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Review of the partnership for democracy in respect of the Parliament of the Kyrgyz Republic

Report¹

Committee on Political Affairs and Democracy

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Summary

Eight years since its establishment, the partnership between the Assembly and the Parliament of the Republic of Kyrgyzstan has produced mixed results.

While recalling that the prolonged absence of Kyrgyz parliamentarians at the Parliamentary Assembly sessions or the lack of tangible progress as regards the ratification of Council of Europe instruments could lead to the partnership being terminated, the Assembly should decide to pursue the partnership with the Parliament of the Kyrgyz Republic and support the authorities along the path to democratic reforms.

At the same time, the newly-elected Parliament of the Kyrgyz Republic should step up its co-operation with the Assembly, reaffirm its commitment to the aims of partner for democracy status and take full advantage of the opportunities offered by this status, in order to ensure compliance with the political commitments as set out in Resolution 1984 (2014).

1. Reference to committee: Doc. 15184, Reference 4551 of 25 January 2021.



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A. Draft resolution²

1. On 8 April 2014, the Parliamentary Assembly, in adopting Resolution 1984 (2014), granted partner for democracy status to the Parliament of the Kyrgyz Republic. The latter thus became the third parliament, and the first in central Asia, to be granted this status introduced by the Assembly in 2009 to develop institutional co-operation with the parliaments of States neighbouring the Council of Europe.
2. When making its official request, the Parliament of the Kyrgyz Republic declared that it shared the values upheld by the Council of Europe and entered into a number of political commitments in accordance with Rule 64.2 of the Assembly's Rules of Procedure. These commitments are set out in paragraph 4 of Resolution 1984 (2014).
3. In paragraph 15 of the aforementioned resolution, the Assembly also considered that a number of specific measures were of key importance for strengthening democracy, the rule of law and respect for human rights and fundamental freedoms in Kyrgyzstan. It underlined that progress in taking forward reforms was the prime aim of the partnership for democracy and should constitute the benchmark for assessing its efficiency.
4. Eight years after granting this status, the Assembly notes the controversial, to say the least, evolution of the political and institutional situation in the country and concludes that its partnership with the Parliament of the Republic of Kyrgyzstan has produced mixed results.
5. It regrets in particular that parliament has been unable to capitalise on the opportunities offered by the partnership in order to take democratic reforms forward in the country, bring it closer to the European common legal area and contribute to European political dialogue.
6. The Assembly likewise regrets the fact that since being granted partner for democracy status, the Kyrgyz Republic has not acceded to any Council of Europe conventions or partial agreements, despite having pledged to do so.
7. The Assembly also notes that the political crisis in Kyrgyzstan, which occurred after the October 2020 elections, laid bare the weaknesses and failings of the country's democratic institutions. The constitutional reform launched in the wake of this crisis brought about a radical shift in the country's institutional balance, gave the new president wider powers, altered the structure of parliament and curtailed its powers.
8. In this context, the Assembly laments the fact that the authorities of Kyrgyzstan have not taken account of the recommendations made by the European Commission for Democracy through Law (Venice Commission) in its urgent *amicus curiae* brief on the postponement of the elections due to the constitutional reform (11 December 2020) and its Opinion on the draft Constitution of the Kyrgyz Republic (19 March 2021).
9. The Assembly also takes note of the result of the November 2021 parliamentary elections, observed by an *ad hoc* Committee of the Bureau of the Assembly, and of the formation of a new parliament in December 2021. It regrets that the changes made to the electoral legislation and system just a few days prior to the start of the campaign deprived a large proportion of the population, in particular women and young people, of the right to be elected to parliament.
10. The Assembly continues to closely monitor the constitutional, institutional, political and legal reforms carried out in Kyrgyzstan with a view to modernising and stabilising the country's political institutions. The Assembly notes the readiness of the recently elected Kyrgyz authorities, and more specifically parliament, to co-operate, including in relation to reforms and institutions, with concrete results, as observed by the international community present in the country. With regard to the legislative stocktaking process launched in April 2021 by the government with the aim of bringing the laws into line with the new Constitution, the Assembly calls on parliament to ensure that it does not undermine Kyrgyzstan's international commitments to uphold human rights.
11. In this connection, the Assembly is concerned about recent reports from representatives of Kyrgyz civil society about violations of human rights and fundamental freedoms. These relate to gender issues, the practice of torture, particularly in detention or police custody, and certain fundamental freedoms, such as freedom of expression. In this respect, the Assembly notes in particular the deterioration in the situation of journalists, human rights defenders, and lawyers, as evidenced by several recent cases.
12. The Assembly notes the interest in and desire to continue with the partnership for democracy expressed by representatives of parliament, the government and civil society.

