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Civil Liberties and COVID-19 in Uzbekistan and Kyrgyzstan: Rising Authoritarianism?

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This paper explores Uzbekistan's and Kyrgyzstan's responses to COVID-19, with a focus on its implications for political freedoms and human rights across these two Central Asian countries. Along with devastating public health systems, and causing lockdowns of nations, COVID-19 pandemic has posed formidable challenges to human rights worldwide. A well-informed observer notes that with a gratuitous toll being inflicted on democracy, civil liberties, fundamental freedoms, healthcare ethics, and human dignity, this has the potential to unleash humanitarian crises no less devastating than COVID-19 in the long run (Thompson and Eric, 2020). Thus, one of the biggest questions regarding the political implications of the pandemic involves explaining the extent to which governments have violated democratic standards in their response to

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COVID-19. Notably, Bieber (2020) identifies four main aspects that might be shaped by the pandemic. These include the rise of nationalism and authoritarianism, along with deglobalization and the politics of fear (Bieber, 2020).

A question arises as to how the pandemic has influenced the political landscapes of Uzbekistan and Kyrgyzstan – both of which have experienced recent government changes.

The year 2020 was turbulent for Kyrgyzstan not only due to the pandemic, but also due to the parliamentary elections rife with fraud, and the following political upheaval. These events have greatly shaped the course of other events that occurred during the year. They also demonstrated the weaknesses of civil society and state institutions, particularly those tasked with protecting human rights and ensuring inclusive and transparent processes in the decision-making process (Nations in Transit, 2021). The crisis mismanagement and the worsening of socio-economic situation have also largely contributed to the decline of confidence in the authorities (Doolotkeldieva, 2021, pp. 161-162).

As for Uzbekistan, President Mirziyoyev's reform agenda decelerated during the pandemic, since no substantial changes were presented, and the government appeared to lose momentum. Although the country did not experience critical setbacks, there are warning signs that the reform agenda could regress in the coming years. In part, this is due to security services reasserting themselves through media pressure and episodic internet blocks, as the country responded to the COVID-19 crisis (Freedom House, 2021).

Overall, the political challenges (stemming from the crisis) originated in various forms in the two countries. Mostly affected were the freedom of

assembly and movement, freedom of expression, the work of civil society organizations and mass media, as well as the rights of minority groups.

Throughout the pandemic, the government of Kyrgyzstan also used public health concerns as a pretext for preventing peaceful protests (US Department of State, 2021). Interestingly, the country informed the UN Secretary-General about its derogation from the provisions of the International Covenant on Civil and Political Rights, thus becoming the only Central Asian country to take the exceptional step of derogation under the ICCPR in the context of the COVID-19 pandemic (IPHR, 2020). Nevertheless, the restrictions did not prevent the change of power from taking place on October 5, 2021. The mass mobilization resulted in the removal of the incumbent president from office and Sadyr Japarov's transition from 'political prisoner' to acting President in a matter of just ten days.

These events led to a sharp decline of the country's status in international rankings. Its status plummeted from 'Partly Free' to 'Not Free', given the fact that "the aftermath of deeply flawed parliamentary elections featured significant political violence and intimidation that culminated in the irregular seizure of power by a nationalist leader" (Freedom House, 2021). Still, its status stands above the three of its Central Asian neighbors, which is based on the evaluation of its civil liberties score exceeding its score for political rights.

In Uzbekistan, the freedom of association and peaceful assembly remains tightly regulated. In August of 2020, the government published the Draft Law on Public Assemblies, which requires organizers to apply for

permission at least 15 working days before the planned date of a mass event, despite promises made by Uzbek officials to bring the law in line with international rights standards (HRW, 2020).

Remarkably, since the outbreak of interethnic clashes of 2010, human rights defenders remain as perpetual outcasts to the authorities in Kyrgyzstan. For example, human rights organizations, including Human Rights Watch, Amnesty International, and International Federation for Human Rights, called for the release of an imprisoned human rights activist and journalist, Azimjan Askarov, who consistently documented abuses during the interethnic violence in 2010. Despite complaints from his lawyer and human rights organizations that he was gravely ill, Askarov died in prison in July likely due to COVID-19 and was only moved to the prison hospital two days before his death (US Department of State, 2021). The death in custody of the wrongfully imprisoned human rights defender left an irreparable mark on the country's international human rights record.

