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United Nations Population Fund

Violence Against Women in Kyrgyzstan

Baseline
Assessment
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Acronyms Used

AC	Aksakal Courts
AUCA	American University in Central Asia
BPA	Beijing Platform for Action
CC	Criminal Code
CC	Crisis Centre
CCA	Association of Crisis Centers
CDS	Country Development Strategy
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
ECOSOC	Economic and Social Council (United Nations)
GDD	Gender-Disaggregated Data
HIVOS	Humanitarian Institute for Cooperation with Developing Countries (the Netherlands)
HSGI	Harmonized System of Gender Indicators
IOM	International Organization for Migration
IR	International Relations
JD	Judicial Department
JGB	Judicial Guarding Body
JK KR	Jogorku Kenesh (Parliament) of the Kyrgyz Republic
KR	The Kyrgyz Republic
LSG	Local Self-Government
MEDT	Ministry of Economic Development and Trade
MICS	Multi-Indicator Cluster Survey
MoH	Ministry of Health
MoI	Ministry of Interior
NAP	National Action Plan
NLF	National Legal Foundation
NSC	National Statistics Committee
ODIHR OSCE	Office of Democracy and Human Rights, OSCE
OSCE	Organization for Security and Cooperation in Europe
PAB	Public Administration Bodies
PGO	Prosecutor General's Office
PO	Public Organizations
SFK	Soros Foundation-Kyrgyzstan
TGW	Temporary Guard Warrant
UN GA	United Nations General Assembly
UNGTG	United Nations Gender Theme Group
UNIFEM	United Nations Development Fund for Women
WLIA	Women's Legislative Initiatives Alliance

I. INTRODUCTION

Over the last 20 years, violence against women (VAW) has been increasingly recognized as a major health, human rights and development issue. The Secretary General's in-depth study on all forms of violence against women (A/61/122/Add.1, and Cor.1) recommends intensified action to eliminate violence against women at all levels. The General Assembly's resolution urges United Nations entities to enhance coordination and intensify their efforts to eliminate violence against women in a more systematic, comprehensive and sustained way. It further calls upon UN entities to extend coordinated efforts to assist States in their efforts to eliminate violence against women.

For this coordinated effort in assistance to States to become a reality, a programme has been initiated for 10 pilot countries including Burkina Faso and Rwanda in Africa, Jamaica in the Caribbean, Paraguay and Chile in South America, Fiji in the Pacific, the Philippines and Kyrgyzstan in Asia, and Jordan and Yemen in the Middle East. The Task Force will assist States in supporting comprehensive national approaches against violence against women, for example, in designing and implementing national action plans and other relevant programmes. Before this happens, it is critical that a country assessment on violence against women is completed.

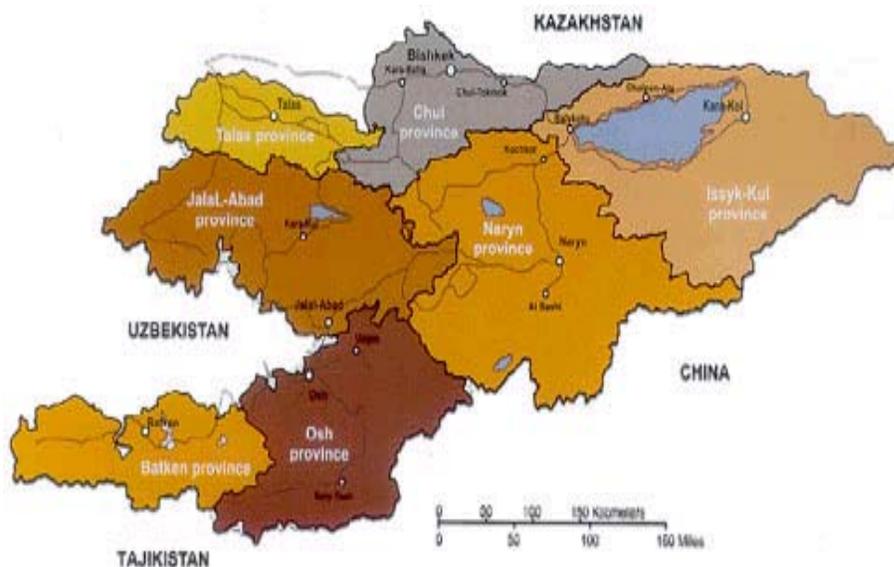
It is within this framework that this country assessment on violence against women has been undertaken. The Kyrgyzstan country assessment on VAW will emphasize the nature and extent of the following issues:

- The forms of violence that exist, who the victims and perpetrators are, and what the consequences entail
- The relevant policies and laws that exist
- The stakeholders involved and their respective capacities
- Challenges and gaps in addressing violence against women
- The identification of priorities for interventions

1.1 Country Profile

1.1.1 Geographical Location

Kyrgyzstan is located in Central Asia, bordering Kazakhstan, China, Tajikistan and Uzbekistan. Ninety per cent of the country consists of mountainous areas.



1.1.2 Administrative Structure

Kyrgyzstan has been an independent, sovereign country since 1991 (Declaration of State Independence, 31 August 1991). Pursuant to the Constitution adopted on 5 May 1993, the Kyrgyz Republic (Kyrgyzstan) is a unitary, democratic presidential republic built as a legal, circular State.

The state language of the Kyrgyz Republic (KR) is Kyrgyz; Russian is the official language. Kyrgyzstan's capital city is Bishkek.

The administrative and territorial set-up of Kyrgyzstan comprises three levels:

1. The Oblast level comprises seven state administrations: Batken, Jalal-Abad, Issyk-Kul, Naryn, Talas, Osh and Chui
2. The Rayon level comprises 40 administrations
3. The Local level comprises more than 460 Aiyl Okmotu (village administrations)

Heads of administrations at all levels are appointed positions; Parliament comprises 90 deputies, elected on the basis of party listings.

1.1.3 Key Development Indicators

Kyrgyzstan has a population of over five million; roughly 60 per cent of the population are Kyrgyz, 14 per cent are Uzbek and 13 per cent are Russian. Key development indicators include:

- Urban population: 39%.
 - Rural population: 61%
 - Women as a fraction of the total population: approximately 52% in urban areas and 49% in rural areas
 - Children and teenagers as a fraction of the total population: 34%
 - Average number of children per family: 2.6
 - Average life expectancy: women, 72 years; men, 64 years
 - GDP per capita: US\$ 720
 - Nominal average salary: US\$ 115.7
- Fraction of women in the National Parliament: 25% (27 seats of a total 90). In 2007, special measures were taken in the Kyrgyzstan to support representation of women in the Parliament by requiring that women represent 25 per cent of the votes on party listings

1.2 Definition of Concepts Related to Violence against Women

For the sake of clarifying some concepts that are interrelated and sometimes used interchangeably in this assessment, it is important to define some of the basic concepts in the sections below:

The term **violence against women** refers to any act that results in, or is likely to result in, physical, sexual and psychological harm to women and girls, whether occurring in private or in public. Violence against women is a form of gender-based violence and includes sexual violence¹.

