

OVERVIEW of the human rights situation in Kyrgyzstan over the past 6 months

In recent months, the society of Kyrgyzstan has seen a significant narrowing of the democratic space. Independent civil society institutions are simultaneously subjected to severe pressure, which is accompanied by violations of fundamental human rights guaranteed by the Constitution, including freedom of speech and association, freedom of peaceful assembly, access to fair justice, etc. These tendencies began to intensify during the emergency situation and state of emergency, as under such conditions, state authorities were given more power and authority, including to restrict human rights.

The human rights situation is also complicated by the significant deterioration in the socio-economic situation, as most economic activities have been banned for almost two months. Despite the lack of an objective opportunity to make a profit, the Government refused to exempt business entities affected by the ban on work from taxes. The Republican budget has been revised in connection with quarantine measures. The Government has reported a budget loss of 14.1 billion soms¹. The authorities also reported possible problems with pensions, allowances and wages².

As of early June, according to the Government agreements have been reached to provide financial assistance from international donors in the amount of more than 627 million dollars to combat the effects of COVID-19. 73.5% of this amount, i.e. more than 461 million USD are credit funds and will impose an additional burden on the budget in the form of external debt³. At the same time, the conditions of granting all these credits, as well as the directions of their spending by officials are not mention. Analysts noted that financial aid is used to cover the current expenditures of the republican budget. At the same time, members of the Parliament criticized the Government for failing to comply with the requirements of the legislation on payment of compensation and allowances to medical and law enforcement personnel who perform their professional duties under the emergency situation and state of emergency, as well as those infected with coronavirus⁴. On 14 June 2020, the media reported that district police inspectors from all four districts of Bishkek refused to go to work because they had not yet been paid the promised extra fees for work during the state of emergency⁵. However, the head of local police authorities in the capital denied these reports.

¹<https://economist.kg/2020/06/09/prezident-utverdil-izmeneniya-v-bjudzhete-na-2020-god-i-prognozy-na-2021-2022-gody/>

²<https://www.gov.kg/ru/post/s/optimizatsiya-raskhodov-pozvolit-ratsionalno-ispolzovat-imeyushchiesya-byudzhetye-sredstva>

³<https://cabar.asia/ru/vo-skolko-kyrgyzstanu-obojdetsya-covid-19/>

⁴ https://24.kg/vlast/155522_zarplata_medika_menshe_4tyisyach_somov_deputat_nazval_eto_izdevatelstvom/
https://24.kg/vlast/155411_sotrudniki_pravoohranitelnyih_organov_dosih_por_nepoluchili_kompensatsii/

⁵https://kaktus.media/doc/415030_ychastkovye_vseh_chetyreh_rayonov_bishkeka_otkazyvautsia_vyyti_na_raboty_oni_objavliaut_boykot.html

I. Pressure on Freedom of Speech

Once again, there are tendencies for a rigid cleansing of the information space with the use of institutions of state power. Prosecutions are carried out by artificially initiating criminal cases against independent media, journalists and bloggers, who are arrested on fabricated grounds. Honour and dignity lawsuits for millions of dollars in large sums of money are also being used, and the courts are happy to meet some cases by making arrests at space speed. News agency sites are undergoing hacker attacks. There have been cases of physical attacks on journalists. All these cases of harassment occur in relation to independent media, which criticise the authorities or reveal various corruption schemes. This pressure results in self-censorship.

In addition, from the very beginning of the introduction of the emergency situation and state of emergency, the media have published alarming reports of doctors and ordinary citizens about the real state of affairs and the lack of normal working conditions with increased risks of work. No vital protective equipment was provided to medical personnel: special suits, respirators, even ordinary disposable masks and gloves. In response, doctors and citizens have been harassed by the SCNS, the Ministry of Internal Affairs and the Ministry of Health, and in some cases have been forced to make public denials and apologize to the people for allegedly spreading inaccurate information.

