

# ALTERNATIVE REPORT

of ADC “Memorial” and the Human Rights Movement: Bir Duino Kyrgyzstan

## ON THE KYRGYZ REPUBLIC’S COMPLIANCE WITH THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION



*Mugat children in Kyrgyzstan. Photo by ADC Memorial*

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# SUMMARY

Social changes in Kyrgyzstan (independence in the 1990s, revolutions in 2005 and 2010) have been characterized by extreme tension and large-scale ethnic clashes, which were particularly dramatic in 1990 and 2010. The conflict between the Kyrgyz and Uzbeks in the south of the country in 2010, which claimed the lives of over 400 people, again raised in all their sharpness the pressing questions of peace and reconciliation between different groups, including between the Kyrgyz majority and ethnic minorities.

In recent years, the state has become more active in combatting hate speech and racist displays of the extreme fringes, and senior officials have recognized the problem of ethnic violence and incitements to enmity and addressed these phenomena in a number of speeches. In 2013, the Kyrgyz Republic adopted a Roadmap for Strengthening National Unity and Ethnic Relations in the Kyrgyz Republic, which, among other things, professed its commitment to the principles of tolerance and its support for linguistic and cultural diversity and multilingual education. The country is conducting monitoring to prevent ethnic conflicts and has created a special agency known as the State Agency for Local Self-Government and Ethnic Relations (GAMSUMO) under the government.

However, the consequences of the events of 2010 have not been overcome: a number of provisions in the Roadmap, including those concerning language policy, and their implementation in practice can be questioned. Furthermore, the Kyrgyz Republic does not have an anti-discrimination law or any special anti-discrimination or equal opportunity programs. In reality, the creation of a civic nation of “Kyrgyzstanis” and the unifying role of the Kyrgyz language, which are specified in the Roadmap, have transformed into tools for suppressing minority rights and imposing a leading role for the ethnic majority. Justice has not been restored for the victims of the ethnic conflict. In fact, Kyrgyzstan has not implemented the decisions of international bodies in a number of high-profile cases related to the events of 2010: for example, the human rights defender Azimjan Askarov (an ethnic Uzbek) is still imprisoned.

Kyrgyzstan’s failure to fulfill its obligations under the Convention for the Elimination of All Forms of Racial Discrimination and other international standards has taken a toll on the general state of members of ethnic minorities: people interviewed by the authors of this report frequently stated that they feel “unwanted” by Kyrgyzstan and do not see a future for themselves in the country, which does not guarantee true equality for all citizens and does not combat instances of discrimination to the extent it should. Along with economic reasons, this feeling is a cause for the mass labor migration and immigration of members of ethnic minorities from Kyrgyzstan.

The state has shown more of an interest in attacks on public order and the stability of the political system rather than on eradicating displays of discrimination against certain individuals and vulnerable groups. In other words, it is engaged in “regulating ethnic relations,” “preventing conflicts,” and “combatting extremism,” which is not clearly defined in current laws, thus resulting in ethnic profiling in a number of cases concerning extremism. In this situation, the problems of the violation of the rights of children and women in closed ethnic communities (child marriage, domestic violence, religious education over secular education) are being ignored or improperly handled by state agencies.

Furthermore, ethnic tensions have not been eliminated: the failure to observe equal rights regardless of ethnicity, including the low representation of ethnic minorities in state agencies, socioeconomic inequalities between regions and ethnic groups, corruption, and tribalism/regionalism all give rise to concern about possible new conflicts.

This report was prepared on the basis of the joint human rights missions of ADC “Memorial” and Bir Duino Kyrgyzstan in November and December 2017 and January 2018, during which mission members collected field information about the situation of ethnic minorities in the north and south of Kyrgyzstan. It includes analyses of complaints made by victims of discrimination who appealed to Bir Duino Kyrgyzstan for help and the materials of court proceedings initiated on the basis of these complaints. It also uses data from published sources and the media.



# 1. AN ETHNIC MAP OF KYRGYZSTAN: A PATCHWORK OF ETHNICITIES IN THE NORTH AND LARGE COMMUNITIES IN THE SOUTH

Ethnic minorities are spread unevenly throughout Kyrgyzstan's various regions, which determines the specific nature of relations between different ethnic groups. The country's north (Chuy Oblast) is extremely ethnically diverse and is home to various, comparatively small communities (the largest groups are Russians, Dungans, Ahiska Turks (Meskhetian Turks), Uighurs, Kazakhs, and others; the smallest groups are Caucasian peoples (Darghins, Lezgians, Avaris, and others), Roma, Chinese, and others)). Uzbeks, the largest minority comprising 14.6 percent of the country's total population, are concentrated in the south, where they make up almost 28 percent of the region's population. The majority of Kyrgyz Tajiks (about one percent of the country's population is Tajik) also live here, in Batken Oblast, along with individual compact settlements of Uighurs and Mugats (Central Asian Roma). The Kyrgyz make up the ethnic majority in every region and represent 73.2 percent of the country's entire population.

The ethnic clashes in 2010 primarily affected the south of Kyrgyzstan, but these tragic events in Osh also had an impact on the country's northern regions, which also experienced headline-making conflicts both before and after 2010. For example, in February 2006, a conflict between adolescents in the village of Iskra mushroomed into an ethnic clash between the Kyrgyz and the Dungan; several Dungan homes were burned, and a number of Dungan residents fled the village. Other conflicts that were widely publicized and required significant intervention from the government were the conflict between Kyrgyz and Kurds (2009, village of Petrovka), attempts by Kyrgyz to seize land owned by Ahiska Turks (April 2010, village of Maevka), mass fighting between Russian and Kyrgyz youths (December 2011, village of Maevka) and Kyrgyz and Caucasians (January 2012, village of Djany-Djep), and other similar incidents.

In their assessments of the current situation, experts and members of ethnic minorities that we interviewed believe it is unlikely that large-scale ethnic conflicts like the one in Osh will arise either in the north or the south, but they believe that the overall situation is not ideal and is in need of constant monitoring with the participation of social organizations. In particular, members of ethnic minorities in the south reported that they try not to venture outside on the anniversary of the Osh events because they anticipate increased xenophobia and unrest.

Our respondents assessed the situation in multiethnic regions in northern Kyrgyzstan as satisfactory overall and connected this with the small number of ethnic minorities there in comparison to the south and with cooperation between state agencies and leaders of ethnic communities.

*"If you had asked me in 2005 or 2006, I would have said that we, the Dungan, were treated unequally and that the situation was tense. There were confrontations between young people, and provocations, conflicts on the streets. But then the government heard us and has started to pay better attention. If we appeal for help, they review our questions quickly. And when these questions are resolved at the level of the government, then it is easier for us to resolve them with the people." (N. Dungan woman, Iskra, Chuy Region).*

At the same time, some experts believe that state bodies are not doing enough needed work to prevent ethnic conflicts in the north:

*"Lots of Uzbeks (Osh, Jalal-Abad) and Tajiks (Batken) live in the south, so, in purely quantitative terms, the danger of ethnic clashes is greater there. In the south, the problems are economic, plus ethnic: the south is truly volatile. This can be felt in everyday life: when people talk, they try to be careful, they look at you to see if you're an Uzbek, a Kyrgyz. There's no joking or teasing about 'you're from there, I'm from here.' But how is it for us in the north? Everything is cloaked. It's as if they threw down some foliage to give the appearance of well-being, but things are stirring underneath." (A., NGO staff member, Kant, Chuy Region).*

Members of various ethnic minorities believe that a number of common problems are of current importance: xenophobia on the part of the majority, unequal treatment by the police, difficulties finding employment, loss of native language and absence of any conditions for studying or using it, low average level of education, and violations of the rights of girls and women in light of the patriarchal nature of communities.

Stereotypes connected with ethnic communities also have an impact on the situation of minorities. For example, a female Ahiska Turk explained bribery and unequal treatment by the police and courts as the result of a stereotype about the “wealth” of Turks:

*“There are differences in how Turks are treated by the police. The police think that we’re Turks, that we have lots of money, that they can help themselves. Not long ago [in December 2017], there was a situation in Krasnaya Rechka: two Kyrgyz beat two Turks, and the whole thing reached the point of the emergency room. There was a conflict at a car repair shop: the client refused to pay the cost of his repairs. The Kyrgyz arranged it so that the hospital in Kant would not accept the Turkish victims, who had to be taken to Bishkek. They wrote a complaint at the police station, but the policemen said: ‘It’s a Turk? Nothing will happen to him, he’ll survive.’ The police pressured them to withdraw the complaint. The Kyrgyz know that the police will take their side and that the Turks won’t achieve anything.” (M. Ahiska Turk, Krasnaya Rechka, Chuy Region).*

Common stereotypes of Uighurs are “rich” and “untrustworthy” (due to the connection with Uighurs living in China), and they are suspected of separatism and sympathy for radical Islamist movements. Dungan people connect their unequal treatment with the stereotypes of “rich, nonconfrontational, inclined to pay people off.”

Some minorities have specific problems. For example, Kyrgyz people who moved to northern Kyrgyzstan from neighboring countries have reported that they still have trouble obtaining Kyrgyz citizenship:

*“It is still very hard for ethnic Kyrgyz who came from Tajikistan and Uzbekistan to obtain Kyrgyz citizenship. These people used to be exempt from fines, but now they can be fined 5,000 or 10,000 som if they don’t register on time. The procedure needs to be simplified. It’s very complicated to obtain confirmation from other states that a person refused their citizenship. The procedure is now very long, and if there’s some complication—it’s all mafia, all corruption.” (M., Kyrgyz man, social activist. Tokmok, Chuy Region).*

One of the most stigmatized minorities is the Roma, even though their numbers in Kyrgyzstan are small. During the mission, we visited members of the Roma community in Tokmok, which is home to almost 30 Roma families, and found that they suffer from problems typical for this minority: poverty and the fact that children and adults do not have documents, which complicates access to social assistance and education.

Xenophobia is faced not just by ethnic minorities permanently residing in Kyrgyzstan, but also by temporary migrants, including traders at the markets and foreign students. For example, students from India prefer to rent housing in one district and travel in groups because they fear being attacked.

In 2014, over one-third of the 47 most popular media outlets published hate speech<sup>1</sup> in respect of a wide range of minorities (Uzbeks “took the lead” in 2010, Chinese and Russians were first in 2014, and they were joined by Dungans, Uighurs, Kazakhs, and Koreans in early 2015).<sup>2</sup> In recent years, hate speech has been actively used in respect of ethnic minorities from neighboring countries — Tajiks, Uzbeks, and Chinese — who are accused of seizing territory. Additionally, there have been trends towards a growth in xenophobia, migrant phobia, islamophobia, and homophobia.<sup>3</sup> Finally, there have been frequent cases when the media have directly quoted hate speech without commenting on the negative message, and accusations regarding the lack of desire to study the state language of Kyrgyz have sounded more frequently.

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1 Hate Speech in the Media and Online in the Kyrgyz Republic. Research of the School for Peacemaking and Media Technology for 2013 and 2014. Published on January 26, 2015, <http://www.fergananews.com/news/23014>.

2 Hate Speech in the Media and Online in the Kyrgyz Republic. Research of the School for Peacemaking and Media Technology for December 2014 and January and February 2015. Published in March 2015.

3 Hate speech in the media, online, and in public discourse in Kyrgyzstan. Research of the School for Peacemaking and Media Technology “Network of Social Mediators” for November and December of 2015 and January – April 2016.

## **THE SITUATION OF THE MUGAT (LYULI, CENTRAL ASIAN ROMA)**

A large, compact settlement of Mugat (Lyuli or Central Asian Roma) is located in southern Kyrgyzstan. These people have problems specific to all the former Soviet countries of Central Asia: low level of education, extreme poverty, unemployment, residence in unregistered homes with the constant risk of demolition and eviction, harmful traditional practices (child marriage, polygamy, exploitation of children, panhandling), and multi-discrimination against women and girls.