Gender-based violence is an umbrella term for any harmful act that is perpetuated against a person's will, and that is based on socially ascribed (gender) differences between males and females. Examples include sexual violence, including sexual exploitation/abuse and forced prostitution, domestic violence, trafficking,

¹ USAID and UNICEF, *Strategic Framework for the Prevention of and Response to Gender-based Violence in Eastern, Central and Southern Africa*.

forced/child marriage, and harmful traditional practices such as female genital mutilation, honor killings, widow inheritance and others.”²

Sexual violence, including exploitation and abuse, refers to any act, attempt or threat of a sexual nature that results, or is likely to result, in physical, psychological and emotional harm. Sexual violence is a form of gender-based violence.

II. METHODOLOGY

The current assessment is a baseline data analysis consisting of an analysis of currently available information in the country, including quantitative data from official sources as well as qualitative information-based studies and surveys conducted earlier by various gender experts and expert groups.

2.1 Data Collection

Data collection consisted of:

- Interviews with experts in the field
- Individual and group counseling sessions
- Interviews with experts in the field
- Analysis of legal documents and existing research papers on the status of women
- Questionnaire developed for all pilot countries in the Baseline Country Assessment on Violence against Women

2.2 Data Analysis

Data analysis consisted of a thematic analysis with a critical look at the emerging themes as visible from the above data collection processes.

2.3 Data Presentation and Interpretation

All data collected was classified into the following categories:

- Forms of violence against women, their location, causes, perpetrators and consequences
- Existing policies and laws on violence against women
- Stakeholders/interveners involved and their interventions: i) Who are the main government stakeholders – such as various line ministries and their related public sector departments - that work on addressing issues relating to violence against women? ii) Is the judicial system and related law enforcement agencies in the country - the police, for instance - active in addressing violence against women? iii) Which are the main UN agencies that have ongoing programmes that target violence against women? iv) Who are the main civil society actors – national and non-governmental organizations, community-based organizations, trade unions, teachers associations, media, etc. - that work on issues related to violence against women?
- Resources available: What are the financial, technical and human resources that the different stakeholders (public, civil society and UN organizations) have allocated to programmes addressing violence against women?
- Capacities to address issues related to violence against women: i) What are the constraints that prevent public sector agencies, UN agencies and civil society from addressing issues related to and implementing programmes on violence against women? ii) What are the capacity gaps of identified stakeholders that need to be strengthened to more effectively implement such programmes? iii) What are some of the strategies required to develop such capacities?
- Priorities for action

² USAID and UNICEF, *Strategic Framework for the Prevention of and Response to Gender-based Violence in Eastern, Central and Southern Africa*.

III. VIOLENCE AGAINST WOMEN IN KYRGYZSTAN

3.1 Forms and Incidences of Violence against Women

Materials obtained in the course of the assessment and other research data (including official governmental reports³) indicate that various forms of violence against women exist in Kyrgyzstan, including sexual, physical, economic, psychological and domestic violence. This section focuses on domestic violence as one of the most widespread forms of violence in Kyrgyzstan. Incidences of sexual abuse and trafficking are also discussed in this section.

Domestic violence

As noted in the KR 2006 Human Rights Yearbook, violence against women in the family home is not a new phenomenon in Kyrgyzstan, but “going public with it is a relatively new practice”.⁴ Estimates indicate that up to ten thousand people report cases of domestic violence to various Ministry of Interior departments annually.⁵ However, more accurate data is needed, as currently domestic violence data is not segregated from statistics on other crimes against women.

The prevalence of domestic violence in Kyrgyzstan is linked to the maintenance of practices that discriminate against women, including the kidnapping of marriageable girls and early marriage. Existing legislation deems coercion to marry as a crime, and stipulates a liability for the commission of such crimes. Despite this, early marriage and other discriminatory practices against women continue without systematic punishment. This is linked to conservative thinking within government. Further, the social crises experienced by Kyrgyzstan in the post-Soviet period have exacerbated the incidence of violence against women. These crises include: poverty, unemployment, migration, degrading educational levels, alcoholism and drug addiction.

A survey conducted by experts from the American University in Central Asia (AUCA) in 2004 revealed that more than 35 per cent of women were married as a result of coercion or kidnapping, and many (the percentage is not identified in the report) of these women reported being raped by their husbands.⁶ Therefore, statistics on coercion to marry, kidnapping, and spousal rape remain unclear and incomplete in Kyrgyzstan.⁷ According to data collected over eight years by the Crisis Centers Association, the Centre receives an average of 250 reported cases of bride kidnappings each year.⁸

The minimum legal age for marriage in Kyrgyzstan is 18 years. However, as indicated by some researchers, approximately 12.2 per cent of women in Kyrgyzstan get married before they reach 18 years of age. This occurs more widely in rural areas, where 14.2 per cent of women marry before they are 18 years; in urban areas, this statistic stands at 9.7 per cent.⁹

Early marriages are generally not legally registered. As a result, children born into such marriages either have no birth certificate or receive a birth certificate late. Furthermore, women and girls coerced into early marriage often become the victims of forced domestic labor; they are denied opportunities for education and rarely granted property rights¹⁰. As mentioned in the CEDAW Alternative Report, which was prepared by a Council of NGOs in 2007-2008 (see Annex 4 for reference), rising poverty and unemployment, a strong patriarchal tradition, and religious conservatism play strong explanatory roles in the increase in early marriages in Kyrgyzstan. These trends became particularly prominent during Kyrgyzstan’s transitional period in the 1990s. To complicate the matter, early marriage and spousal violence against women is commonly perceived as “natural” in Kyrgyz society.

³ *The Third Periodic Report KR CEDAW, 2007-2008.*

⁴ Danish Institute for Human Rights, Ombudsman of the KR and Supreme Court of the KR, *The Kyrgyz Republic 2006 Human Rights Yearbook*, Bishkek, 2007, p. 89.

⁵ Council of NGOs, *CEDAW Alternative Report, 2007.*

⁶ R. Kleinbach, M. Ablezova, M. Aitieva, Kidnapping for Marriage (Ala kachuu) in a Kyrgyz Village, *Central Asian Survey*: June 2005: 191-202.

⁷ Council of NGOs, *CEDAW Alternative Report, 2008*, p. 97.

⁸ See above reference, p. 129-131.

