



SAFERWORLD

PREVENTING VIOLENT CONFLICT. BUILDING SAFER LIVES

“Everything can be tolerated –
except injustice.”

Injustice and violence in Osh, Kyrgyzstan



Will Bennett

February 2016

“Everything can be tolerated –
except injustice.”

Injustice and violence in Osh, Kyrgyzstan

Will Bennett, Saferworld

Acknowledgements

Saferworld would like to thank everyone who agreed to be interviewed and who were brave enough to be so candid in their responses. It was an honour to meet you and see the work you are doing, and hopefully this research goes a small way to assist in helping to build the peace you deserve. Sincere thanks must go to Alexey Kruk, Begimai Ashiralieva, Farrukh Artykov, Ferdinand Nikolla, Marat Turdubekov, Ravshan Abdukarimov, Stefan Stoyanov, and Zamira Isakova in the Saferworld Central Asia office, and above all Sanzhar Alimzhanov and Rakiia Abdurasulova for their invaluable advice, analysis, translation, patience and kindness throughout. In London, Maija Paasiaro, Astrit Istrefi, Larry Attree, Jatinder Padda, Lucy Brown and Craig Oliphant's knowledge and support were instrumental, as always.

Contents

| | |
|--|-----------|
| Executive summary | i |
| Key findings | iii |
| Methodology | iv |
| 1. People's perceptions of injustice | 1 |
| 2. People's experiences of injustice | 4 |
| 3. Injustices affecting women | 10 |
| 4. People's perceptions of the responses by justice providers | 13 |
| 5. Consequences of unresolved injustices | 16 |
| 6. Conclusion | 23 |
| 7. Recommendations | 26 |



Abbreviations

| | |
|-------------|--|
| CSO | Civil society organisation |
| IDP | Internally displaced person |
| LCPC | Local Crime Prevention Centre |
| LEA | Law enforcement agencies |
| LGBT | Lesbian, gay, bisexual, and transgender |
| NGO | Non-governmental organisation |
| OSCE | Organization for Security and Co-operation in Europe |
| PLWD | People living with disabilities |
| UNDP | United Nations Development Programme |
| VAWG | Violence against women and girls |

Executive summary



Separated from their families,
women refugees express
dismay during Kyrgyzstan's
violent clashes in 2010.

© UN PHOTO/EPA

OSH, THE LARGEST CITY IN SOUTHERN KYRGYZSTAN, with a combined urban and suburban population of around 500,000, faces a number of growing and inter-connected peace and justice challenges. Ethnic divisions are exacerbated by the memory of violence in June 2010 that destroyed 2,677 buildings, displaced 80,000 people, and left approximately 500 people dead – although some estimates are double that figure.¹ The majority were ethnic Uzbeks, victims of the longstanding anger between themselves and the majority ethnic Kyrgyz, which had suddenly become violent following the expulsion of President Kurmanbek Bakiyev in April. Perceived as pro-Kyrgyz, his departure created political uncertainty that quickly escalated underlying ethnic tensions into physical violence. It is an event not yet consigned to history. Ethnic Kyrgyz and Uzbeks live in largely segregated areas, mixing infrequently and increasing the potential for mistrust and violence.

It is a youthful city, with an estimated 32 per cent of the population aged between 15 and 24, and the demographic bulge brings social challenges. Mass unemployment has left many young people economically marginalised and susceptible to alternative narratives. Because these challenges are often politicised and blamed on ethnic minorities by the political class and media, some youth are becoming increasingly nationalistic.

These pressures are linked to the question of justice. Justice is difficult to access, and of questionable quality in Osh, and this is likely to have ongoing repercussions for peace and security. Much rests upon the ability of recently elected parliamentarians to understand and address people's underlying social, economic and political grievances. Primary among these are corruption and marginalisation. Rule of law is often a commodity for sale, police services too, and social welfare is being gradually withdrawn at a time when poverty is rising. This results in multiple injustices, with people barred from the services and security they are entitled to but cannot afford.

One group of interviewees' conclusion that "there is no fairness in Osh" matches the overall findings of this research. Women and minorities suffer most acutely. Inequality is becoming more noticeable. Land shortages cause domestic overcrowding, contributing to poor health and poverty. Kyrgyzstanis are 'tolerant' but not limitlessly so, and the fear is that with each experience of injustice the potential for even further social division, withdrawal, and violence increases.

Reducing people's daily experiences of injustice is vitally important for peace in Osh. The challenges are considerable, however, and young people require particular attention. As they endure daily unfairness and lack employment, independence and purpose, disillusionment is unsurprising and may increase the likelihood of some joining violent or criminal groups. However, while external and national security and justice actors have increasingly focused on countering violent extremism in Kyrgyzstan, this study argues that that narrative should not be over-emphasised. Despite the numbers of young men in Kyrgyzstan joining violent or criminal groups have slightly increased, the research suggests this is neither the main cause of insecurity and injustice – nor a direct result of them. Furthermore, a hard security response to the perceived spectre of 'radicalisation' could overlook the real drivers of the problem, increase injustice and violence, and worsen state-society relations.

Instead, both the state and the public would benefit from a more concerted effort to solve people's actual justice problems. Injustice characterises people's daily experiences in Osh, a consequence of pervasive corruption and marginalisation. Addressing it requires promoting equality and fairness so that fewer people feel ostracised from each other, from the state, from services and from legal protection. That would go some way to building positive peace in the South and building a collective vision for the future that everyone could support. To this end, this study recommends that efforts should be made to address:

¹ International Crisis Group (2010), 'Pogroms in Kyrgyzstan', August, [www.crisisgroup.org/~media/Files/asia/central-asia/kyrgyzstan/193%20The%20Pogroms%20in%20Kyrgyzstan.pdf](http://www.crisisgroup.org/~/media/Files/asia/central-asia/kyrgyzstan/193%20The%20Pogroms%20in%20Kyrgyzstan.pdf).

- social injustices at the heart of youth disaffection and rejection of the state
- bureaucratic opacity and people's unawareness of how to access services, including welfare and birth registration
- the full social and political inclusion of marginalised groups, including women, ethnic minorities and people living with disabilities
- the transparency and corruptibility of security and justice providers so that more people feel comfortable accessing the services they are due
- land provision for overcrowded families who risk slipping further into poverty
- peace and rights education at schools to ensure young people understand their entitlements and responsibilities

Key findings

Regular and unresolved experiences of injustice, both real and perceived, are drivers of rising disaffection and increase the likelihood of violence: People who feel aggrieved sometimes respond destructively to 'correct' an issue if it cannot be resolved peacefully. Mass unemployment and pervasive corruption mean many people, young people especially, are rejecting the state and are susceptible to alternative narratives, some of which are nefarious. Furthermore, long-held experiences of injustice continue to sustain ethno-nationalistic tensions that play out through day-to-day distrust and division that can sometimes turn violent.

Systemic bureaucratic corruption erodes state-citizen relationships and denies those without the means to pay the opportunities and services to which they are entitled: Trust in the state and its institutions is very low. This, coupled with public uncertainty about how to access services, denies groups welfare, birth registration, the opportunity to vote and other essential state provisions. These daily injustices reinforce cycles of marginalisation and prevent people from full civic participation, pushing them towards shadow systems.

Security and justice providers appear remote and corruptible, and this makes people feel vulnerable, unable or unwilling to seek out the legal protection they need: Police are slow to respond to reports of criminal activity unless bribed. Courts act in contravention of the law and the right verdict can be bought. As a result many people simply avoid contact with the criminal justice system altogether. This means that their grievances go unresolved and can fester, or else they are settled through non-state mechanisms whose quality is questionable. This leaves people highly insecure, increasing cycles of mistrust and the potential for violence.

People cannot obtain land from the state; this unfairly squeezes families together and results in diminished welfare, poor health, under-education, and growing inequality: Land shortages bring multiple injustices to a head. Overcrowded living conditions mean people cannot obtain the welfare they need, contributing to poor health, under-education, and even labour migration to Russia, which separates young families. In order to stave off poverty, pensioners often work beyond retirement age and children are sent to work instead of completing school.

Methodology

The author conducted numerous key informant and focus group interviews in Osh and Jalal-Abad for ten days in July and August 2015 with the help of two translators and facilitators, Sanzhar Alimzhanov and Rakiia Abdurasulova. Sources included former and current participants from Saferworld programmes, non-participant members of the public including minorities and youth, *Aksakal Sud* (elders' court) members, Women's Committee members, UN staff, former and current policemen, an imam, community leaders, government representatives, and both local and international non-governmental organisation (NGO) staff. Most interviewees exercised their right to anonymity and their quotes are unattributed throughout. This report also draws on a range of secondary literature, which is cited throughout.