This minority is stigmatized and hemmed in by prejudice and experiences xenophobic treatment by the surrounding population. Publications in the media on the Mugat people contain hate speech.

The village of Jany-Maala, or Jany-Kyshtak, is located on the outskirts of Osh and is part of the administrative district of Kara-Suu District. By various assessment, from 3,500 to 6,000 Mugat live here. The settlement appeared in the suburbs of Osh in the 1940s. Positive trends in the life of this community have been observed: a large number of children attend school; Mugat teachers work at the school, and another few are being trained as teachers and plan to work there; members of the community are in the local Kenesh (local administration); the social organization Lyuli is part of the Assembly of the Peoples of Kyrgyzstan; a health center was built in the community with financing from Mugats themselves; and community residents perform seasonal work in the fields and at their own small businesses and keep livestock.

At the same time, however, important problems for the Mugat community have yet to be resolved.

Undocumented status continues to be widespread among adults and children, even though international and charitable organizations have implemented projects to provide Mugat people with personal documents over the past decade (the OSCE in 2005, Lawyers of Ferghana Valley Without Borders with support from the UN Office of the High Commissioner for Refugees in 2013). It is difficult to obtain birth certificates for children for several reasons, including the parents' lack of passports, the prevalence of home births, the inability to pay state fees and fines for the late filing of documents due to extreme poverty, and lack of residence registration or permanent housing in general. Thus, it is encouraging that the local school accepts children who do not have birth certificates and helps semi-literate parents fill out documents for their children. Undocumented people have complained of extortion by police officers and difficulties receiving medical care.

Mugat children arrested for panhandling are placed in juvenile adaptation and rehabilitation centers, where they can be picked up by their parents or legal representatives. However, it is difficult to do this without documents, so parents have to request certificates confirming their identities from the local administration. Police officials in Osh estimate that no more than 50 percent of Mugat children and adults have documents (interview, November 2018), but state agencies do not have any specific data.

Failure to receive a high-quality education remains an acute problem for Mugat children. Only Mugat children attend School No. 105, which is located directly in the settlement, so there is no integration with children from other ethnic groups. Mugat people speak a dialect of Tajik, but classes are taught in Kyrgyz (in Uzbek until 2010), which presents a great difficulty for children. School No. 105, which is meant to hold approximately 150 students, cannot physically accommodate all the children in need of an education: now over 500 children in grades 1 to 5 attend the school in four shifts, but even this does not apparently encompass all school-age children. After 5<sup>th</sup> grade, children transfer to a school in a neighboring settlement, but the number of students drops. For example, in 2016 only 56 children had completed nine grades. Even fewer complete all 11 grades, while very few go on to university. Furthermore, the school is poorly equipped: it does not have a computer room, gym, or cafeteria. The classrooms are very small and are meant to hold 15 to 16 children, while there are generally 25 students in a class. The school also has a problem supplying textbooks.

According to police officers, Mugat children of various ages who end up in juvenile centers do not speak Kyrgyz or Uzbek. Aside from complicating communication with police inspectors, this also shows that these children are not enrolled in school. Meanwhile, there is no system-wide cooperation between agencies that are supposed to be working on protecting the rights of children, including the right to education:

*“The juvenile centers have sent several letters to the district administration, the administration for place of residence, and the Children’s Education and Protection Department, but not everyone responds. Many children do not attend school because of their financial situation. Officials from the district department should be working on reissuing documents, enrolling children in school, and providing half-orphans with social assistance. None of this is being done.” (police officer, Osh)*

Access to medical care is limited for residents of the Mugat settlement both due to the lack of personal documents and because the settlement is technically part of Kara-Suu Region, whose medical facilities residents are supposed to use, even though the hospital in Osh is much closer. The health center in the settlement is not able to solve all the residents’ problems, and residents have complained that ambulances that have been called never come.

Poverty is a continuing problem for many families. Women from the settlement collect scrap metal and other scrap materials and work as seasonal workers in the fields. Men are generally pushed into labor migration to Russia, with all its risks, and many are unemployed.

According to some experts, recent years have seen a drop in the number of children panhandling, but this remains a widespread occupation for women. For some particularly impoverished families, regular begging with children is the only way to survive:

*“Over the past year, I have personally brought this girl (M., age 9) in [to the juvenile center] 10 times. Her 13-year-old sister came to pick her up. Their mother begs in another place, and they go there as if they are going to work.” (police officer, Osh)*

*“Each officer of the Juvenile Affairs Inspectorate brings in five children a month [to the center]. There are 35 of these inspectors for the city.” (police officer, Osh)*

The dearth of land plots for residential construction and poverty mean that the Mugat settlement contains homes constructed from makeshift materials that have not received the proper approvals from local government and architecture bodies. This creates a problem with registering their housing and connecting them to electricity, water, and other utilities.

Government authorities do not properly respond to violations of the rights of women and children: there are cases of child marriage and polygamy. Police officers who encounter Mugats frequently complain that there is no methodology for working with this category of the population that takes the specific nature of the community into account.



## THE SITUATION OF UZBEKS IN THE SOUTH OF KYRGYZSTAN AND THE PROBLEM OF OVERCOMING THE ETHNIC CONFLICT OF 2010

### BIASED TREATMENT OF UZBEKS

The official position on the ethnic conflict of 2010 is well-known and has been published in official documents like the report of the Working Group of the State Committee for National Security, the Ministry of Internal Affairs, and the Prosecutor General's Office.<sup>4</sup> The report provides an objective analysis of the systemic causes of the conflict, but it does not properly reflect the problem of the observation of human rights during the events of June 2010 in southern Kazakhstan or provide an assessment of the ethnic profiling and repressive inclinations of law enforcement agencies during the initiation and investigation of criminal cases related to the mass unrest or instances of cruel treatment or the violation of human dignity. The working group's report also contains questionable points. For example, it asserts that Uzbeks planned the unrest in advance, with the support of "third forces." This same viewpoint is expressed in a much more straightforward manner in Kyrgyz history textbooks authorized by the Ministry of Education and used by all schoolchildren in the country. In particular, one textbook states that:

*"...The groundwork was laid long before this [conflict]. For example, it has been found that the Uzbek part of the population in the southern region collected funds for buying weapons. The first report on these instances was submitted to the government in February 2010, but no measures were taken at the time or later. The discovery of several trucks converted so that riflemen could fire automatic weapons from them speaks in favor of the thesis that the carnage was planned in advance. Kyrgyz groups knew nothing about advance preparation."<sup>5</sup>*

The ubiquitous study of this viewpoint in schools does not promote ethnic peace, gives rise to frustration among Uzbek children, and forms a hostile attitude towards Uzbeks in children from the majority, especially since the Uzbek population does not agree with this thesis and considers it a gross fabrication. Our respondents also noted that textbooks downplay the role of Uzbeks in the history of Kyrgyzstan (for example, no mention is made of their part in the fight against fascism during World War II).

Experts interviewed by us assessed the situation of Uzbeks in the country's southern regions as less than favorable and the mood as depressed. This is connected not just with the economic problems of Kyrgyzstan overall and the south in particular, but also primarily with the biased treatment of the Uzbek minority in all aspects of life (social interactions, school education, employment, justice, etc.):

*"There is, of course, ethnic discrimination, but in its latent form. Uzbeks are being increasingly oppressed. In terms of justice: when Uzbeks and Kyrgyz fight and the Uzbek is the victim, it's hooliganism, but when it's the other way around, it's ethnic strife, and the Uzbek is given an above-average punishment." (N., Jalal-Abad)*

*"A police officer stops a driver, checks his documents, sees his nationality [which is listed in IDs issued before 2017] and says 'Oh, you're an Uzbek!' He responds: 'I am a citizen of Kyrgyzstan.' The officer can find a violation that he would not have found with a Kyrgyz person. For example, he may say, there's no first aid kit, headlight corrector, or fire extinguisher. Corruption is very well-developed." (A., Bishkek)*

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4 Concerning the circumstances and chronology of the tragic events of May and June 2010 in the cities of Osh and Jalal-Abad and certain districts of Osh and Jalal-Abad oblasts. Report of the Working Group of the State Committee for National Security, the Ministry of Internal Affairs, and the Prosecutor General's Office with the participation of specialists from the Office of the President and the Secretariat of the Defense Council of the Republic of Kyrgyzstan under instructions from President A.Sh. Atambaev of February 17, 2012. See the full text, June 7, 2012, at <http://www.fergananews.com/articles/7389>

5 Imankulov, M.K. "History of Kyrgyzstan: XX-XXI Centuries. Ninth Grade. Textbook for General Education Schools. Translated from the Kyrgyz. Approved by the Ministry of Education and Science of the Kyrgyz Republic." Bishkek, 2014, pg. 207.



The Uzbeks we interviewed provided numerous examples of indignities they face in daily life:

*"They humiliate and offend us everywhere. They say: 'Hey, sart\*, go back to Uzbekistan!' How could they? We've been living here since the beginning of time—in Osh, Nookat, Uzgen, Aravan, Jalal-Abad, Kara-Suu! Our homeland is Kyrgyzstan." (M., Uzbek woman, Osh) \*Sart – a disdainful name for an Uzbek.*

### **DIFFICULTIES LEARNING AND USING THE UZBEK LANGUAGE**

Even though the Uzbek and Kyrgyz languages are quite close and speakers do not have any real difficulties understand each other, the use of the Uzbek language in public on transportation and in stores and institutions is sometimes met with antagonism on the part of ethnic Kyrgyz:

*"I was on a shuttle van, and one Kyrgyz woman said to me: 'You live in Kyrgyzstan, why don't you speak Kyrgyz? Go to your Uzbekistan!'" (Kh., Uzbek woman, Osh)*

*"In school, you can't write 'welcome' or 'Uzbek language class' in Uzbek, the principal forbids it." (M, Uzbek woman, Osh)*

Egregious cases where the Uzbek language has openly been banned by the authorities have been noted:

*"In December 2015, Bir Duino Kyrgyzstan implemented a social project approved by the Ministry of Internal Affairs and aimed at improving the situation on the country's roads and knowledge of traffic rules and promoting terminals as a legal, reliable, and timely way to pay fines. As part of this campaign, print and video materials were prepared in three languages—Kyrgyz, Russian, and Uzbek. However, when they were distributing the materials in Uzbek, the project organizers were told that Kyrgyzstan has a state and official language, and that print publications could not be distributed in other languages. The brochures and booklets in Uzbek were confiscated by a senior investigator of the Osh Office of Internal Affairs. After many months of court proceedings, the court found that the investigator's actions were illegal. However, none of the officials who permitted this discriminatory violation were held liable for their actions."*

The sharp drop of instruction in the Uzbek language that occurred after 2010 and the widespread switch to instruction in the Kyrgyz language were dramatic changes for the Uzbek population in southern Kyrgyzstan. There were, however, problems in this area before 2010: textbooks were not printed for Uzbek schools, and it was not possible to use books published in Uzbekistan because they were printed in the Roman alphabet. Instead, children used old Soviet textbooks that no longer met current requirements. Now teachers in Uzbek schools teach in the Russian or Kyrgyz languages, which they know less well, and there are no state programs for further training for teachers. Thus, the level of education in former Uzbek-language schools has fallen. In this situation, Uzbeks prefer to send their children to schools with Russian-language instruction, so the classes in these schools are overcrowded with up to 40 to 50 students. Since 2015, it is not possible to take the ORT (state high school graduation exam) in the Uzbek language, graduates of Uzbek-language schools pass the exam in Kyrgyz or Russian, since there are no institutes of higher education in Kyrgyzstan offering instruction in Uzbek.<sup>6</sup>

*"As a parent, I agree that my kids should study in a Kyrgyz-language school. But the change shouldn't have been so abrupt! It's a disservice. They were told to bring a hat, but they brought a hat with a head. Now education doesn't meet the standards at all. Anyone who can hires tutors or enrolls their children at private schools." (Kh., Uzbek man, Osh)*