⁹ National Statistics Committee and UNICEF, *Cluster research on number of indicators*, Bishkek, 2007, p. 68.

¹⁰ Council of NGOs, *CEDAW Alternative Report, 2008*, p. 97.

The National Statistics Committee, in collaboration with UNICEF, has found that 38 per cent of women under 15 years of age believe that a husband has the right to beat his wife in various situations.¹¹ As indicated in Table 1 below, rural women consider disagreement with or objection to a husband as the most justifiable basis for the use of violence.

Table 1. Attitude to Domestic Violence

Distribution of women who believe that a husband has the right to beat his wife/partner in various situations (as a percentage of all women aged 15-49)			
Situation	Total	Rural	Urban
Leaving home without permission	20.5	26.3	13.1
Inadequately caring for the children	22.4	26.4	17.1
Disagreement or objection to a husband	25.6	34	14.5
Refusal to have a sex	9.5	11.7	6.5
Burning the food	11.3	15.4	6.1
In any of the above situations	38	47	25.5

According to research data from the KR 2006 Human Rights Yearbook, one in every four women interviewed reported suffering physical violence in the home¹². Approximately 40 per cent of women interviewed had been denied the right to work outside the home or to seek an education. The corollary effects of domestic violence are also noted in the Yearbook statistics, which indicate that approximately 70 per cent of women convicted of murdering their husbands were victims of sustained physical abuse or forced economic dependence.¹³ Other research data indicates that the groups among women most likely to be victims of domestic violence are:

- Women aged between 25 and 44 years
- Women with no children
- Women with three children or more¹⁴

Although state officials have publicly admitted increases in the number of bride kidnappings and early marriages, details of these cases and their effects are not systematically tracked at the state level.¹⁵ Judicial hearings of cases of domestic violence in Kyrgyzstan began as late as 2006, a year when only two cases were formally received. The offenders – a pensioner and an unemployed man - were issued with warnings, but received no formal punishment.¹⁶ Data from the Ministry of Interior (MoI) shows that 211 restraining orders were issued in 2005 (200 to men and 11 to women).¹⁷ According to local experts among law enforcement institutions, an overwhelming majority of cases on domestic violence are classified as incidences of “minor hooliganism”. This is despite the Law on Protection from Domestic Violence, adopted in 2003, which highlights the need for temporary guarding and judicial protection of women in situations of domestic violence. The lack of official recognition of domestic violence as a crime reveals the low level of awareness and lack of skills amongst law enforcement staff to deal with domestic violence cases. Furthermore, recognition, punishment and prevention of all cases of domestic violence depend entirely on the appeal of the victim, not on the report of a third party. This is problematic, as victims often avoid turning to law enforcement officials for fear of being further abused by the perpetrator of the violence when they return home.

¹¹ National Statistics Committee and UNICEF, *Cluster research on number of indicators*, Bishkek, 2007, p. 70.

¹² Danish Institute for Human Rights, Ombudsman of the KR and Supreme Court of the KR, *The Kyrgyz Republic 2006 Human Rights Yearbook*, Bishkek, 2007, p. 90.

¹³ See above reference

¹⁴ NSC, sample survey, *Study of the population's opinions on the current status of women in society, ensuring gender equality between men and women, and the problem of violence against women*, 2007. // NSC, data collection, *Women and Men in the Kyrgyz Republic*, 2007.

¹⁵ Jogorku Kenesh Deputies, alliance presentation materials, *Women's Legislative Initiatives for Kyrgyz*, 2007.

¹⁶ NSC, *Report by Judicial Department of the Ministry of Justice*, 2007.

¹⁷ *The Third Periodic Report KR CEDAW*, 2007-2008, p. 130.

Overall, it is very difficult to obtain clear and precise statistics on the forms and incidences of violence against women in Kyrgyzstan. Reasons for this include:

- Victims' fear of continued and increased abuse after turning to law enforcement officials. This is related to the reality that in over 70 per cent of cases of domestic violence the perpetrators are family members or acquaintances of the victim.¹⁸
- Widespread belief that violence against women, particularly in the "private" family home is natural and the result of a woman's provocation or "bad behavior"
- Law enforcement bodies' lack of awareness, sensitivity and skills when it comes to handling cases of violence against women

Sexual violence

Sexual violence, including sexual harassment, is prevalent in Kyrgyzstan, where the rate of sexual crimes continues to grow.¹⁹ In 2006, there were approximately 3,700 officially registered crimes against women, representing approximately 10 per cent of the total number of reported crimes. Of all rape cases reported to police (271 cases), 67 per cent were perpetrated against women (183 cases), and 13 per cent against adolescent girls (35 cases). Of cases of sexual torture registered with the police, 69 per cent were perpetrated against women, and seven per cent against girl children. In cases of forced actions of a sexual nature, 33 per cent were perpetrated against women and 22 per cent against girl children.²⁰

According to NSC data, 35 per cent of urban women and 25 per cent of rural women indicated that they did not believe sexual violence to be a crime. Furthermore, 30 per cent of women who had experienced an attack or threat of a sexual nature did not consider the occurrence to be a crime.²¹

Adolescent girls are at risk of sexual violence in Kyrgyzstan in other ways, vis-à-vis forced employment as commercial sex workers. In the southern regions of the country, it is not uncommon for sex workers to be as young as 15 or 16 years of age. Research data indicates, in fact, that 12 per cent of street sex workers and 21 per cent of organized sex workers are below 18 years of age. The exploitation of children in the commercial sex market is a problem mainly confined to urban areas. However, expert views suggest that the majority of young employed women come from rural areas.²²

Trafficking of women and children

During Kyrgyzstan's transitional period, the trafficking of women and children for sexual exploitation and forced labor became increasingly common, and the practice continues today. According to data from the National Council under the President of the Kyrgyz Republic for Combating Illegal Export and Trafficking of Human Beings, women and children are most commonly exported to United Arab Emirates, Turkey, China and South Korea.²³

There is a criminal penalty for human trafficking in Kyrgyzstan. Within the last two years, about 40 criminal human trafficking cases falling under clause 124 of the KR's Criminal Code have been delivered to judicial authorities. However, statistical reports do not indicate various categories of the crime, therefore making it difficult to obtain quality, specific data on the trafficking of women. Some sources suggest that 98 per cent of the total number of human trafficking cases in Kyrgyzstan involve the trafficking of women.²⁴ However, many cases of trafficking of women that are reported are often re-qualified as lesser crimes, such as fraud.²⁵

¹⁸ *Country Gender Assessment*, Kyrgyzstan, 2007.

¹⁹ *The Third Regular Report of CEDAW*, 2006.

²⁰ Council of NGOs, *CEDAW Alternative Report*, 2008.

