

CENTRAL ASIA POLICY REVIEW



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MISSION

The *Central Asia Policy Review* is an English-language on-line publication of the Tian Shan Policy Center of the American University of Central Asia dedicated to promoting dialogue and raising awareness on relevant issues in Kyrgyzstan and Central Asia on human rights, good governance, sustainable development, migration and social protection.

Contributions to the *Central Asia Policy Review* are encouraged from local, regional and international experts, professors, students, as well as alumni of the American University of Central Asia and other Universities of or with a focus on Kyrgyzstan and Central Asia.

Representatives of local institutions, civil society organisations, regional and international organisations are also encouraged to contribute.

The *Central Asia Policy Review* aims at addressing issues of public interest with the aim of furthering support for the democratic development of Kyrgyzstan and neighbouring countries, as well as for enhanced compliance with human rights obligations and principles in an inclusive manner.

SUBMISSION GUIDELINES

Contributors shall submit articles to the following email address: capr@auca.kg. An article's ideal length will be between 1,000 and 2,500 words, including a 100 word abstract. The articles should include a brief introduction to the subject at hand, an analytical section, and policy recommendations to foster dialogue and discussion. The Editor and the Editorial Committee reserve the right to decide whether to publish or edit the article in accordance with the internal publication guidelines of the Tian Shan Policy Center. By submitting the article, the author agrees to its publication and to relinquish his/her copyrights to the Tian Shan Policy Center. Unless otherwise stated in written form by the Editorial Committee, no honorarium will be paid for the contributions.

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THE CENTRAL ASIA POLICY REVIEW: A VISION

By The Editorial Committee

Dear Reader,

Thank you for your interest in the *Central Asia Policy Review* (the *Review*).

In the summer of 2014, discussions began at the Tian Shan Policy Center (TSPC) of the American University of Central Asia (AUCA) about developing a Kyrgyzstan-based policy publication on issues about Central Asia *made in* Central Asia. In other words, while authoritative publications on Kyrgyzstan and the region are available, most if not all are based abroad.

The *Review* aims at changing that understanding by providing a Kyrgyzstan-based forum for students, teachers, practitioners, activists, civil society organizations, journalists, experts and anyone with a keen interest in Central Asia to express their views, highlight pressing issues and, if applicable, provide tailored recommendations to influence policies and change legislation.

The *Review's* main areas of inquiry correspond to thematic issues at the heart of TSPC's [mandate](#), namely: Good Governance; Human Rights; Sustainable Development; and Migration and Social Protection. A comparative perspective from other regions of the world on similar issues will also be encouraged to enrich the debate.

In this first issue the focus is on Kyrgyzstan and AUCA with an introduction of the President, Andrew Wachtel, an article about the origins of the TSPC, and then three policy articles on climate change, the Universal Periodic Review, and an article on the minimum wage policy in Kyrgyzstan.

We at the *Review* believe in open dialogue as an essential tool to support the country's, and the region's, rights-based democratic development. Thus, the *Review* will facilitate dialogue between citizens, civil society and institutions with the goal of increasing democratic space through free exchange of opinions and ideas.

The *Review* sees its spotlight at a very crucial time for Kyrgyzstan. Parliamentary and presidential elections are scheduled for 2015 and 2017, respectively. The country is on the eve of joining Eurasian Economic Union. Finally, Central Asia is rife with uncertainty over events emanating from conflicts in Afghanistan and Ukraine.

In this light, the *Review* intends to become an independent platform to debate key issues for the region's future. However, it will only be able to achieve its ambitious objectives with the reader's - yes, you - active participation and contribution. We, as the Editorial Committee, will engage as many actors as possible to widen the *Review's* reach, as well as look for interested donors with vision to support translation of future editions in the region's languages and, when possible, printing of special issues to reach the largest possible number of people.

The Editorial Committee awaits your submissions to the *Review* and remains available for further discussions and clarifications at the email address capr@auca.kg or at AUCA.

By Andrew Wachtel

As the leading university in Kyrgyzstan and one of the leading universities in Central Asia, AUCA has a unique responsibility to ensure that our principles of free inquiry and an analytic, problem-based approach to education spread beyond our classrooms.

We accomplish this in a variety of ways, most obviously by creating graduates who enter Central Asian workplaces (in the private and public sector) and who, through their actions, demonstrate the value of our education by taking leadership positions in their various organizations.

At the moment, AUCA is on the move, and looks confidently to a future of further innovation, collaboration and outreach. The undergraduate program will move to a new, state of the art, campus starting middle of 2015.

In 2012 AUCA also acquired a dormitory with modern conditions for students. AUCA had developed new programs to meet the needs of the community it serves, including Master of Arts in Central Asian Studies, Master of Business Administrations and MA in Applied Psychology, as well as an expansion of its Continuing Education program with courses in civic education, and retraining of military.

We treasure Central Asia's historic role as facilitator of mutual understanding and entrepreneurial ideas. Students and faculty eager to study and pursue their dreams come to us from 25 different countries, including all the Central Asian states, Afghanistan, China, Holland, Germany, Pakistan, Russia, South Korea, and the United States.

Their diverse beliefs, languages and perspectives are openly shared and valued. In this vibrant atmosphere, where the freedom to study is considered a privilege, we design new paths forward for social transformation and international understanding.