The authorities explain that it was necessary to switch to Kyrgyz as the language of instruction in order to overcome the isolation of the Uzbek community and ensure its integration into the country's

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<sup>6</sup> The opportunity to pass ORT in Uzbek was cancelled with the Decree of the Government N 514 (13.09.2013), that changed the Regulation of Testing of the School Graduates in the Kyrgyz Republic (2006). In 2014, the ORT in Uzbek passed 49 graduates (data of the Center for evaluation in the education and methods of teaching, media publication 05.03.2015 "The ORT in Uzbek in 2015 will not be organized – Ministry of Education <https://ru.sputnik.kg/society/20150305/1014572078.html> ).

life. The idea that learning the Kyrgyz language would be a panacea to ethnic tensions was expressed by former Kyrgyz president Atambaev in an address dedicated to the anniversary of the Osh events (2016):

*"We believe that one of the main achievements on the path to unity is that our fellow citizen Uzbeks in southern Kazakhstan have started to use the state language more. The Kyrgyz language has started to sound in public space in Osh. And this has had the immediate effect of lowering the "temperature" of ethnic relations!"*

Contrary to this idea, our respondents expressed doubts that abrupt changes in education policy would promote integration. Instead, they believe that the Uzbek community has become even more isolated:

*"What are people afraid of? They can shut you down, send you to jail. There can be attacks, set ups. There have been such cases – an after that people started to fear saying anything in the open. Community involvement died down – Uzbeks were made to understand that they shouldn't get involved. After six, after seven, no one goes into the city. I live in Yuzhny [a district of Osh densely settled by Uzbeks]- the shuttle vans just stop running because no one takes them. The stores close at 6pm. The city lives its life, but you won't see one Uzbek face in the evening. My daughter goes to an arts center. She's the only Uzbek child who travels into the city from our district. Parents are afraid to let their children out. If there are some sort of groups or sports, they try to gather in their mahalla and not travel anywhere. I've even noticed that girls have started getting married younger: their parents are afraid to let them go study somewhere. And boys aren't allowed to join the army—the parents are afraid that they will be maimed there. They are able to arrange for alternative service for a bribe." (F., Uzbek woman, Osh)*

#### **LOW LEVEL OF REPRESENTATION IN STATE AGENCIES, DIFFICULTIES RUNNING BUSINESSES**

In Kyrgyzstan, the recruitment system for government service has developed pursuant to the principles of family or clan/region, which has resulted in a violation of equal access to government and municipal positions for members of ethnic minorities.

According to data from a study conducted by Bir Duino Kyrgyzstan (2015), the share of Uzbeks in police agencies in the south amounts to approximately six percent (while 28 percent of the population in Kyrgyzstan's southern oblasts are Uzbek). Among this six percent, not one head of an oblast, district, or city internal affairs department is Uzbek. There are no members of the Uzbek part of the population in leadership positions at prosecutor's offices, and very few Uzbeks work in agencies of the court system. This situation is one of the reasons for the lack of objectivity during the investigation of criminal cases against Uzbeks and prosecutorial bias during the review of these cases in court. After the events of 2010 in Osh, representation of the Uzbek part of the population in law enforcement agencies has dropped off: a significant number of Uzbeks working in the police were fired from internal affairs agencies under various pretexts.

*"After the events, my brother-in-law was fired from the police force in Gylche. They said, 'You're an Uzbek,' they said different words. So he himself did not want to stay. He didn't bother arguing. He left for Russia." (Kh., Uzbek woman, Osh)*

It is also difficult for Uzbeks to conduct business: Uzbek residents in southern Kyrgyzstan have complained of impediments they have faced opening and running businesses, so they frequently must transfer their businesses as a formality to friends or Kyrgyz acquaintances. Owners of cafés and restaurants hire Kyrgyz servers because they fear that Uzbeks in this position may be identified by sight and scare off the customers. People even expressed fears that this could be taken as "a demonstration of everything Uzbek" and cause unpleasantness for the business and its owners (illegal checks by state agencies, attacks by nationalists). There have even been cases where Kyrgyz customers have refused to pay Uzbek servers.

The fact that the community has been deprived of leaders (politicians, businesspeople) also has an impact on the overall feeling of oppression among Uzbeks: they either face prosecution and serve their sentences or leave the country.

The under-representation of Uzbeks in Parliament has been noted by international experts (specifically, Astrid Thors, the OSCE High Commissioner on National Minorities (based on her visit to Kyrgyzstan in 2015)).<sup>7</sup>

### ***RADICALIZATION AS A RESULT OF IRRELEVANCE IN SOCIAL LIFE***

Experts have noted an overall trend towards religious radicalization in Kyrgyzstan caused, among other things, by the inability to find fulfillment in social life. This also relates to the Uzbek part of the population, whose young people are in a particularly vulnerable position:

*“Young people are becoming highly radicalized here. They are not able to assert themselves, to find their place. There’s nowhere for them to go, but the mosque gives them all of that. After 9<sup>th</sup> grade, many Uzbeks continued on to the lycée – they have dorms there. Now very few Uzbeks go there. When my son was there, he was the only Uzbek. He came home once and was covering his face for some reason. I looked – bruises. It turned out he was beaten. There were 26 people in his group—five or six girls and the rest were Kyrgyz boys. The state doesn’t regulate mosques. There are several of them in the mahalla, but who knows what they’re preaching there? There’s polygamy – now girls are willing to be second or third wives and they’re not drawn to education.” (F., Uzbek woman, Osh)*

According to the files of Bir Duino Kyrgyzstan, Uzbeks make up almost 90 percent of people convicted of extremism in southern Kyrgyzstan. At the same time, the number of people convicted of extremism and terrorism in Kyrgyzstan overall is increasing (by a factor of 3.5 over the past seven years; 185 people, including seven women, are currently serving sentences for these crimes).<sup>8</sup>

The vast majority of sentences for “extremist activity” were handed down for possession of extremist materials. Pursuant to the law “On Combatting Extremist Activities,” informational materials are deemed extremist by a court depending on where they were discovered or on the basis of a prosecutor’s submission; the court decision is then sent to justice agencies. The list of extremist materials is subject to publication in the media and on the official websites of authorized state justice agencies. However, this list was only published in 2016—11 years after the law “On Combatting Extremist Activities” was adopted in 2005. Moreover, information about materials confiscated as part of a criminal investigation has started to be published on these websites and used as a ground for finding people guilty of their possession, even though no court decisions finding these materials extremist were ever issued.

Many people charged under extremism articles complain that banned materials are planted by operatives during searches, and there have also been complaints of torture. There have been cases when police officers illegally confiscated mobile phones and forced people to reveal their passwords to social media accounts. Experts note that there are a large number of fabricated cases, that sentences are disproportionately harsh, and that laws and practice in respect of people convicted under political articles have been stiffened (cancellation of parole, baseless toughening of regulations). Our respondents believed that this kind of state policy is dangerous and shortsighted: “By putting these people in what essentially amounts to a forced labor camp, the authorities are producing terrorists on their own.” (attorney, Osh)

There are examples of arbitrary and contradictory decisions in cases concerning extremist statements and extremist literature. For example, the conviction of Rashod Kamalov, the imam at Kara-Suu mosque in southern Kazakhstan was widely publicized.

A criminal case against Kamalov was opened in connection with a sermon “On the Caliphate” that he made in Uzbek during Friday prayers on July 4, 2014. A specialist from the State Committee for Religious Affairs concluded that the sermon’s content “contravened the Constitution” (even

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<sup>7</sup> Address of Astrid Thors, High Commissioner on National Minorities, 1102nd Plenary Session of the OSCE Permanent Council, June 2, 2016. <https://www.osce.org/hcnm/244281?download=true>

<sup>8</sup> Data from the State Service for the Execution of Punishment. In 2009, 51 people were convicted for such crimes.

though, pursuant to Article 62.3 of the KR Criminal Procedural Code, only a specialist educated as a lawyer (an investigator, a prosecutor, a judge) can provide a legal assessment in a criminal case). Previously, this same specialist had already provided an assessment of Kamalov's sermon as part of a different criminal case and had found nothing illegal in it. Finally, when assessing a sermon of Kamalov recorded on a disc as part of another case against the American journalist Umar Farooq (March 2015), this specialist again decided that this sermon "contravenes the constitutional order and normative legal acts." However, the Osh City Court, which considered Farooq's case on March 28, 2015, found that there were no grounds for the criminal prosecution of this journalist, since *"these video recordings do not contain information or propaganda of a specific extremist organization whose activities are banned on the territory of the Kyrgyz Republic under a court decision."* Independent experts involved in the case by attorneys stated that Kamalov's sermon did not contain any extremist statements. Even though the sermon was not found to be extremist by a court, imam Kamalov was sentenced to 10 years in prison (even though the prosecutor asked for nine years).

Kamalov himself asserts that the criminal case against him was opened because of his statements during a meeting with government officials: Kamalov spoke about corruption in government agencies and about how some law enforcement officers pressure, intimidate, and blackmail young people.

### ***INEPT RESPONSE FROM THE GOVERNMENT TO HATE SPEECH IN THE MEDIA***

Hate speech against Uzbeks is widespread in the media and on social networks, and the state has responded to this ineptly by prosecuting the journalists who draw the attention of the government and society to this problem. For example, in 2017 the journalist Ulugbek Babakulov, whose writings criticized nationalistic attacks against Uzbeks, was subjected to harassment. Parliamentary deputies demanded his prosecution and even wanted to strip him of his citizenship, while President Atambaev publicly condemned his articles. A criminal case was opened against Babakulov for inciting ethnic discord, and the website of the Ferghana Agency, which published his work, was blocked. Babakulov was forced to leave Kyrgyzstan to escape criminal prosecution.<sup>9</sup>

### ***THE PROBLEM OF JUSTICE IN RESPECT OF UZBEKS***

Ethnic profiling in the administration of justice and unjust decisions of courts are important reasons why the Uzbek population feels so vulnerable in Kyrgyzstan. Here a significant role is played by the fact that even though the majority of victims of the 2010 ethnic conflict were Uzbeks, the majority of people prosecuted for murder and destruction of property were also Uzbeks. According to official data, 442 people died in the conflict. Among the 421 victims identified, 295 (70 percent) were ethnic Uzbeks, 123 (29.2 percent) were Kyrgyz, and 3 (0.7 percent) were members of other nationalities (Russians, Pakistanis, Uighurs). Five hundred forty-five people were prosecuted. Of these, 400 were Uzbek (73.3 percent), 133 were Kyrgyz (24.4 percent), and 8 were members of other nationalities (2.2 percent).<sup>10</sup>

According to data obtained by Bir Duino Kyrgyzstan from official sources, 105 people were prosecuted for killings committed during the Osh events. This figure includes 97 Uzbeks (92.4 percent) and 7 Kyrgyz people (6.7 percent), which means that Uzbeks faced criminal prosecution almost 14 times more frequently than Kyrgyz people. Seventeen people were prosecuted for destructing or damaging property. Of these, 13 were ethnic Uzbeks (76.5

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<sup>9</sup> Why did the Journalist Babakulov Leave Kyrgyzstan? July 13, 2017, <https://rus.azattyk.org/a/28544110.html>

<sup>10</sup> Results of the investigation into the Osh events by the Working Group of the State Committee for National Security, the Ministry of Internal Affairs, and the Prosecutor General's Office with the participation of specialists from the Office of the President and the Secretariat of the Defense Council of the Republic of Kyrgyzstan, February 17, 2012.



percent), 2 were Kyrgyz people (11.8 percent), and 2 were members of other ethnic groups (11.8 percent). In other words, in these cases Uzbeks were prosecuted 9 times more frequently than Kyrgyz people.

According to the official data by the General Prosecutor Office (2013), in the South of Kyrgyzstan there were 478 criminal cases concerning murder, 2445 criminal cases concerning destruction or damage of property, 2,175 criminal cases concerning stealing (thefts, robberies), and 37 criminal cases concerning kidnapping or hostage-taking. This adds up to a total of 5,135 criminal cases.

