



Resolution 1984 (2014)¹

Final version

Request for Partner for Democracy status with the Parliamentary Assembly submitted by the Parliament of the Kyrgyz Republic

Parliamentary Assembly

1. In adopting [Resolution 1680 \(2009\)](#) on the establishment of a “partner for democracy” status with the Parliamentary Assembly, the Assembly resolved to establish a new status for institutional co-operation with parliaments of non-member States in neighbouring regions wishing to benefit from the Assembly’s experience in democracy building and to participate in the political debate on common challenges which transcend European boundaries.
2. In accordance with Paragraph 15 of [Resolution 1680 \(2009\)](#), the national parliaments of all southern Mediterranean and Middle Eastern countries participating in the Union for the Mediterranean-Barcelona Process, and of central Asian countries participating in the Organization for Security and Co-operation in Europe (OSCE) (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan), should be eligible to request partner for democracy status with the Assembly. The Parliament of Morocco and the Palestinian National Council were granted this status in June and October 2011 respectively.
3. On 27 October 2011, the Speaker of the Parliament of the Kyrgyz Republic officially requested that the parliament be granted partner for democracy status with the Parliamentary Assembly of the Council of Europe. The Assembly welcomes this request, which is the first to come from central Asia.
4. The Assembly takes note that, in his letter, the Speaker of the Kyrgyz Parliament, in line with the requirements set out in Rule 61.2 of the Rules of Procedure, reaffirmed the following:

“The current situation in our country and the achievements of the past few years show that the Kyrgyz Republic shares the Council of Europe’s values, which are founded on pluralism and gender equality, together with parity-based democracy, the rule of law and respect for human rights and fundamental freedoms. Firm evidence of this can be seen today in the abolition of the death penalty in the Kyrgyz Republic, media freedom, and the equal representation of women and men in public and political life.

Our co-operation with the Council of Europe through our membership of the European Commission for Democracy through Law (the Venice Commission) has proved extremely useful for the Kyrgyz Republic and has produced positive results. We are therefore interested in making further use of the Assembly’s experience in our institutional and legislative work.

We have set ourselves a clear goal: to hold free and fair elections in line with international standards. We are therefore intent on building stable relations with all international organisations that have sufficient experience in this area.

1. *Assembly debate* on 8 April 2014 (13th Sitting) (see [Doc. 13461](#), report of the Committee on Political Affairs and Democracy, rapporteur: Mr Andreas Gross; [Doc. 13477](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Pedro Agramunt; and [Doc.13476](#), opinion of the Committee on Equality and Non-Discrimination, rapporteur: Ms Bernadette Bourzai). *Text adopted by the Assembly* on 8 April 2014 (13th Sitting).

We are, without doubt, committed to further improving our efforts in these areas, and to encouraging the competent authorities of Kyrgyzstan to become party to the relevant Council of Europe conventions and partial agreements which are open for signature and ratification by non-member States, in particular those dealing with human rights, rule of law and democracy issues.”