We also do it through our Center for Continuing Education, which reaches out to a much larger population than we can serve in our regular baccalaureate programs, providing short courses and certificate programs that showcase the AUCA approach.

Finally, and this is exemplified by the first publication of our Central Asian Policy Review, we spread our model through the sponsorship of research and publication that focuses on the major issues facing Central Asian societies and provides a sober consideration of how our research-derived knowledge can improve the life of the societies in which we operate.

The Tian Shan Policy Center was founded a bit over three years ago as part of this effort (Rodger Dillon's article in this initial number of the Review provides some background on our founding ideals).

Our basic belief is that good public policy can only be made on the basis of a rigorous examination and consideration of the evidence for and against a given policy and the work of the Center aims precisely to gather that evidence and present it in a convincing and useful way to governmental and non-governmental bodies that can use it to help design and implement public policy in Central Asia.

Furthermore, we believe that once a policy has been implemented, it should be monitored (again on an evidence-

based platform) to ensure that it is having the effects contemplated. No policy center can consider every type of public policy in a region as large and diverse as Central Asia.

As a result, the Tian Shan Policy Center has chosen to focus on three main areas crucial to the current and future development of our region: Human Rights; Sustainable Development; and Migration.

In this issue, leading AUCA researchers provide an overview of what we have

done and are doing in each of these areas. I hope that readers of the Review find the arguments and proposals made by our researchers to be cogent and convincing, and I am sure that before long this publication will become required reading for all policy makers in Central Asia and for researchers outside the region who need to see evidence-based public policy papers in order to help them to understand what is happening in this crucial yet significantly understudied world region.



Andrew B. Wachtel, Ph. D., was appointed as the President of the American University of Central Asia in 2010.

By Rodger Dillon

When the Tian Shan Policy Center opened its doors in mid-2011, under the sponsorship of the American University of Central Asia, just a little more than 15 months had passed since Kyrgyzstan's April 2010 revolution, and only a year since the ethnic conflict in the Osh region. It was an especially uncertain and challenging period. Policy-makers and the public alike were eager to move beyond an era marked by violence, cronyism, and poverty, and usher in new leadership that would strengthen the rule of law, public engagement in politics, and sustainable development, with a view to raising prosperity for all in the Kyrgyz Republic. There was a heightened understanding that society was in need of a large dose of political will and that major government institutions and processes would be undergoing significant reform, from the police and Parliament to the courts and civil society. International organizations were asked for new assistance, not least because they could help find needed resources. A new constitution, a new parliament, and a new president were in place.

The idea of TSPC emerged against this backdrop as my wife, Michelle Leighton, and I were due to leave Kyrgyzstan following a year living in the country. Michelle was completing a Fulbright Scholarship she had been awarded after we decided to move to Central Asia. Our existing plan called for us next to move to Strasbourg, France to complete a Ford Foundation grant with the University of San Francisco. But having both become involved with local projects and groups working toward positive change, and feeling deep ties to our

Kyrgyz friends and colleagues, we were not eager to move away from the region. We were happy, therefore, when Andrew Wachtel, the energetic and ambitious

President of the American University of Central Asia asked us to come join the university in some capacity as he continued his efforts to build the reputation and resources of the institution. This gave me the opportunity to bring the idea of a new public policy center to President Wachtel.

It seemed to both Michelle and me that there were few institutions that could qualify as *independent* think tanks in the region, at least by international standards. Those that existed had few resources, capacity and/or little opportunity (or inclination) for building a research agenda around support for evidence-based policy-making: the goals of most well-respected think tanks and policy centers from South Asia to Europe to America. In presenting the proposal I was considering the success that other think tanks were enjoying elsewhere, bringing critical analysis to often contentious public debates. Having worked in the California Senate leadership and in public policy for 30 years, I understood the major role these institutions can play, and the benefit they could bring to the debates that were happening in Kyrgyzstan.

We believed that establishing a public policy center could contribute independent expertise and analysis to issues of democratic governance, human rights, and economic and environmental development. We also believed that with the AUCA faculty and other experts, we could undertake training and resource development to ensure the Center's durability. Finally, we thought that we had, together, a relevant combination of expertise and skills: (a) my training as an economist with an extensive background in government, policy analysis, and political organizing; (b) Michelle's training as an international lawyer with long

experience in human rights and sustainable development, fundraising for academic and nongovernmental organizations, and advising international organizations. Our goal was to build a center of excellence that could respond to the growing demand of emerging leaders and civil society for capacity-building, training and independent analysis, tools that could help them and other institutions make a difference, particularly in Kyrgyzstan, and perhaps beyond.

President Wachtel welcomed the creation of the center, recognizing that it could both enhance the education and training programs of the university's faculty and students and connect them more closely to the needs and demands of a changing, growing country. So we prepared formal documents setting forth the priorities and structure of the organization, settling on the name Tian Shan Policy Center. We sought the support of the U.S. Agency for International Development and began to look to other sources also, such as the Soros Foundation and the European Union, for financial support.