2. Draft resolution adopted unanimously by the committee on 26 April 2022.

13. It also notes the international context in which Kyrgyzstan is situated, and its willingness to defend the sovereignty of Ukraine, not to associate itself with Russian aggression, and to advocate a strictly peaceful settlement of disputes between these two countries.

14. In conclusion, the Assembly resolves to continue with the partnership with the Parliament of the Kyrgyz Republic in order to support the country's authorities along the path to democracy while at the same time maintaining a rigorous dialogue with them and reassessing the partnership in depth in two years' time based on an analysis of the tangible progress made. The prolonged absence of Kyrgyz parliamentarians at the sessions, or of concrete results notably on the effective ratification of conventions or protocols, could lead to the partnership being terminated.

15. The Assembly therefore reiterates its appeal to the newly elected Parliament of the Kyrgyz Republic to step up its co-operation with the Assembly, reaffirm its commitment to the aims of partner for democracy status and take full advantage of the opportunities offered by this status in order to ensure compliance with the political commitments, as set out in Resolution 1984 (2014). In this context, it welcomes the recent appointment of the new partner delegation.

16. The Assembly urges the Parliament of the Kyrgyz Republic to:

16.1. tirelessly pursue efforts to fulfil the political commitments made in connection with the partnership for democracy (Rule 64.2 of the Assembly's Rules of Procedure and paragraph 4 of Resolution 1984 (2014)) and the recommendations set out in paragraph 15 of the aforementioned resolution;

16.2. ensure, as part of the legislative stocktaking process, that fundamental rights and freedoms in the country are upheld, in accordance with the relevant international instruments to which Kyrgyzstan is a party;

16.3. intervene with the authorities of Kyrgyzstan in order to encourage them to sign and ratify the relevant Council of Europe conventions and partial agreements open to non-member States, and more specifically those relating to human rights, the rule of law and democracy, in accordance with the commitment expressed by the Speaker of the Parliament of the Kyrgyz Republic in the letter of application for partner for democracy status, as mentioned in paragraph 17 of Resolution 1984 (2014);

16.4. participate fully in the work of the Assembly and its committees;

16.5. inform the Assembly regularly of the progress made in implementing the Council of Europe's principles.

17. The Assembly strongly encourages the Kyrgyz authorities to:

17.1. step up the implementation of the recommendations made in paragraph 15 of Resolution 1984 (2014) of the Assembly, drawing in particular on the Council of Europe's expertise;

17.2. boost co-operation with the Venice Commission in order to bring the country's laws closer to international standards and to implement the previous recommendations, in particular with regard to elections;

17.3. stop pressure on the media and NGOs, whether in the form of threats, intimidation, fines, tax inspections, searches, arbitrary arrests, or false accusations;

17.4. ensure that civil society organisations can work freely and contribute to public debate;

17.5. guarantee and promote freedom of expression and media independence and pluralism and protect the media from political pressure;

17.6. strengthen their efforts to promote women's participation in politics and public affairs, combat all forms of gender-based discrimination, ensure effective equality between women and men and combat violence against women.

B. Explanatory memorandum by Mr Jacques Maire, rapporteur

1. Introduction

1.1. Origin of the report

1. On 8 April 2014, the Parliamentary Assembly adopted [Resolution 1984 \(2014\)](#) by which it granted partner for democracy status to the Parliament of Kyrgyzstan, the “Jogorku Kenesh” (Supreme Council). It thus became the third parliament to be granted this status, after the Parliament of Morocco and the Palestinian National Council. The Parliament of Kyrgyzstan is also the first and only partner for democracy in Central Asia.
2. When making its official request, the Kyrgyz Parliament declared that it shared the values upheld by the Council of Europe and entered into a number of political commitments in accordance with Rule 64.2 (formerly 61.2) of the Assembly’s Rules of Procedure. These commitments are set out in paragraph 4 of Resolution 1984 (2014). In paragraph 15 of the 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.
3. The Assembly likewise 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)). None of my three predecessors as rapporteur managed to complete their work, however, with the result that the Assembly has never assessed the partnership.
4. On 16 November 2020, with the country in post-election political turmoil, the late Dame Cheryl Gillan tabled a motion for a resolution asking the Assembly for a review of the partnership for democracy in respect of the Kyrgyz Parliament.
5. I was appointed rapporteur in June 2021. Authorised by the Bureau of the Assembly to carry out a fact-finding visit to Kyrgyzstan, I was unable to travel until March 2022 because of the Kyrgyz election timetable. This report is based on the outcome of that visit, and also the information provided by a representative of the European Commission for Democracy through Law (Venice Commission) at a hearing in January 2022.