At the same time, since the introduction of the state of emergency in some territories of the republic, there have been illegal bans on media activities. The local commanders never approved the procedure for accreditation of journalists, as prescribed by the constitutional law “On State of Emergency”. Only on April 19, 2020, after long criticism of the public and recommendation of the Presidential Administration, the commandant of Bishkek allowed media representatives to move around the city. Particularly noteworthy is the fact that the Government lifted the ban on many economic activities from May 1, 2020, but the work of the media was allowed only from May 11, 2020. Below are just a few examples from the above.

1. In December 2019, Iskender Matraimov, a member of the Parliament and his brother, former deputy chairman of the State Customs Service, Raiymbek Matraimov, as well as their close relatives, filed class action to protect honour and dignity in record amount as 60 million soms⁶. The lawsuit was brought against “Azattyk”, “Kloop”, “24.kg” news agencies and journalist Ali Toktakunov in connection with the publication of a high-profile journalistic investigation into corruption schemes that may involve members of their family. In fact, the trial never started, as for a long time the issue of transferring the case from the Sverdlovsk to the Leninsky District Court was under consideration. The case was returned to the Sverdlovsk District Court, the next hearing is scheduled for June 25, 2020. Lawyers of the Legal Clinic “Adilet” represent the interests of the IA “24.kg”, in respect of which the plaintiffs later renounced material claims.

At the same time, according to the materials of the journalistic investigation, the SCNS initiated a criminal case under public pressure. However, despite the large amount of information on corruption schemes, the official investigation by the authorities has not yielded any results.

⁶https://24.kg/obschestvo/138514_iski_matraimovyih_protiv_smi_sud_nezapretil_publicovat_tsitatyi_izrassledovaniya/

On June 2, 2020, SCNS employees announced that journalist of Azattyk news agency A. Toktakunov had received a bribe of 100 thousand US dollars for preparation of the abovementioned journalistic investigation about corruption schemes at the customs⁷. The journalist himself refused that information. Jamie Fly, President of Radio Free Europe/Radio Liberty Corporation, called the statement of the SCNS representatives “denigration of journalists”, calling on the Kyrgyz authorities to bring to responsibility those who threaten the safety of journalists⁸. In general, there are a lot of questions about the actions of the SCNS, including the disclosure of the confidentiality of the investigation, the reliability of witnesses’ testimony, as one of them is in the SCNS jail, and others. In addition, former customs official Emilbek Kimsanov said that Raiymbek Matraimov allegedly ordered journalist Toktakunov from Prague to be brought to him “alive or dead”⁹. However, there have never been any official reports of an investigation into this extremely important report. At the same time, E. Kimsanov’s friends published a video message to the President asking for his release, after which they began to be detained by police officers¹⁰. At the same time, for unknown reasons, E. Kimsanov was transferred from pre-trial detention center 1 to pre-trial detention center 50, where people who committed particularly dangerous crimes and serve life sentences are mostly held¹¹.

2. On January 9, 2020 the Chief Editor of “Factcheck.kg” Bolot Temirov was beaten up. He is actively engaged in journalistic investigations, including on corruption and other high-profile events. It should be noted that the attack took place after the publication of his material on the wealth of Rayimbek Matraimov and his family. Temirov himself, as well as representatives of civil society, associate this attack with his professional activities. The attackers were arrested and the case sent to court. To date, only one court hearing has been held. At the same time, the criminal case to find the customers of the crime was separated into separate proceedings and is still being investigated, but to no avail¹². B. Temirov's interests are represented by the lawyers of the Legal Clinic “Adilet” in this regard, we closely monitor the course of consideration of this case.

3. On 17 February 2020, blogger Elmir Sydyman was detained and then taken into custody in remand centre No. 1 in Bishkek. In one of his live broadcasts on social networks, he spoke negatively about some curse words used in different regions of Kyrgyzstan and shared his opinion about their weak development. Later, he apologized publicly for what he said. On February 28, 2020, the Bishkek City Court changed his preventive measure to house arrest. On 8 June 2020, as a result of the trial, the public prosecutor requested 6 years’ imprisonment for E. Sydyman. However, before hearing the last word, the court returned to the trial regime and ordered a comprehensive psychological and linguistic examination of the blogger's statements, suspending