This report does not claim to be comprehensive. It merely attempts to offer new insight into the links people make between their experiences of injustice and the possibility for violence. Its accuracy is limited to Osh and surrounding environs. Its aim is to challenge the definitions and assumptions that underpin work on justice issues, and open up a plethora of potential justice areas that, if improved, might have significant bearing on local conflict dynamics.

OPPOSITE

Taken in Lenin Square, the administrative heart of Osh, the Mayor and local politicians lead the celebrations for the 20th anniversary of the Kyrgyz Republic's Independence in the shadow of Vladimir Ilyich himself.

1

People's perceptions of injustice



“While there is a common appetite to make the criminal justice system more transparent, there is also an enthusiasm to address larger social injustices resulting from unfair relationships and opportunities, encompassing not just the courts but everything from access to adequate health and food, to education, employment and land.”

Civil Society leader, Osh

THIS RESEARCH SOUGHT TO IDENTIFY the links between experiences of injustice and the potential for violence. The first step involved trying to understand what ‘justice’ actually meant to people. Responses were varied and subjective, reflected linguistically in the fact that justice has two meanings in Kyrgyz, one roughly meaning *criminal justice* or *fairness* and the other, *honesty*.

Few people had a purely legalistic understanding of justice (as something that is predominantly dispensed through criminal justice instruments). There is a clear, common appetite to make the criminal justice system more transparent, fair and responsive. However across interviews with different sections of civil society, people espoused a much broader view of justice. There was broad enthusiasm to address social injustices resulting from unfair relationships and opportunities, encompassing not just the rule of law but everything from access to adequate health and food, to education, employment and land. Poverty, corruption and ethnic marginalisation were held to be the biggest drivers *and* symptoms of injustice, inhibiting the full realisation of people’s rights.

Indeed for the vast majority of people we spoke to, from rural to urban, and across cultural, ethnic, linguistic, economic, age and gender demographics, justice meant a complementary amalgam of equality, opportunity, rights, honour, morality and law. It is the glue that binds peaceful societies, “beginning with our individual behaviour towards others” and hinging on “fair relationships with people and institutions”. As well as a prerequisite for peace, justice was also the *result* of it, as when:

“You are comfortable with decisions that are made by the state, your neighbours, family and colleagues. Justice is experienced day-to-day both positively and negatively. Injustice is when people are made to feel humiliated. This can and does lead to violence. Sometimes it is a slow build. People here internalise their anger but gradually emotion and frustration overcomes them in a number of different, personal ways. Some people retire from contentious situations that add to their anger. Others, however, become more expressive and complain, demonstrate, and even resort to violence.”

An anomaly to this sense of shared community and rights was perhaps the business community, who defined injustice specifically in terms of the legal discrepancies that can inhibit profit. Repeatedly, in interviews with business actors, equality was only mentioned with regard to the education system, where “outdated teaching means Kyrgyzstani entrepreneurs cannot compete globally.” Likewise, corruption was seen as “annoying”, not for ethical, security or governance reasons, but because the “fines are not codified, meaning a bribe can be anything from 500 to 10,000 Soms.” As opposed to tackling corruption itself, the business community proposed codifying and increasing payments, “as a more punitive society would solve unlawfulness and result in more justice for all”.

Another interesting view came from the imam we interviewed. As far as he was concerned, forging a “common understanding of justice requires people to fear God: only then will they act properly.” The imam drew parallels between people’s experiences of injustice and Islam in so far as both are about one’s *intention*:

“One must not just know Islam, but act in its faith with genuine intention. Similarly with justice. For there to be justice you have to behave in a way that actively affords it to people. Intention is everything.”

Interestingly, this focus on intention mirrors the common perception mentioned at the start of this section that achieving justice depends on the active cooperation of individuals. There is also a clear hope among people interviewed that better partnerships, open communication and interdependent networks between disparate communities, the government and the police can provide space for dialogue and compromise that will help improve everyone’s experiences of justice, regardless of how the word is perceived.

For those seeking to support justice from outside a context, it is important to explore what people’s understanding of justice is, and negotiate divergences from their own normative framework with care, respect, and self-reflection – but also with attention to how local definitions of justice work for the least empowered members of the society in question. It is clear that acting in the name of a perceived injustice is a powerful motivator of behaviours. For peacebuilding purposes, this means that identifying and addressing significant injustices proactively could help to prevent a sense of grievance from escalating into violence.

2

People's experiences of injustice



“Experiences affect all sorts of people differently; however there is equal access to injustice for all!”

Kyrgyzstani small business owner, Osh

“Choices have to be made between looking after myself, my kids, or my grandkids.”

Working grandfather of retirement age, Osh

PEOPLE’S BROAD PERCEPTIONS OF INJUSTICE are reflected in their diverse experiences of it. Worrying deficits in the quality of the criminal justice system leave people unprotected by the law. This exacerbates the injustices that people experience daily and increases the potential for violence. Employment is scarce and services are poor. Problems are multiplied for women, girls, ethnic minorities and youth, each of whom have specific grievances that require attention.

However, one experience that cuts across society and significantly contributes to conflict dynamics is **corruption**. Referred to interchangeably as patronage, clientalism, clanism, tribalism, and nepotism, corruption hinders fair and equal access to services, education,² opportunities and jobs. It distorts judicial procedures and circumvents due process within the entire criminal justice system, resulting in unfair experiences and unresolved crimes.

While there is nominally equal access to justice, corruption is enabled by the fact that many people do not know how to access formal services. This hinders everything, from people accessing services and rights due to them, to people being unable to hold providers to account. Many people, especially outside of the city of Osh, do not know where to turn for support, or even how to file a complaint for a criminal case with the police. Education about institutional functions is lagging behind the functions themselves. People need more information about how bureaucratic processes work, for example, what documents and payments are needed for marriage, health, criminal justice, tax and passport services. Public-facing state officials across all sectors are typically blockers to justice: “administrative *glasnost* is missing”, we heard.

Faced with the dual distortion of civil servant obfuscation and a lack of procedural knowledge there is no other way to operate *except* corruption. Unanimously we heard how “you become part of the problem just by needing to survive. Corruption is the only way to get things done; so we all do it”.

For example, people are forced to bribe the committee that decides whether **people living with disabilities** (PLWD) qualify for financial support. Claimants also have to update their status every two or five years, which is unfair for those with irreversible disabilities (“the vast majority”) as it slows the compensation process. As most PLWD do not work, this typically adds insult to the injury of their poverty and social marginalisation. Article 27³ of the national constitution promises welfare, and article 16 sanctifies equality,⁴ but the gap between law and practice is significant. Violence in schools prevents PLWD from attending; buses, buildings and facilities do not have equal access; there are limited employment opportunities, especially meaningful roles that fully incorporate the unique skill sets of many PLWD; these factors, together with the difficulty in accessing already low benefits all limit the potential, rights and life enjoyment of PLWD. These injustices uphold the notion that discrimination is somehow acceptable; an idea that is both a symptom and cause of exceptionalism in other areas of society.

OPPOSITE
During the 2010 violence in Osh, many ethnic Uzbek women and children fled their homes to live in makeshift housing close to the Uzbekistan border.

© PANOS/WILLIAM DANIELS

2 Eurasia.net (2014), ‘Kyrgyzstan’s Schools Mirror and Breed Social Inequality’, www.eurasianet.org/node/67959.

3 <http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN003682.htm>.

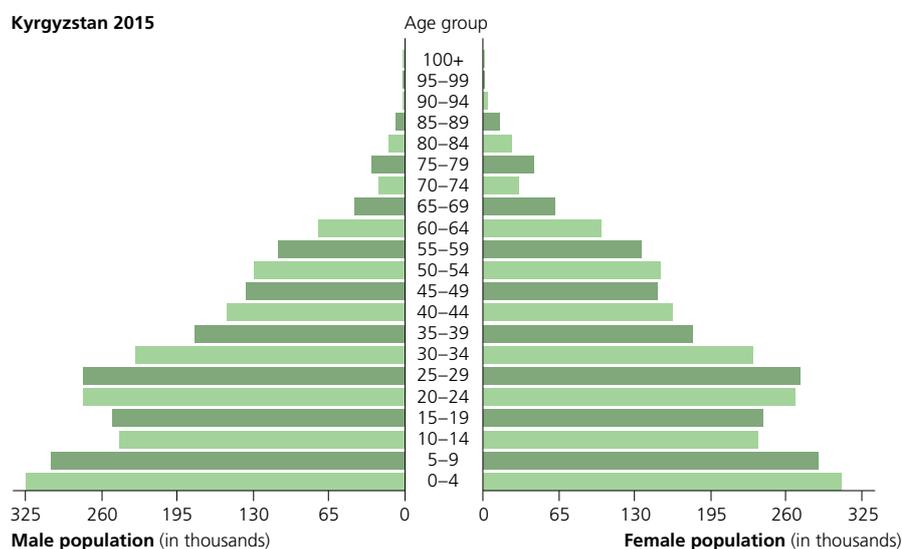
4 www.legislationline.org/documents/id/5045.