Seventy-three (15.3 percent) murder cases, 49 (2.0 percent) property-related cases, 95 (4.4 percent) theft-related cases, and 21 (56.7 percent) kidnapping or hostage-taking cases were solved. A total of 238 (4.6 percent) of criminal cases were solved.

Four hundred and ten (85.8 percent) murder cases, 985 (40.2 percent) property-related cases, 2,053 (94.45 percent) theft-related cases, and 23 (62.2 percent) kidnapping or hostage-taking cases were suspended. A total of 3,471 (67.6 percent) criminal cases were suspended.

#### Cases on the Osh events (official data as for 2013), summary

	Opened	Solved	Suspended
<b>murders</b>	478	73 (15,3%)	410 (85,8%)
<b>destruction, damage of property</b>	2445	49 (2.0%)	985 (40,2%)
<b>theft, robbery</b>	2175	95 (4,4%)	2053 (94,45%)
<b>kidnapping</b>	37	21 (56,7%)	23 (62,2%)
<b>TOTAL</b>	5135	238 (4,6%)	3471 (67,6%)

Bir Duino Kyrgyzstan has collected 150 files with data about persons of the Uzbek nationality who lost their lives during the events of June 2010 and in respect of whose murders criminal cases have been suspended, generally with the wording “for failure to identify a person to be prosecuted.”

Eighty-six of these victims, according to relatives, were killed near their homes as they were protecting their families and property from the crowds, 24 were killed by soldiers firing from armored vehicles, and 12 were shot by snipers.

The trials of Uzbeks facing accusations related to the events that occurred in Osh in June 2010 took place in an atmosphere of fear and intimidation and included pronounced displays of hatred, nationalistic threats, and attacks on the accused and their attorneys. The government’s failure to admit its mistakes and its unwillingness to correct the situation are clearly visible in the examples of cases that have dragged on since 2010 that have yet to see justice restored in spite of the decisions of international bodies.

#### The Case of Azimjan Askarov

Azimjan Askarov, a human rights defender who documented crimes during the events in Osh and was sentenced to life in prison for “organizing mass unrest,” has still not been released from prison, in spite of a decision of the UN Human Rights Council in respect of Askarov’s individual communication<sup>11</sup> and concern expressed by UN CERD (2013) regarding biased treatment of people

<sup>11</sup> Decision of the UN HRC in case 2231/2012 “Azimjan Askarov v. Kyrgyzstan.”

named in cases relating to 2010. The UN HRC decision was found to be a new circumstance, and the Supreme Court of the Kyrgyz Republic sent Askarov's case for reconsideration to the appeals bench of the Chuy Oblast Court, which upheld Askarov's life sentence in its decision of January 24, 2017. Thus, the Kyrgyz government has failed to implement its obligations to comply with the International Covenant on Civil and Political Rights and its optional protocols.

The Council found that the state violated Askarov's rights: article 7, read separately and in conjunction with article 2 (3); article 9 (1); article 10 (1); article 14 (3) (b) and (e) of the Covenant. In other words, the Council established the fact of torture, cruel, inhuman, and degrading treatment and the failure to provide remedy; a violation of the right to freedom and personal inviolability (arbitrary arrest); failure to ensure the right to humane treatment and respect the inherent dignity of the human person; failure to provide adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing and to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him. The Council agreed with Askarov's assertion "that his trial was characterized by a number of irregularities, such as disorder and violence caused by members of the public attending the trial."

The UN HRC found similar violations in other cases it was considering at the time of this report's writing.<sup>12</sup> The Council found that the six applicants were subjected to torture and noted the ineffective investigation, illegal detention, and unfair administration of justice. In its Views, the Council asked the State party to submit, within 180 days, information about adopted measures and to publish the Views in the state language. Pursuant to Article 2.3.a) of the Convention a State party must present applicants with effective means of legal remedy, pay full compensation to persons whose rights have been violated under the Covenant, and conduct a timely investigation into any allegations of torture made by applicants. At the time of this writing, the deadlines set by the Council had passed, but none of the Council's charges described above had been implemented.

The recommendations made by UN CERD regarding the registration and documentation of all instances of torture have also not been implemented.

*On November 1, 2016, during consideration of the case of Azimjan Askarov in light of new circumstances, the Chuy Oblast Court questioned six residents of Bazar-Korgon, who were convicted together with A. Askarov under the same charges: M. Mamadalieva, M. Korchkorov, Sh. Mirzalimov, D. Rozubaev, E. Rasulov, I. Abduraimov.*

*The convicted people spoke with pain about the cruel torture they endured during their detention on the part of police officers, beatings they received during their trials, threats to their relatives, and blackmail. For example, Minura Mamadalieva had tears in her eyes as she recounted how police officers detained her on June 26, 2010: "They were mocking me and my son. We were taken to the Bazar-Korgon police precinct. They wanted me to pay \$5,000 for my release. I was told that Askarov himself gave testimony against me, and so must say that he was on the bridge on the day when a police officer was killed. But I did not see Askarov on the bridge, because I wasn't there. I was forced to sign this testimony. They threatened that they would arrest my child. We were beaten, Askarov as well." Mamadalieva stated that her first interrogation was conducted without her attorney, and when the duty lawyer, who noticed the beatings, wanted to file a complaint about the torture and battery, the police officers told him that he should mind his own business.*

*The convicted people spoke about how plastic bags were placed over their heads to prevent them from breathing, how needles were driven into the skin under their nails, how they were beaten with nightsticks, and how electric shockers were used to obtain false testimony, including against Azimjan Askarov. All of this was recounted convincingly in conjunction with the circumstances of the case.*

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<sup>12</sup> Cases 2359/2014 and 2435/2014 A. Saidarov, A. Davudov, E. Vasilov, Kh. Erbabayev, and F. Ashirov v. Kyrgyzstan. After exhausting all domestic procedures to protect persons subjected to discrimination during the events of 2010 in Osh, Bishkek Kyrgyzstan sent the UN HRC seven individual communications in respect of 10 applicants sentenced to extended prison terms. Three of the communications in respect of six of the applicants had been reviewed at the time of this writing.

*Repeated petitions to the court and prosecutors filed by attorneys concerning the need to document the above testimony, check it, and provide a legal assessment of these facts were ignored.*

A number of human rights reports, including reports by international organizations, have recorded evidence of the wide-scale use of torture by law enforcement agencies during the investigation of criminal cases against Uzbeks.<sup>13</sup>

Juan Mendez, the UN Special Rapporteur on Torture, also made statements about this during his visit to Kyrgyzstan in December 2011. Bir Duino Kyrgyzstan has noted the ineffectiveness of the authorities' actions to investigate instances of torture: eight years have passed since the time of the events in Osh, but there has not been one court sentence that has entered into force in relation to officials or law enforcement officers who used torture and violence during the ethnic clashes in southern Kyrgyzstan in June 2010. And the government does not deny this: paragraph 48 of the State report notes that there have been no cases where law enforcement officers were disciplined or prosecuted in rape cases or cases involving the use of violence and torture against members of other ethnic communities.

### **The Failure to Restore Justice in Cases Concerning the Seizure of Businesses and Property: The Case of Gafurjan Dadajanov<sup>14</sup>**

Even though the government denies the existence of investigations into cases where members of other ethnic groups have been forcibly dispossessed of their businesses (paragraph 58 of the State report), such cases do exist. An example is the drawn-out case of the business owner G. Dadajanov, an Uzbek whose land plot of 3.1 hectares with a fruit garden and a fattening plant was seized by a group of Kyrgyz led by the head of the village municipal council (Barpy plot, Zulpuev Village Municipal Council, Nookat District, Osh Oblast).

The watchman who guarded the business and lived there temporarily with his family was cruelly beaten and driven off. Later, groups of young Kyrgyz came to Dadajanov's house several times with threats and demands that he voluntarily transfer the land plot and the business to them without complaint. Gafurjan was shamed and humiliated on the basis of his ethnicity, and his friend, who tried to talk some sense into the crowd, received a harsh beating. An investigator from the Nookat District Prosecutor's Office also humiliated Dadajanov by saying: "If you don't like it, go back to your Uzbekistan." With assistance from Bir Duino Kyrgyzstan, it was possible to inform then-president Otunbaev of Dadajanov's case and organize a meeting between Dadajanov and A. Salyanov, the former procurator general of the Kyrgyz Republic during their visit to Osh. After this meeting, the Nookat District prosecutor opened a criminal case on the seizure of Dadajanov's land plot.

The investigation of the criminal case moved from one investigator to the next over several years. Then it was suspended for lack of corpus delicti, even though the people who seized the land plot were openly building homes on this plot. All these years, Dadajanov's repeated complaints and appeals to state authorities have been conveyed to the people about whom he was complaining. Paradoxically, this land plot is still listed under Dadajanov's name, even though it has been divided into parts, and people, including families with many children, live in homes that have been built on this land.

Thus, the longer the case drags on, the harder it will become to achieve a just resolution: returning the land plot to its legal owner will result in the eviction of a large number of families that were able to illegally build homes on these plots with the connivance of the authorities, while

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<sup>13</sup> Joint report of Amnesty International and Human Rights Watch "In Expectation of Justice," 2011; "Kyrgyzstan: Dereliction of Duty," Report of Amnesty International, 2012. <https://www.amnesty.org/download/Documents/24000/eur580012012en.pdf>

<sup>14</sup> For reporting on Dadajanov's case in the media, see, for example, <http://golos.kg/?p=15267>, <http://www.fergananews.com/articles/9473>

some families have even sold their homes to other people. The absence of the government's political will to acknowledge this conflict as an ethnic conflict in a timely manner and its disregard for legal requirements to suspend construction of the homes (as part of the investigation of a previously opened criminal case) may now result in an explosion of public anger and a new ethnic conflict. Nevertheless, a fair decision must be reached in Dadajanov's case: it is one of very few cases when an applicant's persistence made it impossible to brush a crime under the rug, even though the case never reached trial. As of now, numerous cases on the destruction or seizure of small businesses owned by Uzbeks (cafés, small shops) have not been investigated or legally evaluated, and the victims have not received due compensation because the authorities cannot seem to make a final decision to give a legal opinion on them.



## 2. IMPLEMENTATION OF PROGRAMS TO STRENGTHEN NATIONAL UNITY AND IMPROVE ETHNIC RELATIONS

In response to the challenges of 2010 and in line with previous recommendations by UN CERD, the Roadmap for Strengthening National Unity and Ethnic Relations in the Kyrgyz Republic was adopted in 2013. The provisions of this document have been repeatedly articulated by the country's president specifically in the context of the 2010 events.<sup>15</sup>

### CREATING A "COMMON CIVIC IDENTITY" INSTEAD OF ENSURING EQUALITY

One of the means for achieving ethnic peace listed in the Roadmap is the creation of a common civic identity, i.e. the building of a civic nation of "Kyrgyzstanis," where a person's ethnicity and religion take a backseat to their identity as Kyrgyz citizens.

Meanwhile, in reality, members of ethnic minorities do not see any contradictions between the various components of their identities: our respondents already feel that they are Kyrgyz citizens prepared to work for the good of the country, but there are no general civic guarantees of non-discrimination, equal treatment, respect for the language and culture of minorities, or observance of the law.