⁷[https://kaktus.media/doc/414291_gknb: est pokazaniia chno saymaiti podkypil jyrnalistov chtoby vernyt dol g ot abdykadyra.html](https://kaktus.media/doc/414291_gknb:est_pokazaniia_chno_saymaiti_podkypil_jyurnalystov_chnoby_vernyit_dol_g_ot_abdykadyra.html)

⁸ <https://rus.azattyk.org/a/30648506.html>

⁹ <https://vesti.kg/politika/item/70477-byvshij-podchinennyj-rajymbeka-matraimova-rasskazal-o-porucheniyakh-svoego-shefa.html>

¹⁰ <https://rus.azattyk.org/a/30664601.html>

¹¹ <https://ru.sputnik.kg/spravka/20151012/1019193944.html>

¹² https://kaktus.media/doc/403903_glavnogo_redaktora_factcheck.kg_izbili_neizvestnye.html

the proceedings¹³. It should be noted that representatives of mass media and expert community stated that there were no signs of crime in E. Sydyman's words.

In general, independent experts, human rights defenders and civil society representatives have rightly expressed their concern about the excessively severe sanctions provided for in article 313 of the Criminal Code for incitement to racial, ethnic, national, religious or interregional hatred (discord). The minimum penalty for such acts is five to seven and a half years' imprisonment, i.e. it is a serious crime. At the same time, the article does not contain any instructions on the occurrence of specific public dangerous consequences, and the wording of the law is very vague, which makes it possible to interpret them broadly. The need to establish alternative measures of punishment or mitigation is of utmost importance. This position is particularly relevant since this article is often applied to independent media, bloggers, human rights defenders and other activists who objectively cover events in society or criticize power institutions. Such risks are significantly increased by the practice in Kyrgyzstan of courts giving higher marks to the opinions of State expert services and their dependence on the political situation. In conditions of high level of distrust of citizens in the activity of law enforcement and judicial systems, a person can be accused of inciting discord and arrested for almost any statement.

4. On April 12, 2020, the media published a video message from Bektur Apyshev, a doctor of the Ysyk-Ata district, apologizing for providing false information. Earlier on his Twitter page he reported that doctors are not provided with personal protective equipment¹⁴. Later, the media reported that Apyshev was dismissed on his own accord.

5. On April 30, 2020, Tatyana Shegeeva, a teacher at Bishkek's School No. 64, said that SCNS officers, threatening criminal prosecution, forced her to apologize to her camera for allegedly false reports of coronavirus spreading in the village of Kok-Zhar. However, the day before, the Prosecutor General's Office announced that all citizens who had publicly apologized had done so voluntarily, and no violations of the law had been found in the actions of SCNS officers¹⁵.

6. On May 1, 2020, Mr. Ali Shabdan was taken to the Talas Oblast Internal Affairs Department at the request of the SCNS officers for "explanatory talk" for republishing (reposting) joking posts related to certain political events and criminal cases in social networks¹⁶.

7. On May 5, 2020, the media reported the dismissal of an employee of the Suzak District's police department of Jalal-Abad region for distribution of video materials, in which he told about the improper provision of police officers with personal protective equipment and meals while serving under the state of emergency¹⁷. The Regional Department of Internal Affairs confirmed

¹³ https://24.kg/obschestvo/155178_sud_podelu_blogera_elmira_sydyimana_priostanovili/

¹⁴ https://24.kg/obschestvo/149903_vracha_pisavshego_obotsutstvii_zaschitnyih_sredstv_umedikov_zastavili_izvinit_sya/

¹⁵ <https://vesti.kg/proisshestiya/item/71085-uchitel-shkoly-64-sotrudniki-gknb-zastavlyali-menya-izvinyat-sya-na-kameru.html>

¹⁶ https://24.kg/obschestvo/151643_sbloggerom_iztalasa_proveli_profilakticheskuyu_besedu_iotpustili_domoy/

¹⁷ <https://kloop.kg/blog/2020/05/05/v-suzake-uvolili-militsionera-kotoryj-rasskazal-ob-otsutstvii-spetsodezhdny-u-pravoohranitelej-na-blokpostah/>

the fact of dismissal, partially denying the widespread information about the conditions of service of the regional police officers.

