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Committee on Political Affairs and Democracy

ad hoc Sub-Committee on Kyrgyzstan

Memorandum of the fact-finding visit to Kyrgyzstan

28-31 October 2013

by Mr Andreas Gross, Chairperson, Switzerland, Socialist Group

¹ Document declassified by the Committee at its meeting on 10 December 2013.

1. Introduction

1. In October 2011, the Parliament of Kyrgyzstan officially requested to be granted partner for democracy status with the Assembly. The request was referred to the Committee on Political Affairs and Democracy.

2. Mr Mevlüt Çavuşoğlu, who was appointed as Rapporteur, conducted a fact-finding visit to the country in January 2013 and presented to the Committee an introductory memorandum in April 2013 (AS/Pol (2013) 08). He subsequently carried out a second visit to Kyrgyzstan in June 2013 and submitted a revised preliminary draft report (AS/Pol (2013) 12 rev) which the Committee decided to declassify.

3. In addition, upon an invitation by the President of the Assembly, a delegation from the Parliament of Kyrgyzstan attended the April 2013 part-session of the Assembly. The Committee had an opportunity to discuss with the Kyrgyz colleagues a number of issues of concern raised in Mr Çavuşoğlu's report. At the same time, the Committee felt that the request needed further discussions and more time for careful examination.

4. On this occasion, Ms Asya Sasykbaeva, Deputy Speaker of Parliament who headed the delegation, suggested that a group of members of the Assembly could visit Kyrgyzstan with a view to getting a better understanding of the situation in the country. The Committee welcomed this proposal and constituted an *ad hoc* Sub-Committee to this purpose, where the five Political Groups of the Assembly should be represented. It further agreed that the timing for the presentation of the report to the Assembly, and the conditions to be associated with the status, should be decided on the basis of the findings of the visit.

5. All five Political Groups designated their respective Chairpersons as members of the *ad hoc* Sub-Committee, which should be seen as a sign of the importance which they attached to the issue. Later on, due to his parliamentary duties, Mr Tiny Kox, Chairperson of the Group of the Unified European Left, had to cancel his participation in the visit and was replaced by Mr Andrej Hunko.

6. The *ad hoc* Sub-Committee held three preparatory meetings in June and October 2013. I was elected as Chairperson and Ms Anne Brasseur as Vice-Chairperson. Accordingly, during the visit, the *ad hoc* Sub-Committee was composed as follows:

Mr Pedro Agramunt (Spain, EPP/CD);
Ms Anne Brasseur (Luxembourg, ALDE), Vice-Chairperson;
Mr Andreas Gross (Switzerland, SOC), Chairperson;
Mr Andrej Hunko (Germany, UEL);
Mr Robert Walter (United Kingdom, EDG).

2. The visit

7. The *ad hoc* Sub-Committee agreed to carry out the visit to Kyrgyzstan from 28 to 31 October, and to organise a trip to the southern city of Osh which had been the scene of major inter-ethnic violence in June 2010.

8. The Kyrgyz authorities prepared a comprehensive programme of meetings in Bishkek and Osh along the lines of the request agreed by the members of the Sub-Committee. Additional meetings, including with representatives of the international community, as well as with civil society activists and human rights defenders, were organised by the Secretariat of the Committee. The programme of the visit is appended.

9. However, some meetings requested could not be organised: these included President Atambayev and leaders of political parties not represented in the Parliament. Also, the Sub-Committee was not able to visit in prison Mr Askarov, prominent journalist and human rights activist who is serving a life sentence after the 2010 inter-ethnic clashes: this meeting was requested on too short notice with regard to formalities to be accomplished for a visit to a penitentiary establishment.

10. Meetings with representatives of the international community (OSCE, EU Delegation and several Embassies) provided a valuable insight on the situation in Kyrgyzstan within the regional context and a broad picture of political processes in the country. Our interlocutors welcomed the visit which proved that the Assembly takes seriously the request for partner for democracy status tabled by the Parliament. Generally, they were in favour of all steps which would help consolidate Kyrgyzstan's political choice of parliamentary democracy and strengthen its institutions.

11. The meeting with civil society representatives in Bishkek was organised in co-operation with the EU Delegation, and offered an opportunity to be briefed on some human rights related issues which cause concern. At the same time, we noted that civil society is actively involved in public life and enjoys a degree of influence on political and state institutions.

12. We had a series of meetings in the Parliament, including with Speaker Jeenbekov, leaders or representatives of all five political parties which have seats, and with parliamentarians serving on several Committees. The Kyrgyz colleagues explained in detail the functioning of their Chamber, its position in the institutional system as it results from the 2010 constitution, and the rights and duties of the majority and the opposition. They also substantiated the need for their Parliament to learn from the experience of other parliamentary democracies which was the main reason for seeking partner for democracy status.

13. On the governmental side, we should single out the meetings with Deputy Prime Minister Otorbayev and Foreign Minister Abdyldaev who convincingly argued that the democratic choice of Kyrgyzstan needed support from institutions such as the Council of Europe.