*"I'm Russian, but I'm also a patriot of Kyrgyzstan. I'm a teacher, I've worked for the benefit of my country my whole life. Our village Keshok used to be purely Russian. But now the Russians have been washed out of here like sand. They don't feel like their children have a future here. If the authorities would just openly say: 'Don't leave, for us, you're equal!' Here they write 'dominant ethnic group.' What is that? One is better than the others? There must be real equality. If I appeal to state authorities, I have to be sure that my appeal will be dealt with on an equal basis." (T., Russian woman, Chuy District)*

*"When the government starts providing citizens with quality services, then people will trust it, then they won't be ashamed to say 'I am Kyrgyzstani,' then this civic nation will form. But there isn't true equality! Some people here are more equal than others, while the state walks all over the others." (A., Kyrgyz woman, staff member at an NGO. Chuy District.)*

It is not just economic problems and the opportunity for legalization created for some minorities by certain countries that force members of ethnic groups to leave Kyrgyzstan: the lack of equal employment and business opportunities and corruption also make minorities feel unwanted. Members of diverse ethnic groups in diverse regions of the country spoke to us about this:

*"Turkey recently adopted a law about us Ahiska: they found that we are Osman Ahiska, Turks, so we have the right to a five-year residence permit and then to receive citizenship, the right to work, and medical insurance. People in our village are selling their homes and all their property and leaving: if a family has at least two laborers, then it can get by in Turkey. And why do they leave? Well, what kind of work is there here? Drudgery! You drag bales around in the fields, shovel manure at home, and then sell milk for only 16 som. You can't cover your expenses. As my husband says, all we have left is manure. Where will the young people work? There aren't any factories here. Some of our young men studied to become police officers. One of our relatives also took that job—he worked a year or two and, a kick in the pants. Because they have enough of their own there. 'Turks! Go do some drudge work! Why did you get training? It's our livelihood, we're going to work here.' They don't allow our people to advance. My son is about to graduate from medical school, and I wonder, will they hire him or not? I think it would be better for him to finish his residency in Turkey and maybe stay there." (M., Ahiska Turk, Krasnaya Rechka, Chuy Oblast).*

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<sup>15</sup> See the statement on the anniversary of the events of June 2010.

*"Nationality still plays a big role. If you're Russian, you won't really be able to advance. Or you can break your own path and open a business, but they still won't really let it take off. You can't overcome bureaucracy. Well, and we don't have the connections for that." (T., Russian woman, college teacher, Chuy District)*

*"In the Dungan community, mainly boys attend university—for example, medical schools. But they can't get a job: they don't want to go to some village hospital because it doesn't pay well, but the others have divided everything up amongst themselves in the good clinics. For example, my son's friend tried to get a job as a surgeon, but he was told there were no vacancies in the clinic. But then we learned that they hired someone of their own. Of course, he didn't have any experience, so that may be why they didn't take him. But my daughter is listed as 'Kyrgyz' in her documents, and it's easier for her to move ahead." (A., Dungan woman, Kant, Chuy Oblast)*

*"There is a desire to leave. Children don't have any opportunity to develop themselves here. Maybe in Bishkek, but not here. I'm referring to groups that help enrich activities. It's safer to sit at home than take a walk with your child in the dark streets. I think Kyrgyzstan has a lot of resources for development. I'm ashamed for my nation, they could create lots of jobs if they wanted. What's lacking is that freedom. Let's say we want to open a private school—there are a lot of impediments. And it's hard to stay afloat in small cities—there's no assistance for small businesses." (G., Kazakh woman, Kant, Chuy Oblast)*

*"As local Uzbeks, we can't find our place in the government structure, even with a higher education and work experience. People are hired only if they're Kyrgyz or if they pulled some strings. If you're Uzbek, there's no way you can open your own business on your own: you need the 'patronage' of the Kyrgyz. Just give us a chance to work normally, and we'll boost the country's economy! But they don't give Uzbeks a chance to work! So we leave and become citizens of other countries." (O., Uzbek woman, Osh)*

*"Uzbeks also have to be able to have good jobs—they're lifting Kyrgyzstan up, they're also literate. Our children don't even talk about what jobs they will have. The Kyrgyz won't give us work, even if we've graduated from an institute." (Kh., Uzbek woman, Osh)*

## **INADEQUATE MEASURES TO COUNTER NATIONALISTIC SPEECHES**

The principle of respect for diversity stated in the Roadmap is actually interpreted as giving the Kyrgyz majority the main role in society and does not leave opportunities for ethnic minorities exercise their right to develop their languages and cultures. Former president A. Atambaev expressed this quite clearly when he criticized the principle of multiculturalism:

*"We have taken a new approach to the term 'finding unity in diversity.' We have spent a long time trying to impose the idea that, first and foremost, the path to unity lies through 'respecting the diversity of languages and cultures in a multiethnic society.' But the world has seen where this kind of policy has led many countries, including countries in Europe. Kyrgyzstan's Roadmap, on the other hand, proceeds from the assumption that the most important aspect is respect for one's country, its history, culture, state language, and love for the homeland. This is what must unite. This is what we see as the main condition for achieving harmony between members of the Kyrgyz nationality and members of other nationalities."<sup>16</sup>*

Direct demands that the country's "calling card" must be everything Kyrgyz can also be heard in the speeches of highly-placed officials and in everyday situations from regular members of the majority towards members of ethnic minorities. An extreme form of this demand is draft law "On Granting the National Headdress Ak Kalpak the Status of Cultural Symbol" (January 2018).<sup>17</sup>

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<sup>16</sup> Speech of President of the Kyrgyz Republic A.Sh. Atambaev to the People of Kyrgyzstan on the 6th Anniversary of the Tragic Events of June 2010.

<sup>17</sup> Draft of the law "On Granting the National Headdress Ak Kalpak the Status of Cultural Symbol" on the website of the Jogorku Kenesh (Kyrgyz Parliament), proposed for consideration on January 8, 2018. <http://www.kenesh.kg/ru/article/show/3151/na-obshtestvennoe-obsuzhdenie-s-8-yanvarya-2018-goda-vinositsya-proekt-zakona-kirgizskoy-respubliki-o-pridanii-natsionalnomu-golovnomu-uboru-ak-kalpak-statusa-kulyturnogo-simvola>

Pursuant to this draft law, senior government officials performing their duties and participants in public and sporting events representing Kyrgyzstan within the country and abroad must wear the Ak kalpak – the national Kyrgyz headdress for men; “the procedure for wearing the Ak kalpak is determined by the Government of the Republic of Kyrgyzstan”; “the Ak kalpak may not be used except for its designated purpose”; “desecration” of this symbol entails prosecution.

This bill could be considered amusing if its official publication and solemn reception did not reflect a distinct trend in Kyrgyzstan’s public life. Previously, in 2016, a Jogorku Kenesh deputy’s proposal to ban the import of ak kalpaks from abroad gave rise to ironic responses in the media and on social networks.<sup>18</sup> Later, a number of cases connected with the ak kalpak as a national symbol were met with a hysterical reaction in society: for example, many users of social networks supported the man who hit his child for putting an ak kalpak on his foot (i.e., in the eyes of outraged participants in the discussion, the child “abused” the ak kalpak);<sup>19</sup> a participant in the Dog’s Fashion Show 2018 who put an ak kalpak on her dog’s head faced pushback both online and in the speeches of parliamentary deputies (checks at the mayor’s office and the university where she studied where initiated in respect of this young woman, submissions were sent ordering the adoption of measures to prevent similar incidents in the future).<sup>20</sup> According to some reports, this woman was forced to leave Kyrgyzstan as a result of this harassment.

There are other instances where people have been forced to wear Kyrgyz national clothing. For example, a school principal forced teachers to wear Kyrgyz vests during workhours (report on the situation in Osh). These kinds of measures are not accepted in close-knit communities of ethnic minorities.

## THE QUESTION OF ETHNICITY AS A PART OF PUBLIC DISCOURSE

The question of which Kyrgyz citizens belong to which ethnic group (and within each ethnic group, to which regional group or clan people belong) remains fundamentally important for public consciousness. Residents of the republic can be easily recognized by their facial features, clothes, or accent. Ethnicity is listed in official documents along with a person’s other personal information. Confirmation of this information is required by government agencies:

*“Indication of nationality was removed from our documents long ago. We received our passports in 1995. They only listed ‘citizen of the Kyrgyz Republic.’ But people, and the state as well, were still interested in your nationality. When I enrolled in the university, they asked for my birth certificate to confirm and make a note of my nationality. So this question of “Who are you?” still remains. We passed through this and now we have returned to it.” (A., Kyrgyz woman, NGO staff member, Kant, Chuy Oblast)*

The question of ethnicity is a regular component of discourse in Kyrgyzstan. The country’s most recent presidential elections (2017) were no exception: at the XI Congress of the political party Ata-Zhurt in July 2017, the well-known political activist Azimbek Beknazarov came out in support of two candidates, setting their position against President Askar Akaev’s famous rallying cry of “Kyrgyzstan is our Common Home”:

*“Both presidential candidates are pure-blooded Kyrgyz. Kyrgyzstan needs Kyrgyz people, it is a country of the Kyrgyz, and our president should work for the Kyrgyz people. We must tear down the*

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<sup>18</sup> Deputy Proposes a Very Funny Bill on the Ak Kalpak, September 13, 2016, [https://kaktus.media/doc/344473\\_depytat\\_predlagaet\\_ochen\\_smeshnoy\\_zakonoproekt\\_pro\\_ak\\_kalpaki\\_spravka\\_zdes.html](https://kaktus.media/doc/344473_depytat_predlagaet_ochen_smeshnoy_zakonoproekt_pro_ak_kalpaki_spravka_zdes.html)

<sup>19</sup> This incident occurred in July 2017. See, for example, the report “The Police Establish the Identity of the Boy of Put an Ak Kalpak on his Foot,” July 28, 2017, <https://kloop.kg/blog/2017/07/28/militsiya-ustanavlivaet-lichnost-malchika-nadevshego-na-nogu-ak-kalpak/>

<sup>20</sup> The show took place on December 22, 2017; on December 28, 2018, deputies called for the dog owner to be prosecuted during discussion about this incident in the Jogorku Kenesh. See “How the Scandalous Story of the Dog in the Ak Kalpak Ended,” January 1, 2018, [https://kaktus.media/doc/368427\\_chem\\_zakonchilas\\_skandalnaia\\_istoriia\\_o\\_sobake\\_v\\_ak\\_kalpake.html](https://kaktus.media/doc/368427_chem_zakonchilas_skandalnaia_istoriia_o_sobake_v_ak_kalpake.html)

*“common home” built by Akaev. The time has come to separate people born and raised in and in favor of the “common home” from those who are prepared to serve their country and their people.”<sup>21</sup>*

The nationality of presidential candidate Omurbek Babanov was the subject of heated discussions during the 2017 campaign. In the eyes of his opponents, the fact that he was not a “pure-blooded” Kyrgyz and that he was married to a Caucasian woman was incompatible with the office of the president. The ethnic majority’s failure to accept him was also caused by a speech he made to Uzbeks in a close-knit community in Osh. A phrase from the speech that was taken out of context caused a criminal case to be opened against him for “public calls to a forcible change in the constitutional order” and “incitement of ethnic, racial, or religious enmity.” Meanwhile, in his speech, Babanov set the nationalistic rhetoric of his opponents against the idea of equality and multinationalism:

*“When I become president, our country will look at a person’s professionalism and not his nationality. Kyrgyz, Uzbeks, Kazakhs, Tajiks – everyone will be equal! Everyone will have a good job depending on their skills. Our country’s wealth lies in its multinationalism. We will develop our country together! The time for change has come!”<sup>22</sup>*

Political forces view ethnic groups in close-knit communities as a convenient electoral resource for manipulation, so they put pressure on official and unofficial leaders during election campaigns. Campaigning for candidates is also conducted in mono-ethnic mosques visited by men from tight-knit and fairly closed ethnic groups (women are deprived of the right to make an independent decision as voters since groups generally make a community-wide decision on voting). During the 2017 presidential campaign, Chuy Oblast, which is home to a dense community of Dungan people, gave many of its votes to Babanov, which caused dissatisfaction among members of the ruling party, particularly former president Atambaev, who made a vague statement in a speech to students that Dungans took as an expression of dismay regarding their disloyalty:

*“During the last election, I saw how a person who would naturally not work in the interests of Kyrgyzstan as its president was forced on the country. A very charismatic candidate, handsome, with beautiful eyes, with sugar-coated words. And, naturally, many people fell for this, even though the devil always appears in a beautiful guise, the guise of a man, of a woman. The demon, Satan, always appears in a beautiful guise. <...> And this type of president would be venal in the place of Jeenbekov. And only God saved us, because many people fell for his beautiful eyes, his beautiful words. For money. Even... well, I spoke about the Dungan Khalikov, many Dungans even... this was naturally a shock for me. Not only... I don’t want to accuse some... We are the unified multiethnic people of Kyrgyzstan. <...> And we must remember this and not split. If an ethnic community is turned against the country, it’s their leaders doing the turning. And our law enforcement structures must determine how to handle this. Because, as we have now seen, some of them work for other countries.”<sup>23</sup>*

In January 2018, a new Dungan association was created in Kyrgyzstan even though another Dungan association had been in existence for 25 years. This was taken by a part of the Dungan community as “revenge” for voting for Babanov. Abdumadjit Yusurov, a deputy in the Jogorku Kenesh, became the head of the new association, and the election was uncontested, since the second candidate, who was supported by the Dungan community, was forced to withdraw from the race. No observers from GAMSUMO or the People’s Assembly of Kyrgyzstan participated in the election, so some members of the Dungan community believe that these elections are illegitimate and that the very creation of a new association and the election of its leader were imposed.