8. On May 9, 2020, the head of the Family medical center No. 17 in Bishkek, Gulnara Tashibekova, informed the media about threats from former police officer Olzhobai Shakeev. It links harassment to its public statements about shortcomings in the health care system¹⁸.

II. Legislative initiatives.

In recent months, members of the Parliament and the Government have initiated a significant number of normative documents containing risks of infringement of fundamental human rights. At the same time, due to significant restrictions on the movement of citizens under emergency situation and state of emergency many laws are considered without extensive public discussion and in three readings at once. Here are some examples of such activities.

1. Currently, a new version of the Law “On Trade Unions” is in the third reading in the Parliament. The document was adopted on second reading on October 3, 2019. The lawyers of the Legal Clinic “Adilet” revealed in the document a number of contradictions to international law, as well as violations of the basic principles of trade union activity, such as voluntary membership in trade unions and their associations, the principle of federalism and equality of membership organizations, the principle of accountability of elected bodies. Representatives of civil society, international organizations and members of parliament criticized the draft law for its numerous contradictions with the law and the risks of infringement of freedom of association¹⁹.

2. On March 31, 2020, draft laws “On Combating Terrorism” in its new version and on amendments to the Code of Civil Procedure of the Kyrgyz Republic were posted on the Government's official website for public discussion. Among other things, the draft laws provide for the possibility of recognizing not only information materials, but also organizations as terrorist. A number of media outlets, civil society organizations, and international organizations, including the OSCE, have expressed their concerns, as the proposed draft laws carry the risks of unduly restricting freedom of expression²⁰.

3. On April 30, 2020, the Parliament adopted in three readings at once a draft law that proposes amendments to the Laws “On Public Health” and “On Civil Protection”. This law entered into force on 7 May 2020²¹. The legislative amendments concern the establishment of a broader and more detailed list of human rights restrictions allowed under the emergency situation and state of emergency. For example, peaceful assembly is now prohibited in quarantine areas.

¹⁸https://24.kg/obschestvo/152303_glave_tssm_17ugrojaet_byivshiy_sotrudnik_militsii/

¹⁹https://24.kg/obschestvo/133803_pravozaschitniki_prizyvayut_parlament_otklonit_popravki_vzakon_oprofsoyuzah/

²⁰https://24.kg/obschestvo/152044_obse_obespokoena_novyimi_popravkami_vantiterroristicheskij_zakon_est_ugroza_smi/

²¹https://24.kg/obschestvo/152400_novye_ogranicheniya_vsilu_vstupayut_zakonyi_reguliruyuschie_karantinniy_rejim/

4. On May 14, 2020 the Parliament adopted in the third reading amendments to the Law “On Refugees”. The changes are aimed at enabling the State authorities to deny official registration of applications to persons seeking asylum in Kyrgyzstan in certain cases. It should be noted that the content of the draft law contradicts the 1951 UN Convention Relating to the Status of Refugees, to which the Kyrgyz Republic acceded in 1996. The right to seek asylum is an integral part of the universally recognized principles and norms of international law, which is also guaranteed by the Constitution of Kyrgyzstan. If the President approved the aforementioned legislative amendments, the institution of asylum would suffer significant damage.

5. On 14 May 2020, a draft Law “On Information Manipulation”²² was submitted for public discussion. Having analyzed the document, the lawyers of Legal Clinic “Adilet” came to the conclusion that it grossly violates the constitutional rights of citizens to freedom of speech and expression. In fact, the draft law establishes state censorship of information on the Internet, which will affect absolutely all users.

6. On 20 May 2020, a draft Law “On the Protection of Children from Information Harmful to their Health or Development”²³ was officially introduced in the Parliament. It should be noted that the draft law was posted for public discussion as early as 24 February 2019. The analysis of this initiative showed that there are serious risks to the democratic values of the rule of law. For example, it is envisaged to introduce a system of state control over the dissemination of information on the Internet, and the authorized bodies will be given wide discretionary powers in this area.