2. General background

2.1. From a peaceful transfer of power to political confrontation (2017-2019)

6. In his introductory note entitled “Evaluation of the partnership for democracy in respect of the Kyrgyz Republic” (2017),³ Mr Alain Destexhe (Belgium, ALDE) highlighted the negative impact of the constitutional amendments initiated by former President Almazbek Atambayev. Adopted by referendum on 11 December 2016, these amendments, according to the joint opinion of the Venice Commission and the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), effectively undermined the balance and separation of powers by strengthening the powers of the executive.
7. Mr Destexhe also noted that there had been several highly publicised civil and criminal cases brought during the final year of Mr Atambayev’s presidency. They were directed against journalists and opposition leaders,⁴ including Sadyr Japarov (founder of the Mekenchil (Patriots) party⁵) and Omurbek Tekebayev (Ata-Meken party).
8. On 15 October 2017, Mr Sooronbay Jeenbekov, a former Prime Minister from the Social Democratic party, described as the candidate of the outgoing president, won the presidential election. Although described as “competitive”⁶ by the International Election Observation Mission (IEOM), vote buying, voter pressure and misuse of public resources for the campaign were identified as issues. On 24 November 2017, Mr Jeenbekov was inaugurated as President of the Kyrgyz Republic in what was widely described as a peaceful and democratic transfer of power.

3. [AS/Pol \(2017\) 05 declassified](#).

4. “Kyrgyzstan: President Targets Critics”, Human Rights Watch, 12 May 2017.

5. Mekenchil split with the Ata-Zhurt party in 2010. It is generally described as conservative, nationalist and populist.

6. “Observation of the presidential election in Kyrgyzstan (15 October 2017)”, [Doc. 14438](#).

9. A political rift sparked by criticism levelled by Mr Atambayev (re-elected chairman of the Social Democratic Party) at Mr Jeenbekov in March 2018 divided the ruling party and triggered a political crisis. Several prominent figures close to the former president, including the Prosecutor General Ms Indra Joldubayeva, and the government of Prime Minister Sapar Isakov, were dismissed. In connection with the scandal over a power plant in Bishkek that broke down in January 2018, leaving many residents without electricity in freezing temperatures, Mr Isakov was arrested on 5 June on charges of corruption and misappropriation of public funds. In March 2019, the Kyrgyzstan Social Democratic Party decided to join the opposition. Parliament voted to strip the former president of his immunity from prosecution so that he could be called as a witness in a case involving the unlawful release of a crime boss. Having barricaded himself in his residential compound and surrounded by supporters, Mr Atambayev surrendered on 9 August 2019, after a two-day standoff with security forces. He was then charged with murder for the death of an officer during the raid on his compound.

2.2. Post-electoral political crisis and democratic backsliding (2020-2021)

10. On 4 October 2020, Kyrgyzstan held parliamentary elections. The Parliamentary Assembly could not observe them owing to Covid-19 restrictions, but the OSCE/ODIHR was able to conduct a limited election observation mission. The latter⁷ concluded that the elections were “competitive and candidates could, in general, conduct their activities freely”. It also stated, however, that “credible allegations of vote buying remain a serious concern”. The elections were won by the parties close to President Jeenbekov.

11. As allegations of electoral fraud mounted and unrest spread throughout Bishkek, the Kyrgyz Central Election Commission (CEC) took the decision on 6 October 2020 to cancel the results. Demonstrators burst into several government buildings and succeeded in getting Mr Atambayev and Mr Japarov released from prison. Mr Japarov was appointed acting Prime Minister by parliament following the sudden resignation of Prime Minister Kutabek Boronov. President Jeenbekov then declared that the country was facing a coup.

12. On 15 October 2020, Mr Jeenbekov resigned from the presidency, prompting Mr Japarov to also assume the position of acting President.

13. Just as the CEC announced that new parliamentary elections would be held in December 2020, the interim parliament enacted a constitutional law suspending the elections until June 2021. It also proposed a constitutional amendment initiated by Mr Japarov to establish a presidential form of government in Kyrgyzstan. At the request of the Constitutional Chamber of the Kyrgyzstan Supreme Court, the Venice Commission issued an urgent *amicus curiae* brief on 17 November 2020, which concluded that an interim parliament should not adopt “extraordinary measures” such as amendments to the Constitution, and that parliamentary elections should be held as soon as possible.⁸ Despite these calls for caution, the Constitutional Chamber of the Supreme Court approved the postponement of the parliamentary elections.

14. Mr Japarov won the presidential election on 10 January 2021 (79% of the vote, on a turnout of only 33%). The Assembly was unable to observe them owing to Covid-19 constraints. The OSCE election observation mission⁹ concluded that the election had been well organised, that fundamental freedoms had been generally respected, but that the campaign had been dominated by one candidate who had benefited from disproportionate financial means and misuse of administrative resources.