14. We also met the ministers of Justice and Interior, the Chairpersons of the Supreme Court and of the recently established Constitutional Chamber, the Prosecutor General and the newly elected Ombudsman.

15. On 31 October, three members of the *ad hoc* Sub-Committee visited Osh and met with the Mayor and the members of the Municipal Council of the city, as well as with the representative of the Government in the Osh region. The main focus was on the causes and the consequences of the 2010 ethnic violence.

16. We also met in Osh a group of local human rights defenders and lawyers who have been involved in defending in the courts the representatives of the Uzbek minority. They provided credible evidence of the ill-functioning, lack of independence and ethnic bias of justice in the aftermath of the 2010 events, and confirmed information available from, and concerns expressed by, major international human rights advocacies. These systemic problems will need further attention of the Assembly.

3. Main findings and conclusions

17. Kyrgyzstan is the only country in the region of Central Asia to have opted for a political system based on parliamentary democracy. All of its immediate neighbours and also most of its traditional partners rely on strong executive power and do not allow for the degree of freedom, openness, parliamentarism and political competition which we were able to see in Kyrgyzstan. Moreover, Kyrgyzstan sets an example which its more or less authoritarian neighbours observe with a mixture of anxiety and hope to see it fail.

18. Unlike some of its regional neighbours, Kyrgyzstan lacks a wealth of natural resources. Moreover, the resources that it has (e.g. gold) are subject to foreign exploitation and the country faces many difficulties to get a fair share of the profits. The living standards of the population are rather low and corruption has become endemic. The 2005 and 2010 events (referred to as "revolutions") were caused by popular revolt against corrupt, unaccountable and clan-based regimes. The parliamentary system is perceived as the best hope to prevent this from happening again. That is why democracy in Kyrgyzstan deserves to be helped, supported and encouraged.

19. Kyrgyzstan is a member of a number of international and regional groupings (such as the Commonwealth of Independent States, the Collective Security Treaty Organisation, the Shanghai Co-operation Organisation, etc.), and attaches importance to co-operation in these bodies in order to address its specific needs in the fields of security, counter-terrorism, border control, the fight against drug trafficking, trade, economic development, etc. However, none of these bodies put human rights, rule of law and democracy on their respective agendas. Kyrgyzstan's membership in these institutions should not be considered incompatible with the goals of the partnership for democracy.

20. Kyrgyzstan is also a participating state in the Organisation for Security and Co-operation in Europe (OSCE), which covers a broad spectrum of activities and has developed co-operation with Kyrgyzstan in several fields related to the human dimension. Still, the main focus of OSCE activities remains on security.

21. The European Union is also co-operating with Kyrgyzstan on projects aimed at strengthening democratic institutions, promoting justice reform, empowering civil society, etc. Our meetings in Bishkek showed that both the EU Delegation and the OSCE Office are strongly in favour of supporting Kyrgyzstan on its path towards democracy.

22. The Parliament of Kyrgyzstan's request for partner for democracy status should be seen in the broader context of the country's efforts to strengthen its relations with Europe, and as an entry point to co-operation with the Council of Europe. Currently, contacts are on-going between the Kyrgyz authorities and our Organisation with a view to elaborating a programme of practical co-operation in a limited number of key areas to be identified by the two sides. Co-operation with the Assembly under partner for democracy status could benefit from this future project. At the same time, it would also provide an opportunity to influence the setting-up of its priorities and to oversee its implementation.

23. In view of the above, my feeling is that the *ad hoc* Sub-Committee is now in a position to agree with the main conclusions of Mr Çavuşoğlu's report, and to recommend that the Assembly should grant partner for democracy status to the Parliament of Kyrgyzstan.

24. In so doing, we are aware, just as the Rapporteur is, that Kyrgyzstan still has a long way to go towards democracy, the rule of law and the respect for human rights and fundamental freedoms. While its record in these areas looks better than its Central Asian neighbours, it is to be assessed against European standards since the Parliament has chosen them as benchmarks on its way forward. We are therefore obliged to do what we can to make Kyrgyzstan an example of democratic success and a political success of democracy.

25. In this context, pervasive corruption, ethnically flawed, non-impartial and non-independent judiciary, continued use of torture and still unresolved consequences of inter-ethnic tensions cause particular concern and must be addressed as matters of priority, including in the framework of our future co-operation with Kyrgyzstan.

26. At the same time, partner for democracy status is not a certificate of perfect democracy but a tool to improve it by openly discussing and overcoming its deficiencies. The Parliament of Kyrgyzstan has demonstrated its will to embark on this path and its readiness to learn from best European practice.

27. Participating in the work of the Assembly and of its Committees would be an opportunity for the members of the Parliament of Kyrgyzstan to be involved in this learning process. It should contribute to strengthening the position and the capacity of the Parliament in the political system of the country and its responsibility for the implementation of much needed reforms.

28. We understand that an active participation by the Kyrgyz parliamentarians in our work – which would be the best way of contributing to a learning process and the strengthening of a democratic parliamentary culture in the country – will require additional resources from the Parliament, and that assistance from our member States and international organisations might be needed.