Women also experience specific injustices. Even when they do understand their rights and the bureaucratic processes necessary to activate them, women struggle to approach the police and be listened to. Women have to be “aggressive to be taken seriously”, or else are forced go to the police with a brother or husband in order to be heard. This significantly compromises proceedings concerning domestic violence, meaning cases by and large go unreported. When they are reported they tend to be referred to the *Aksakal Sud* (elders’ court), a local Woman’s Committee, an imam, or to a Local Crime Prevention Centre (LCPC), all of which offer little more than marital advice and err strongly towards reconciliation rather than protection and justice. The situation is even worse for women from minority backgrounds, who we were told suffer injustices more frequently, and perhaps do not receive as much legal protection as they need. Occasionally this incites violent retribution by vengeful husbands, brothers and fathers.

Still, we regularly heard the refrain that “people are tolerant here”. People do seem tolerant of the situation, but less so of each other – with violence still regularly flaring up. If the present situation is one in which people believe they are exerting tolerance, as one senior ex-policeman explained, “my worry is that people might become *collectively intolerant* one day.”

This concern may be especially prescient in relation to the 32 per cent of Osh’s population who are aged 15–24 (see figure 1). **Youth experience structural injustices daily**, including at school and university, where some teachers ask for bribes from pupils in order to sit and pass exams. Students without particularly strong Kyrgyz or Russian language skills are sometimes discriminated against too, and in general achieve worse grades. This directly jeopardises their people’s futures, locking them into poverty and marginalisation that could provide fertile ground for future violence.

Figure 1: Population Pyramid Graph showing the ‘youth bulge’⁵



Kickbacks are also elicited when young people try to obtain state documentation, regularly having to bribe or overpay officials because the procedures and costs have never been explained to them. There was a perception that officials either shirk responsibility for their work or provide it in exchange for bribes (although of course “with connections everything appears to be possible”).

Complaining to the police was often viewed as being pointless. At best cases are usually ignored, and at worst “trouble-making” might lead to unjustified detention where cases of torture and other ill treatment can occur with relative impunity.⁶

⁵ US Census Bureau (2015), Population Pyramid Graph, <https://www.census.gov/population/international/data/db/region.php?N=%20Results%20&T=12&A=separate&RT=0&Y=2015&R=-1&C=KG>.

⁶ Amnesty International (2015), ‘Kyrgyzstan: Justice on Hold’, <https://www.amnesty.org/en/latest/news/2012/06/kyrgyzstan-justice-hold/>.

Unprotected and fed up with waiting for state support, many young people are turning to alternative networks and narratives, some of which can be unsavoury. Mass unemployment is not the only driver of this behaviour, but it is a critical one.⁷ It is difficult to forge a meaningful sense of self-worth and buy into larger national identities without gainful employment. We heard an estimate that at *least* 20 per cent of graduates pay to secure a job, and at least the same percentage is unemployed. And that is just graduates – total youth unemployment figures are higher still, of course, with the World Bank’s ‘*Labor force participation rate for ages 15–24*’ standing at only 42.8 per cent gainfully employed.⁸ Reserving positions for those willing and able to pay is an injustice that undermines both the purpose of studying and the potential of the workforce.

As a result, **religious education is growing in appeal**, bringing with it “rising religious aggression and intolerance” that, according to one senior police source, “is contributing to weakened mobility and freedoms”. Some young women are even refusing medical treatment on religious grounds, posing a threat to their health, and there is a general murmur “Mosques are perhaps becoming too influential” (although this is not to be overplayed). Although some young people are said to be increasingly susceptible to being lured towards violence by religious groups in the South,⁹ the number of instances of this appears to be very small.

Nevertheless, the question of why **people are rejecting the state** is an important one. Our interviews suggested it was symptomatic of a widespread lack of faith in the future among young people. “Since the Soviet collapse there’s nothing to believe in”, we were told. Such views can partly be interpreted as nostalgia, but interviewees also pointed to a stronger sense of community and shared destiny during Soviet times, sustained through a common Soviet identity and a universal welfare system that provided equal access to health and education. This common identity has been replaced with a more atomised way of life. Potentially divisive national, ethnic and religious identities have become more prominent. Despite an inclusive constitution, *implementation* is less so and the law often works for those who can pay for favourable verdicts, such as the mafia. Public services, meanwhile, are starved of resources and propped up through a culture of corruption that leaves behind those youth, minorities and others who cannot pay.

Despite these clear challenges, “the Mayor doesn’t listen to youth”. These factors leave young people in a difficult predicament. “We would like to complain to lawyers or authorities but it is too expensive”, we were told. “So we just tolerate it. One per cent might turn violent, but the rest of us just try to interact with officials as little as possible.” This state of affairs is likely to prove unsustainable, and efforts need to be made to reconnect young people with security and service providers while improving their responsiveness.

.....

“We would like to complain to lawyers or authorities but it is too expensive. So we just tolerate it. One per cent might turn violent, but the rest of us just try to interact with officials as little as possible.”

.....

A further issue raised by interviewees was **land shortages**. These contribute to family overcrowding, worsening people’s physical and mental health. Overcrowded homes have severe repercussions for families receiving welfare, too. Under existing law,¹⁰

7 Mercy Corps (2015), ‘Youth and Consequences: Unemployment, Injustice and Violence’, https://www.mercycorps.org/sites/default/files/MercyCorps_YouthConsequencesReport_2015.pdf.

8 World Bank Country Data, <http://data.worldbank.org/indicator/SL.TLF.ACTI.1524.ZS/countries/KG?display=graph>.

9 International Crisis Group (2015), ‘Syria Calling: Radicalisation in Central Asia’, Policy Briefing, January, www.crisisgroup.org/~media/Files/asia/central-asia/b072-syria-calling-radicalisation-in-central-asia.pdf.

10 Under law N 318 on “On State Benefits in KR” (2009), monthly child support is available for low-income households earning less than USD 10.8 per person. Pensions are considered as family income and included in calculations. See <http://cbd.minjust.gov.kg/act/view/ru-ru/202692?cl=ru-ru> for the law and <http://cbd.minjust.gov.kg/act/view/ru-ru/111261?cl=ru-ru> for recent amendments.

claimants in a house cannot receive child benefits if someone else in the same property is receiving their pension, meaning the per-capita family allowance for those in already difficult socio-economic situations is reduced. If a young family was able to live alone (sensitive of the tradition of the youngest son, whose family is expected to remain with him and his parents), they would receive child benefit and their elder relatives their pensions. But without land to build on this is impossible. Some families have partitioned their houses to create two addresses, but the cost of the construction, paperwork and ‘fees’ is prohibitive to most.

Water scarcity, too, is becoming an injustice that people experience more frequently. Crops fail and people are going hungry. Local authorities around Osh have responded by digging a series of 80m deep bore holes, but “it is expensive and does not provide enough for a situation that is getting worse.” Both land and water scarcities have led to tension and even violence. One example where the two issues meet is around the use of pastures in the hills surrounding Jalal-Abad. With scant good crops and no land demarcation, cattle owners sometimes fight over the best grazing areas. Fencing would help solve the issue, but the lands are vast and the costs prohibitive.

These injustices come to a head even more catastrophically for **ethnic minorities**, who experience them more acutely and frequently. The peace that has held since 2010 is not a universally positive one. Interethnic relations are weak, and structural injustices pockmark everyday life: many taxis refuse to take Uzbeks from Osh to Jalal-Abad, for example, while in the education sector a policy of marginalisation is limiting learning and teaching opportunities for Uzbeks. Two Uzbek universities were closed after the 2010 conflict, and others renamed, eliminating the word ‘Uzbek’. Some schools were shifted from Uzbek to Kyrgyz language speaking. This is not only a problem for Uzbek students: Uzbek teachers unable to adapt linguistically have had to give up their jobs and move away in order to find alternative work at a time when employment is scarce.

A further issue concerns access to health services and medicine. Many women we spoke to said that they felt discriminated against in their local hospitals, where “staff treat you differently as soon as they see you are from a minority.” This kind of discrimination can and has had fatal consequences.