15. On the same day, the referendum on the constitutional reforms aimed at establishing a presidential form of government took place, in which 84% of voters approved the proposed change. Shortly afterwards, Mr Japarov decided to postpone the parliamentary elections to autumn 2021.

16. The joint opinion published by the Venice Commission and the OSCE/ODIHR¹⁰ on the draft version of the new Constitution concluded that there were serious shortcomings that threatened “the balance of powers” and respect for individual rights in Kyrgyzstan. A second referendum was held on 11 April 2021. 79% voted in

7. “Lively campaign and efficient administration of Kyrgyzstan’s parliamentary elections tainted by claims of vote buying, international observers say”, OSCE, 5 November 2020.

8. “Kyrgyzstan – Urgent *amicus curiae* brief relating to postponement of elections motivated by constitutional reform, issued pursuant to Article 14a of the Venice Commission’s Rules of Procedure”, CDL-PI(2020)015-e.

9. International Election Observation Mission. Kyrgyz Republic – Early Presidential Election 10 January 2021. Statement of preliminary findings and conclusions. www.osce.org/files/f/documents/b/4/475541.pdf.

10. “Kyrgyzstan – Joint Opinion of the OSCE/ODIHR and the Venice Commission on the Draft Constitution of the Kyrgyz Republic adopted by the Venice Commission at its 126th Plenary Session (19-20 March 2021)”; CDL-AD(2021)007-e; “Kyrgyzstan’s parliamentary elections competitive but lacked meaningful voter engagement, international observers say”, OSCE, 29 November 2021.

favour of the new Constitution on a turnout of 37%. On 5 May 2021, the new Constitution came into force, reducing the size of parliament by 25% and abolishing the post of prime minister. The presidency gained broader powers to propose laws and referendums, as well as increased powers to dismiss officials and strip MPs of their immunity from prosecution.

17. In the summer of 2021, several controversial laws were passed by the interim parliament. For example, the scope of the Code of Criminal Procedure was expanded to include the prosecution of organisations or individuals considered “extremist”. According to observers, this legislation poses a threat to civil society actors and political opposition groups. The interim parliament also passed a law on “foreign agents”, which obliges foreign-funded NGOs and civil society groups to comply with strict financial requirements. Other controversial laws, including one on “protection against false and inaccurate information” have been denounced as potential tools for intimidating independent media and restricting public access to information.

18. The year 2021 was thus marked by significant democratic backsliding, a trend confirmed at a hearing with a representative of the Venice Commission in January 2022.

2.3. 2021 parliamentary elections

19. On 28 November 2021, namely more than a year after the above-mentioned political upheaval, new parliamentary elections were held. After a record low turnout (34% according to the CEC), they were won by the Ata-Zhurt party, which is politically aligned with President Japarov. Representatives of the five other political parties (out of 21 parties seeking election) make up the new parliament. Following the revision of the Constitution and the reform of the electoral system, the Jogorku Kenesh now has 90 seats (compared with 120 seats previously); 54 MPs are elected by proportional representation in a single national constituency and 36 in single-member constituencies. MPs are elected by universal suffrage for a five-year term of office.

20. The renewed IEOM¹¹ and the ad hoc Committee of the Bureau of the Assembly¹² concluded in their reports that the elections had been competitive but hampered by constitutional and electoral changes enacted by an interim parliament whose mandate had expired, and promulgated by the President only a few days before the start of the electoral campaign. They also considered that the record low turnout reflected voter burnout, disillusionment and faltering public trust. The ad hoc Committee of the Bureau of the Assembly likewise regretted that many of the Venice Commission’s and Assembly’s recommendations remained unaddressed, in particular as regards certain limitations on freedom of expression and association, the lack of provisions for transparency and accountability in campaign finance, or for ensuring equitable media access and coverage.

21. Note that the changes made to the electoral system have also deprived many women, young people and a large proportion of the population who have not completed higher education of the chance to be elected to parliament. This amounts to a violation of domestic and international norms. For while Kyrgyz electoral legislation stipulates that at least 30% of seats in parliament must be held by women, no women have been elected in single-mandate constituencies, with the result that the number of women in parliament stands at 18 (namely 20% of MPs, up slightly from the outgoing parliament where the figure was 17%).

22. The new parliament met on 29 December 2021 and elected Mr Talant Mamytov its new Speaker. On 12 January 2022, it set up eight committees and elected their chairs. The partner delegation that is to participate in the work of our Assembly has been formed; it includes at least one woman, as well as a Deputy Speaker of Parliament.