Members of the Ahiska Turk community living in northern Kazakhstan also reported that they were harassed for voting for a candidate from the opposition.

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<sup>21</sup> “Kyrgyzstan is a nation of the Kyrgyz, we must tear down the ‘common home’ built by Akaev,” Azimbek Beknazarov, July 18, 2017, <http://knews.kg/2017/07/kyrgyzstan-dlya-kyrgyzov-a-ne-obshhiy-dom-postroennyj-akaevym-azimbek-beknazarov/>

<sup>22</sup> Babanov’s Speech in Osh. Why was a Criminal Case Opened Against Babanov? November 4, 2017, [https://kaktus.media/doc/363768\\_rech\\_babanova\\_v\\_oshe.\\_iz\\_zachego\\_na\\_babanova\\_vozbydili\\_ygolovnoe\\_delo.html](https://kaktus.media/doc/363768_rech_babanova_v_oshe._iz_zachego_na_babanova_vozbydili_ygolovnoe_delo.html)

<sup>23</sup> Transcript of A. Atambaev’s speech to scholarship students, October 18, 2017, <http://www.for.kg/news-454131-ru.html>



### 3. THE ACTIVITIES OF STATE AGENCIES RESPONSIBLE FOR ETHNIC RELATIONS

#### INEFFECTIVENESS OF GAMSUMO

A special body known as the State Agency for Local Self-Government and Ethnic Relations (GAMSUMO) was created to achieve the purposes specified in the Roadmap for Strengthening National Unity and Ethnic Relations in the Kyrgyz Republic. Local self-government bodies were also charged with monitoring ethnic relations and preventing conflicts. In December 2017, GAMSUMO gave an account of the work it had completed since 2013, reporting on the creation and successful functioning of an early conflict prevention system, which includes a republic-wide interethnic public advisory council of 33 people, 20 interethnic public advisory councils in 20 multiethnic regions, a monitoring center, and an interactive map of potential conflict points.<sup>24</sup>

In presenting the results of GAMSUMO's work, its director Bakhtiyar Saliev said: "Ethnic relations in Kyrgyzstan are going through a process of stabilization and entering a new level of development. There have been no instances of discrimination, pressure, or infringement of the rights of ethnic groups, but there have been individual incidents between citizens at the everyday level that some are trying to paint as ethnic."<sup>25</sup>

It is true that serious ethnic conflicts involving violence occur rarely, and this should only be welcomed. However, in comments about this agency's work, staff members of social organizations in Kyrgyzstan and members of ethnic minorities have expressed doubts about how effective the work of the agency and its associated structures really is. They believe that GAMSUMO's intervention in a conflict situation will not result in the true resolution of the conflict and that most everyday conflicts are groundlessly transferred to an ethnic plane:

*"When GAMSUMO started work to prevent ethnic conflicts, I think they even aggravated the situation. On the one hand, they don't really resolve anything, and, on the other hand, people think: 'Aha! The ethnic question is popular now' and use this tool destructively. For example, a Kyrgyz man and a Dungan man quarrel about an everyday matter. And the Dungan man says: 'I'll write a complaint about you,' even though in this case there is no need to paint the conflict in an ethnic light. And most importantly, even if the Dungan man complains at the reception office or the police precinct, he still won't be able to resolve the matter; he will remain on the outside. The Kyrgyz have many relatives, they help each other out and try to cover up for each other. And if an ethnic minority comes in, then they make this person into the guilty one." (O., NGO director, Tokmok, Chuy Oblast)*

*"Since 2010, any conflict we have is transferred to the ethnic plane, usually without any grounds whatsoever. The media latches onto this right away and presents it as if it's some sort of scoop. Instead of focusing on ethnicity, what needs to be sorted out is what the participants did that was illegal." (NGO staff member working with local communities in a multiethnic district, Chuy Oblast).*

Our respondents explained this by what they see as the implausibly high number of appeals to local reception offices that were connected with ethnic conflicts and listed in GAMSUMO's report (3,297 for the period of 2013 to 2017). It should be noted that independent monitoring of the work of 15 public reception centers (out of the existing 20) shows that there were 165 appeals in 2014 and 294 appeals in 2015.<sup>26</sup>

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<sup>24</sup> For more information on GAMSUMO activities, see the official website at <http://www.gamsumo.gov.kg/ru>.

<sup>25</sup> GAMSUMO: Presentation on the Implementation of the Roadmap for Strengthening National Unity and Ethnic Relations, December 29, 2018, <http://kg.akipress.org/news:1423841>

<sup>26</sup> This monitoring was conducted in 2015 by the social organization Kylym Shamy.

Additionally, the population of multiethnic districts is not well-informed about the existence of these reception centers and the nature of their activities. Members of ethnic minorities who spoke with the authors of this report had never appealed to these reception centers, either because they did not know about them or because they did not trust them. They also expressed the opinion that not enough outreach work to prevent ethnic conflicts was being conducted with the participation of local communities, the police, and social organizations.

Some experts complained about the “box ticking” approach taken in the work of GAMSUMO’s public reception centers:

*“I have been a member of one of these reception centers for four years. The other members are Kyrgyz, Uzbeks, and imams. They gave us a room at City Hall. I have never been called – I ask if there are any complaints, and they say ‘no,’ or ‘there were, but we resolved them.’ GAMSUMO is filled with Kyrgyz people, but other ethnicities are poorly represented.” (human rights defender, South of Kyrgyzstan).*

## **INEFFECTIVENESS OF POLICE RESPONSE TO ETHNIC CONFLICTS**

In terms of police response to incidents involving ethnic minorities, our respondents noted that investigations into these incidents are ineffective and that there is a high level of corruption:

*“We had a conflict in our town about parking in the courtyard. During it, a Kyrgyz guy hit a Russian woman and screamed ‘You, Russians, go back to Russia.’ Complaints were filed with the police, but this guy turned out to be a police officer himself. So this woman was openly told that the police would not open a case.” (O., NGO director, Tokmok, Chuy Oblast)*

*“We had a conflict in January 2018. Some ‘local’ Kyrgyz and Uighurs beat some Kyrgyz people who had moved from Tajikistan (former refugees). They fought and screamed ‘We’ll throw you out! In two hours you won’t even be here!’ They blocked the road, destroyed the car. Many people suffered, and two were even taken to the ER. They filed a complaint with the police, but you know how these kinds of matters are resolved. There was no hope of a trial. The attackers were not detained. The state needs to be concerned with the rights of ethnic groups so that such cases are not repeated, so that people can live quietly and not spend the whole night worrying that they will be attacked. If the law doesn’t work, these hooligans will start something again! They will know that they can beat, they can take away, and nothing will happen to them.” (M., Kyrgyz man, social activist. Tokmok, Chuy Oblast).*

Our respondents explained the police’s failure to act and, as a result, the fact that the guilty went unpunished as factors that can cause everyday conflicts to grow into ethnic conflicts. Jogorku Kenesh deputy Bakhadyr Suleimanov, a member of the Dungan community, expressed this clearly in his comments on the failure of police officers to act when investigating a fight involving Kyrgyz people and Dungan people (2013):

*“We’re dealing with everyday conflicts. We can’t give them a political tint. But I am demanding that local authorities take measures so that no one attaches the label of ethnic clashes to these conflicts. If the authorities aren’t going to work and the guilty go unpunished, the problem will escalate into ethnic discord.”<sup>27</sup>*

Our informants noted that the population’s lack of knowledge about GAMSUMO’s tools and its distrust of police agencies force people to resort to criminal structures to restore justice. Conflicts of children, who are exposed to criminal culture and unite into gangs on the basis of ethnicity, remain outside the field of vision of the police.

While welcoming programs to educate and promote the idea of tolerance (like “Kyrgyzstan – A Country of Diversity”), experts and members of ethnic minorities have noted that this work is insufficient and poorly financed, particularly in educational institutions and the media, which reaches a large

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<sup>27</sup> The Dungan Diaspora in Kyrgyzstan Fears that the Incident with the Kyrgyz may Turn into a Full-blown Ethnic Conflict, August 16, 2013, <http://www.paruskgo.info/2013/08/16/85531> .

audience (as financing from the OSCE and other donors for projects promoting tolerance is ending). Experts also criticized forums held by GAMSUMO and believe that they have little effect and represent “money laundering.” They are also critical of the activities of the Assembly of Peoples of Kyrgyzstan, which, in their opinion, is ceremonial in nature and does not respond to the day-to-day problems of ethnic communities:

*“In Osh we have about 15 cultural centers of different ethnicities. When the Assembly holds a holiday celebration, these centers set up stands, but as soon as the committee from City Hall passes by and checks off the box that everything is beautiful, we have peace and friendship, these stands are immediately taken down. In other words, they’re not doing this for the people. And in reality, everyone actually complains about them: What function is the Assembly performing? What is the point of it? Many people ask these questions.” (S., journalist, Osh)*

The fact that a lieutenant general from state security agencies (Tokon Mamytov) was appointed chair of the Assembly has also raised the eyebrows of experts: they believe that this is evidence that the state’s very approach to the problem of ethnic relations is potentially repressive in nature.