Because of episodes before and since 2010, some minorities are still in the process of building relationships with the police. As Human Rights Watch has reported, despite ostensibly having equal access to justice, most victims of the violence in 2010 were ethnic Uzbek, but 115 out of 124 people detained on murder charges as of April 2012 were too – “raising serious questions about the investigation and prosecution of perpetrators [where perhaps] appeasing the... majority eclipsed the need for justice and accountability”¹¹. Where communities feel intimidated by law enforcement agencies (LEAs), grievances often remain unreported and unaddressed.¹²

.....

For minorities, just as for all Kyrgyzstanis, social justice is scant but not absent, and criminal justice processes accessible but crooked.

.....

Senior citizens are also exposed to a range of injustices. Primary among them is that, according to 90 per cent of respondents in one organisation’s recent household survey of 500 people, state pensions of 4000 to 5000 Som a month “are not sufficient to live on”. In addition, because many young people are forced to migrate to Russia for employment, children are left behind to be looked after by older family members. As a result, “choices have to be made”, we were told, “between looking after myself, my kids,

.....

¹¹ Human Rights Watch (2011), Distorted Justice: Kyrgyzstan’s Flawed Investigations and Trials on the 2010 Violence, <https://www.hrw.org/report/2011/06/08/distorted-justice/kyrgyzstans-flawed-investigations-and-trials-2010-violence>

¹² Al Jazeera (2013), ‘Unhealed Wounds of Osh’, www.aljazeera.com/programmes/101east/2013/10/unhealed-wounds-osh-2013101664058931780.html

or my grandkids.” This means pensioners are forced to keep working well past retirement age to support their families. This has a knock-on effect for their grand-children, too, who are often removed from school and sent to work from as young as eight years old in order to supplement the low incomes and diminished benefits of their parents and grandparents. It is difficult to hypothesise the long-term consequences, but poor education typically leads to early marriage and low-wage employment.¹³

There have, however, been some developments that one respondent described as providing “partial justice”. A state agency established to reconstruct Osh and Jalal-Abad provided accommodation for internally displaced persons (IDPs) who suffered during the 2010 conflict. In addition, the tax office reduced rates for businessmen who lost their companies and livelihoods that year, and the government promised justice for the victims.

Despite these efforts, justice remains elusive, violence common,¹⁴ and more families have slipped into poverty since the conflict. And despite ostensibly having equal access to justice, people from minority backgrounds suffer disproportionately yet are found guilty of crimes more often.¹⁵ For example, by April 2012, 115 of 125 suspects being tried for murder during the 2010 conflict were ethnic Uzbeks.¹⁶ This is what was meant by ‘partial justice’. For minorities, just as for all Kyrgyzstanis, social justice is scant but not absent, and criminal justice processes accessible but crooked. It is perhaps little wonder that many find it difficult to fully forge inclusive national identities founded on the concept of shared destinies when systems of patronage separate society along ethnic, social and economic lines, and where opportunity and power are commodified beyond the reach of those without the means to pay.

13 A.K.M. Fahmidul Haque, Md. Nijur Rahman, Arif-uz-Zaman Khan, Israt Jahan Mukti, Begum Lutfunnahar (2014), ‘Knowledge, approach and status of early marriage in Bangladesh’, *The Science Journal of Public Health*.

14 Human Rights Watch (2010), ‘Where is the Justice? Interethnic Violence in Southern Kyrgyzstan and its Aftermath’, <https://www.hrw.org/report/2010/08/16/where-justice/interethnic-violence-southern-kyrgyzstan-and-its-aftermath>.

15 Al Jazeera (2013), ‘Unhealed Wounds of Osh’, www.aljazeera.com/programmes/101east/2013/10/unhealed-wounds-osh-2013101664058931780.html.

16 IRIN (2015), ‘Grief not justice for Uzbeks in Kyrgyzstan’, www.irinnews.org/report/101541/grief-not-justice-for-uzbeks-in-kyrgyzstan.

3

Injustices affecting women



“Women have to be aggressive to be taken seriously.”

Kyrgyzstani woman, Osh

WOMEN SUFFER INJUSTICES MORE ACUTELY AND FREQUENTLY THAN MEN.¹⁷

The prescribed gender roles for men and women perpetuate violence and female disempowerment across society, including within the family. This is especially tragic because although Kyrgyzstan saw Central Asia’s first female president, Roza Otunbayeva, elected, political parity at the executive level has not translated into more equality at the local level. UN staff spoke of a “trend of stagnation rather than improvement in gender equality”. Women and girls suffer double discrimination if they are Uzbek, divorced, or a single parent.

Gender Norms

Gender norms describe the socially prescribed attitudes and behaviours of men, women, boys and girls within a society. They are not simply a matter of beliefs held by individuals, but are produced and perpetuated by political, economic, cultural and social structures, including education systems, marketing and the media, religious institutions, welfare systems, and security and justice systems and institutions to name a few. Challenging and reforming these gender norms which create and perpetuate conflict and insecurity is likely to be a long-term but necessary endeavour.¹⁸

Domestic violence is endemic¹⁹: “Men are *expected* to beat their wives and even brag about it to friends.” Women are typically confined to domestic upkeep if they are not working, and finding employment is far more difficult for women. Women, and especially new brides, have little autonomy within their husband’s family once they move in after the wedding ceremony. Participants reported that throughout school and university, society is very equal, but that after marriage women are “expected to stay at home” and that “work and success are seen as ‘anti-family’”. This shift can be a traumatic event in a young woman’s life.

Despite this, police tend to ignore cases of domestic violence, or else leave them to the more reconciliation-orientated LCPCs. Only when there are repeat offences do the police take meaningful action. Indeed, women find it difficult to approach the police and “have to be aggressive to be taken seriously”, or else go to the station with a brother or husband (often the perpetrators of crimes). Even then police hesitate to open a file if there is a complaint of domestic violence, “because they worry that the woman will change her mind and withdraw the case [wasting police time in the process]”.

This creates a dangerous predicament for women. While reconciliation might be an option in *some* cases, creating effective impunity for intra-marital violence is dangerous and unjust for women – for whom access to criminal justice and protection should be a viable option in *every* case. If domestic violence is to be prevented, gender norms need to change.

There are cultural factors at play here – marriage plays an important role in binding the social fabric of Kyrgyzstan. Similarly, the imam we interviewed highlighted the importance of “preserving the family unit above all”. Women thus have very little protection from those marriages that lock them into situations of abuse.

A further problem is early and/or forced marriage. Families with daughters, especially poorer minority families, often attempt to “marry them off at early ages so they don’t

OPPOSITE

Women sit together near the bazaar in Osh. Many women face daily, structural injustices in Osh and violence is not uncommon.

© SAFERWORLD/NURBEK ARZYAEV

¹⁷ The Guardian (2015), Kyrgyzstan accused of ignoring domestic violence, www.theguardian.com/world/2015/nov/04/kyrgyzstan-domestic-violence-women

¹⁸ Wright H (2014), ‘Masculinities, conflict and peacebuilding: perspectives on men through a gender lens’ (London: Saferworld) www.saferworld.org.uk/downloads/pubdocs/masculinities-conflict-and-peacebuilding.pdf

¹⁹ Human Rights Watch (2015), Call me when he tries to Kill you, <https://www.hrw.org/node/282404>

OPPOSITE

Two *ak sakals* (white beards) wear the traditional white Kyrgyz *kalpak* hats typical of older gentlemen in Central Asia. The *ak sakal* courts have a mixed record. While they do widen access to justice for the rural poor, their rulings are often difficult to enforce and can be insensitive to gender and conflict.

© SAFERWORLD/KAREN WYKURZ

have to worry about their safety or pay for their upkeep". Young brides saddled with children in their teens, "give up on studying and serve their husband's family – forever".

The inequalities and injustices women face are daily and structural, affecting their livelihoods,²⁰ safety, and confidence. Women reported feeling intimidated when walking around town and one senior person we interviewed told us, "people have stopped paying attention to street harassment because it is such a normal occurrence. Women just have to accept it." One response to this has been more women and girls choosing to wear hijabs, which some feel can mitigate the chances of harassment.

Such structural inequalities leave women dangerously void of support networks. With little autonomy over their lives, "more young women are manipulated into joining religious movements". However, there is very little evidence to suggest that these are violent, and while a handful of women are said to have left Kyrgyzstan for combat areas in the Middle East,²¹ they only make up around a fifth of the total number²² and the problem should not be overplayed. The much larger struggle is to find a balance between the Koranic code and constitutional law lest it plays out unfairly on women who, trapped between theocratic and secular justice systems, risk being supported by neither.

Women lack options and it is not clear whether things are improving. A recent United Nations Development Programme (UNDP) report "asserts that access to key public and municipal services for women... has increased by 23 per cent (compared to 2012) in 30 pilot municipalities and that the participation of women... in local decision-making has increased from 46 per cent in 2012 to 77 per cent in 2014."²³ However, many women still reported feeling "hopeless", and if there have been marginal gains, then the vast majority of injustices women face remain unresolved.