We were given office space at the university in August of 2011, and as the financial support began to come in we began hiring additional staff - starting with Adis Sydykbaev as translator and program coordinator - and reaching out to other civic organizations. Within a short time, President Wachtel decided to incorporate the university's Social Research Center (SRC) into the Tian Shan Policy Center. We were happy to gain the

staff member, Ainura Asamidinova, from SRC. SRC had been in existence for some years, had built a notable reputation, had conducted a number of studies and policy conferences, and had developed an extensive network of contacts that were of great help as TSPC continued to grow.

From our startup to our leaving in mid-2013 we went from the two of us to eight employees and contract staff, two researchers in Europe, two researchers in New York, and one in Moscow. We were able to get substantial additional funding (over and above our USAID/AUCA funding) from the European Union and from the Central Eurasia Project of the Open Society Foundation. We developed projects on migration, democratic governance, human rights, corruption prevention, and environmental issues. TSPC's research, publications, input into draft legislation, involvement in conferences conducted by the government, international organizations, and nongovernmental organizations have made a positive impact.

The Tian Shan Policy Center has become well-known in the region as it continues to work towards its original objectives. The life of TSPC now goes forward under the leadership of a talented new executive director, Kanat Sultanaliyev, whom we brought in as we prepared to leave Kyrgyzstan. From what we see, the current staff can be proud of the new and ongoing projects and their significant contribution to the civic life of the country.



Rodger Dillon is an economist and a student of history and co-founder together with his wife Michelle Leighton of the Tian Shan Policy Center.

ADAPT OR PERISH: A BRIEF REVIEW OF CLIMATE CHANGE ADAPTATION ACTIVITIES IN KYRGYZSTAN

By Kanat Sultanaliev

Background

Climate change is globally recognized as one of the most menacing challenges for the upcoming decades. Due to its mountainous terrain and land-locked location between large deserts in the heart of the Eurasian mainland, climate change is going to be more pronounced in Kyrgyzstan than in many other parts of the world. Kyrgyzstan's glaciers are living evidence of that, with documented melting already in place. Recent research conducted on the topic came to the conclusion that the glaciers of Tian Shan Mountains have been shrinking at an increasingly fast rate since the middle of the 20th century, in some locations losing up to [7%](#) of their area every 10 years.

Climate change can affect people, infrastructure and the environment in different ways, and, in addition, it often exacerbates existing challenges and problems that are already putting pressure on fragile natural resources. The fourth [assessment report](#) of the Intergovernmental Panel on Climate Change singled out the following three key climatic changes that are relevant for Kyrgyzstan: temperature change, precipitation change, extreme events. These three major climate effects might impact the country in numerous ways, including reduced water availability due to retreat of glaciers, slumps in hydropower generation, decreased productivity of livestock and crop systems, emergence of new threats for human health, damage for biodiversity and ecosystems, increased frequency of landslides, mudslides, floods and other natural disasters.

Many attempts were undertaken to analyze climate change implications in Central Asia in general and Kyrgyzstan in

particular, with the majority of these studies employing a regional focus and only a few concentrating on Kyrgyzstan alone. The following sectors were highlighted as the most vulnerable to the adverse effects of climate change: water resources, agriculture, hydropower, population health, climate-induced emergencies, forests and biodiversity.

There are two main approaches to counteracting the problems of climate change: *mitigation* (addressing the causes of climate change) and *adaptation* (addressing the implications of climate change). Kyrgyzstan's contribution to global greenhouse gas emissions is very limited and, according to some assessments, may even be one of [the smallest in the world](#) (counting land use change and forestry). Based on that, climate change mitigation appears to be a lesser priority compared to the pressing necessity to adapt to global climate change. Therefore, Kyrgyzstan should urgently design targeted adaptation actions in order to be prepared for the possible future impact of climate change, which could seriously hinder the country's already slow development.

Climate trends and predictions

[The Second National Communication of the Kyrgyz Republic](#) to the United Nations Framework Convention on Climate Change (UNFCCC) reported that the increase in the average annual temperature in Kyrgyzstan in the 20th century was 0.8°C. A [recent UNDP climate report](#) highlighted that the mean annual temperature growth rate in the last 20 years (0.07°C for the period of 1990-2010) increased rapidly in comparison with that of the entire observation period (0.01°C for the period of 1885-2010). This means that the

climate in Kyrgyzstan has become much warmer during the last two decades. While annual precipitation also increased (at the rate of 0.85 mm/year for the period of 1885-2010), during the last 20 years a decreasing trend was recorded (-1.868 mm/year for the period of 1990-2010).

Existing data on extreme events indicates an increasing frequency of various climate-induced disasters. A [WFP report](#) on climate risk and food security referred to evidence from the Ministry of Emergency Situations indicating that floods, mudflows, landslides and avalanches have become more frequent during the period between 1990 and 2009.

The majority of available climate projections unanimously agree in predicting a significant temperature increase and accelerated frequency of extreme events for Kyrgyzstan in the next few decades. However, researchers hold different opinions on the likely precipitation patterns in the future. In general, older studies tended to project a moderate decrease in precipitation in the coming decades, while some recent models claim the opposite (e.g. recent [IFAD](#) and [ADB](#) reports). Therefore, precipitation projections have to be taken with special caution.