### **FAILURE OF STATE AGENCIES TO PAY ATTENTION TO VIOLATIONS OF THE RIGHTS OF VULNERABLE MEMBERS OF CLOSED ETHNIC COMMUNITIES: WOMEN AND CHILDREN**

According to our respondents, the activities of state agencies in the sphere of ethnic relations is only intended to give the appearance that all is “quiet and peaceful.” At the same time, negative trends in the development of ethnic communities are overlooked. These trends include: isolation, “quiet radicalization,” and violation of the rights of vulnerable members: women and children. Experts and members of different ethnicities told us about problems like child marriage, denial of access to schools, particularly for girls, domestic violence, the fact that women are restricted to activities involving caring for the home and family, and polygamy:

*“In closed groups like the Kurds, the Dungans, the Tajiks, the Uighurs, and, in the south, the Uzbeks and even Kyrgyz migrants, the problem of child marriage is very real, so there is also an ethnic aspect. The decisions are made by the elders and there is no outside monitoring, so it is very likely that the rights of women and children will be violated. It has become prestigious to send your daughter to a madrassa – she won’t be ‘spoiled’ there and she’ll get a good education. And then she can be quickly given in marriage, at about the age of 14. And here our ethnic groups are actually leading the way. If we compare our local Kyrgyz and Kyrgyz migrants from Tajikistan, we can see that the migrants believe marriage at the age of 14 is normal, while our local Kyrgyz are ashamed of this. The madrassa is also becoming monoethnic: we have a Dungan madrassa, a Uighur madrassa. Whichever nationality sponsors it, that’s the nationality that will attend. Our women have ended up in the middle of a fight between secularism and religion. Our seminars on women’s rights frequently lose out to women’s dawah groups that travel around the villages and cities and agitate for Islam. They also hold their own training sessions: how to appease your husband, how to accept a second wife, and so forth.” (A., staff member of a social organization, Chuy Oblast)*

*“In the Dungan community, our women start having problems when they are children. First of all, girls don’t complete their schooling. After 9<sup>th</sup> grade, and sometimes earlier, many people don’t allow girls into schools at all, especially in villages. In the best case, they send a girl to some madrassa, but otherwise, she’s at home, doing household tasks, watching the younger children, not attending school. The schools say: ‘Well, that’s their mentality. The Dungan hold their religion dear, there’s no point in arguing with them. If they can read and write, well, that’s enough.’ Education is not welcomed in a typical Dungan family. To go somewhere to work—well, that’s just not there. Dungan women mainly sit at home, work at the market, or bake something at home to sell to a store. They have no education, so they won’t be hired anywhere and they don’t participate in state life. They see their husbands for the first time at their weddings. Their parents come to an agreement and, in the best case, they’ll see a photograph before the wedding. If young people date, that’s considered a disgrace!*

*So here the girl moves from one family to another, and it's the same thing there, if not worse: 'don't go here, don't go there, don't watch TV, don't go online.' The mother-in-law starts mistreating the daughter-in-law, the daughter-in-law goes around like a slave. She has no education, she is entirely dependent on her husband's family. The age of marriage—my niece got married at 16. Eighteen is already considered old—the bride price is lower. But if they're 20, there's no bride price at all. Our women don't go to the doctor much: they say, Allah will help you if you believe. If women read their prayers, they do it at home, with their age groups. One woman learns the Arabic letters, gets 10 to 15 people together, and they all study the laws of Islam. Our women aren't allowed in mosques." (A., Dungan woman, Kant, Chuy Oblast).*

*"I completed 6<sup>th</sup> grade and then studied in Dagestan. Then I took Islamic education. It's not customary for us Darghins and other Dagestanis (Lezgians, Avaris) who live here to enroll in university. Our girls complete 5<sup>th</sup> or 6<sup>th</sup> grade, because Islam does not encourage communication with boys. Girls help out around the house, some study in the madrassa." (A., Darghin man, 20<sup>th</sup> Khutor, Chuy Oblast)*

*"Child marriage is common among Darghins. Children stop going to school when they are 11 or 12. School attendance is also poor because of religion, which is the case for the children of Kyrgyz people who moved to our village from Tajikistan. My students want to leave classes for prayers. One boy started crying when he was late for Friday prayers. That's apparently the expectation at home. At the time I told him: 'Let your dad come to me, I'll talk to him. I'm a Muslim just like you, you have to study, you can't leave class.' These parents wanted to ban the New Year's celebration in school. We didn't let that happen." (T., Ahiska Turkish woman, teacher, Chuy Oblast)*



## 4. PROBLEMS IMPLEMENTING LANGUAGE POLICY TO ENSURE NATIONAL UNITY

### THE STIGMA OF NOT KNOWING THE STATE LANGUAGE

People in Kyrgyzstan are extremely sensitive to the language question. After the events of 2010 in Osh, the proportion of schools with instruction in different languages changed: in the country's south, Uzbek schools and classes started to be shut down, while the number of classes and schools providing instruction in the state language of Kyrgyz increased. Since 2013, a number of amendments were made in the legislation on language and on civil service in order to widen the use of the state Kyrgyz language and to oblige state officials to speak Kyrgyz on respective level.<sup>28</sup> At the same time, the Russian language, which has the status of "official" enshrined in a special law,<sup>29</sup> in the law "On the State Language," and in the country's Constitution, remains the sole literary language for most Kyrgyz citizens, whether they are ethnic Kyrgyz, members of minorities who speak their native languages (Kyrgyz or other languages) only in their daily lives or not at all, and for Russians. It is also the common language for communication between different ethnic groups. Instruction at secondary schools and universities is mainly in Russian. It is also desirable to know Russian because hundreds of thousands of Kyrgyz citizens are propelled into labor migration to the Russian Federation.

The country has periodic discussions about making Kyrgyz the only language in the country, and there have been proposals to fine government officials for using Russian in public.

The dominance of the Russian language in education and official life developed under the Soviet Union, and it is not realistic to think that it can be suddenly overcome. This is because middle-aged and older people (both Kyrgyz and members of other ethnicities) did not study Kyrgyz in school, and also because the Kyrgyz language lacks developed terminology in some disciplines.

However, many institutions require documentation to be in Kyrgyz, and failing tests on the Kyrgyz language has become a cause for dismissal or refusal of employment, even though conditions have not been created for adults to study Kyrgyz:

*"Right now I'm worried that everything will be moved to the state language. This is an enormous problem. I'm scared of losing my job. I'm a teacher, I have been my whole life—I can teach anyone my subjects. Many disciplines are not developed in minority languages, and there are no textbooks or methodologies for teaching in this language. All the disciplines have traditionally been taught in Russian here, so it's good that Russian still has the status of an official language. If I had been taught Kyrgyz since I was a child, I would have been happy to learn it. But there were no Kyrgyz classes in our time. We're thrilled that our children take classes in Kyrgyz."* (T., Russian woman, Chuy Oblast)

*"I worked in the mayor's office, but I didn't pass the language test. Even if you're the top specialist in your area, preference is still given to people who speak Kyrgyz."* (M., Chinese woman, Tokmok, Chuy Oblast)

*"I went to school in the 1990s. There was only one Kyrgyz language teacher for the entire school. There were no textbooks. The state needs to release new textbooks. Now schools always have a shortage of textbooks. My nephews have to buy them up, they go to Bishkek and look for old Soviet textbooks. Create Kyrgyz language centers, materials! Courses have to be launched. Why doesn't the government subsidize them? In Tokmok, we have classes at City Hall, because knowledge of Kyrgyz is required for government officials, we have the "Kyrgyz tili" [Kyrgyz language] society. But*

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<sup>28</sup> The Law "On the amendments to the Law of the KR "KON the State Language of the Kyrgyz Republic", 20.05.2015; see also the Decree of the Government "On the level of knowledge of the state language by state civil servants and municipal servants", 21.11.2017, № 757.

<sup>29</sup> Law of the Kyrgyz Republic "On the Official Language of the Kyrgyz Republic," May 29, 2000.

*I don't see how this is accessible or popular for the people. To be honest, Kyrgyz people themselves don't know their written language well. The level of education has fallen since the Soviet Union).*" (Z., Dungan woman, Tokmok, Chuy Oblast)

*"Why is the quality of education falling? Because teachers have to deal with a lot of red tape. We write our documentation in Russian. It would be very hard for me to do this in Kyrgyz. Then I would have to quit."* (G., gymnasium teacher, Kant, Chuy Oblast)

*"Even we Kyrgyz don't know our language well. This isn't because we don't want to learn it or speak it. It's just that we've gotten accustomed to this. Now all records are being translated into Kyrgyz, there are translators at every ministry. But that's an entirely different element. We, simple people, just don't know these words. A lot of money has been spent on TV programs, books that the Commission released in Kyrgyz, but there has been no effect. Apparently, there needs to be a different approach. For some reason, it's easy to learn English, but this isn't working with Kyrgyz except at the everyday level."* (A., Kyrgyz woman, Chuy Oblast)

Members of a wide range of ethnic minorities told us that people who do not know the Kyrgyz language are stigmatized, scorned, treated unequally, and even sometimes face violence.

*"In April 2017, my son, who's in 9<sup>th</sup> grade, and his friend, who's Russian, were walking to school. A group of seven Kyrgyz adolescents, students at School No. 105, were walking towards them. 'Why didn't you greet us?' 'I don't know you.' They spoke Kyrgyz. My son's friend responded in Russian. He was beaten, right in the center of the city, near the state department store. He ended up in the hospital with a concussion and retrograde amnesia. I've also run into this. Maybe it's a lapse on my part, but I was born and raised in Kyrgyzstan—at that time our city was Russian and German. The Kyrgyz language wasn't in the school program, I didn't study it. I'm trying to learn it now, but I'm already 40, it's difficult to master a language. And there are no conditions for studying. Some collectives try to learn it on their own, there are no classes. People give me a piece of their mind, they say: 'You live in Kyrgyzstan, why don't you speak Kyrgyz?' In some places, it's OK to say this, but not in such a way. I often have to visit state agencies (tax, social protection) for my job. When I answer in Russian, I feel animosity right away. I've even noticed that I try not to be noticed or open my mouth more than necessary. I don't look that different from others, so if I'm silent, they'll leave me alone."* (M., Chinese woman, Tokmok, Chuy Oblast)

*"I can't say that anyone is directly harassing us. But they take digs at us, insult us, especially in terms of language. We studied Kyrgyz in school and I understand a bit of it. But my mother doesn't speak it. One time they wouldn't sell us potatoes at the market. They answered in Kyrgyz, and other sellers said: 'Don't sell them potatoes until they start speaking Kyrgyz.' So we turned around and went somewhere else, but the hurt remained: we were born and raised here."* (G., Caucasian woman, Kant, Chuy Oblast)

*"Sometimes migrant workers [Kyrgyz citizens] return from Russia, dissatisfied, insulted somehow. If you speak Russian with them, they shout: 'I'm in Kyrgyzstan, speak Kyrgyz with me.' I have a neighbor, a Tatar [Russian-speaking], and a Kyrgyz woman said to him: 'Go back to your Russia and speak Russian there.'"* (F., Bishkek)

Members of ethnic communities interviewed by us support the idea the people must know the state language and are pleased that schools are devoting more time to its study than previously. However, these people, and even ethnic Kyrgyz, have noted that the quality of the instruction, textbooks, and academic programs is not satisfactory.

*"I have three children. The education system is complicated—they don't teach the language well, and even native speakers have trouble learning literary Kyrgyz. Dungans mainly send their kids to Russian schools. We want our children to learn Kyrgyz, but the form of teaching is poor."* (E., Dungan man, Tokmok, Chuy Oblast)

*"If you don't know Kyrgyz, all roads are closed to you. My son has three diplomas, and he works as a driver. They had Kyrgyz language classes in school, but the instruction was at a frighteningly low level. On paper, in reports, everything looks good, but in reality, schools don't teach literary or conversational language."* (T., Russian, Chuy Oblast)

Members of the ethnic majority and minorities agreed that usage of the state Kyrgyz language should increase gradually, without discrimination against people who do not speak this language well enough.

*“So what if you’re part of the majority. Multilingualism is normal. Let’s help translate from one language to the other when someone doesn’t understand. Nurturing cross-cultural communication and cultural exchange should form the foundation for the concept of ethnic peace, instead of ‘be like us, learn the same thing.’” (A., Kyrgyz woman, Bishkek)*

*“The state shouldn’t discriminate against people who only know one language. The switch to Kyrgyz needs to be made gradually, delicately. After all, there’s no one standard in the Kyrgyz language right now.” (F., Uighur man, Bishkek)*

## **DIFFICULTIES STUDYING AND USING NATIVE LANGUAGES FOR ETHNIC MINORITIES**

The Roadmap for Strengthening National Unity and Ethnic Relations in the Kyrgyz Republic assigns a leading role to the Kyrgyz language to ensure national unity and places the following tasks before government agencies in charge of implementing language policy: ensuring that the state language plays a unifying role through the creation of conditions for all Kyrgyz to study and learn the state language and implementing a balanced language policy for developing the country’s linguistic diversity by improving citizens’ knowledge of the official language, helping them learn other UN languages, and providing opportunities for preserving the languages of ethnic communities. The result of this policy should be the formation of a “new trilingual population of Kyrgyzstanis who speak the state language, the official language, and another widely-spoken world language, while guaranteeing the preservation of the native languages of ethnic communities.”