7. On May 20, 2020 the Parliament adopted in the first reading a package of amendments to the criminal legislation. This voluminous draft law has been drafted by the Government on the basis of proposals by ministries and agencies to address legal conflicts and gaps. Our organization has not conducted a full analysis of this document. However, one situation is of great concern. Thus, the Government proposes that the decisions of international bodies should be excluded from the grounds for reviewing criminal cases under new circumstances. This proposal directly contradicts the Constitution and the international legal obligations of the Republic. In accordance with article 6, paragraph 3, of the Constitution, international treaties which Kyrgyzstan is a party and the generally recognized principles and norms of international law that have entered into force in accordance with the procedure established by law are an integral part of the country's legal system. The procedure and conditions for the application of international treaties shall be determined by laws. In accordance with international law and Kyrgyzstan’s national legislation, international treaties are subject to strict observance and execution²⁴.

The Kyrgyz Republic has acceded to the main international human rights instruments, including the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Optional Protocols thereto.

²²https://24.kg/obschestvo/152878_yuristy_zakonoproekt_omanipulirovanii_informatsiey_narushaet_prava_grajdan/

²³<http://kenesh.kg/ru/draftlaw/594026/show>

²⁴ Articles 26,27 of the Vienna Convention on the Law of Treaties (Kyrgyzstan ratified at 23 of Nay 1969.

Thus, Kyrgyzstan has undertaken to ensure to all persons under its jurisdiction the rights and freedoms guaranteed by international instruments. In addition, the State recognized the right of treaty bodies to consider individual complaints from named individuals in the event of violations of their rights at the national level, and to take measures to remedy violations. In that connection, it is the responsibility of the Kyrgyz Republic to establish appropriate mechanisms at the legislative level for the proper implementation of the decisions of human rights treaty bodies.

8. On May 21, 2020, on the basis of the Government Decree, the Coordination Center for ensuring cybersecurity was established within the SCNS structure, which will deal with cybersecurity, response to computer incidents, as well as identify, prevent and combat the causes and conditions that contribute to the preparation and implementation of computer attacks. It should be noted that in practice, in most cases, it is the State Security Committee that prosecutes citizens for disseminating information, which is often accompanied by violations of the law.

9. On May 22, 2020, parliamentary hearings were held in the Parliament on the draft law that would tighten state control over the activities of certain forms of NGOs²⁵. This draft law was previously adopted by the Parliament in its first reading. Many civil society representatives were unable to participate due to movement restrictions and most human rights defenders were not allowed to participate at all.

The Kyrgyz public, as well as representatives of international institutions and diplomatic missions, have expressed their concern about the provisions of the draft law that do not comply with the Constitution and international human rights standards.

In addition, at least two other draft laws on strengthening the control over NGOs were previously submitted for public discussion. In particular, the legislative amendments envisage relevant amendments to the Tax Code and the Law “On Combating Financing of Terrorist Activities and Legalization (Laundering) of Criminal Proceeds”.

III. Violations of freedom of peaceful assembly.

Institutions of State power continue the illegal practice of imposing bans on peaceful assembly. In some cases, the state does not prevent such actions, but then law enforcement agencies pursue the organizers, participants and their relatives. There have been attempts to hold contracts involving representatives of sports clubs and various nationalist activists. At the same time, some media outlets spread provocative and inaccurate rumours about all kinds of conspiracy theories and preparation of mass disorders with the help of human rights organizations.

1. On 8 March 2020, a group of activists was attacked while conducting a peaceful action in defence of women's rights. Internal affairs officers were several metres away from the attackers but had taken no action to stop the offences. On the contrary, the policemen detained the women and imposed fines on them, allegedly for failure to comply with the legal requirements of the authorities. It should be particularly noted that by the time the peaceful action was held, the courts had lifted the previous ban on the organization of peaceful assemblies, i.e. there were no grounds for detention. This event is a blatant and unprecedented human rights violation that took place on

²⁵ https://24.kg/vlast/153504_oon_obespokoena_popyitkami_deputatov_vnesti_popravki_vzakon_obnko/

International Women's Day. Despite all the obvious violations of the law, the court considered the actions of law enforcement agencies lawful.