20 The Law & Development Partnership (2015), 'Legal Barriers to Women's Access to Credit: Morocco and the Kyrgyz Republic Case Studies', www.lawdevelopment.com/EBRD%20Study%20Legal%20barriers%20to%20women's%20participation%20in%20the%20economy%20in%20the___pdf.

21 International Crisis Group (2015) Syria Calling: Radicalisation in Central Asia, www.crisisgroup.org/en/regions/asia/central-asia/b072-syria-calling-radicalisation-in-central-asia.aspx

22 www.akipress.com/news:572297/

23 UNDP (2014), '2014 Annual Report: Human Rights and Rule of Law in Europe and the Commonwealth of Independent States (CIS)', www.eurasia.undp.org/content/dam/rbec/docs/FinalReport2014HRandRoLPDF.pdf.

4

People's perceptions of the responses by justice providers



“People have simply lost their trust in justice providers. They ignore them because they don’t address their problems. So people just try to solve them on their own.”

Female post-graduate Student, Osh

SEEMINGLY TARNISHED BY WHAT MANY REGARD AS SYSTEMIC CORRUPTION, relationships between the public and their security and justice providers are often distrustful and unproductive. Anti-corruption laws are in place, but police do not always act in accordance with them and often remain unaccountable and opaque. They are often perceived as the source of insecurity rather than the solution.²⁴ Most people feel that the courts are slow, corrupt, and reach unlawful verdicts²⁵ so do not use them: they are “too expensive and time consuming, so it’s just not worth it”. “People have simply lost their trust in justice providers. They ignore them because they don’t address their problems. So people just try to solve them on their own. Sadly, it’s really difficult to restore this trust.”

For example, people living with disabilities (PLWD) do not go to the police when they experience discrimination, even though it is illegal. “Most bury their problems inside because involving the police escalates rather than resolves matters”, we were told by an experienced person working in this field. “Rule of law instruments are neither working to prevent marginalisation nor enforce anti-discrimination. Improving justice for PLWD remains an under-supported social as well as a legal issue.”

Similarly, the lesbian, gay, bisexual, and transgender (LGBT) community are protected by the law, but do not trust the police and are forced to live in virtual secrecy. If people discover someone is LGBT, then “it is likely they will be subjected to violence and socially ostracised”. Police inactivity and prejudice worsens the injustices they face. We even heard how police on occasion use a person’s sexual orientation to extort money from them in return for secrecy. Interviewees also told us of some incidences of police beating members of the LGBT community, too, in what could be considered violent, state-sponsored protection of outdated and discriminatory gender norms.

Rather than use the police, we found that people go to where they think they will get the best experience of justice, that is, the best outcome for them. *Aksakal Suds*, Women’s Committees, and LCPCs all intervene in local level issues and have a specific objective to prevent incidences from escalating to higher courts. However, while these institutions offer a semblance of justice and conflict resolution, there are misgivings about their sensitivity, efficacy and fairness. Women and civil society organisations (CSOs) perceive the *Aksakal Suds* as ill-attuned to the injustices women face, in particular. Their commitment to the principles of *Uiat* (shame) and *Bata* (blessing)²⁶ to maintain social control lacks the sensitivity and punitive strength to resolve pervasive incidences of domestic and gender-based violence. As the police will usually not address these unless the offender is a repeat offender, and the LCPCs and *Aksakal Suds* will insist on family unity and reconciliation rather than criminal punishment and meaningful resolution, women are left powerless, without access to justice, and distrustful of criminal justice procedures.

The police we interviewed acknowledged that they do not have the most trusting relationship with the public, meaning many crimes go unreported. They also recognised that their responses to crimes that are reported can be lacklustre, meaning injustices go unresolved and risk being addressed through non-state means. Such means can be violent and are referred to colloquially as “frontier justice” or “mob law”.

²⁴ Eurasianet (2015), ‘Kyrgyzstan’s Security Agents Intimidating Uzbek Minority’, www.eurasianet.org/node/72836.

²⁵ Human Rights Watch (2013), <https://www.hrw.org/news/2013/06/07/kyrgyzstan-3-years-after-violence-mockery-justice>.

²⁶ Cummings S (Ed.) (2013), *Domestic and International Perspectives on Kyrgyzstan’s ‘Tulip Revolution’: Motives, Mobilization and Meanings*, (Routledge).

Distrust is mutual, resources are under- and misused, and people lack access to justice. In fact, more accurately, many people have given up on trying to access justice, knowing that “police and courts reach unfair decisions in contravention of the law.”

.....
“The public lack the belief in the system’s fairness to even try to access justice, knowing that “police and courts reach unfair decisions in contravention of the law.”
.....

In the face of such widespread perception of corruption, what solutions were suggested? According to the police the main problem is their salary, more than half of which they claim is used on food and transport expenses, such as petrol for patrol vehicles. However, people we interviewed preferred to emphasise trust and accountability rather than salary increases for police as priorities to solve their justice problems. They need the law to be seen to be done. People want to feel compelled to uphold it not through fear, but by belief in reciprocity across society. Creating this perception will be crucial in buying the time necessary for more comprehensive security and justice sector reforms.

5

Consequences of unresolved injustices



“Everything can be tolerated – except injustice. From jobs to travel to missed opportunities, only injustice can really make us angry.”

Ethnic Uzbek businessman, Osh

“Collectively we’re seeing a snowball effect. One day all the snow will gather too high and there will be a storm. People cannot be tolerant forever and one day they might snap: and potentially violently.”

Retired senior policeman, Osh

THE HYPOTHESIS UNDERPINNING THIS RESEARCH is that if people, either individually and collectively, experience injustices, the risk of developing grievances that may lead to violent reactions is increased. Responses to these reactions may also be violent, in turn. Therefore, addressing injustices improves the chances of preventing violence.

The theoretical link between discrimination, grievances and conflict is as well documented as it is contested.²⁷ Ted R. Gurr’s *Why Men Rebel*²⁸ in 1970 originally argued that when a group or individual considers itself less well off than another point of comparison, this can lead to frustration and potentially violent conflict. Among many things, this point of comparison can be another group, the situation in another country, the past, or what the group believes it deserves. While there is some truth in this, the theory does not hold up as a universal explanation for violence. As Snyder and Tilly pointed out,²⁹ opportunity-based mobilisation contributes to violent conflict as well as grievances, and thus the combination of the two merits attention.

Findings from this research support this theory. Experiences of injustice in Kyrgyzstan can lead to grievances that fester and turn violent if not addressed. Feelings of injustice can drive negative behaviours that reinforce division, otherness, and condemn people to miserable lives characterised by the systematic denial of rights and opportunities, which occasionally feeds into a reactive fight to reclaim them. These findings complement similar research by UN Peace University in South Sudan³⁰ and Oxfam in Somalia.³¹

For example, the ethnic conflict in 2010 that left approximately 500 people dead still has ramifications on everyday life in Osh and Jalal-Abad. Despite various attempts to forge interethnic harmony,³² many of the grievances, injustices and structural inequalities at the root of the conflict remain largely unaddressed. Relations between Uzbek and Kyrgyz communities are still often characterised by reservation and latent resentment. These divisions are likely to continue to shape the way that future conflicts or violence play out whenever people’s experiences of marginalisation and injustice become too much to bear.

Injustice is not an accident. It is the man-made result of poor governance, exploitative economics and social inequality. Tackling it requires holistic approaches that go beyond the confines of the rule of law. Legal reform is necessary in Osh, clearly, but would not be sufficient to stymie people’s experiences of injustice on its own. On top

27 Brush S G (1996), ‘Dynamics of Theory Change in the Social Sciences’, *Journal of Conflict Resolution*.

28 Gurr T (1970), *Why Men Rebel*.

29 Snyder D, Tilly C (1972), ‘Hardship and Collective Violence in France, 1830 to 1960’, *American Sociological Review*, 37 (5), October, pp 520–532.

30 Willems R, Deng D (2015), ‘Justice and Conflict in South Sudan’, UPEACE 2015, p 21, www.upeace.nl/cp/uploads/downloads/projecten/Justice%20and%20Conflict%20in%20South%20Sudan%20-%20Pilot%20Survey%20-%20Briefing%20Paper.pdf.

31 Rayale S, Pomfret E, Wright D (2015), ‘Somali Solutions: Creating conditions for a gender-just peace’, Oxfam, p 23, www.oxfam.ca/sites/default/files/rr-somali-solutions-gender-justice.pdf.