3. Political commitments arising from partner for democracy status

23. In asking to be granted partner for democracy status, the Parliament of the Kyrgyz Republic undertook to comply with the provisions of Rule 64.2 of the Assembly’s Rules of Procedure. In terms of implementation, however, progress has been very mixed.

11. The IEOM was composed of the OSCE Parliamentary Assembly and ODIHR missions, which participated alongside the Assembly’s *ad hoc* committee tasked with observing the elections.

12. Observation of the parliamentary elections in the Kyrgyz Republic (28 November 2021), [Doc. 15427](#).

3.1. Willingness to embrace democracy, the rule of law and respect for human rights and fundamental freedoms

24. In the eight years since partner status was granted, there have been numerous public statements in support of these values, which were reiterated by the Kyrgyz people I spoke to during my fact-finding visit.

25. The Assembly, however, has observed a worrying trend where respect for human rights and fundamental freedoms in Kyrgyzstan is concerned. In effect, the aforementioned developments in the corpus of legislation (paragraphs 16 and 17), including notably the controversial laws on false information and on “foreign agents”, threaten freedom of expression and restrict the space in which journalists and media, NGOs and human rights defenders operate. During my fact-finding visit, several recently opened cases were brought to my attention. These include the search on the premises of *Next TV* and the arrest of its director, Taalaibek Duishenbiev, in March 2022, for inciting racial hatred. He was accused of spreading fake news on social media regarding the possibility of an agreement whereby Kyrgyzstan would provide military assistance to the Russian Federation in connection with the invasion of Ukraine. Two other criminal cases have recently been brought against journalists, one against *Kaktus Media* and another against Bolot Temirov, a journalist (*Temirov live*). Other examples of persons who were intimidated or arrested because of their participation in peaceful demonstrations against the war in Ukraine were mentioned, including Aziza Abdirasulova (from the NGO *Kylym Shamy*), Dinara Oshurakhunova (from the NGO *Civic initiatives*), Ondurush Toktonasyrov (a human rights defender) and Nurbek Toktakunov (a lawyer). We also heard reports about the situation in prisons, the still widespread practice of torture, and backsliding on gender issues.

3.2. Abolition of the death penalty

26. Kyrgyzstan should be congratulated on this point because the death penalty was suspended in the country in 1998 and abolished in 2007; this decision has never been challenged. The new Constitution adopted in 2021 stipulates that “Everyone has an inalienable right to life. Encroachment on human life and health shall not be permitted. No one shall be arbitrarily deprived of life. The death penalty shall be prohibited.” (Article 25, paragraph 1).

3.3. Intention of the parliament to make use of the Assembly’s experience and the expertise of the Venice Commission in its institutional and legislative work

27. Kyrgyzstan became a member of the Venice Commission in 2004. Since its accession, the Commission has issued more than 20 opinions, including 9 since parliament was granted partner status in 2014. In 2013, parliament sought an opinion on the draft law on freedom of association, and certain recommendations were heeded. Other provisions were adopted in line with the Opinion¹³ on the amendments to the legislation of the Kyrgyz Republic related to sanctions for violations of the electoral legislation adopted in 2020.

28. Unfortunately, the recommendations made in the opinion on the draft Constitution adopted in 2021 have not been followed.

29. Between 2013 and 2020 the Venice Commission co-operated with Kyrgyzstan in several EU-funded projects, including “Support to the Kyrgyz authorities in improving the quality and efficiency of the Kyrgyz constitutional justice system” (2013-2015) and “Support to strengthening democracy through electoral reform in the Kyrgyz Republic” (2017-2020).

30. Since 2020, Kyrgyzstan has been part of the “Central Asia Rule of Law” and “Support to Reforms of Electoral Legislation and Practice and Regional Human Rights Instruments and Mechanisms in Countries of Latin America, Central Asia and Mongolia” projects implemented by the Venice Commission.

31. The main partners of the Venice Commission in Kyrgyzstan have been the Constitutional Chamber (Constitutional Court since 2021), the Central Election Commission, the Ministry of Justice, the Supreme Court and, in some cases, Parliament’s Legislative Committee.

32. Exchanges with the Constitutional Chamber have always been satisfactory. Co-operation with the Central Election Commission has also been quite close. Despite occasional contacts with parliament, the latter has never engaged in a sustained dialogue. Dialogue with national experts and NGOs, on the other hand, has been constructive and fruitful.

13. “Kyrgyzstan – Joint opinion of the Venice Commission and OSCE/ODIHR on the amendments to some legislative acts related to sanctions for violation of electoral legislation, adopted by the Venice Commission on 20 March 2020 by a written procedure replacing the 122nd Plenary Session”, [CDL-AD\(2020\)003-e](#).