2. On June 1 and 8, 2020, near the building of the Pervomaiskiy District Court, so-called counter rally took place, calling to put former President Atambayev in jail “as punishment for the lives of those killed in Koi Tash”. At the same time, Atambayev’s supporters spoke out in support of him, accusing the first protesters of paying²⁶.

IV. Persecution of human rights defenders.

1. On January 29, 2020 the Legal Clinic “Adilet” organized a round table on public discussion of the above draft law aimed at tightening state control over NGOs. However, a group of unidentified individuals broke into the discussion room with physical force and threats against staff. We have provided photographs of these persons and video recordings of what happened, i.e. their actions have been documented and their identities have already been identified. Unfortunately, the internal affairs authorities are still not taking any measures to hold designated persons accountable, despite the presence of irrefutable evidence. However, on 22 May 2020, these citizens participated in parliamentary hearings on the draft law, supporting its adoption. Taking into account all these circumstances, we can talk about the interest and partiality of law enforcement agencies in this case, as well as raise the issue of affiliation of the above persons with the initiators of legislative amendments.

At the same time, recently the workers of the Legal Clinic began to notice unknown persons watching the office, and in this connection, there were quite reasonable grounds to believe that we are being followed. These people park their cars in front of the office entrance and take photos of employees and visitors. We have photos of their cars, namely: Honda Accord black, state number B 6564 AQ, Lexus RX-300 blue, state number 04 284 ABR, Honda Odyssey white, state number 01 873 AGX.

2. On February 13, 2020 in Osh a group of unknown citizens, using physical force, disrupted a seminar of civil activists to discuss the socio-political situation in the country. There were threats and demands to the activists to leave the city²⁷.

3. On May 28, 2020, the media reported on the detention of the head of Municipal organization “City Parks” Kalicha Umuralieva for abuse in issuing permits for trade in the park zone. She later denied that she had been detained, adding that SCNS officers had searched her office as part of an earlier criminal case under article 237 of the Criminal Code “Commercial bribery”. According to K. Umuralieva, the citizen who allegedly announced this bribery paid 50 thousand soms to the cash desk of the enterprise as a payment for permission to rent bicycles in the municipal park “Yntymak”. She is currently a witness in a criminal case. It should be noted

²⁶<https://kloop.kg/blog/2020/06/08/vozle-pervomajskogo-rajsuda-v-bishkeke-snova-proshel-miting-protiv-atambaeva/>

²⁷<https://rus.azattyk.org/a/30433695.html>

that before her appointment to the municipal service, K. Umuralieva had long been engaged in human rights activities, including those related to illegal construction in Bishkek.

4. May 30, 2020, the SCNS detained Kamil Ruziev, head of the human rights organization “Ventus” on suspicion of document forgery and fraud. The human rights defender went on a hunger strike and complained about psychological pressure, he was called to an ambulance three times. He was subsequently placed under house arrest by the court on the basis of a motion by the prosecutor, and charges of fraud were dropped. After the trial the SCNS distributed a video in which former defendants of K. Ruziev told about his fraud. However, on the same day one of the heroines confessed that SCNS officers took her to an unknown place, interrogated her and forced her to participate in the video, but she has no claims against K. Ruziev.

It should be noted that K. Ruziev is active in combating torture, and often initiates investigations against law enforcement officers. The civil sector considers this case as an act of retaliation for his human rights activities, which is also confirmed by the organization and publication of videotapes discrediting the human rights defender by the SCNS.

V. Attacks on the independence of the bar associations.

We would like to pay special attention to the flagrant facts of pressure on independent lawyers. Contrary to the guarantees provided by Kyrgyz law on the inadmissibility of interference in the work of lawyers, investigative bodies summoned lawyers for questioning and took out documents in cases in which those lawyers were defending clients.

In addition, there is a growing negative trend of investigators threatening suspects and defendants with arrest or other violent actions and forcing them to abandon lawyers who actively defend their clients, force them to give testimony to the investigation, demand not write complaints and not go to the media. There are also cases of obstruction of the professional activity of lawyers, ignored by the prosecutor's office and the courts.