Current institutional and policy frameworks on climate change adaptation

The main state body responsible for policy development in the field of climate change is the [State Agency on Environment Protection and Forestry](#) (SAEPF). SAEPF is also the focal point on the implementation of the country's commitments under the UNFCCC and Kyoto Protocol. Other ministries and agencies are dealing only with particular aspects of climate change relevant to their respective mandates. Among the other state bodies, the [Agency on](#)

[hydrometeorology](#) is responsible for gathering climate data.

Another key organization strongly influencing state policy on climate change is the [Center on climate change](#) of the Kyrgyz Republic (Center), which was established in 2005 by decree of the then Ministry on Ecology and Emergencies. Though established by ministerial decree, the Center is not funded from the state budget and has to mobilize external financing to support of its operations.

In November 2012, the Government established a key inter-agency cooperation mechanism in the form of the Coordination Commission on Climate Change Problems (CCCCP). The Commission is chaired by the Deputy Prime Minister and is intended to facilitate coordination between ministries, agencies and other organizations related to the national commitments on the UNFCCC and Kyoto Protocol. The director of the SAEPF acts as the Deputy Chairman of the Commission, while the SAEPF serves as its secretariat. In August 2014 the Commission initiated the creation of a Climate Platform convening all relevant stakeholders from public, business and civil sectors as well as international organizations to regular working meetings and discussions, aimed at fostering cooperation and harmonization of activities among them.

In general, the SAEPF and Center with support from UNDP and other international organizations play key roles in leading the process of elaboration of national policy documents on climate change adaptation. To date, the most significant policy developments on the subject are:

- [First and Second National Communications](#) to UNFCCC (2004 and 2008, respectively). As a party to UNFCCC, Kyrgyzstan developed and submitted its periodic reports on climate change presenting updated national data and information. Elaboration of the Third

Communication is in the process and should be finalized in 2015;

- "[Priority directions for adaptation to climate change](#)." The main objective of this strategic document approved by Government in October 2013 was to develop the priority sectors and actions on climate change adaptation for potential cooperation on their subsequent implementation with the support of interested partners and donors.

- Development of detailed sectoral adaptation plans and programs is currently ongoing. Relevant ministries are responsible for their sectors and should provide the outputs during the course of 2015. So far, only the [public health adaptation program](#) was developed with the help from the German Ministry on Environment. However, whether this program would be practically implemented remains to be seen, as very limited financing was confirmed for its realization.

Adaptation activities

Due to clear constraints in state budget, all current and planned adaptation efforts are donor-driven. To date, [a number of different activities and projects](#) related to climate change have been undertaken or are being implemented by various partners. However, very few projects are targeted on adaptation activities. Below are listed projects most relevant for adaptation:

- [The Central Asia Hydrometeorology Modernization Project](#) by World Bank is aimed to improve the accuracy and timeliness of delivery of climate and hydrological services in the region with particular focus on Kyrgyzstan and Tajikistan. Total budget - 27 million USD, duration - 2011 - 2016;

- [UNDP Climate Risk Management in Kyrgyzstan](#) Project was part of the regional project covering Central Asia. The objective of the project was to strengthen resilience of herder communities in Kyrgyzstan's Suusamyr

valley. Total budget - 0.6 million USD, duration - 2010-15.

In addition, two major donor interventions specifically aimed at climate change adaptation are currently being planned for the near future, namely:

- The [Climate Adaptation & Mitigation Program for Central Asia](#) (CAMP4CA) is a large regional program currently under preparation by the World Bank. Three main components of the program are: climate information, institutional strengthening and innovative piloting. Estimated budget - 60 million USD;

- [Economics of Climate Change Project](#) by the Asian Development Bank. This regional initiative is going to cover West and Central Asia and aims to identify priority adaptation and mitigation investments for climate resilience and low-carbon growth in selected countries. Kyrgyzstan has been included in the adaptation component of the program. The budget for the project's technical assistance phase is 3.25 million USD.

Conclusions and recommendations

Kyrgyzstan is one of the most vulnerable countries to climate change among the former USSR republics, especially in the hydropower and agricultural sectors. As the national capacity and expertise on climate change is weak, support from international development partners is urgently needed. While the basic institutional and policy framework is in place, it requires further strengthening in order to effectively pursue numerous climate financing opportunities.

The majority of climate change adaptation efforts are donor-driven and financed from external sources. This tendency is likely to remain in place in the near future due to Kyrgyzstan's difficult economic circumstances. However, the Government can and should do more on climate change adaptation without external assistance. Country-driven initiatives would help to build local

adaptation capacity and expertise, while demonstrating a firm commitment for climate-smart and sustainable development.

Taking into consideration the international and national context, as well as recent policy developments, the following recommendations are offered:

- As elsewhere, climate change is expected to impact the poorest most. A broad public awareness campaign has to be conducted throughout the country to inform potentially vulnerable populations about the possible consequences of climate change, while building those populations' capacity to adapt to it;

- Not all changes in climate will have a negative impact. For example, remote high-altitude pastures might become more productive due to the projected increase in temperature and longer vegetation period. Such 'windows of opportunity' should be explored in more detail and proper actions devised in order to assist communities in maximizing the benefits;

- Although the present institutional framework in the field of climate change adaptation is viable, there is room for improvement. No state body, including the SAEPF, has any staff member solely and explicitly focusing on climate change issues. All key specialists who led the recent policy developments were either staff of non-commercial organizations or international organizations. Such significant lack of in-house expertise in the public sector might seriously hinder

successful implementation of the sectoral adaptation programs that are currently being developed by all ministries and agencies. Thus, there is a need to establish a full-time secretariat of key specialists at the CCCC, who could plan, coordinate and monitor the work on climate change issues on a daily basis. This reinforced CCCC Secretariat can prove crucial to develop successful collaboration with international partners on various climate financing opportunities (these are likely to become a significant source of Official Development Assistance before long). The Secretariat should also regularly monitor and evaluate climate change-related projects in view of disseminating their findings and, where relevant, provide recommendations to improve performance.