5. The Assembly deems these statements to be political commitments, on the part of the Kyrgyz Parliament, to continue work towards compliance with the basic values and principles of the Council of Europe and to the requirements set forth in the Rules of the Assembly.
6. The Assembly particularly welcomes the fact that Kyrgyzstan abolished the death penalty in 2007.
7. At the same time, the Assembly notes that the request contains no formal reference to the statutory obligation to inform the Assembly regularly on the state of progress in implementing Council of Europe principles. However, it deems accountability to be an integral part of the partnership, and the obligation of accountability to be a direct consequence of the granting of the status.
8. On this understanding, the Assembly considers that the request by the Kyrgyz Parliament broadly meets the formal conditions set out in its Rules of Procedure.
9. Furthermore, the Assembly acknowledges that the parliament, the main political actors, State and public officials and civil society in Kyrgyzstan broadly share the objectives of the partnership for democracy, and consider that obtaining it would be an important incentive to further developing democracy, the rule of law and the protection of human rights and fundamental freedoms in the country.
10. The Assembly is convinced that it is important that Kyrgyzstan, the only country in central Asia to have chosen parliamentary democracy as the basis of its political system, succeeds on the path to democratic transition. It believes that Kyrgyzstan deserves full support in this endeavour.
11. The Assembly welcomes Kyrgyzstan's commitment to deep constitutional, institutional, political and legal reforms in order to strengthen democracy, and encourages the national authorities to make full use of the Council of Europe's expertise and standards. It considers that the partner for democracy status provides an appropriate framework for strengthening the involvement of the Kyrgyz Parliament in the realisation of these reforms.
12. At the same time, the Assembly is fully aware that Kyrgyzstan, as a young independent country with a turbulent political history and a burden of problems inherited from the past, still has a long way to go towards democracy, the rule of law and full respect for human rights and fundamental freedoms.
13. The Assembly commits itself to helping Kyrgyzstan overcome these obstacles. It stands ready to share its experience and offer its assistance in addressing them. It recalls that partner for democracy status is a tool to improve democracy. It deems that, by requesting partner for democracy status, the Kyrgyz Parliament has demonstrated its will to embark on this path and its readiness to learn from European practice, and has chosen Council of Europe standards as benchmarks on its way forward.
14. In this context, several factors are cause for very serious concern and must be addressed as matters of priority, particularly in the framework of future co-operation between the Council of Europe and Kyrgyzstan as partners for democracy. These include pervasive corruption, an ethnically unbalanced judiciary lacking impartiality and independence, continued use of torture, impunity of law-enforcement agents with regard to the latter, acts of intimidation of civil society and still unresolved consequences of interethnic tensions.
15. Against this background, and building on its experience of co-operation with other countries in transition, the Assembly considers that the following specific issues are of key importance for strengthening democracy, the rule of law and respect for human rights and fundamental freedoms in Kyrgyzstan:
 - 15.1. holding free and fair elections in accordance with relevant international standards, and improving the electoral legal framework in co-operation with the European Commission for Democracy through Law (Venice Commission);
 - 15.2. enhancing public interest in, and awareness of, the democratic process, as well as ensuring a higher level of participation in elections and involvement of citizens in political life;
 - 15.3. strengthening public monitoring of elections by independent observers, including strengthening the capacities of domestic observer networks;

- 15.4. consolidating the institutional framework resulting from the 2010 constitutional reform, in particular by enhancing the separation of powers and strengthening the role of the parliament;
- 15.5. further involving civil society organisations in legislative and other decision-making processes;
- 15.6. strengthening the development of political participation in political parties, to ensure a pluralistic representation of all parts of Kyrgyz society;
- 15.7. promoting education in democratic citizenship and respect for human rights;
- 15.8. improving equal opportunities for women and men in economic, political and public life;
- 15.9. strengthening local and regional democracy;
- 15.10. stepping up the fight against corruption, in particular in law-enforcement agencies; strengthening transparency and accountability in the governance system;
- 15.11. stepping up efforts to ensure respect for the right to a fair trial, in particular by ensuring that the right to defence is respected in practice, and consolidating legal reform with a view to ensuring the independence and impartiality of the judiciary, with particular focus on excluding ethnic bias;
- 15.12. adhering to and effectively implementing relevant international instruments in the field of human rights, including full co-operation with United Nations special mechanisms and implementation of the United Nations Universal Periodic Review recommendations;
- 15.13. reinforcing the training of judges, prosecutors, prison staff, law-enforcement agents and lawyers as regards respect for international human rights standards;
- 15.14. erasing practices of arbitrary detention;
- 15.15. effectively implementing international norms on the prevention of torture and inhuman or degrading treatment of persons deprived of their liberty; fighting impunity for torture and ill-treatment, in particular by introducing an effective complaint mechanism against such acts;
- 15.16. improving conditions of detention as well as the effectiveness of the national prevention mechanism, in line with the United Nations prison-related norms and standards;
- 15.17. fighting xenophobia and all forms of discrimination;
- 15.18. guaranteeing and promoting the rights of ethnic minorities, reaffirming Kyrgyzstan's status as a multi-ethnic State where all ethnic groups enjoy equal rights, promoting reconciliation, participation in political and public life, cultural diversity and intercultural dialogue, and actively fighting nationalist rhetoric;
- 15.19. guaranteeing respect for the linguistic rights of minorities and promoting the right to education in minority languages;
- 15.20. ensuring full respect for freedom of conscience, of religion and belief, including the right to change one's religion;
- 15.21. guaranteeing and promoting freedom of expression and media independence and plurality; implementing legal provisions that effectively guarantee press freedom and protect the media from political pressure;
- 15.22. guaranteeing and promoting, in law and in practice, freedom of association and peaceful assembly; ensuring strict implementation of the law on associations;
- 15.23. refraining from adopting laws aimed directly or indirectly at restricting civil society activities;
- 15.24. combating all forms of discrimination and violence based on sexual orientation and gender identity;
- 15.25. not following up on the draft law based on the model of laws relating to the prohibition of "homosexual propaganda";
- 15.26. fighting, in law and in practice, all forms of discrimination based on gender; ensuring and actively promoting effective equality between women and men; fighting discrimination against lesbian, gay, bisexual and transgender people (LGBT); fighting all forms of gender-based violence;