Moreover, during the regime of emergency, lawyers were prohibited from practicing law, and therefore lawyers were not able to visit law enforcement agencies and courts. This is a gross violation of constitutional guarantees for qualified legal assistance. It should be noted that lawyers who have actually started to protect clients have no right to refuse to work and are obliged to continue providing legal services. At the same time, according to the law, the participation of lawyers is mandatory in many cases during the investigation, including detention, notification of suspicion, interrogation, etc., as well as when the court is considering the measure of restraint.

VI. Infringements on citizens' voting rights.

Due to the introduction of the emergency situation and state of emergencies in Kyrgyzstan, local elections were cancelled in a number of cities, including Osh and Tokmok. Furthermore, the basic rules for the Parliament elections have not yet been finalized, although less than four months remain until the plebiscite.

1. On 2 June 2020, the Parliament Committee on Constitutional Law did not support a draft law to reduce the electoral deposit for political parties from 5 million soms to 1 million soms.

Thus, according to the current legislation, in order to participate in the elections to Parliament, parties must pay a deposit of 5 million soms. In this case, the money is returned only to the parties that won the election.

2. On June 4, 2020, the Parliament passed in the second reading a draft law that would reduce the electoral threshold for political parties to enter Parliament from 9 to 7 percent²⁸. The consideration of the draft law has generated a wide public response and lively debate among MPs, as a group of MPs had submitted a similar draft a few months earlier to lower the threshold to 5 per cent. However, this initiative has never been submitted to Parliament, which is a violation of the Parliament Regulations. Thus, according to the Regulations, MPs were to consider these two draft law simultaneously at a meeting of the responsible committee, after which to submit both options or one of them to the whole Chamber for consideration²⁹.

Thus, by setting a high threshold percentage for passage to the Parliament and leaving a large amount of electoral deposit, deputies make it impossible for the vast majority of political associations in Kyrgyzstan to participate in elections. Conditions are created so that only a limited number of certain parties have a real chance to get seats in Parliament.

Conclusions

In Kyrgyzstan, independent democratic institutions are traditionally subject to pressure from the authorities. We have also seen a significant increase in such attacks on the civilian sector before the elections. For example, the Foreign Agents Act was initiated before the 2015 parliamentary elections. In 2017, prior to the presidential elections, independent media and human rights defenders were subjected to unprecedented pressure, with many millions of lawsuits filed against them to defend the honour and dignity of the former head of state. A new round of harassment of journalists and civic activists began in the fall of 2019, a year before the election to the Parliament. However, local elections in a number of cities have been postponed and are expected to be held simultaneously with the parliamentary elections. As the plebiscite approaches, there is a stronger pressure on democratic space. Investigations and judicial review of cases involving complaints from journalists and human rights defenders are not conducted or artificially prolonged, and those who violate the law are not held accountable. At the same time, in cases of persecution of civil activists and the media, on the contrary, the authorities act promptly and harshly, detaining them on far-fetched charges or imposing arrests on property. This demonstrates the bias and partiality of the law enforcement bloc and the judicial system, as well as, in general, the encouragement of pressure on civil society by the authorities.

Trends in encroachments on fundamental human rights are exacerbated by the coronavirus pandemic, which is used by the authorities not only in Kyrgyzstan but also in many countries around the world to gain extraordinary powers and achieve certain political goals. State structures

²⁸<http://kenesh.kg/ru/news/show/10270/zhogorku-kenesh-prinyal-ryad-zakonoproektov-v-pervom-vtorom-i-tretyem-chteniyah>

²⁹<https://kloop.kg/blog/2020/05/14/ne-zadevajte-moyu-gordost-deputaty-posporili-iz-za-zakonoproektov-snizhayushhih-barer-v-9-dlya-partij-na-vyborah-v-parlament/>

have gained even more opportunities to clean up the information field and democratic space. Such processes have an extremely negative impact not only on human rights, but on the development of the whole country. In the absence of the rule of law, any political force holding an alternative power position will be subject to the same harsh pressure. The Parliament is in central position in Kyrgyzstan's government system, it has been given broad powers to form all branches of government and certain control over their activities. Therefore, the political majority will make every effort to strengthen its position by promoting its supporters in Parliament. In that case, it is reasonable to assume that the pressure on democratic institutions and political forces will only increase after the elections.