In reality, the Roadmap and its implementation in practice do not leave a place for the languages of ethnic minorities in education or public space. Even in the dense communities of comparatively small ethnicities (Dungans, Uighurs, Tajiks, Ahiska Turks), schools either do not offer classes in the native languages at all or devote only very few hours to them. For example, in compact Dungan villages in the north, the Dungan language is taught for a total of one hour per week, and proponents of preserving native languages had to fight even for this one hour by appealing to deputies, writing letters to the president and the minister of education:

*“No, one hour a week is not a lot, but we’re thankful even for that. As it is, we have to fight for this hour every two to three years because the question of canceling study of the native language comes up periodically. And in places this is seen as a guideline to follow. For example, the principal in village X. took advantage of the fact that parents supposedly did not want their children to study their native language and cancelled these classes.” (R., activist in the Dungan community, Bishkek).<sup>30</sup>*

Excluding native languages from the sphere of education means that middle-aged people cannot communicate meaningfully with the older generation, while young people have no reading or writing skills in their native languages whatsoever and are losing interest in these languages:

*“I’m a Dungan woman, I’ve spent my whole life among the Kyrgyz. I even speak Kyrgyz better than Dungan, which we weren’t taught at school. The Dungan language is taught in Milyanfan. There’s a teacher, but what can he teach if there aren’t any textbooks? Only some conversational language. Dungan is only spoken at home, and even then only in villages. The Dungan in cities all speak Russian. They say three words in Dungan and then switch to Russian. If there were classes, I would attend, because when you can’t find the word, you switch to Russian. I read the Dungan-language newspaper “Znamya Oktyabrya.” It’s in Cyrillic, but I only understand about 50 percent of it.” (A., Dungan woman, Kant, Chuy Oblast).*

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<sup>30</sup> Our informants referred to the norm about the right of voluntary studying native languages if over 55 percent of students belong to an ethnic minority. According to the Law on Education, the state “creates conditions for educating every citizen of the state (Kyrgyz), the official (Russian) and one of international languages”; “education process can be provided as well in any other language, if there are respective conditions” (Art.6 Language of Instruction).

*"The Dungan language has been more or less preserved in dense communities. But the effect of only one hour a week is clear: people can't read the newspaper anymore. Ninety-nine percent of the materials in our newspaper used to be in Dungan, but now 90 percent are in Russian (R., Dungan woman, Bishkek)*

*"There was one graduating class in Uighur philology at Kyrgyz State Pedagogical University, but then where are you going to work? The Uighur language isn't in the program. Young people don't want to study this language. There's no demand for it." (F., Uighur man, Bishkek).*

*"There are tuition-based Turkish classes in Bishkek. If our children get a certificate in Turkish, they can travel to Turkey for school. The language of Ahiska Turks is just for everyday conversation. But the Turkish in Turkey is literary, so you need to study it specially. Books in Turkish aren't printed here." (M., Ahiska Turk woman, Krasnaya Rechka, Chuy Oblast)*

After the abrupt and large-scale reduction in Uzbek-language schools seen in southern Kyrgyzstan, the Uzbek language, which is the second most widely spoken language in Kyrgyzstan, is now taught for just one hour a week, which is taken badly by Uzbek parents:

*"The exams in any language must be given equal weight. The Uzbek language should be taught at least two to three hours a week. When a language isn't studied, it is lost, and its people are lost. And that is painful for me." (F., Uzbek woman, Osh)*

The people we interviewed believed that the main unifying role in integrating Kyrgyzstanis should be assigned to the protection of human rights, whereby every resident of the country feels comfortable, and that language must remain a means of communication and exposure to culture.



# RECOMMENDATIONS TO THE GOVERNMENT OF THE KYRGYZ REPUBLIC:

**Develop and adopt a comprehensive anti-discrimination law banning all forms of discrimination and providing a clear definition of racial discrimination pursuant to international standards and UN CERD documents.**

**Use appropriate measures, including legislative ones, to prevent racial discrimination on the part of any persons (including officials), groups, and organizations. Adopt a state strategy to prevent racial discrimination on the part of state and non-state actors. In particular:**

- Ban officials from publicly expressing intolerance and disrespect for any groups on the basis of race, skin color, ethnicity, nationality, religion, or faith. Laws on state service must contain effective sanctions against such actions; ensure the monitoring, investigation, and prosecution of any instances of public calls to racial discrimination on the part of government representatives;
- Ensure legal protection for people belonging to ethnic minorities and impartial application of the law without any form of discrimination in respect of citizens with different ethnicities during the performance of duties by state and municipal agencies and organizations;
- End ethnic profiling by law enforcement agencies resulting in the arbitrary detention of members of ethnic minorities;
- Conduct a personnel policy that accounts for the ethnic diversity of Kyrgyzstan's population; ensure that ethnic minorities are represented in state agencies, local government agencies, and judicial agencies, with special attention paid to representation in law enforcement agencies (police, prosecutor's office). When training state workers, devote attention to skills and competencies for working in a multiethnic environment and establishing trusting relationships with ethnic communities; teach state workers, particularly workers at law enforcement agencies, human rights standards in the sphere of ethnic relations. Conduct monitoring of ethnic relations and ensure early prevention of social and other conflicts that might take on an ethnic hue.
- Ensure monitoring of employment procedures in multiethnic regions to prevent discrimination on the basis of race, ethnicity, or religion.
- Refrain from prosecuting NGOs protecting the rights of ethnic minorities and other vulnerable groups facing discrimination; encourage independent control of compliance by state agencies with general standards for professional activities in the sphere of ethnic relations; refrain from including analytical reports by NGOs dedicated to the problems of racism and discrimination in any lists of banned materials.
- Prevent multi-discrimination on the basis of ethnicity combined with other factors enabling discrimination.

**Adopt immediate and effective measures, particularly within the spheres of education, outreach, culture, and information, to overcome biases leading to racial discrimination and to promote mutual understanding, tolerance, and friendship between peoples and ethnic groups. In particular:**

- Promote initiatives developing inter-ethnic activities for children of different ethnicities outside of school, including the organization of spaces for cultural exchange or sports events;
- Conduct monitoring and adopt measures to prevent calls for discrimination or discriminatory actions in schools, promote ideas of equality and inclusion in society through special programs;
- Train school personnel in how to work with members of ethnic groups for the purpose of understanding the value of different cultures;
- Support initiatives of civil society and members of ethnic, youth, and other groups to strengthen trust between different ethnic groups and preserve their languages, cultures, and cultural heritage;
- Devote special attention to the education of girls belonging to ethnic minorities.

**Change the existing anti-extremism law and measures to combat extremism by making them into an effective tool for combatting manifestations of violence on the basis of racism and xenophobia, thus avoiding groundless restrictions on fundamental human rights. In particular:**

- Change laws concerning hate crimes and activities connected with these crimes, including the organization, financing, and public incitement of hate by establishing priority in the administration of justice in respect of those responsible for serious crimes against a person. When evaluating public speeches and calls, investigators must take into account the severity of the threat of these actions for society;
- Adopt a decision about legal norms concerning freedom of speech and implement it pursuant to the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (2012). In particular, ensure that, in assessing the level of danger to the public in a public speech, courts and law enforcement agencies take into account that the possession and distribution of information without the intent of inciting hate or enmity or degrading a person or a group of people on the basis of gender, race, nationality, language, origin, attitude towards religion, or affiliation with a social group is not a criminal act.
- Specify that laws concerning a judicial ban on extremist materials must establish such requirements as dictated by the importance of protecting democratic values. The adoption of a decision to deem informational materials extremist must give the owner of such materials the opportunity to participate in the corresponding court proceedings.
- Ensure that laws concerning monitoring of the Internet to prevent extremism are based on international obligations and the Constitution of Kyrgyzstan, which establish that human beings and their rights and freedoms have supreme value and, recognizing ideological diversity as one of the fundamental principles of a constitutional order, guarantee each person freedom of conscience, freedom of religion, including the right to practice, **individually or with others, any religion and the right to not practice** a religion, the right to freely choose, have, and share religious or other beliefs and act in accordance with them, freedom of thought and speech, and the right to freely seek, obtain, transmit, produce, and distribute information by any legal means.

Adopt effective measures to combat hate crimes, in particular:

- When registering crimes, document the motive of hate at any stage of the inquiry, including at the start of the investigation;
- Train staff at law enforcement agencies to recognize and prevent violations committed on the grounds of racial hate and xenophobia; stipulate that the international standards of police work detailed in the UN Code of Conduct for Law Enforcement Officials (1979) and the European Code of Police Ethics (2001) underlie police officers' official activities. Develop and implement, at the federal level, programs to increase the potential of staff at law enforcement agencies to manage ethnic diversity, including developing skills to monitor and analyze ethnic processes and integrating these skills into planning and administration at the local and national level.
- Ensure that hate crimes are investigated by officers from any police unit;
- Publish official statistics on hate crimes broken down by type, region, and number of victims. These data must be based on both court decisions and number of criminal cases opened;
- Ensure that law enforcement agencies make regular use of information gathered by social organizations on the activities of racist groups.

**In the sphere of guaranteeing language rights:**

- Develop effective methodologies for teaching the Kyrgyz language as a foreign language in schools; create real opportunities for adults to study the Kyrgyz language;
- Guarantee the right to take the ORT in the Uzbek language and guarantee the equality of test results for admission to universities with instruction in any language;
- Curb manifestations of discrimination against and infringements of the rights of people for whom the Russian language is the only means for interethnic dialogue in the spheres of education, employment, and state services.

- Promote the study of the native languages of ethnic minorities in schools, support, at the federal level, the publication of literature, the functionality of websites, and the broadcasting of television and radio programs in minority languages, as well as programs dedicated to the languages and cultures of ethnic minorities.
- In respect of all ethnic minorities living in Kyrgyzstan (both large minorities like the Russians, Dugans, Uighurs, Tajiks, Kazakhs, Azerbaijanis, and others, and smaller minorities like the Ahiska Turks, members of Caucasian peoples, the Roma, and others):
- Protect members of ethnic minorities from all forms of discrimination in the spheres of education, employment, and social services and from hate crimes and hate speech in the media.

#### **In the sphere of justice in respect of the Uzbek minority:**

- Provide for a special, phased amnesty for persons convicted in relation to the ethnic clashes in southern Kyrgyzstan in June 2010;
- Pursuant to the provisions of the Constitution of the Republic of Kyrgyzstan establishing that “the norms of international human rights treaties have direct effect” and that “the Constitution has supreme legal force and direct effect in the Kyrgyz Republic” (Clauses 1 and 3 of Article 6 of the Constitution of the Kyrgyz Republic), release Azimjan Askarov, following the Views of the UN Human Rights Council No. 2231/2012 of March 31, 2016.
- Pursuant to requirements of the Constitution of the Kyrgyz Republic and norms of international treaties, restore justice in cases regarding the seizure and destruction of property during the ethnic conflict of 2010. In particular, ensure a fair investigation into the case of Gafurjan Dadajanov and prosecute the people guilty of seizing his land and business;

#### **In respect of the Mugat community:**

- Adopt measures and implement a state program of comprehensive support for the Mugat people aimed at overcoming structural discrimination and including positive measures to provide personal documents and realize the right to housing, a quality education, employment, and access to medical and social assistance. In particular:
- Create and implement a fast-track procedure for providing personal documents for children and adult Mugats;
- Protect the right of Mugat children to adequate housing, adopt measures to register housing and connect it to resources;
- Devote special attention to the education of Mugat children: improve learning conditions in schools; make sure all Mugat children of school age are reached by education; ensure that all Mugat children move from primary to secondary school and that they receive at least a 9th grade education; encourage the aspirations of Mugat people to obtain a secondary professional or higher education; adopt measures against the segregation of Mugat children in school, ensure the effective integration of Mugat children in their preschool and school environments; create conditions for the preschool preparation of children, including enhanced language preparation in preschool **and elementary school programs; create conditions so that adults who never received an education for some reason can receive one as adults.**
- Support the work of social associations of Mugat people, hold outreach events to overcome xenophobia in relation to Mugat people.

In respect of refugees seeking asylum and migrants from other countries experiencing difficulties having their documents processed:

- Fast-track the legalization process;
- Guarantee the right to education for children from this group by devoting special attention to the education of girls.



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