15.27. refraining from harassing defenders of human rights and civil society activists and protecting them against attacks or other acts of intimidation by non-state actors; releasing Mr Azimjon Askarov and guaranteeing him a fair trial;

15.28. increasing efforts in the fight against trafficking in human beings for the purposes of sexual exploitation and forced labour;

15.29. drawing up and implementing a coherent and comprehensive policy aimed at improving the situation of children, including stepping up efforts to ban child labour and providing all children with the opportunity to receive high quality education and high quality health treatment.

16. The Assembly encourages the Council of Europe and Kyrgyzstan to take these elements into account in their current discussions on Neighbourhood Co-operation Priorities 2014-2016.

17. The Assembly expects Kyrgyzstan to accede in due course to relevant Council of Europe conventions and partial agreements open to non-member States, in particular those dealing with human rights, the rule of law and democracy issues, in accordance with the commitment contained in the letter of 27 October 2011 from the speaker of the parliament.

18. Noting that the Kyrgyz Parliament has reiterated its determination to work to ensure full implementation of the political commitments contained in Rule 61.2 of the Rules of Procedure of the Assembly, and entered into by the letter of its speaker of 27 October 2011, the Assembly resolves to:

18.1. grant partner for democracy status to the Parliament of the Kyrgyz Republic as from the moment of the adoption of the present resolution on the understanding that it will regularly inform the Assembly on the state of progress in implementing Council of Europe principles;

18.2. invite the Parliament of the Kyrgyz Republic to appoint a partner for democracy delegation consisting of three representatives and three substitutes, to be composed in accordance with Rule 61.4 of the Assembly's Rules of Procedure.

19. The Assembly believes that progress in taking forward reforms is the prime aim of the partnership for democracy and should constitute the benchmark for assessing the efficiency of this partnership.

20. It accordingly resolves to review, no later than two years from the adoption of this resolution, the state of progress achieved in implementing the political commitments undertaken by the Parliament of the Kyrgyz Republic, as well as in carrying forward the specific issues mentioned in paragraph 15 above.

21. The Assembly stresses the importance of free and fair elections as a cornerstone of a genuine democracy. It therefore expects to be invited to observe elections in Kyrgyzstan as from the next general election.

22. The Assembly is confident that granting partner for democracy status to the Parliament of the Kyrgyz Republic will contribute to intensifying co-operation between the country and the Council of Europe and promoting Kyrgyzstan's accession, in due course, to Council of Europe conventions. It therefore encourages the Secretary General of the Council of Europe, in co-ordination, as appropriate, with the European Union and other international partners, to mobilise the Organisation's expertise, including that of the Venice Commission, with a view to contributing to the full implementation of democratic reforms in Kyrgyzstan.

23. The Assembly calls on Council of Europe member and observer States and international organisations, in particular the European Union, to:

23.1. increase their assistance to Kyrgyzstan in the field of democratic reforms;

23.2. find appropriate ways to assist the Kyrgyz partner for democracy delegation to take part in the work of the Assembly and its committees.