As the reliability of the climate change projections is still questioned, caution should be exercised when considering possible scenarios. However, as per precautionary principle from the United Nations Framework Convention on Climate Change (article 3.3), "lack of full scientific certainty" on climate change should not be used as a reason for inaction or to postpone the relevant adaptation activities. The Government - jointly with local authorities, civil society, academia and international organizations - should instead undertake all reasonable measures to get ready for various implications of climate change that are going to affect all areas and sectors in our country in the near future.



Kanat Sultanaliyev is the Executive Director of the Tian Shan Policy Center and an expert on sustainable development.

THE 2015 UNIVERSAL PERIODIC REVIEW: A UNIQUE OPPORTUNITY FOR HUMAN RIGHTS IN KYRGYZSTAN

By Daniele Rumolo

In January 2015, within the framework of the Universal Periodic Review (UPR), the Kyrgyz Republic (henceforth, Kyrgyzstan) underwent the second review of its human rights records before the Human Rights Council (HRC) in Geneva. The first UPR cycle took place in 2010 and, in accordance with June 2007 HRC Resolution [5/1](#) and April 2011 Resolution [16/21](#), the Kyrgyzstan will be next reviewed in October 2019. The time to 2019 presents an opportunity for Kyrgyzstan to enhance its compliance with human rights obligations based on the recommendations provided by the HRC.

One hundred ninety-six [recommendations](#) were issued during the second review based on the State report, a report by UN entities and a compilation of reports from national human rights institutions and civil society. To date, Kyrgyzstan has accepted 139 and rejected 28 recommendations. The remaining 29 recommendations are still under consideration and the Government is expected to issue a final decision by June 2015.

This analysis and the ensuing recommendations cover the thematic areas that have received the highest number of recommendations. However, given the interrelatedness of human rights, this is one among many possible interpretations; the overall number of thematic recommendations may vary according to the criteria adopted to group them.

Main recommendations by topic

Human Rights compliance: The highest number of recommendations focused on the necessity to ensure full compliance of Kyrgyzstan's legislation with international

human rights obligations. The 41 recommendations on this topic (25 of which were accepted, six refused, and 10 pending) urged Kyrgyzstan to achieve this goal in two ways: first, by upholding and including human rights norms into national laws; second, by preventing the adoption of draft laws contradicting human rights principles and possibly leading to discrimination on any ground.

Anti-discrimination: The HRC identified discrimination on the basis of ethnicity, religion, gender, and sexual orientation as one of the most pressing concerns in Kyrgyzstan, as broached in 17 recommendations. Regrettably, the Government accepted four of them and refused seven. This appears to confirm the validity of the HRC's concerns and suggests that Kyrgyz institutions do not consider the promotion of anti-discrimination policies or legislation as a priority despite this principle being enshrined in the Constitution and several national laws.

Women's rights: Based on the number of recommendations, another major concern is related to the respect, protection, and promotion of the rights of women and girls. Kyrgyzstan received 29 recommendations and accepted almost all of them. One recommendation, related to an increased representation of women in the police and security forces, was refused, whereas one on the establishment of intra-state reporting mechanism on violence against women is still pending. The accepted recommendations revolve around the end of violence against women and girls, 'bride kidnapping', early and forced marriages. The HRC consistently asked Kyrgyzstan to take decisive actions to fight violence including through the adoption of a comprehensive National

Action Plan; to raise awareness on prohibited practices such as bride kidnapping, early and forced marriages; and to implement the existing laws by prosecuting all those responsible for such crimes. Additional recommendations stressed that Kyrgyzstan needs to empower women and increase their effective representation in public bodies and in decision-making positions.

Rights of the child: With 27 recommendations, the HRC appeared similarly concerned about the respect of the rights of the child. Kyrgyzstan accepted 26, refusing only the request to ratify the Optional Protocol to the Convention on the Rights of the Child which would allow for the submission of individual complaints to the competent Committee. In addition to early and child marriages, a significant number of recommendations draw attention on the prevention of violence against children and the prohibition of corporal punishments. The HRC also urged the adoption of a comprehensive strategy to address violence against children and increase the protection of their rights. Moreover, Kyrgyzstan needs to increase its efforts to foster access to free and compulsory education for all children, including children with disabilities; prohibit child labor; improve birth registration especially in rural areas and the registration of children of migrant workers to guarantee adequate access to public services.