Comparably, in Uzbekistan, the freedom of expression remains rather fragile. There has been increased governmental pressure on media and civil society in response to the COVID-19 pandemic. The government exercises official and unofficial restrictions on citizens to criticize the government or to discuss matters of public interest. The law restricts criticism of the president, and publicly insulting the president is a crime for which conviction is punishable by up to five years in prison (US Department of State, 2020).

The abusive effect cloaked as effort to contain the pandemic has been predominantly evident by the approach to independent media, which has become a crucial platform of interaction, because of lockdown measures and lack of alternative mediums. On August 23, 2021, President Japarov signed

into law a “fake news” bill approved by the Kyrgyz parliament in late July 2021. The law, titled “On Protection from Inaccurate (False) Information”, had been sharply criticized by human rights organizations, which said it would threaten free speech in Kyrgyzstan (Putz, 2021). The parliamentary deputies who proposed the bill claim that it is necessary to fight the spread of false information about the COVID-19 pandemic. However, the law’s all-encompassing reach, vague terminology, and redundancy with existing legislation suggest that its true motivations run deeper (Simpson, 2020). The critics of the law argue that the new law poses a serious threat to free expression and media freedom in Kyrgyzstan and would deeply mar the country’s human rights reputation (HRW, 2021). It was also assumed that a series of controversial social issues, such as LGBTQ rights or women’s rights, would likely be the target of complaints (Putz, 2021).

Regardless of some reservations, the progress towards the expansion of media freedom has been traced in Kyrgyzstan. In June of 2020, authorities decriminalized defamation. This was an important step in abolishing the law of the Republic of Kazakhstan ‘On Mass Media’ (in force since 1999), which established a strong bureaucratic control over freedom of expression. Meanwhile, ‘defamation’ has instead been replaced from the Criminal Code to the administrative penalty. Journalists face a serious fine and a maximum of 30 days in prison in case of proven defamation (Azhenova, 2021, p. 57).

As for Uzbekistan, media freedom has slightly improved under the rule of President Mirziyoyev (IPI, 2021). Nevertheless, mainly since the pandemic, the media has been tightly controlled by the authorities. After instituting a harsh public lockdown in March 2020 with significant

restrictions on the movement of citizens, President Mirziyoyev justified his approach by saying, “If we are not heavy-handed, the situation will worsen... Japan prevented the rapid spread of the virus. Why? Because of strict orders” (Hashimova, 2020). Prior to and during the COVID-19 pandemic, journalists presented daily reports of harassment of media personnel such as journalists and internet bloggers. Some journalists said they believed the security services used the pandemic to remind media that “they are still in charge,” despite the president’s public claims that journalists and bloggers are a vital part of the country’s reform process (US Department of State, 2020).

In the shadow of the pandemic, Central Asian governments have also initiated new measures to constrain the region’s already narrow space for civil society. The authorities sought to control NGO activity, internationally funded NGOs, and unregulated Islamic and minority religious groups. The operating environment for independent civil society, in particular, human rights defenders, remains under strict state control. Meanwhile, in the case of Uzbekistan, several activists reported improved cooperation with government officials (US Department of State, 2020).

Amid the pandemic, prisoners have also appeared to be at a heightened risk. Since the beginning of the emergency situation, prisons and other detention institutions in Kyrgyzstan have been completely closed to lawyers as well as to monitors from the National Center for the Prevention of Torture, which Kyrgyzstan established to help prevent ill-treatment under its obligations as a party to the protocol to the International Convention Against Torture (HRW, 2020).

In Uzbekistan, more than 50 people imprisoned for politically motivated charges have been released since September 2016, including

human rights activists, journalists, and opposition activists. Uzbekistan has also reportedly released hundreds of independent Muslims, who practice Islam outside strict state control (HRW, 2020). Whereas prisoners have been especially vulnerable during the COVID-19 pandemic, authorities have failed to undertake significant efforts to reduce prison population by implementing early, temporary, or short-term release schemes for relevant categories of prisoners (IPHR et al, 2020, p. 17). In its statement following the annual Human Rights Dialogue with Uzbekistan, the European Union called on Uzbekistan to “take further commitments to eradicate torture, which include granting unhindered and independent monitoring to detention facilities,” and “emphasized the need to rehabilitate former prisoners” (HRW, 2021).