²¹ NSC, sample survey, *Study of the population's opinions on the current status of women in society, ensuring gender equality between men and women, and the problem of violence against women*, 2007. // NSC, data collection, *Women and Men in the Kyrgyz Republic*, 2007.

²² See above reference

²³ *The Third Regular Report of CEDAW*, 2006.

²⁴ Council of NGOs, *CEDAW Alternative Report*, 2008.

²⁵ Golden Goal, report, *Monitoring of situation with human trafficking in Fergana valley, Kyrgyzstan*, 2005. See *CEDAW Alternative Report* by Council of NGOs, 2008, p. 182–183.

The vulnerability of children to violence

Child labor and the sexual exploitation of young girls are prevalent in Kyrgyzstan. As highlighted in Parliament hearings on commitments of the KR to international human rights standards in September 2006, in most cases children work in the informal sector, where there is almost no control over labor.

Forced child labor is also typical in orphanages, hostels and specialized educational institutes. Children's homes are generally kept in extremely poor conditions, with money allocated to salary for staff and food only.

3.1.1 Those Most at Risk

There is no existing research data on violence against women in Kyrgyzstan indicating which groups are most at risk; no research, for instance, has ever been conducted on the prevalence of violence against vulnerable groups such as physically disabled women, sexual minorities, women migrants, single mothers with small or disabled children, and women in penitentiary institutions. Nevertheless, representatives from public organizations working with vulnerable groups indicate that violence against women in the aforementioned categories is very common (see boxes 1 and 2).²⁶

Box 1.

A woman, 23 years old, suspected of stealing blankets and towels costing US\$ 7, was kept in an investigation cell for several months, where she was taunted and forced to have sex not only with officers of the institution but also with other persons under investigation, in exchange for payment to the officers. The young woman became pregnant, and during her seventh month of pregnancy, she was released from the ward and transferred to a maternity hospital, where she gave birth wearing handcuffs and in the presence of a male police officer.

Source: <http://www.vof.kg/kg/news/?news=206> 23.01.2006

Box 2.

A transgender man was attacked in the middle of the city for his non-standard look. Two drunken men harassed the man, threatening to rape him in order to find out his sexual preferences...

In February 2008, a transgender woman was arrested after being attacked by a man, who managed to turn the police against her by "justifying" his actions, stating, "She is not what she looks like." The woman then spent three nights in a detention centre. Police demanded money in exchange for her passport, which was confiscated in order to ensure that she did not leave the city.

In July 2008, a transgender woman was attacked and gang-raped by three men early in the morning after being abducted from the city and taken to a suburban area. She was bottle-raped several times, and burned with cigarette tips all over her body and genitals. Knowing she was a transsexual woman (possibly from previous encounters), the offenders burned her bra and accused her of being a "freak". The offenders said that if they saw her wearing female attire again they would kill her. They then left her half-naked in the forest, after having robbed her of her belongings and money. Her case was documented by Labris and taken to a district militia office. The woman was denied assistance, however, on the grounds of her being a sex worker and not biologically female. Article 129 of Criminal Code of the Kyrgyz Republic ("On rape") refers to "women" exclusively, and the police used this to justify their refusal to register the case as a rape case. In addition to being victimized by the rapists, the trans-woman was also severely insulted by the police investigator who repeatedly referred to her as a "faggot".

Source: CEDAW Alternative Report by the non-governmental organization, Labris, 2008.

Social benefits for single mothers, especially single mothers with disabled children, are far from adequate in Kyrgyzstan. Furthermore, although no official statistical data is available, independent experts interviewed for this assessment indicate that up to 80 per cent of men leave their families in cases where children are born

²⁶ NGO Labris (works with homosexual communities), Association of Women with Disabilities and others.

disabled. Therefore, the overwhelming majority of single mothers must find work. As they are “unattractive” employees, however, they often encounter difficulties and are forced to work a number of casual jobs.

Women who migrate from rural to urban areas of Kyrgyzstan are also at risk of violence, as many encounter difficulties in finding permanent employment and safe places of residence. Particularly in the nation’s capital, women living in urban slums lack access to food, water, sanitary and hygiene supplies, hospitals, and schools. These conditions increase the risk of unsocial and violent behavior.

The rate of maternal mortality amongst migrant women in Kyrgyzstan is one of the highest in all of Central Asia. This is partly due to the fact that woman migrants are often without identification documents, and social and medical insurance.²⁷

Overall, observations suggest that young women and girls are most at risk of being victims of violence in Kyrgyzstan. Girls and young women (especially those living with the extended families of their husbands) are traditionally responsible for domestic labor, along with care for children and the elderly. This, coupled with frequent childbirth at an early age, and restrictions to access to education and employment, severely limits young women’s decision-making capacities and autonomy to choose their course in life.

The situation for girls and young women in rural areas is particularly complicated. Girls from rural families, and especially those from migrant families, are at high risk of forced early marriage²⁸. Rural women’s vulnerability is connected to a lack of social infrastructure, such as health systems and educational facilities, along with stronger tendencies towards the maintenance of discriminatory cultural traditions. According to assessments of the Ministry of Education in urban Kyrgyzstan, only 12 per cent of children in urban areas attend kindergarten, while this figure stands at only 3 per cent for children in rural areas.²⁹

The high prevalence of violence against women in rural areas may be linked to male migration. When men leave their homes to work abroad, young wives are often left under the direction of mothers-in-law or other elder paternal relatives who have a high degree of control over women’s movements and autonomy. Young wives are thus denied the opportunity to develop a sense of self-dependency - a necessary condition for self-protection against violence³⁰.

Overall, there is an urgent need for more detailed analysis of risk and vulnerability factors of various groups of women and children.

3.2 Existing Policies and Laws on Violence against Women

International Commitments

Kyrgyzstan ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, adopted by the United Nations General Assembly in 1979) in 1997,³¹ and joined the optional protocol to the Convention in 2002.³²

To date, the Kyrgyz Government has prepared three regular papers on the implementation of the Convention (in 1998, 2002 and 2006, respectively). The reports were compiled by special force teams of government representatives. In addition, non-governmental actors drafted three alternative reports (see the list of NGOs in annex 4) on CEDAW in 1999, 2004 and 2007. In 2008, a number of alternative reports were presented to CEDAW on behalf of Council of NGOs, Forum of Women's NGOs, the NGO Labris and Global Initiative to End All Corporate Punishment of Children.

²⁷ Council of NGOs, *CEDAW Alternative Report*, 2007.

²⁸ *CEDAW Alternative Report*, 2008, p. 155–156.

²⁹ Based on materials from newspaper *Belyi Parus*, 28 March 2008, No.6, p. 4.