Prevention of torture: The issue of prevention of torture was the fourth main thematic area requiring improvement. Kyrgyzstan accepted 21 out of 22 recommendations, refusing the request to transparently investigate instances of arbitrary detention and allegations of torture of ethnic Uzbek as a consequence of the 2010 ‘events.’ However, it accepted a number of recommendations related to the investigation of allegations of torture following the ‘events’ and one about the prosecution of the officials

responsible for torturing members of ethnic minorities - though no specific minority was mentioned. Most recommendations focused on impartial investigations of allegations of torture by enhancing institutional investigative capacities; safeguarding financial and functional independence of the National Center for the Prevention of Torture (NPM); fully implementing the recently adopted National Action Plan on Torture; and ensuring the prosecution of those responsible for acts of torture and ill-treatment. Additionally, the HRC urged the opening of impartial and effective investigations into allegations of torture against members of the LGBT community, ethnic minorities, and human rights defenders.

A unique opportunity for Kyrgyzstan

During the UPR, it was highlighted that Kyrgyzstan made progress since the 2010 review by taking a number of steps to enhance their compliance with human rights obligations, such as the adoption of the June 2010 [Constitution](#), whose second section stands out as it is entirely dedicated to “Human Rights and Freedoms.” The direct inclusion of human rights principles in the supreme law of the country is an unequivocal sign of the intention to respect, protect, and promote them in all fields.

Similarly, the [ratification](#) of the Second Optional Protocol to the International Covenant on Civil and Political Rights in 2010 and the signature of the Convention of the Rights of Persons with Disabilities (CRPD) indicate Kyrgyzstan’s intention to continue to uphold human rights. It is now hoped that the ratification of the CRPD will soon take place.

The implementation of the Optional Protocol of the Convention against Torture was particularly important, as it led to the establishment of the NPM by law in July 2012. This mechanism, whose ability to operate consistently increased during

the period under review, has already shown to be critical in addressing concerns related to the use of torture. It is now necessary to take significant steps, both at the political and financial levels, to ensure the NPM independence, build on initial successes, and persist in the fight against torture.

These achievements, however, are not a final goal but rather an incentive on the path of peace and democracy, as the consistent protection and promotion of human rights is key to Kyrgyzstan's free and sustainable development.

Although smaller in size than its richer neighbors, Kyrgyzstan has attempted to set the example in Central Asia for its commitment to human rights. The UPR and other UN treaty bodies' reviews are a unique opportunity to implement human rights in all aspects of the country's life. In 2013, the Committee on the Convention on the Elimination of All Forms of Discrimination in February and the Committee against Torture in November have reviewed Kyrgyzstan's human rights record. The following year, reviews were carried out by the Committee on Civil and Political Rights in March and the Committee on the Rights of the Child in May. This year, reviews by the Committee on Migrant Workers and the Committee on Economic, Social, and Cultural rights will take place in April and May, respectively.

All these reviews resulted and will result in a significant number of recommendations that the Kyrgyz Government has to implement during the coming years. However, this responsibility is not the Government's alone, but has to be shared with civil society and Kyrgyzstan's citizens. Without a consistent, coordinated, and transparent approach, it will be extremely challenging to implement the steps necessary to maintain the progress achieved until now in the human rights field. Priorities would thus be to develop a systematic plan to

inform all peoples in Kyrgyzstan about the outcomes of the reviews; establish public fora for inclusive consultations with all communities and socially vulnerable categories; and ultimately drafting and adopting a National Human Rights Action Plan which identifies responsibilities and increases accountability of authorities and civil society.

Outstanding concerns

Perhaps as a way to encourage Kyrgyzstan's continuous progress rather than confronting the authorities on possible shortcomings, the HRC failed to openly address several important concerns. This may curtail the HRC's future political leverage to advocate for the further improvement of the human rights situation in the country.

Surprisingly, only one recommendation covered the issue of elections, while Parliamentary and Presidential elections have been scheduled in Kyrgyzstan for 2015 and 2017, respectively. Both elections will represent a critical moment for the future democratic development of the country. Despite growing concerns about the respect of fundamental freedoms, no recommendations were issued to request full respect and protection of the right to political association, assembly, expression, and universal participation in elections, including through measures to ensure the effective representation of women, minority communities, and internal migrant workers.

Similarly, the fight against corruption was mentioned only twice. Corruption within the civil service, law enforcement agencies, justice system, education, health and private sector, is widely recognized as the main element preventing Kyrgyzstan's democratic development and contributing to violations of human rights. In 2014, the country was ranked 136 out of 175 in Transparency International's corruption

perception index. The overall level of corruption is believed to amount to [700 million US](#) dollars per year, or 40% of the state annual budget.

Failing to address this issue will adversely impact a large number of rights. First of all, endemic corruption and the ensuing disenchantment with politics are among the factors that negatively impact security and create a breeding ground for extremism and violence. This has also been recognized by the [UN Special Rapporteur on Freedom of Religion and Beliefs](#). Secondly, it considerably affects the ability of citizens - especially the most vulnerable - to access and enjoy fundamental services, further contributing to exclusion and abuses.

