. The inquiry that closed on May 28 concluded that Askarov died from Covid-19-related complications and denied that he was mistreated in prison. A Bishkek city district court ruled in August that the decision to close the investigation was unfounded and that the investigation should be re-opened. In September, the prosecutor general tasked the GKNB with the new investigation, under its supervision.

Conflict at the Kyrgyzstan-Tajikistan border

A two-day border conflict between Kyrgyzstan and Tajikistan in late April—the worst in Central Asia in decades—killed over 40 people, most of them civilians, and injured hundreds.

The conflict began over control of a crucial water-intake facility which diverts to Kyrgyzstan a small part of a river that flows naturally into Tajikistan, in line with a water-sharing protocol. About 58,000 people in Kyrgyzstan and Tajikistan fled their homes or were evacuated. Dozens of houses and at least three schools were damaged or destroyed. The two countries quickly called a ceasefire and committed to rebuilding houses damaged during the conflict in their respective territories.

As of September, three nationals of Kyrgyzstan, ethnic Tajiks, and two nationals of Tajikistan were on trial in Kyrgyzstan for looting private property during the conflict. There are no reports of an impartial investigation by Kyrgyzstan into whether its military violated the laws of war during the conflict.

Freedom of Expression

In 2021, journalists continued to be harassed by law enforcement, and in some cases threatened with criminal sanctions for critical reporting. Police detained at least four journalists covering the April constitutional referendum in Osh and Bishkek. In May, GKNB officers allegedly harassed Kanat Kanimetov, a reporter and presenter at independent

On August 23, president Sadyr Japarov signed into law a vague and overly broad bill on protection from “false information” that allows authorities, without judicial oversight, to order the removal of information that officials consider “false” or “inaccurate” from internet platforms.

In September, police detained activist and blogger Orozayym Narmatova for “excessive and unfair criticism of the government”, releasing her later following the intervention of the human rights ombudsman and civil society protests.

Labor Rights

Parliament twice tried to push a restrictive trade union bill that had been stalled in parliament since 2019. The bill would grant the Federation of Trade Unions a monopoly over all federal-level union activity and require industrial and regional trade unions to affiliate with the federation. It would undermine trade union pluralism and the right of trade unions to freely determine their structures and statutes. The International Labour Organization (ILO) and IndustriALL Global Union criticized the proposed law. President Japarov vetoed the bill twice, in May and August.

Violence against Women and Girls

Despite legislation, including amendments to the Criminal Procedural Code adopted in 2020, which provides better protections for victims of domestic violence and other violence against women and girls, authorities do not fully enforce protective measures or hold perpetrators accountable. Impunity for domestic violence—the vast majority of which is committed by male perpetrators against women and girls—is still the norm.

Police registered 7,665 cases during the first eight months of 2021, a 30 percent increase over the same period in 2020. Cases of violence against women and girls remain underreported and survivors face multiple barriers to accessing services and justice, such as insufficient shelters and other essential services, dismissive response by authorities, stigma, and attitudes that perpetuate harmful stereotypes and practices, including by police, judicial officials, and government and religious leaders.

In April, the murder of Aizada Kanatbekova, a young woman who was killed by a man who had kidnapped her for forced marriage, sent shock waves through the country, triggering public

Sexual Orientation and Gender Identity

In the second half of 2020, parliament amended the law on civil registry, deleting a paragraph that previously allowed for transgender people to change their gender markers on official documents on the basis of medical certification. Civil registry workers now have the discretion to refuse applications for gender marker change.

Lesbian, gay, bisexual and transgender (LGBT) issues in Kyrgyzstan are often used as a scaremongering tactic by politicians to taint their opponents. In the run-up to the failed parliamentary elections in Kyrgyzstan in October 2020, a gay couple working for an opposition party was outed as part of a smear campaign against it.

While there is no direct discrimination on the basis of sexual orientation and/or gender identity in Kyrgyz legislation, Article 10 of Kyrgyzstan's new constitution allows for indirect censorship of any LGBT-rights related activities, public events, or information as they may be deemed contrary to "moral values and the public consciousness of the people of Kyrgyzstan."

Disability Rights

Despite ratification of the United Nations Convention on the Rights of Persons with Disabilities in 2019, the government has yet to adopt a comprehensive plan on its implementation. A September 2021 presidential decree increased the monthly social benefit payments to people with disabilities, primarily benefiting various groups of children with certain types of disabilities. Children with disabilities face significant barriers to inclusive education, with only 1,067 enrolled in mainstream schools since the beginning of the year as part of a pilot project run by an NGO. Others remain in segregated schools and residential institutions, or out of education altogether.

Torture

Impunity for torture and ill-treatment remains the norm. According to statistics of the Kyrgyz National Center for Prevention of Torture, 77 allegations of torture were registered in the first eight months of 2021. In September, the center reported that conditions in pretrial detention centers in Osh, Batken and Jalal Abad oblasts violated the human rights of detainees under the Kyrgyz law on "Order and conditions of detention of suspects"—where four beds in a cell were shared by seven or eight detainees, some of whom spent months or years in such conditions. Women in the Jalal-Abad detention center complained about harassment by officers.

Between May and June, Orhan Inandi, a dual Turkish-Kyrgyz national living in Bishkek was abducted, forcibly disappeared, and extrajudicially transferred to Turkey. The actions included egregious violations of international and domestic law. Inandi is the director of Sapat network of prestigious schools in Kyrgyzstan.

On July 5, 2021, President of Turkey Recep Tayyip Erdogan alleged on a Turkish state TV channel that Inandi is part of the movement run by US-based cleric Fethullah Gülen, which Turkey deems a terrorist organization responsible for the July 2016 failed coup in the country. He stated that Inandi had been captured and taken to Turkey. Authorities in Kyrgyzstan said in September they were investigating aspects of his enforced disappearance and were seeking access to him in jail in Turkey.

Key International Actors

In March, the special representative of the United Nations secretary-general for Central Asia, Natalia Gherman, visited Kyrgyzstan and during the meeting with President Sadyr Japarov noted that it is important to “conduct reforms in an inclusive and transparent manner,” based on the principles of rule of law, human rights, and good governance.

In May, after the escalation of border conflict between Kyrgyzstan and Tajikistan, the European Union, OSCE, and the UN all offered their assistance in resolving the conflict and responding to the immediate consequences for the livelihoods of people on both sides of the border.

In September, during its annual Human Rights Dialogue with the Kyrgyz Republic, the EU recalled the need to conduct an impartial and transparent investigation into the death of Azimjon Askarov and expressed its concerns over the controversial legislative initiatives that limit civil society and freedom of information in contravention of the country’s obligations under relevant international conventions. In July, the US State Department spokesperson expressed deep concern over the new law imposing burdensome requirements on civil society groups.

In November, the UN Committee on the Elimination of Discrimination against Women urged Kyrgyzstan to review the law “On protection and defense against domestic violence” to ensure that it covers all forms of gender-based violence, taking into account the special needs of marginalized groups of women, including women with disabilities and lesbian, bisexual, and transgender women; to pursue efforts to prevent, protect and assist victims, as well as to prosecute and adequately punish perpetrators, of bride kidnapping; and to reinstate the right of transgender persons, including women, to change the gender marker on their passport and

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