³⁰ A. Matveeva, *Gender Dimension of Conflicts in South Caucasus and Central Asia // Transition Period: Development Issues*, UNDP and London School of Economic and Political Sciences, No. 8, December 2007, p. 5.

³¹ Date of effectiveness for the Kyrgyz Republic: 12 March 1997.

³² Date of effectiveness for the Kyrgyz Republic: 22 October 2002.

During preparation of the third alternative report, a special CEDAW Committee visited Kyrgyzstan to offer advice on the drafting of the report and to assist in emphasizing to the Kyrgyz Government the necessity of fulfilling its commitments to international protocol on gender equality.

Following submission of the governmental papers, Kyrgyzstan received comments from the UN CEDAW Committee (see Box 3). As revealed in comments on the 2004 report below, the Committee expressed concern about the low representation of women in public administration bodies, the prevalence of gender stereotypes, the status of rural women, sexual minorities, the expansion of violent practices against women connected with growth of polygamy, early and forced marriages, and bride kidnapping.

Box 3.

UN CEDAW Committee: Kyrgyzstan.

30 Session, January 12-30, 2004.

160. The Committee urges the State party to intensify its efforts to combat trafficking in women and girls. It calls on the State party to ensure that victims of trafficking have adequate support and that they are not penalized. The Committee recommends the strengthening of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers. The Committee requests the State party to provide in its next report information and data on trafficking in women and girls and the exploitation of prostitution, and on the measures taken to combat the phenomena and their results.

169. The Committee is concerned at the continuing existence of bride abduction and polygamy, despite the legal prohibition of these practices.

170. The Committee recommends action without delay by the State party to enforce its laws penalizing these practices. The Committee also recommends that the State party take comprehensive and effective measures, including the training of the judiciary and law enforcement officials and public awareness raising campaigns, to eliminate these practices.

162. The Committee recommends that an extensive, public awareness-raising campaign against violence in the family be launched nationwide and that strengthened training programmes for the police and the judiciary be provided so as to ensure that the rights of victims of domestic violence are properly protected. The Committee requests that detailed information on sexual violence, including sexual harassment, and efforts to eliminate it be provided in the next report.

There is no specific legislation on violence against children in Kyrgyzstan. However, Kyrgyzstan has signed onto the following international commitments:

- The Convention of the Rights of the Child (ratified in 1994)³³
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict³⁴
The Optional Protocol to the Convention on the Rights of the Child concerning the sale of children, child prostitution and child pornography³⁵

To date, with regard to the Convention on the Rights of the Child, two governmental and two alternative papers were drafted by the Kyrgyz Government. In addition, the government prepared papers on the Optional Protocols in 2006 and adopted the Action Plan of the United Nations programme, World Fit for Children (May 2002).

National Policy and Legislation

Kyrgyzstan developed the National Action Plan 2007-2010 to Achieve Gender Equality (NAP), which includes the strategic goal to “decrease gender-based violence”. Achievement of this goal involves:

³³ Date of effectiveness for the Kyrgyz Republic: 6 November 1994.

³⁴ Date of effectiveness for the Kyrgyz Republic: 12 March 2003.

³⁵ Date of effectiveness for the Kyrgyz Republic: 13 September 2003.

1. Improving quality services rendered by specialized departments to victims of violence
2. Providing psychological services to victims of violence
3. Improving collection mechanisms of primary statistical information on the forms and incidences of violence against women

Kyrgyzstan is further committed to addressing the issue of violence against women according to clause 13 of the National Constitution, which states that citizens of Kyrgyzstan are subject to equal rights and opportunities irrespective of gender (October 2007). The national law of the KR, in addition to making “guarantees of gender equality” (2003), further “guarantees equal rights and opportunities for men and women” (2008), identifying definitions of open/hidden gender-based discrimination; the national law, however, does not provide a definition of gender-based violence.

There are also a number of specific measures in the legal framework of the Kyrgyzstan Republic that contribute to the government’s commitments to address violence against women:

- The law on social and legal protection from family violence (25 March 2003, No. 62) defines domestic violence as any intentional act of one member of the family that infringes on the legal rights and freedoms of another family member, does physical or psychological harm and moral damage, or constitutes a threat of physical or psychological harm. The law specifies mechanisms of provisional and judicial guarding orders, thereby providing both direct protections of victims of domestic violence, as well as acting as a warning to persons who threaten the use of violence. The law on social and legal protection from domestic violence was the first gender-oriented law to be incorporated into Kyrgyzstan’s national legislation.
 - Law on reproductive rights (2000 – initial version approved; 2007 – revised law approved)
 - The Ministry of Interior’s (MoI) order, “Approval of Instructions on Introduction of Provisional Guarding Orders Into Practical Activity of Law Enforcement Bodies And Statistical Reporting” (2004)
 - A Supreme Court order, “On Introduction of Judicial Guarding Orders” (2004)³⁶

Importantly, the Criminal Code of the Kyrgyz Republic specifies punishment for the following crimes:

Clause 124: Recruiting people for exploitation

Clause 129: Rape

Clause 130: Violent actions of sexual nature

Clause 153: Bigamy and polygamy

Clause 154: Marriage with individuals under the legal age

Clause 155: Coercion to marriage or hindering the right to marriage (including kidnapping)

Clause 260: Involvement in the prostitution business³⁷

Also important in this regard is the law on preventing and combating human trafficking (17 March 2005, No. 55). This law defines the organizational and legal bases required to prevent human trafficking by identifying the principles of coordination of distinct agencies, and by specifying the kinds of assistance to be provided to those who have been the victims of trafficking. According to the law, a victim of human trafficking cannot be held under administrative or criminal account for actions usually considered criminal offences if such offences were committed by the victim as a result of her/his involvement in the human trafficking process. However, specific measures related to women are not envisaged in the law.

In June 2008, Kyrgyzstan held the first Parliamentary hearings on gender-based violence and violence against women. A key feature of the hearings was a debate of the draft amendments and additions to the law on social and legal protection from domestic violence. Among the proposed amendments was a proposal to clarify the law, including definition of terms and subjects of responsibilities. Nevertheless, the hearings activated a certain

³⁶ The NAP on gender-based violence prevention may also include a cooperative group among Kyrgyzstan and other countries aimed towards combating human trafficking. EG, *Memorandum of Understanding between MoI of the KR and MoI of Turkey in the Area of Combating Human Trafficking*, September 2006.

³⁷ See details in “Collection of legal acts of the KR related to gender policy”. See the Secretariat of the National Council for issues of family, women and gender development under the President of the KR - Bishkek, 2006.

level of energy within the government towards enhancing and improving policies on to violence against women, and Parliament is now considering proposals for a new consultation process on law amendments.