Corruption also distorts the administration of justice and can lead to the use of torture by law enforcement agencies. Reportedly, people deprived of liberty who refuse or are unable to pay are abused and forced to sign confessions that are then successfully used as evidence in a court of law. While torture has been largely covered in the recommendations, the HRC disappointed many by not taking a decisive stance on relevant cases such as the internationally-renowned case of Uzbek human rights defender [Azimjan Askarov](#). This soft approach will not contribute to support the efforts of human rights defenders and organizations who tirelessly work to ensure the respect of human rights in the country. This silence will likely strengthen the climate of impunity that alleged perpetrators of torture already enjoy. Indeed the number of officials convicted for torture over the past years is negligible despite [reports](#) - notably by the Sub-Committee on Prevention of Torture - that the use of forced confession is systematic.

Finally, the HRC inappropriately used terminology concerning the protection of the rights of women, in particular with reference to 'bride kidnapping.' Although

this terminology is widely used to describe the criminal practice of abducting women to force them into marriage, the HRC should apply precise labels to crimes that still affect a large sector of the population. While no clear annual estimates are available of the number of women and girls who are kidnapped - as well as raped, starved into compliance to marry the perpetrators, at times enslaved within the family of the perpetrators, while unable to return home due to the burden of shame that befalls the victim - the numbers are believed to be in the thousands. Equally to torture, the number of perpetrators arrested and prosecuted is insignificant.

The list of crimes connected to 'bride kidnapping' serves to bring the attention away from the 'bride' and back to the 'kidnapping' part of the equation. As there is nothing honorable in killing someone, as the concept of 'honor killing' seems to imply, 'bride kidnapping' similarly mystifies the deprivation of liberty, rape, and enslavement of women to make it more palatable to a general audience. In ultimate analysis, The HRC has failed to demand that the Kyrgyz authorities take immediate and concrete steps to halt these violations against women, while increasing educational and awareness raising efforts as a way of deconstructing spurious justifications of the phenomenon based on perceived traditional values.

Other interrelated - and marginally addressed - topics are transitional justice, community reconciliation, and inter-ethnic tolerance. A peaceful and prosperous environment can only be achieved if grievances from the past are addressed, injustice redressed and justice, in all its multiple forms, provided. Instead, the HRC failed to acknowledge the polarizing trends among communities, such as the recurring reference in draft legislation and policies to traditional values belonging only to a portion of the country's society or the

increasing chauvinism that, recently, has resulted in the creation of self-appointed [groups](#) for the protection of radical moral values or against [foreign threats](#). In effect, the HRC has failed to warn the Kyrgyz government of the risks entailed in the lack of immediate implementation of conflict-mitigation measures.

Recommendations

The UPR presents an opportunity for Kyrgyzstan to reiterate its commitment as a country promoting and protecting human rights. The challenges are significant and adequately addressing them will require important investments. However, Kyrgyzstan possesses the adequate institutional structure to accomplish its goals and, with the complementary economic and technical support of the international community, it is possible to fill outstanding gaps.

In this regard, it is critical that Kyrgyzstan:

- Develop effective mechanisms to inform all citizens about the outcomes of the UPR and the Treaty Bodies' reviews, including considering the involvement of

press conferences and other media platforms;

- Initiate the planning and drafting of a comprehensive National Action Plan on Human Rights to thematically consolidate all the recommendations received and assign clear responsibilities for their implementation with adequate timelines;

- Organize public consultations to gather opinions and views of citizens on ways forward for the development of the action plan and its implementation;

- Ensure that all sectors of society, including women, youth, persons with disabilities, elders, migrants, ethnic and religious communities, public officials, civil society, and any other marginalized group, are included in the consultations both at the urban and rural levels;

- Continue to adopt legislation and policies that are in full compliance with international and national obligations as enshrined in the Kyrgyz Constitution;

- Repeal any legislative proposal that does not satisfy the criteria of compliance with human rights standards and could possibly lead to discrimination on any ground.



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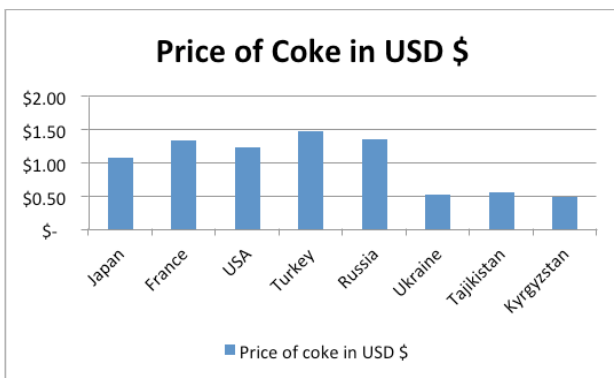
WHAT'S THE REAL PRICE OF A BOTTLE OF COCA-COLA®?

By Seth Fearey

At the Tian Shan Policy Center we are developing a set of indicators on the economy and quality of life in the Kyrgyz Republic. The indicators try to make all the mind-numbing figures and tables that pour out of government agencies easier to understand. In particular, we are looking at how Kyrgyzstan is doing in comparison with other countries.

One indicator is the price of a 0.5 liter bottle of Coca-Cola in Kyrgyzstan as compared to prices in other countries. The idea came from an indicator developed by the Economist magazine that compares the cost of a McDonald's Big Mac hamburger. Big Macs make a good indicator because they are exactly the same in every country, and virtually all of the ingredients are locally grown and processed.