3.4. Commitment to organise free and fair elections in compliance with relevant international standards

33. Kyrgyzstan has held several elections over the past eight years, including during the Covid-19 pandemic. The authorities regularly seek the views of the electorate, especially when it comes to important decisions. Kyrgyzstan has systematically invited our Assembly to observe its elections. International observers have noted an improvement in the electoral process.

34. A number of recurring problems have been observed, however (see paragraph 20 above). The changes to the electoral system in 2021 are an additional cause for concern, not least because they deprive a large section of the population of the right to be elected to parliament (see paragraph 21). Parliament and the national authorities should be encouraged to bring the electoral processes in Kyrgyzstan into line with international standards, including through the implementation of Assembly's and Venice Commission's previous recommendations in this area.

3.5. Commitment to encourage balanced participation of women and men in public and political life

35. The Constitution of 2021 states that "No one shall be discriminated against on the grounds of sex, race, language, disability, ethnicity, religion, age, political or other opinion, education, origin, financial or other status, or other circumstances" (Article 24, paragraph 1) and that "men and women have equal rights and freedoms and equal opportunities for their realisation" (Article 24, paragraph 3).

36. The "National Development Programme of the Kyrgyz Republic to 2026", however, implicitly recognises the existence of gender inequality as it reads: "there is a need to ensure the economic empowerment of women and to increase their representation at the decision-making level. The legislation concerning quotas and representation of women in elected bodies of central and local government must be preserved. Women's representation in the executive branch must also be strengthened."

37. The fact is that, as indicated in paragraph 21, despite the 30% quota for women in parliament provided for in the electoral legislation, in practice women make up only 20% of MPs. While the 30% rule does seem to be observed when it comes to electing MPs from party lists (with 18 women out of 54 seats, namely one third), no women have been elected to parliament in the 36 single-member constituencies.

38. Women are very active in the political arena and play a key role in community life and civil society in Kyrgyzstan. Tradition weighs heavily on people's attitudes, however, peddling stereotypes typical of a patriarchal society in which men take part in public and economic life and women take care of their families and their homes. More effort is needed on the part of the Kyrgyz authorities to develop and consolidate a culture of equality in all fields.

3.6. Accession to relevant Council of Europe conventions and partial agreements, in particular those dealing with human rights, the rule of law and democracy

39. Kyrgyzstan has not signed any Council of Europe conventions open to non-member States. It has only acceded to the partial agreement establishing the Venice Commission, in January 2004. It is a matter of great regret to me that Kyrgyzstan has not availed itself of the opportunity afforded it to move closer to the common European legal space.

3.7. Obligation to inform the Assembly regularly on the state of progress in implementing Council of Europe principles

40. Another missed opportunity. As Mr Alain Destexhe pointed out, the participation of Kyrgyz parliamentarians in the work of the Assembly and its committees has so far been very uneven and not very active compared with that of their Jordanian, Moroccan and Palestinian colleagues, who are fully integrated into our work.

41. The distances and travel time, as well as the limited and shrinking budget of the Kyrgyz Parliament, make it difficult for Kyrgyz MPs to come to Strasbourg or Paris. Nevertheless, there can be no genuine partnership without their presence and participation and without dialogue. During my contacts with representatives of parliament and the executive, I have been most insistent on this point. Such participation, too, could provide them with a platform from which to raise awareness among their European colleagues of the specific problems facing their country. We, in turn, could consider holding certain activities – committee and sub-committee meetings, conferences and seminars – in Kyrgyzstan.

4. Fact-finding visit to Bishkek (22-24 March 2022)

42. From 22 to 24 March 2022, I carried out a fact-finding visit to Kyrgyzstan in preparation for this report. As with my predecessor, Mr Alain Destexhe, the visit had been postponed several times pending the country's political and institutional stabilisation.

43. For me, the fact-finding visit was an opportunity to discover Kyrgyzstan and to discuss the implementation of the partnership with numerous people, including representatives from the international community, Kyrgyz parliamentary partners (including the Deputy Speaker of Parliament, members of the partner for democracy delegation newly appointed and representatives from the main parliamentary committees), representatives from the executive (the Minister of Justice, the Deputy Ministers of Foreign Affairs and of the Interior, and the Ombudsperson) and the judiciary (the President of the Constitutional Court), and lastly, civil society. The programme can be consulted on the Assembly website (AS/Pol/Inf (2022) 11).

44. Throughout the visit, I stressed the need for Kyrgyzstan to respect the political commitments made as part of its status as a partner for democracy, as set out in paragraph 5 of Parliamentary Assembly Resolution 1984 (2014), and to make progress, as a priority, in the areas listed in paragraphs 14 and 15 of the resolution, which the Assembly considered essential for strengthening democracy, the rule of law and respect for human rights and fundamental freedoms in the country. This included pervasive corruption, a judiciary lacking impartiality and independence, widespread use of torture and impunity for the law enforcement officers who perpetrate it, acts of intimidation of civil society and the still unresolved consequences of interethnic tensions.