In addition to the legal framework, an important aspect of national policy geared towards combating violence against women is the collection of official data and statistics. Numerous multi-level consultations and training programmes involving the participation of law enforcement bodies, civil society organizations and international agencies (such as UNFPA, UNIFEM, the World Bank and others) have been held in this regard. One outcome of these activities has been the inclusion of indicators for violence against women and children into the data collection of the NSC's "Women and Men in the Kyrgyz Republic". Since 2004, regular monitoring of the following indicators has been maintained:

- The number of officially registered crimes against women and minors, including beatings, rapes and coercion to marriage
- The number of appeals to crisis centers, Aksakal Courts (community-based institutes) and other specialized institutions³⁸

An important source of information on the scale of violence comes from the sectoral statistics of bodies such as the Ministry of Interior (MoI), the judiciary and the offices of the public prosecutor.

According to MoI (2004) dictates, district inspectors are to maintain statistical reporting of registered cases of domestic violence, specifying the types of violence committed, as well as social and demographical data on family members who commit acts of domestic violence and on victims of domestic violence. In addition, local units of the MoI are to record all instances of issued guarding orders. It is intended for the collected data to be included in monthly reports for informational centers of local departments of internal affairs. At present, however, this information remains inaccessible to general users.

Since 2006, the Court Department has included information on both perpetrators and victims of domestic violence – including age, profession, type of violence and punishment executed – in its statistical reports.

3.3. Stakeholders Involved

3.3.1 Public Stakeholders

The prevention of violence against women in Kyrgyzstan takes place primarily under the National Council on Family, Children and Gender Equality Issues under the President of the KR and an executive body of the Board of Social Development Department under the Office of the KR.

NAP emphasizes that one of the main executors of violence prevention policies are local self-government bodies and local state administrations, who are in charge of taking specific measures to protect victims and of preventive work with the violence initiators.

The following bodies are in charge of executing the policies aimed at eradication of violence against women in accordance with the law on social and legal protection against domestic violence:

- State administrations
- Commissions for under-aged affairs
- Education, health and social protection bodies

These bodies are responsible for executing decisions on the prevention of domestic violence and for offering social support to victims. To that effect, the above actors design programmes for the prevention of domestic violence, run awareness-raising activities and engage in official analysis. Local authorities are charged with ensuring that crisis centers have adequate support for the provision of premises, as well as offering discounts in payments for communal services to victims of violence against women.

According to articles 7, 8 and 9 of the law on social and legal protection against domestic violence, the following bodies are also charged with responsibilities for combating violence against women:

³⁸ Data on these indicators are given in annex 1.

- Judicial bodies responsible for decisions in line with the law and other current and relevant administrative, criminal and civil remedial legislation of the KR
- The Offices of the Prosecutor, which control the legality of actions undertaken by institutions, organizations, and citizens; ensure that recordings of cases of domestic violence are factual and complete; represent the interests of victims of domestic violence in court; and coordinate activity of law enforcement bodies related to the prevention of domestic violence
- Internal affairs bodies, which are responsible for the receipt and registration of petitions related to domestic violence; taking action to suppress domestic violence; organizing urgent help for victims of violence, including transport to health institutions, safe places, crisis centers or other specialized institutions of social protection; drafting measures for cases of violence, including the issuance of provisional guarding or judicial orders to victims; and carrying out regular preventive work within their own areas, together with local authorities
- The Ombudsman, also having a special responsibility to prevent domestic violence
- Academy of the MoI, the Training Centre for Judges and other educational structures, which are in charge of professional training of staff; specialists of the system are also required to offer training courses on dealing professionally with cases of violence against women

3.3.2 UN Agencies

Since its establishment by UNIFEM in 2004, the United Nations Gender Theme Group (UN GTG) has been a major mechanism for donor coordination to promote gender equality and combat violence against women in Kyrgyzstan.

The GTG is one of the mechanisms in the implementation of a new approach called “One UN”, initiated by Country Teams of the UN agencies. Despite each agency’s independent mandates and focal points, all policies are in conformity with global UN targets and objectives, as well as country development policies. The Gender Theme Group (GTG) advocates gender mainstreaming in the United Nations system, and encourages UN agencies to integrate the gender dimension of different mandate areas into their work.

The UN Resident Coordinator in Kyrgyzstan is chairperson of the GTG. In addition, UNIFEM has created the position of UNIFEM Gender Adviser to the UN Resident Coordinator, in order to increase efficiency of the GTG work.

The GTG runs its activities within annual work plans. Decisions on main programme areas, as well as specific activities and initiatives, are made jointly by GTG members. Activities of the GTG are wide-ranging, and include Country Gender Assessments (the first was undertaken in 2007; later in 2008 an express gender assessment took place); supporting the Council of NGOs to draft alternative CEDAW reports; running awareness campaigns for International Women Day and the 16 Days of Activism against Gender Violence.

The GTG members organize regular consultations to increase awareness and coordination between government, civil society, and other international organizations and donors to meet international commitments and national priorities on the promotion of gender equality in Kyrgyzstan. A number of agencies within the GTG implement targeted work to tackle gender-based violence. The GTG identifies common priorities and areas for joint work, coordinates the various activities, and assists with access to and allocation of resources in line with the UN mandate and the priorities of other agencies at the country level. In addition, the UN GTG cooperates actively with international organizations such as the Soros Foundation-Kyrgyzstan, Organization for Security and Cooperation in Europe (OSCE), Office of Democracy and Human Rights (ODIHR), OSCE Centre in Bishkek, and the Ebert Fund.

However, the GTG does not liaise directly with the Donor Council (DC) of Kyrgyzstan. This is a critical obstacle to the improvement of coordination, as the DC is often vested with ultimate decision-making powers with regard to different initiatives.

The United Nations Population Fund (UNFPA) also plays an active role in combating violence against women in Kyrgyzstan. In addition to advocacy in civil society, UNFPA targets local religious leaders to help mitigate violence against women in the context of religious attitudes.

In addition, the regional office of United Nations Office of the High Commissioner on Human Rights (UNOHCHR) was established in Kyrgyzstan in 2007. The UNOHCHR is mandated to implement training programmes for law enforcement staff in the area of legal assistance for victims of gender-based violence.

Finally, the United Nations Development Fund for Women (UNIFEM) assists civil society organizations in preparing applications for Trust Fund grants for violence-related projects and in the running of training and informational activities against gender-based violence (youth actions, concerts, etc.).