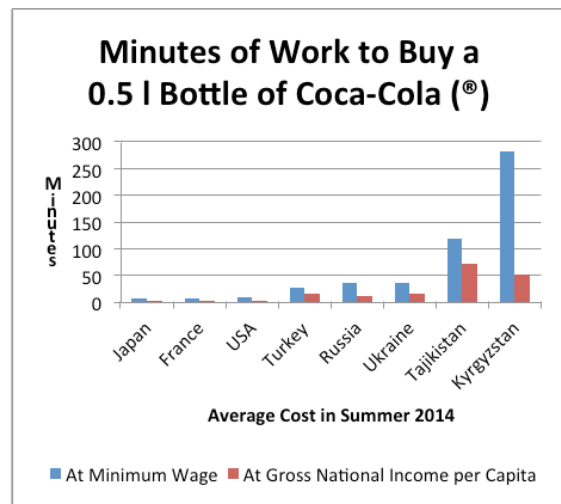
Since there are no McDonald's outlets in Kyrgyzstan, we searched for another global product that is standard and locally manufactured. The 0.5 liter bottle of a classic Coca-Cola meets that criterion. To gather comparison prices, last summer we posted a plea for prices on students' Facebook pages. Realizing that prices can vary between supermarkets and corner markets, we asked where the Coke was purchased and then standardized on the average price of a single bottle purchased in a supermarket. We then converted the local currency to the U.S. dollar exchange rate at that time.



Price vs. affordability

The resulting prices for a 0.5 liter bottle ranged from a low of \$0.50 in Kyrgyzstan to a high of \$1.49 in Turkey. But what does that actually mean? Is the price of a Coke really a lot cheaper in Bishkek than in Istanbul? How *affordable* is a bottle of Coke in Kyrgyzstan as compared to other countries? How hard does one have to work to earn the money to buy that soft drink?

We looked at these questions from two perspectives: the minimum wage earner and the Gross National Income per Capita, a rough proxy for average income. The results are surprising.



In Japan, it takes only 7 minutes to earn enough to buy a Coke at the minimum wage, nine minutes in the USA, and 23 minutes in Turkey. But in Kyrgyzstan, it takes a surprising 279 minutes - more than 4.5 hours at the official minimum wage of 900 soms per month. That is 2.4 times longer than in neighboring Tajikistan.

Using the Gross National Income per capita we still find that it takes a lot longer (51 minutes) to earn enough money to buy a Coca-Cola in Kyrgyzstan than in Japan (3 minutes), but now the price is highest in Tajikistan at 72 minutes.

Why is a bottle of Coke so expensive in the Kyrgyz Republic in terms of the minimum wage? Why is the minimum wage in the country so low in terms of purchasing power? Why does it take only 118 minutes of work to buy a Coke in Tajikistan, but 279 minutes in Kyrgyzstan?

There may be two reasons for this disparity. The first reason may be that the minimum wage is an important indicator for businesses looking to find cheap labor. It could be that the Government of the Kyrgyz Republic wants to attract low wage businesses to the country. BMI Research, for example, makes note of the minimum wage in the opening statement of its February 2015 [report](#):

Kyrgyzstan's extremely low minimum wage, at USD 16.3 a month, and fairly strong democratic credentials are major attractions for investors, especially those with labor-intensive operations such as agriculture and mining.

The second reason may have something to do with how small entrepreneurs shelter their income from tax collectors. While the unemployment rate is high in Kyrgyzstan, labor will not work for a wage that does not allow them to live. So businesses must pay more than the minimum wage to attract laborers and keep them. When it comes to reporting wages paid to the tax system, however, businesses can report that they paid only the minimum wage, in order to pay a smaller amount into the Social Fund. Workers can also report that they earned the minimum wage, hiding their true

income from the tax authorities and reducing their tax bill.

What should be done?

Being known for having one of the cheapest workforces in the developed world may get the attention of international businesses that depend on cheap labor to compete. But being known for a minimum wage that falls far below the international standard of \$1.25 at Purchasing Power Parity is not a competitive asset. Workers in Kyrgyzstan deserve a living wage.

In "On the republican [budget](#) of the Kyrgyz Republic for 2014 and forecast for 2015 - 2016," article 13 states: "Set the minimum wage for 2014 - 900.0 soms, in 2015 - 970.0 soms for 2016 - 1060.0 soms." The official extreme poverty level in 2014 was an income of less than 1,354 soms per month; for general poverty it was 2,314 soms per month.

The Government of Kyrgyzstan should consider revising the minimum wage to international standards. Since few businesses actually pay the minimum wage, any negative impact on the country's employment should be negligible. If it is true that the minimum wage helps shelter income from the tax authorities, the change should improve the financial health of the government. And finally, workers would feel that their labor is valued.

Special thanks goes to Maria Marchenko, MBA student at AUCA. Maria gathered Coca-Cola prices from around the world and did the original analysis.



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The Tian Shan Policy Center (TSPC) is an innovative nonprofit, public interest organization focused on research, analysis, and implementation of appropriate and effective public policy in the nations and communities of Central Asia.

The TSPC specializes in the critical fields of strategic development policy, human rights, and sustainable environment programs, and through its efforts strives to strengthen good governance as the bedrock for efforts to better the lives of the peoples of our emerging countries.

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