45. I also made it clear, in accordance with paragraph 19 of Resolution 1984 (2014), that progress in the reforms was the prime aim of the partnership and should be the benchmark for assessing its efficiency.

46. During my discussions, I wished to take stock, with my hosts, of the eight years of partnership. I began by noting the positive points, such as Kyrgyzstan's desire to differentiate itself from neighbouring countries, the fact that the authorities give the people a voice more regularly (in particular, through referenda), the promotion of the participation of women and minorities in political life (it is worth noting that the recent introduction of uninominal voting in some constituencies has been detrimental in this respect), the elections which were considered "acceptable" by international observers despite the practice of vote buying, and the appointment of a Kyrgyz Ambassador to France in the summer of 2021.

47. I then expressed our concerns regarding certain developments. Firstly, the furious pace of elections and the scale of the reforms carried out. Since October 2020, presidential, parliamentary and local elections have been held. The new Constitution, which came into force on 5 May 2021 after having been adopted a month earlier in what some observers considered an unconstitutional manner, weakened the balance and separation of powers, with the transition from a parliamentary to a presidential system, the diminution of the role of parliament (in particular, a reduction in the prerogatives and number of MPs), and the lack of independence of the judiciary. The electoral system was also changed in July 2021. The elections were held, and the reforms carried out without any real, informed debate and with a record low level of participation by the people. In addition, the legislative stocktaking process launched by the executive in April 2021, which covers more than 300 laws and whose outcome is to be announced shortly, also featured prominently in our discussions. Although the people I spoke to justified the stocktaking exercise, citing the obsolescence of certain laws and the need to bring them into line with the Constitution, I reminded them of the importance of not calling into question international standards, in particular where human rights and fundamental freedoms, the rule of law and democracy were concerned. I also raised other matters of concern, including the lack of any real opposition in parliament, the resurgence of certain traditional values detrimental to the status of women in society (particularly in the southern part of the country) and rising religious extremism.

48. In addition, at the level of the Assembly, I deemed it necessary to insist on the lack of involvement of the Kyrgyz partner since 2014, and on the missed opportunities to communicate with the Venice Commission in 2021, notably during the above-mentioned adoption of the new Constitution.

49. Regarding these aspects, civil society representatives stated that they shared our concerns. Gender issues and the need to pursue the fight against torture and improve the situation in prisons were addressed. In this respect, the death in detention of Azimjon Askarov in 2020, in circumstances which have not yet been elucidated, was brought up. Also, the many significant legislative changes made in the summer of 2021 were highlighted, including the law on fake news, amendments to the law on non-commercial organisations, to the law on the registration of legal entities, to the Criminal Code, the Code of Criminal Procedure or to the law on public procurement. They felt that these changes might complicate the fight against corruption and undermine the rule of law and freedoms, by, for example, worsening the situation of journalists and human rights

defenders. This tendency was confirmed by cases of intimidation and criminal charges being brought against journalists (see paragraph 25). Civil society representatives also spoke, however, of the need to continue the partnership, as it was a genuine help in their efforts, and of their hopes for the new parliament.

50. As for the Kyrgyz authorities, they reiterated their deep commitment to the Kyrgyz Parliament's partner for democracy status and said that, overall, they shared its objectives. They justified the previously mentioned changes, citing the need to improve effectiveness and to make political players accountable in order to fight corruption and impunity. They also said that the political instability and the epidemic over the past few years, as well as budgetary issues, explained their limited participation in and contribution to the work of the Assembly.

51. Everyone I met pointed out that democratic values were part of the Kyrgyz identity and culture, whose legacy was reflected in, for example, the presence of a particularly active civil society. Representatives from parliament, the government and civil society considered that continuing with the partnership would be a major incentive to carry on developing democracy, the rule of law, and the protection of human rights and fundamental freedoms in the country.

52. I insisted that there was now a need to achieve concrete progress, after eight years of partnership. During the discussions, I pointed out, in accordance with paragraphs 17 and 22 of Resolution 1984 (2014) and with the commitment made by the Speaker of Parliament in his letter of 27 October 2011, the importance of Kyrgyz legislation being brought into line with Council of Europe standards, which could be achieved through the country's accession to some relevant conventions and partial agreements open to non-members. The presence of members of the newly appointed Kyrgyz delegation at forthcoming Assembly sessions and the outcome of the legislative stocktaking process would also send an important political message.

