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Human rights and security: the linkage as typified in Kyrgyzstan post 7 April coup d'état

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The new opportunities and past travails of Kyrgyzstan exemplify the symbiotic nature of human rights and security. The thesis, to which OSCE adheres, is simple. Respect for human rights enhances both national and individual security. This linkage in Kyrgyzstan has been brought into sharper focus following the violent overthrow of President Bakiev and the introduction of a new parliamentary system. The explanations of the 7 April uprising and the subsequent inter-ethnic violence in June vary. However, root causes concerning human rights are not far beneath the surface. Economic security was threatened by an unbridled rise in household prices. Individual and media freedom were threatened by intimidation from State Authorities. Ethnic imbalances in ownership of land, business, natural resources and equitable representation in Government services all formed part of the overall picture of social and political unrest.

If there is to be meaningful and durable stability in Kyrgyzstan, the new Government (yet to be formed) will need to show clear political will to tackle this cluster of issues. It will have to deal with both reality and perceptions among the various ethnic communities if it is to create a new national social cohesion and unity.

The OSCE, together with its in-country tripartite rehabilitation partners, the UN and EU, and alongside other regional and international organizations, is committed to supporting the democratic endeavours of the new Government. But, to repeat, the onus and the political will for change in human rights in Kyrgyzstan rests with the Government. It is the Government who possess the sovereign ability to provide the enabling conditions for greater public satisfaction and security through good laws, respect and implementation of those laws, and the practice of equitable, open, and clean Government.

With this in mind, the OSCE, through its Centre in Bishkek, have specific proposals in place to support the new Authorities. Not to get too lost in detail, I might summarise 4 main features of our proposals as follows.

Firstly, the low-level of public confidence in the judiciary and law enforcement system needs to be tackled. The OSCE Centre intends in the New Year to facilitate and support a national consultative mechanism or national debate on “resetting” the law enforcement system. This debate would help shape the nature of the type of judiciary and police that the public seek. The debate would inform the drafting of a new basic law on the Police. President Otunbaeva has indicated her enthusiasm and the OSCE Centre has prepared some of the ground. But this is a major undertaking and all will hinge on the political willingness of the Government to drive this process. I have suggested a mnemonic “ABC” as a benchmark for improvement : Accountability, Behaviour, Corruption. I have devised this based on soundings of what lies behind public grievances. The public want to be free of insular, unaccountable authorities ; free of intimidation and abuse ; and free of extortion, and indeed more serious state theft, arising from within the Authorities.

Secondly, boosting the national capacity to monitor, protect and advocate human rights. The OSCE Centre believes that there needs to be substantial upgrading in capacity both at Governmental and non-Governmental level. Specifically there needs to be a clear, active and properly resourced national focal point. The Ombudsman's office, with its provincial network, offers the best choice. The considerable volume of work conducted by the UN, OSCE and EU in trial monitoring and the handling of human rights complaints could and should be more effectively taken up by the Ombudsman's Office. He has and should enhance his cooperation with the Authorities and other quasi national Ombudsmen in for example media freedom and safety. The OSCE may float the idea of creating a dedicated Police Service Ombudsman during the National Consultative debate I mentioned earlier.

Thirdly, inter-ethnic relations. The OSCE High Commissioner on National Minorities, on his most recent visit to Kyrgyzstan in November, reassured President Otunbaeva that he intended to continue to assist the Kyrgyz authorities develop their state concept on interethnic relations and integration of national minorities as well as to implement their existing concept on multilingual and multicultural education. He has expressed confidence at the OSCE Permanent Council that his co-operation with the Presidential Administration's Department of Ethnic Development and Religious Policy, and the Ministry of Education will lead to these concepts becoming important building blocks for the integration of Kyrgyz society and the stability of the country.

Fourthly, the implementation of the OSCE "Consultative Security Mechanism". The CSI, recently approved by the Permanent Council after modification and approval by the Host Authorities, is now launched and will pick up momentum early in the New Year. The CSI will contribute towards better policing methods and firmer trust and understanding among the different ethnicities and the law enforcement authorities. Importantly the CSI will indirectly inform and support the three core objectives I earlier outlined.

To close, I have sought to use Kyrgyzstan as an example of the challenges to the wider OSCE neighbourhood in strengthening security at both national and individual level through the means of attention to the respect for human rights. The law is one thing ; practice another. The new Government of Kyrgyzstan, as elsewhere, will need to set the tone and create the enabling environment to strengthen respect for human rights. Their key actions must include clear political will, stronger accountability and transparency mechanisms, the protection of a free media and the end of apparent impunity of the perpetrators of unlawful and discriminatory acts.