32 For example, The National Sustainable Development Strategy for the Kyrgyz Republic 2013–17.

of legal deficiencies, this research identified a number of diverse but interconnected drivers of insecurity and conflict, including:

- youth unemployment and their subsequent/perceived slide towards criminality
- poor health infrastructure
- poverty and food insecurity
- lack of state services
- under-education
- gender inequality
- strained relations with the police and other security providers
- land disagreements

In response, if justice could be made an explicit outcome across *multiple* policy areas rather than the preserve of security and justice institutions and actors, it would offer a framework through which to examine and address a broad range of problems before they escalate to violence.

Land issues offer an example. Overcrowding of families in existing housing stock exacerbates family tensions and worsens people's physical and mental health. The lack of space combines with the lack of jobs to force an inordinate amount of people of working age to become labour migrants in Russia, often separating young families. Welfare laws cap the amount each household is allowed to claim, and so a family will not receive child support if someone under the same roof is also claiming their pension.

This punishes low-income families and exacerbates poverty, leaving some with little choice but to send children to work instead of school. This perpetuates an under-educated workforce that may have long-term repercussions for Kyrgyzstan's peace and development prospects. At the apex of this particular problem is the state, which owns swathes of spare land but will not release it for public acquisition. And beneath them sit often inefficient and corrupt security, justice and local government bodies limiting the legal recourses to which people can turn for help.

It is this ubiquitous combination of corruption and marginalisation that is so detrimental to people's daily lives. Corruption is endemic and normalised in Osh, while bribery is the stimulus for service provision across every sector. Even when receiving assistance by UN agencies, community members are "inclined and accustomed to pay a bribe for the services they obtain", we heard. "People are not ashamed by the culture of corruption – it is just the culture."

Corruption thus offers a semblance of structure and predictability that guides people's behaviours along well-understood (albeit unjust) paths. But as a normalised, systemic driver of inequality, insecurity, and inefficiency, it is in fact highly corrosive. It is systemic because it drags on all sections of society. People know they should not pay bribes but have little choice if life is to continue unhindered. This endless demand of (unwilling) customers means service providers are under little or no public pressure to work in more transparent, lawful ways. It has become a social contract of sorts, albeit a self-defeating one, and with inequality widening, this contract is working for fewer each year.³³ Bribes distort the functioning of the civil service and government, business, policing and the judiciary. As one respondent told us, "if you have money you can commit whatever crimes you want! But if you don't have money to pay the judge, the court, the prosecutor, you can spend years and years before someone actually listens to you."

33 UNDP (2015), 'UNDP Human Development Report 2015', <http://hdr.undp.org/en/countries/profiles/KGZ> and also Eurasianet (2013), 'Kyrgyzstan: Bishkek Building Boom Sharpens Social Divisions', www.eurasianet.org/node/67084.

.....

Corruption thus offers a semblance of structure and predictability that guides people's behaviours along well-understood (albeit unjust) paths. But as a normalised, systemic driver of inequality, insecurity, and inefficiency, it is in fact highly corrosive.

.....

The police are at the centre of the corruption problem, and appear to have a general incapacity and unwillingness to respond adequately to incidences of insecurity and injustice without bribery. According to Edil Baisalov, a political activist who previously worked for the interim government as a senior adviser to former president Roza Otunbayeva, “the law enforcement and judicial systems are in desperate need of revamping [but] you cannot fight corruption and clean things up with [dirty law enforcement] bodies”.³⁴ When we put this to police officers their defence was that they are forced to seek illegal rents because they are underpaid. However, members of the public held the view that “even if police salaries were increased, nothing would change unless efforts were led by the highest rungs of the political elite – the State Committee on National Security”. Low-level anti-corruption drives are “just publicity rhetoric”, said one senior official, lamenting that he had seen “anti-corruption efforts achieve precious little during [his] 30-year career”.

If the police fail to uphold justice, in particular for youth and ethnic minorities, they can feel excluded and turn to other service providers. This is already happening to a certain extent. By some estimates the informal economy accounts for at least 35 per cent of economic activity in Kyrgyzstan.³⁵ While tax revenue losses are damaging to the state, the tendency for youth to turn to non-state actors such as the mafia for their security and justice provision is arguably of greater concern.

.....

With both the Soviet ideal dead and the post-Soviet fantasy seemingly stalled, people we spoke to said they were left with nothing to believe in. It is a country in flux, where people are caught between a distant past and a dream that never arrived.

.....

Contrasting visions for Kyrgyzstan are pulling the country in different directions. There is clearly a tension in society with regard to the size and role of the state, with small-state free-market capitalism wanted by some, but with a larger, supportive welfare state more reminiscent of Soviet times wanted, it appears, by the majority. Yet the state seems to be providing bits of both and not enough of either. With both the Soviet ideal dead and the post-Soviet fantasy seemingly stalled, people we spoke to said they were left with nothing to believe in. It is a country in flux, where people are caught between a distant past and a dream that never arrived.

Some people are simply withdrawing from society altogether, a growing problem shown, tragically, by a rise in suicides, particularly among young men.³⁶ Others are gravitating towards religious education and the Shari'a legal code. In rare cases, the next step is to enlist with violent Islamic groups. A *tiny number* of young people from the South have become involved in movements like *Hizb ut Tahrir*, and an *even smaller number* have left to fight in Syria, driven, we heard, by a mixture of faith, injustice, and the promise of financial gain.

.....

34 Байсалов Э (2015), 'После выборов: как можно скорее заново наладить механизмы госвласти', Akipress, http://mnenie.akipress.org/unews/un_post:6869.

35 Cokgezen M (2004), 'Corruption in Kyrgyzstan: the facts, causes and consequences', *Central Asian Survey*, 23 (1), March, pp 79–94.

36 www.asianews.it/news-en/Kyrgyzstan%E2%80%99s-economic-crisis-pushes-up-suicide-rate-34167.html.

This is worrying but should not be overplayed. Countering violent extremism should not be the overarching objective for policy and programming in South Kyrgyzstan. If it does gain prominence, then it would be important for it to eschew militaristic and punitive approaches and *focus on improving the wider societal injustices at the root of the problem*. There is no single profile of an extremist, but fatigue with social and political circumstances is an important factor.

The region's population demographics mean youth must be the focus of attention. Young men and women have quite specific justice needs that the state must meet through "more effective... economic and social policies aimed at minimizing external risks and threats".³⁷ In turn, youth have the potential to bring significant creativity and energy to peacebuilding processes. Youth are viewed with suspicion as well as empathy, fear as well as value, the potential ruiners as well as saviours of the future. This captures well both the risks³⁸ and the potential surrounding Osh's youth bulge, which could become a vibrant workforce³⁹ if their socio-economic marginalisation is reversed.

At present, however, for many young people we spoke to, opportunities are absent or overpriced. Unemployment and alienation from the state leaves men susceptible to the lure of violent groups. Indeed, USAID argue that "poverty may matter first and foremost (to violent extremism) ... because it undermines a state's capacity to monitor borders, control illicit activities, and prevent corruption of police and security officials".⁴⁰

One far more likely source of violence among youth than radicalisation is their growing nationalism. Young people were acutely affected by their memories of ethnic violence in 2010, and their current exposure to ethnically polarised politics is making the situation worse. Unequal ethnic standing, when exploited politically, provokes tension, and yet "provoking this unrest", we were told, "is even an explicit tactic of some parties" who leverage people's fears for short-term gains with little regard for longer term repercussions.

The media plays a crucial role in this, regularly speculating about the potential for interethnic violence to "keep it in people's hearts and minds". The distorted media portrayal of historical injustices does little for peace, prolongs societal disunion and incites discrimination. This has contributed to "more divisions in daily life, where people who have been living next to each for generations without issue have descended into conflict". Even small disagreements, for example between children from different ethnicities, can draw in parents and quickly escalate into physical violence. We were told that an ethnic Kyrgyz would not go to an Uzbek neighbourhood in the evening, and vice versa, even if during the daytime it was unproblematic to do so. One respondent elaborated:

"There has been no reconciliation since 2010, and it has to take place sooner or later. There has been a lot of blaming and shaming but no reconciliation. We don't see ethnic sensitivity by government personnel. We don't see representatives of minorities in government structures. This is something that could be changed very quickly, but even then it wouldn't change people's mindsets. People prefer just not to touch the subject, pretending to turn the page, but it was not turned. Sometimes the comments you hear on the streets are quite shocking. I heard a woman in a store tell me that because she's Uzbek she's worried to go to the hospital because the doctors are Kyrgyz and she doesn't trust that they will treat her properly. A lot of people just try to close their eyes and build walls – and they're getting higher and higher every year, limiting the contact we have with the other communities, hoping it will help to remove the problem. But it won't. They are just refrigerating it."