In the wake of COVID-19, the protection of minority rights also became a subject of concern. As the UN Special Rapporteur on minority issues suggests, “COVID-19 is not just a health issue; it can also be a virus that exacerbates xenophobia, hate and exclusion...” (UN Department of Global Communications 2020). This lack of tolerance towards minorities mainly manifested in Kyrgyzstan, because the country’s southern region is considerably different in terms of political culture from the north.

In a submission to the UN Committee on the Elimination of Racial Discrimination in October 2020, human rights groups expressed their concern about the heightened plight of ethnic minorities at a time of social and political instability following mass protests, the president’s resignation, and the postponement of parliamentary elections. Ethnic minorities living in crowded settlements have faced additional risks during the pandemic.

Several factors can provide an explanation for this phenomenon, including linguistic reasons that many ethnic minorities do not speak the Kyrgyz or Russian languages fluently, lack access to the internet and social media, and follow certain religious and traditional practices that make social distancing difficult (Ismailova, 2021). Overall, ethnic minorities, who make up 26.3 per cent of the population, remain underrepresented in both elected and appointed government positions, particularly Russians and Uzbeks - the two largest ethnic minority groups (Abdukhalilov, 2021, p. 69). The participation of minorities in public life in Kyrgyzstan is extremely limited compared to the proportion of these minorities to country's total population (Abdukhalilov, 2021, p. 69).

During his presidential campaign, Japarov joined the “Agreement on rights and freedoms”, pledging to guarantee freedom of speech, democracy, rule of law and human rights in Kyrgyzstan. In his inauguration speech he stated that he has a dream that Kyrgyzstan will become an economically developed, dynamic, strong and free country, where human rights are respected, rule of law is supreme, and the youth are optimistic about their future (HRW 2021). Sadly, genuine reforms have not been implemented.

Rather, the Kyrgyz authorities initiated amendments to the Criminal Code that is believed to place the political opposition and human rights groups at heightened risk. The government has proposed to broaden the scope of criminal prosecution for organizations deemed “extremist” to include those found to incite “political enmity,” along with national, ethnic, or racial enmity, and to make financing such “extremist” organizations a criminal offense (HRW,2021). These changes would undermine the universally protected rights to freedom of association and expression in

Kyrgyzstan. Such concerns are further compounded by Kyrgyzstan's lack of an independent judiciary system (HRW, 2021).

In Uzbekistan, despite the decrease of reformation because of the pandemic, President Mirziyoyev continues to call for democratization, and speaks repeatedly about the need to protect freedom of speech and end abuse by officials (Freedom House, 2021). This raises the expectations of citizens and instills hope that they will enjoy greater political freedom. The question of whether the authorities can meet these expectations remains to be seen.

In conclusion, the pandemic uncovered deeply ingrained human rights issues in Central Asia. Whereas the governments of Kyrgyzstan and Uzbekistan have adopted varying policy measures in response to the crisis, its wider influence has been similarly reflected across the region. In the shadow of COVID-19, authorities prosecuted regime critics and used the existing legal measures to limit their political rights and freedoms. Additionally, concerns mainly refer to the freedom of assembly, freedom of expression, the working environment of media and civil society as well as the situation of detainees. Lastly, the pandemic has indirectly affected certain ethnic, national, regional, and other groups. This is apparent in the case of Kyrgyzstan, where ethnic minorities not only do not fully enjoy political rights and freedoms but remain largely underrepresented.

Beyond this, the COVID-19 pandemic has also demonstrated that regardless of the leadership change, the authoritarian tendencies in Central Asia remain prevalent. In Kyrgyzstan, the pandemic was skillfully used by Japarov to revert the country's course back to one embedded in strong

presidential control. Meanwhile in Uzbekistan, the initial reforms slowed down significantly due to the pandemic.

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