53. I also wished to discuss with those I met the considerable difficulties and challenges faced by the country, be they economic, social or geopolitical. Kyrgyzstan's heavy dependence on the Russian Federation, not least due to the presence there of more than a million Kyrgyz migrant workers whose money transfers represent approximately 25% of Kyrgyzstan's GDP, is one of them. The country is also particularly affected by the fallout from the current geopolitical context, as the Russian Federation has, for example, temporarily suspended its grain exports to the former Soviet republics. Despite these issues, the war being waged by the Russian Federation in Ukraine has led Kyrgyzstan to distance itself from the aggressor, including by refusing to send soldiers as part of the defence agreement with Russia, by reiterating Ukraine's sovereignty, by calling for a political solution and by offering to host talks.

5. Conclusions and proposals

54. When the Assembly agreed to grant partner for democracy status to the Parliament of the Kyrgyz Republic, it stressed that progress in taking forward reforms was the prime aim of the partnership and should constitute the benchmark for assessing its efficiency.

55. Eight years on, I have to point out that the democratic reform process in Kyrgyzstan, which seemed well under way and promising when the status was granted, has seen mixed results. Not enough progress has been made in implementing the political commitments entered into by parliament.

56. It is a matter of particular regret to me that the parliament has not been able to make good use of the opportunities afforded by the partnership to advance democratic reforms in the country, to bring it closer to the common European legal space and to contribute to European political dialogue at parliamentary level. It is also regrettable that, since being granted partner status, the Kyrgyz Republic has not become party to any Council of Europe conventions or partial agreements, as it pledged to do.

57. I note that the *ad hoc* Committee of the Bureau of the Assembly tasked with observing the 28 November 2021 elections called on the newly elected Kyrgyz Parliament to step up its co-operation with the Assembly and to recommit to the aims of, and fully use the opportunities offered by, its partner for democracy status so as to ensure compliance with political commitments entered into upon requesting the status, as set out in [Resolution 1984 \(2014\)](#).

58. The recent political and institutional developments mentioned above, such as the political crisis and the cancellation of the October 2020 elections, the constitutional reform and the adoption of several laws aimed at strengthening the executive at the expense of parliament and the judiciary, restricting freedom of association and amending the electoral legislation, are cause for concern. It does not appear from these developments that the country's political system is moving in the direction proclaimed at the time of the application for partner for democracy status.

59. The situation regarding human rights and fundamental freedoms in the country is also a matter of serious concern. The recent attempts to intimidate and bring criminal prosecutions against human rights defenders and journalists support this observation. They run counter to the commitments made by Kyrgyzstan under the partnership for democracy, as listed in paragraphs 14 and 15 of Resolution 1984. Among the priorities identified were the following:

- “guaranteeing and promoting freedom of expression and media independence and plurality; implementing legal provisions that effectively guarantee press freedom and protect the media from political pressure” (paragraph 15.21);
- “guaranteeing and promoting, in law and in practice, freedom of association and peaceful assembly; ensuring strict implementation of the law on associations” (paragraph 15.22);
- “refraining from adopting laws aimed directly or indirectly at restricting civil society activities” (paragraph 15.23).

60. The country has also entered into commitments regarding gender issues, the fight against the use of torture, and the improvement of living conditions in places of detention. Concerns have been reported in relation to these issues, too.

61. Like my predecessors, moreover, I note that the representatives of the Kyrgyz Parliament have shown little interest in developing genuine co-operation with our Assembly and have hardly participated in the work of our committees at all. In this connection, I have to point out that the Assembly’s Rules of Procedure state that the parliament enjoying partner for democracy status shall inform the Assembly regularly of the progress made in the implementation of Council of Europe principles.

62. During my visit to Kyrgyzstan in March 2022, I had the opportunity to discuss these concerns with our newly elected colleagues in parliament, as well as with representatives of the government, the Constitutional Court, civil society and the international community. Almost everyone I spoke to expressed their support for the continuation of the partnership and their determination to make it more effective.

63. I also note the particular international context in which Kyrgyzstan is situated, its willingness to defend the sovereignty of Ukraine, not to associate itself with Russian aggression and to advocate a strictly peaceful settlement of disputes between these two countries, and its readiness to act as a mediator in the talks.

64. In view of the above, I consider it important that the Assembly continue to support the efforts of the Kyrgyz authorities to move the country towards democracy, respect for human rights and the rule of law.

65. I therefore propose that the Assembly continue with its partnership with the Parliament of the Kyrgyz Republic while at the same time maintaining a rigorous dialogue, and that it reassess the partnership in depth in two years’ time based on an analysis of results and tangible progress made.

66. In this connection, I welcome the appointment of the new partner delegation by the parliament elected in November 2021 and would encourage it to redouble its efforts to use the framework offered by the partnership to drive democratic change in the country.