37 UNDP (2010), 'National Youth Study 2010', p 5 www.youthpolicy.org/national/Kyrgyzstan_2010_Youth_Study.pdf.

38 Cincotta R P, Leahy E (2007), 'Population Age Structure and Its Relation to Civil Conflict: A Graphic Metric', The Wilson Center, <https://www.wilsoncenter.org/sites/default/files/PopAgeStructures%2526CivilConflict12.pdf>.

39 Dhillon & Yousef (2007), 'Inclusion: Meeting the 100 million youth challenge', Middle East youth initiative.

40 USAID (2009, 'Guide to the Drivers of Violent Extremism', http://pdf.usaid.gov/pdf_docs/Pnadt978.pdf.

Divisive politics emanates from the highest state levels but plays out among communities. Unequal parliamentary representation leaves minorities vulnerable and “improving that”, participants assured, “would solve many injustices such as equal access to education, medicine, land, water and the law”.

The law nominally protects minorities but is not applied equally in practice, leaving ethnic minorities with scant security in their daily lives and with limited opportunity for legal recourse should it be needed. This situation is made worse by people not knowing their rights. This is particularly true in rural areas where, “you can see people’s anguish and ill-health caused by injustice. Because they have little means to pay, they receive few services”. They cannot obtain passports or national identity cards because either they do not know what documents are needed, do not own them, or cannot afford to pay the administrative fee.⁴¹ As such, a number of people have no registered identity or freedom of movement, leaving them on the outside of state service provision, legal land registration, welfare and pensions.

Women, too, remain on the edges of legal protection. Prevailing concepts of masculinity normalise gender injustices, distort public security and make it difficult for women to voice their legitimate concerns. On the rare occasion violence against women is reported, verdicts tend to seek reconciliation instead of punishment, often forcing women to continue residing with men who have abused them. All this contributes to a climate of male impunity where “it is not just the act of sexual violence but the constant *threat* of it that dictates women’s daily lives”. For example, some Uzbek families from Cheremushki, Shait-Tepe, Shark, and other segregated *mahallas* would like to send their daughters to school but cannot bring themselves to “trust the police enough (or indeed ‘men in general’) to respect and protect them”. The subject of violence against women remains taboo. More trust in the police would help, as would more female police officers. But building that trust is near impossible when, regardless of the number of female officers, people know the police are easily bribed and ‘justice’ is for sale.

.....

Prevailing concepts of masculinity normalise gender injustices, distort public security and make it difficult for women to voice their legitimate concerns.

.....

PLWD suffer disproportionately, too, despite some marginal gains. The gradual strengthening of laws protecting the rights of PLWD has brought some people into mainstream society. However, more needs to be done to close the gap between law and practice. Accessible transport, buildings and services are required by law but are largely absent, limiting where PLWD can travel and work. Social withdrawal is the norm and although we could not find corroborating figures, we were told by a number of sources that suicides by PLWD, especially school children, “are happening with increasing frequency”.⁴²

Studies indicate that societies that are more inclusive are more peaceful,⁴³ but fostering inclusivity is a long-term, complicated and political undertaking. Therefore working on disability issues could prove to be an apolitical entry point likely to attract broad support that cuts across ethnic and political divides. As such it may serve not only to advance justice for PLWD, but at the same time strengthen common ground across society and improve wider peace conditions. Better support from institutions, be they schools, the police, transport or welfare could further the image of the state as a

.....

⁴¹ UNDP (2014), www.kg.undp.org/content/kyrgyzstan/en/home/library/democratic_governance/access-to-justice-for-vulnerable-groups-in-the-kyrgyz-republic.html.

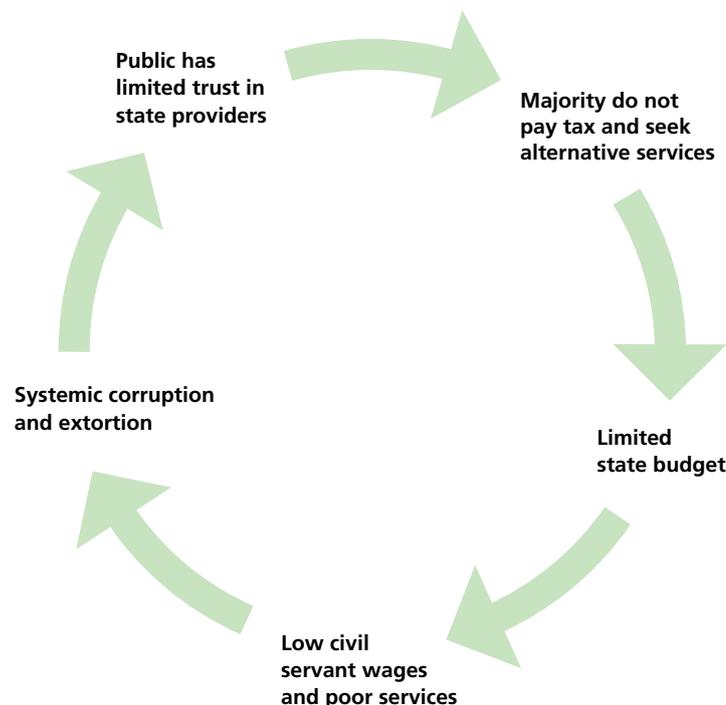
⁴² See also Hisayo Katsui for a broader study on PLWS, suicide and human rights in Central Asia, in Michael Rasell, Elena Iarskaia-Smirnova (Eds.) (2013), *Disability in Eastern Europe and the Former Soviet Union: History, Policy and Everyday Life*, p 208.

benevolent, caring entity, helping to restore confidence among people who are currently “seeking alternative relationships and answers to problems”.

The state’s obligations are made more difficult to fulfil by dwindling tax revenues. Poorer members of society, either because they are scared, under-informed, or unable, tend not to pay taxes. Similarly “rich people, around seven per cent of the population in and around Osh, do not pay: the government cannot make them: they are too powerful and do not report their income”. This conundrum leaves the tax office hamstrung, with its Osh Director struggling to “bridge the duties of citizens with the responsibilities of their government”.

The repercussions of this are severe. Public services suffer and are dependent on illicit financial flows. Trust and reciprocity evaporate, straining the central tenet of the social contract. The Treasury’s policy so far has been to increase indirect taxation such as VAT, but the higher this goes, the greater the risk of pushing yet more people towards the cheaper, informal economy. There is a vicious circle at play here:

Figure 2: Tax revenues, public services, corruption and trust



The circle shown in figure 2 underpins many of the injustices that characterise people’s daily experiences in Osh. The key problems are pervasive corruption, poor services, and absent protection. Disrupting this requires promoting a culture of equality and fairness so that fewer people feel alienated from each other, from the state, from services and from legal protection.

OPPOSITE

During the harvest season, whole families work from dawn to dusk hand-collecting cotton from the fields. In one family who Saferworld visited, their son, in his third year of a law degree at university in Osh, would miss the first several weeks of term in order to collect cotton.

6

Conclusion



“Responses must be holistic because criminal justice cannot get to the heart of the social injustices people face. For example people’s injustices are largely economic rather than legal, shown by the lack of jobs, land and water.”

LCPC member, Jalal-Abad

PEOPLE EXPERIENCE INJUSTICES IN OSH DAILY. An air of calm belies the deep-rooted grievances that were exacerbated by the conflict in 2010 and have festered since. Ethnic division, gender and minority discrimination, ageism, and other horizontal inequalities⁴⁴ are injustices that cause resentment, distrust, and drive violence. Jobs are scarce, political improvement slow, and state support largely absent or inadequate. With security and justice provision badly undermined by corruption and inefficiency, people are becoming increasingly vulnerable and susceptible to more violent narratives and networks that undermine the state – for example the mafia. Driven by experiences of injustice, both real and perceived, a small number of young men and women have joined violent groups, with an even smaller fraction leaving to join fighting in the Middle East.⁴⁵

The threat posed by violent religious or political groups should not be over-emphasised, however. The daily structural injustices faced by the majority are of far more consequence to peace and development in Kyrgyzstan. Further, taking an integrated approach that aimed to address the wider drivers of inequality, exclusion and injustice would go some way to challenging narratives underpinning violent groups *and* improving the chances for a positive peace.