3.3.3 Local Organizations

The Association of Crisis Centers of Kyrgyzstan works towards the prevention of violence and supporting victims of violence. The Association of Crisis Centers comprises 12 organizations, which are spread throughout the country. According to the Association of Crisis Centers standards, member organizations must provide a number of mandatory services:

- Helplines
- Face-to-face advice
- Legal advice
- Awareness-raising and education services (in particular, organizations should assist in the organization and running of the campaign 16 Days of Activism against Gender Violence)

The capacity of the Association of Crisis Centers to fulfill its overarching mandate, however, is largely determined by the project frameworks and resources available in its member organizations. Most crisis centers have limited resources and little personnel, and staff members are often required to perform a multiplicity of tasks. Of the member organizations of Association of Crisis Centers, only one crisis centre in Bishkek, Sezim, has been successful in providing shelter for victims of human trafficking, due to the support of international organizations and local authorities. Apart from that, within the International Organization for Migration (IOM) projects, five crisis centers in Osh, Talas, Jalalabad, Batken and Cholpon-Ata have the opportunity to open shelters, which would accommodate up to 2-3 persons.

The Association of Crisis Centers establishes coordinated groups who respond to violence against women at the local level. The response groups are comprised of representatives of local police forces, local self-administration authorities and civil society organizations. In addition, the Association of Crisis Centers monitors the activity of law enforcement authorities in relation to actions for the protection of victims of gender-based violence. However, monitoring is not systematic and not institutionalized, as this practice has insufficient support from the government.

With the support of the Humanitarian Institute for Cooperation with Developing Countries (HIVOS), the Netherlands, the Association of Crisis Centers has implemented the project Strengthening Women's Rights to Be Protected from Domestic Violence 2008-2009, which aims to enhance the quality of assistance to victims of domestic violence, and to develop an interaction network to prevent gender-based violence.

Besides the Association of Crisis Centers, a number of NGOs are active in combating violence against women in Kyrgyzstan, vis-à-vis qualitative and quantitative research initiatives, review of relevant laws and legal acts from a gender perspective, awareness-raising campaigns, and training of representatives of various stakeholders. The organization Diamond, for example, has significant experience in research, training and lobbying efforts. The activity of the Women Assistance Centre, which works particularly in researching, training and raising awareness about human trafficking, as well as the Women NGOs Forum, which implements projects related to the situation monitoring, capacity-building of law enforcement bodies in gender-based violence prevention, may also serve as examples. Furthermore, Kyrgyzstan has had experience with evaluating the situation of gender-based violence within the activities of the intersectoral network organization Human Rights Council. Among regional NGOs, Golden Gol in Osh should be noted for its monitoring of human trafficking. At the same time, the above projects cannot be deemed as targeted operations of the public organizations.

3.3.4 International Organizations

The Soros Foundation-Kyrgyzstan has implemented a Women's Programme to combat gender-based violence. The Women's Programme directly supports the Crisis Centers Network, reviews legislation, and offers training programmes for law enforcement and judicial officers. The Women's Programme is supported by the European Commission.

Other international organizations committed to combating violence against women in Kyrgyzstan are the IOM, the Freedom House Foundation, Winrock International and the OSCE Centres in Bishkek and Osh. Freedom House, for example, initiated a project to improve legislation related to violence against women in 2008-2009.

The OSCE Centres support initiatives of local civil society organizations and state authorities to combat human trafficking, domestic violence and violence against women. Such initiatives include helplines, shelters for victims, and provision of technical resources and expert assistance. The OSCE Centers also lead projects on the democratization of the police at the local level, which provide valuable platforms for the capacity-building of local law enforcement bodies with regard to violence against women.

3.4 Resources Available

Funding: Evaluation of special-purpose funds for the implementation of programmes on combating gender-based violence is complex in the Kyrgyz context, as policies on national budgeting are not transparent; government reports typically only indicate the total amount of funds allocated to activities envisaged in the National Action Plan on Gender Equality (NAP) for the achievement of gender equality. According to reports on the implementation of NAP policies over 2002-2006, allocated funds amounted to over 1 million som annually.³⁹ From this overall figure, there are no mechanisms to determine the amount of money allocated specifically for combating gender-based violence.

The CEDAW Third Regular National Report recognizes the lack of national funding for crisis centres in Kyrgyzstan. The low priority placed on spending to combat violence against women can be attributed in part to the economic situation in the country as a whole, but also to the fact that victims of gender-based violence who turn to law enforcement authorities and crisis centres for assistance often face stigma and are negatively perceived by the wider community.⁴⁰

In the planning stages of the NAP for 2007-2010, UNDP assisted in assessing the amount of funding needed to address the problem of violence against women in Kyrgyzstan adequately:

<i>Funding needs for NAP</i>	<i>US\$</i>
Total	493,109
National budget	22,925
Local budget	4,764
Donor budget	465,420

In total, funding requirements for the NAP for 2007 were estimated at 19 million som or approximately US 0.5 million dollars per year. This amount was determined by taking into account possible contributions from donors. However, most donor agencies in Kyrgyzstan have no special programmes or budgeting for gender-related issues; gender issues are sometime included or integrated into other programmes supported by donors. Therefore, donors may fund activities that, whilst not specifically focused on the issue, indirectly help combat violence against women. However, this approach to budget allocations for violence against women is unsystematic and cannot sustain long-term, independent initiatives.⁴¹

The executive body of the National Council on Women, Family, and Gender Development is the Social Development Division of the Government Office. In May 2008 the Council determined that the Social Development Division would have a number of additional responsibilities; however, a special position or sector

³⁹ Results of monitoring the implementation of the KR President's decree "National action plan to reach gender equality in the KR by 2002-2006", in 2002-2003 and first half-year, Bishkek, 2004, p.12.

⁴⁰ CEDAW Third Regular Report, 2006.

⁴¹ Based on materials of needs assessment for funding of the NAP, supported by UN GTG.

was not created within the department. The possibility of establishing a special authorized body on gender affairs is currently under discussion in the government.

Government agencies, ministers and local public administrations comprise staff responsible for the overview of gender dimension issues, including violence against women. Local law enforcement authorities also appoint one staff member to be responsible for all gender-related issues. However, staff responsible for gender issues and addressing issues of violence against women are rarely provided sufficient administrative, technical or financial resources.

The resources earmarked by United Nations agencies for specific programmes on addressing gender-based violence are generally accumulated in the GTG budget, excluding initiatives, and implemented by the individual agencies mentioned above. This budget was estimated to be approximately at US\$ 16,000 in 2008. UNFPA has a budget of approximately US\$ 40,000 for its programme on education and the involvement of religious leaders and the local community in activities geared towards combat violence against women.

Technical and Human Resources: UN agencies at the country level have gender focal points (GFP), each of whom is a member of the GTG. The Gender Focal Points assist in the implementation of action outlined in the GTG Work Plan. The Focal Points are in charge of the implementation of specific gender-related activities and the projects of each agency.