29. Consequently, we invite the Rapporteur to finalise his report, taking into account our conclusions and we are grateful for the work he provided us with.

Appendix

Programme of the visit to Kyrgyzstan

Monday 28 October

Arrival in Bishkek

- 13:00 Meeting of the *ad hoc* Sub-Committee on Kyrgyzstan
- 14:00 Meeting with **Ambassador Sergey Kapinos**, Head of OSCE Centre in Bishkek with the participation of **Mr Fabio Piana**, Senior Human Dimension Officer and **Mr George Katcharava**, Institution Building Officer
- 15:00 Meeting with **Ambassador Cesare de Montis**, Head of the Delegation of the European Union to the Kyrgyz Republic with the participation of **Mr Ognyan Champoev**, Head of Political Section and **Mr Cono Giardullo**, Political Officer
- 16:00 Meeting with representatives of civil society: **Ms Galina Kolodzinskaia**, Coordinator, Interfaith Council in Kyrgyzstan; **Ms Tolekan Ismailova**, Director, Bir Duino Kyrgyzstan; **Ms Aziza Abdirasulova**, Director, Kylym Shamy; **Ms Rita Karasartova**, Director, Institute for Public Analysis; **Ms Mary-Rose O'Brien**, Peace Building Programme Manager, ACTED (Agency for Technical Cooperation and Development); **Mr Fred Houston**, Director, USAID-IDLO Judicial Strengthening Program in Kyrgyzstan; and **Mr Askat Dukenbaev**, Director, Freedom House Kyrgyzstan
- 18:00 Briefing hosted by the Swiss Embassy with the participation of **Mr Rémy Duiven**, Deputy to the Ambassador of Switzerland; **Ms Gudrun Sräga**, Ambassador of Germany, and **Ms Rosie Tapper**, Chargée d'affaires *ad interim*, UK Embassy

Tuesday 29 October

- 10:00 Meeting with **Mr Asylbek Jeenbekov**, Speaker of the Parliament of Kyrgyzstan
- 11:00 Meeting with leaders of political groups of Parliament: **Mr Ulukbek Kochkorov**, "Ata Zhurt" fraction (opposition); **Ms Asiya Sasykbaeva**, "Ata Meken" fraction (majority); **Mr Igor Gusarov**, "Ar Namys" fraction (majority); **Ms Roza Aknazarova**, "Respublika" fraction (opposition); and **Mr Torobat Zulpukarov**, fraction of Social-Democratic party (majority)
- 12:30 Meeting with representatives of Committees of Parliament: **Mr Kanybek Imanaliev**, Chairperson, Committee on Foreign Affairs; **Mr Nurgazy Aidarov**, Committee on Economic and Fiscal Policy; **Mr Bakhytar Kadyrov**, Committee on Foreign Affairs; **Ms Natalia Nikitenko**, Committee on Education, Science, Culture and Sport; and **Mr Bakhadyr Suleimanov**, Committee on Foreign Affairs
- 14:20 Meeting with **Mr Almambet Shykmamatov**, Minister of Justice
- 15:30 Meeting with **Mr Djoomart Otorbaev**, First Deputy Prime Minister
- 17:00 Meeting with **Mr Erlan Abdyldaev**, Minister of Foreign Affairs
- 19:00 Dinner on behalf of **Mr Asilbek Jeenbekov**, Speaker of the Kyrgyz Parliament

Wednesday 30 October

- 10:00 Meeting with **Mr Mukambet Kasymaliev**, Chairperson of the Constitutional Chamber of the Supreme Court of Kyrgyzstan
- 11:00 Meeting with **Ms Feruza Djamasheva**, Chairperson of the Supreme Court of Kyrgyzstan
- 12:00 Meeting with **Ms Aida Salyanova**, Prosecutor General

- 14:00 Meeting with **Mr Abdylda Suranchiev**, Minister of the Interior
15:00 Meeting with **Mr Baktybek Amanbayev**, Ombudsman

Thursday 31 October

- 08:40 Departure for Osh
10:00 Meeting with **Mr Melisbek Myrzakmatov**, Mayor of Osh
11:00 Meeting with **Mr Sooronbay Jeenbekov**, Representative of the Government in the Osh Oblast
12.00 Meeting with members of the City Council of Osh
15:00 Meeting with Human Rights defenders and lawyers: **Mr Khusanbay Saliev**, **Mr Valerian Vakhitov**, **Mr Said Assanov**, **Mr Zhenish Toroev** and **Ms Tatiana Tomina**
18:40 Departure for Bishkek and end of programme

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

Mr Andreas Gross (SOC)	Chairperson / Président	Switzerland / Suisse
Ms Anne Brasseur (ALDE)	Vice-Chairperson / Vice-présidente	Luxembourg
Mr Pedro Agramunt (EPP/CD)		Spain / Espagne
Mr Andrej Hunko (UEL)		Germany / Allemagne
Mr Robert Walter (EDG)		United Kingdom / Royaume-Uni