There are clear pathways to work on this. Legal reforms along the entire length of the criminal justice chain would help support wider social improvements. Lawyers are expensive and corruptible, judges partial, and laws selectively applied. The LCPCs are not the finished article, either. Riddled with inconsistencies, hamstrung from wielding real power, and not always equipped to address crimes sensitively [in particular violence against women and girls (VAWG) and sexual and gender-based violence (SGBV)], they would benefit from stronger state support, more oversight, and external training. The *Aksakal Suds* are declining in influence and use.⁴⁶

However, it is clear that, as much as we need to construct justice institutions that focus on high-quality service delivery, we also need to engage on the much more significant agenda of building just and fair societies. Justice is not something that is merely *dispensed* through the criminal justice system: instead, it is *experienced* either positively or negatively through the quality of relationships, transactions and behaviours between different sections of a society – each of which can be fair and conducive to peace, or the opposite.⁴⁷ Thinking about justice in this way opens the potential for a raft of creative approaches to working on it. People we interviewed saw promoting land reform, encouraging social equality, preventing early marriage, ensuring people receive their welfare and have access to other bureaucratic services, or offering peace education in schools as *justice* interventions that could have a tangible bearing on conflict dynamics.

43 Saferworld (2015), ‘Why we need to build peaceful just and inclusive societies through the 2030 agenda’, www.saferworld.org.uk/news-and-views/blog-post/14-why-we-need-to-build-peaceful-just-and-inclusive-societies-through-the-2030-agenda-.

44 Stewart F (2002), *Horizontal Inequalities: A Neglected Dimension of Development*, (Oxford).

45 Farooq U (2014), ‘Kyrgyzstan: The Next Ukraine?’, *The Diplomat*, <http://thediplomat.com/2015/11/kyrgyzstan-and-the-islamists/>.

46 Ranjbar A (2012), ‘The Declining Use of Aksakal Courts in Kyrgyzstan’.

47 Bennett W (2015), ‘Making Peace and Justice a Common Cause’ (London: Saferworld) www.saferworld.org.uk/news-and-views/comment/162-making-peace-and-justice-a-common-cause-justice-as-prevention.

The political situation in Osh is precarious, but there are positives to build upon, and recent elections provide fresh optimism for change. The elections were praised by the Organization for Security and Co-operation in Europe (OSCE) as “lively and competitive . . . unique in this region”. The voter turnout of 59 per cent, and the “calm” atmosphere⁴⁸ reflects positively on Kyrgyzstan and, hopefully, provides a context within which peacebuilding efforts to strengthen justice can make progress.

These efforts should go beyond tinkering with the rule of law or with corruption. Success could be defined as the level of progress in bureaucratic transparency, service delivery and responsible governance to ensure housing, land, tax, the economy, courts, the police, the welfare system and the job market are all characterised by fairness and equality of opportunity. That is the sort of justice people want, and achieving it is likely to depend on whether social capital can be built up to exert effective but constructive pressure on those with the power to pursue change processes.

48 OSCE (2015), www.osce.org/odhr/elections/kyrgyzstan/189411.

7

Recommendations



“Some reports say we are conflict prone so we must be very tolerant. Laws mean little, even if written in gold. We must behave with tolerance and justice at the centre of everything we do.”

Senior government official, Osh

INTERVENTIONS MUST BE ORIGINAL AND INCLUSIVE, as “many international agencies in the field of peacebuilding have not brought results because they are duplicating each other”. Furthermore, NGOs are distrusted by “maybe as much as 30–40 per cent” of the population, we heard, many of whom suspect that NGOs are “affiliated with the West and the CIA”. This acts as a real barrier to NGO work and means it is vital to work through trusted local structures and partners that will be engaged long-term. As a result, the following programmatic foci are recommended:

- 1. Improving equal access to services:** Ensuring services are accessible, predictable and transparent is the most desirable change for people in Osh. Options might include: working with a media partner to help tailor television and radio adverts to educate people on how to access the services they are entitled to, step by step; organising outreach by service providers into marginalised communities to explain entitlements and how services can be used; or helping people in more remote areas and from marginalised communities register as citizens⁴⁹ in order to obtain the documentation necessary to receive welfare and migrate.
- 2. Tackling corruption:** Systemic corruption erodes state-citizen relationships and denies those without the means to pay the opportunities and services to which they are entitled. Anti-corruption drives have proved ineffective, and efforts must better target elites. Forming a coalition of anti-corruption organisations to identify strategic targets to advocate for change would help galvanise local movements. An important target might be the State Committee on National Security and Internal Police Investigation Unit, which is well placed to oversee police behaviours and encourage more equitable security and justice provision. In addition, changing the culture of tax evasion in conflict-sensitive ways in tandem with improving service delivery would go some way to building trust between the state and the public.
- 3. Preventing the spread of political and/or religious violence:** The rare occurrences of political and/or religious violence are the result of local challenges and injustices being exacerbated by external influences, including finance, ideology and other pull factors. “We have always been poor and suffered injustices,” stated a senior UN worker from Kyrgyzstan, “but now these international influences stoke local discontent.” So perhaps two interlinked work areas are required. First, it is important to offer people, in particular marginalised groups as well as young men and women, a vision of the future in which opportunities are available to fulfil their aspirations. Second, efforts ought to monitor and interrupt *external* finance and outreach by violent or criminal networks. The allure of violent and criminal groups can be reduced by building trust in the state and undermining both the experiences and narrative of injustice that contribute to recruitment.
- 4. Improving access to criminal justice:** The challenge at hand is to improve the quality and affordability of criminal justice services so that people use and trust them. It would be valuable to find ways to support locally owned efforts to advocate for procedural accountability and transparency – for example by groups of concerned citizens, civil society actors, investigative journalists and so on – so that police and the courts feel pressure from below to uphold laws that contribute to more just societies

OPPOSITE
An apple seller wearing a traditional Kyrgyz *kalpak* hat in the main bazaar in Osh. A new market is under construction promising to bring more commerce to Osh.

© SAFERWORLD/KAREN WYKURZ

⁴⁹ In accordance with goal 16.9 of the Sustainable Development Goals: ‘by 2030 provide legal identity for all including birth registration’.

with fairer distribution of opportunities. Another approach might be to partner with a paralegal organisation to ensure defendants who are unable to pay receive legal representation and advice. Additionally, working closely with LCPCs to professionalise their conduct, especially with regard to the gender- and conflict sensitivity of their members, would advance people's – especially women's – experiences of justice.

5. **Making land available:** A 2009 moratorium on land redistribution means people cannot obtain land from the state. The knock-on effects include overcrowding, poor health, labour migration, later retirement, child labour, under-education and early marriage. Again, the best response might be to build on local momentum to press the government to make more land available near enough to Osh and Jalal-Abad to ensure access to existing services, jobs and communities.
6. **Providing peace and justice education:** Consider engaging the Ministry of Education, parent councils, school principals, and student associations and encouraging them to take the lead on educating children on their roles, rights and responsibilities with regard to peace and justice. Cognisant that curriculum changes will not be quick in coming, in the short term, sessions could be offered after school or during special classes and assemblies.
7. **Promoting the inclusion of PLWD:** While perhaps not seen as a priority area, improving conditions for PLWD could act as an apolitical entry point to begin to work on justice. For example, advocating to change how PLWD are described from 'invalid' (the current legal term), would help prevent labelling and its damaging effects on mainstreaming efforts. Media support would help generate public support, and provide a platform from which to address more intractable justice problems. Alongside this, state authorities could benefit from training on inclusivity.
8. **Reconciling, and building trust:** We regularly heard that people are tolerant, but this is questionable. It does not appear to be the sort of active tolerance conducive to peace that commits to ensuring justice and reconciliation in relation to violence and crimes during the 2010 conflict. The legacy of ethnic division still regularly manifests itself violently. As such, trust building as part of any of the above initiatives and all other ongoing development initiatives can achieve important peace outcomes, and buy time for deeper improvements within society to emerge. Approaches may include community security⁵⁰ programmes explicitly tailored to discussing and overcoming people's justice problems.

⁵⁰ Bennett W (2014) 'Community Security Handbook' (London: Saferworld) www.saferworld.org.uk/downloads/pubdocs/community-security-handbook.pdf

Saferworld is an independent international organisation working to prevent violent conflict and build safer lives. We work with local people affected by conflict to improve their safety and sense of security, and conduct wider research and analysis. We use this evidence and learning to improve local, national and international policies and practices that can help build lasting peace. Our priority is people – we believe in a world where everyone can lead peaceful, fulfilling lives, free from fear and insecurity.

We are a not-for-profit organisation with programmes in nearly 20 countries and territories across Africa, the Middle East, Asia and Europe.

COVER PHOTO: Uzbek and Kyrgyz *ak sakals* (white beards) call for unity after the violence in 2010. © SPUTNIK/ANDREW STENIN



SAFERWORLD

The Grayston Centre
28 Charles Square
London N1 6HT, UK

Phone: +44 (0)20 7324 4646

Fax: +44 (0)20 7324 4647

Email: general@saferworld.org.uk

Web: www.saferworld.org.uk

Registered charity no. 1043843
A company limited by guarantee no. 3015948

ISBN 978-1-909390-40-9