The work of the Gender Focal Points is, however, often considered “extra” work in addition to their regular duties concerning other issues. The specific roles and duties of the Gender Focal Points are typically not reflected in staff members’ Terms of Reference.

Furthermore, GFP work is sometimes disaggregated from wider initiatives. In 2007, the GTG attempted to consolidate gender mainstreaming by increasing the number of staff members responsible for the coordination and implementation of gender-specific programmes. However, many member agencies of the GTG are short-staffed themselves, and were therefore not in a position to participate fully in the gender mainstreaming attempt.

Following are the main areas of cooperation and collaboration between the governmental/public sector, United Nations agencies and civil society:

- Capacity-building of and technical assistance to representatives of law enforcement bodies, public administration bodies, NGOs and experts in the community
- Development of research and analytical baselines, including development indicators and statistics
- Proposals for legislative reforms
- Awareness-raising campaigns
- Establishment and institutionalization of support system to victims of violence
- Support for civil society initiatives on the prevention of violence against women

Instances of efficient collaboration between UN agencies and governmental and civil society organizations include:

- In 2003 a conglomeration of civil society organizations, with the support of international organizations, successfully lobbied for the inclusion of a law on protection from domestic violence. Civil society organizations managed to gather 36,000 signatures in support of the law.
- With the support of UNIFEM, a number of civil society organizations were able to develop a system of gender-related indicators, including indicators on violence against women to help assess the status of the MDGs, CEDAW and the NAP.
- With the support of UNIFEM, civil society actors have also conducted large-scale research on the extent of domestic violence in Kyrgyzstan.
- In a campaign that took place throughout 2006 and 2007, civil society movements have succeeded in freezing a number of initiatives put forward by the government on the legalization of polygamy and prohibition of abortion.
- Civil society organizations established a partnership network with the participation of the GTG to run national initiatives for the campaign 16 Days of Activism against Gender Violence. These initiatives included nation-wide events such as conferences, and high-level consultations and forums (see Box 4 below).

Box 4***16 Days of Activism against Gender Violence - Kyrgyzstan***

The campaign 16 Days of Activism against Gender Violence has over 10 years experience in Kyrgyzstan. Civil society, government, and non-governmental organizations are members of a steadily growing list of participants in the campaign. Since 2006 the campaign has been led under the slogan “Life without violence – the right of everyone!” The campaign is conducted by partner networks of over 15 governmental, civil society and international organizations, including the United Nations Gender Theme Group.

The partnership network addresses issues of development, project planning, resource allocation and organizing joint actions. The United Nations Gender Dimension Team is an active member of the network. Its key role is to design and publish awareness-raising materials, alongside carrying out various awareness-raising activities. A distinguishing feature of the 2007 campaign was the active involvement of different youth networks, including the youth programme United Nations Volunteers (UNV) and UNFPA’s Y-PEER network.

3.5. Capacities to Address Issues Related to Gender-based Violence

Despite the efforts of governmental authorities, civil society and international organizations to combat violence against women, the efficiency of this work is limited by several restrictions, including the State’s inconsistent position on combating violence against women. Although there are laws against gender-based discrimination and gender-based violence, the mechanisms of enforcement and punishment in cases of infringement are limited. Inconsistent government policy hinders the development of a clear dialogue on the issue of violence against women, both at the societal and intergovernmental levels. Other restrictions include:

- The government promotes a moralistic stance on the issue, advocating for the “increase of morality” within society. This entails the idealization of traditional practices and the promotion of conservative religious beliefs. In the context of “morality”, gender-based violence is interpreted narrowly. For instance, domestic violence is not considered to be a crime or a women’s rights violation, rather an issue that leads to the degradation of the family and of family values. It is within this same discourse that the legalization of polygamy has been repeatedly discussed at the highest levels of government in Kyrgyzstan.
- Narrow understandings of gender-based violence as well as inconsistent and non-binding policies impede the institutionalization of systematic means to combat violence against women. There are significant gaps between political rhetoric and actual action taken towards the prevention of violence and assistance for victims of violence. The excerpt below from a CEDAW paper is indicative of this very issue (Box 5).

Box 5***Ajary Case, Bishkek***

“One morning I was late for work. My neighbor, the operating officer of the MoI Rayon Unit, was driving a car with his friends and offered to give me a lift. As a result I was kidnapped and forced to marry him in the most remote village of his motherland, located in Talas Oblast... A police officer was behind the wheel and all of the others were also police officers, making eight men in total, in two cars.... Later on, black and blue and exhausted, I was delivered and passed to the hands of female relatives waiting for me. Psychologically, I was severely pressured... Men in civilian clothes came and told me that they were from the Office of the Prosecutor. I expected them to help me, but instead of listening to me and protecting me, they came to persuade me to write a statement saying that I was there voluntarily and that everything was okay... I refused to write the statement, instead asking them to leave me alone until my parents arrived. Afterwards my family members arrived and took me away.

It was extremely hard to submit my complaint - this was at first rejected and then accepted, when I insisted, but without being registered as it should’ve been. I submitted my complaint to the Lenin Rayon Unit of the MoI, the Office of the Prosecutor, the National Security Service, Jogorku Kenesh, Ombudsman... After 15 days of hardship, with the help of Kylum Shamy, a human rights organization, my complaint was finally accepted and registered lawfully by the Lenin Rayon Unit of the Mop. During this period, however, my “bridegroom” somehow managed to retire from the ranks of police officers...

I could not consider those seven men involved in the kidnapping neither as accused or respondents anymore no matter how much I insisted. During the lengthy nine-month investigation process and consideration of the case by the Rayon Court, I experienced everything: threats, persuasions, bribe attempts, tears, neurosis, doubt, fear and torture...

The Rayon Court pronounced the following judgment: "In a settlement, the accused is condemned to a sentence of two years of service."... The respondent, however, submitted an appeal and the Municipal Court ended up lowering the punishment: a conditional sentence which was then reduced to amnesty. He (the bridegroom) told me that we would meet in the Supreme Court... Could it really be that he would be discharged and would again work for the law enforcement structure and "protect citizens"? But who will protect us - my sisters and friends - who are kidnapped wildly? These seven associates involved in the kidnapping, furthermore, continue to work quietly in law enforcement bodies, carrying out their crafty plans...

I am afraid for young rural girls - they are more vulnerable than me, after all, since they don't always have the support of their family members and close friends. This is horrible..."

Source: CEDAW Alternative Report by the non-governmental organization Labris, 2008.

3.5.1 Capacities at the Institutional Level

The development and implementation of policies aimed at addressing gender-based violence issues in Kyrgyzstan are undertaken in a constantly changing environment with regard to the country's development strategies as a whole. After all, there is no official mechanism to coordinate the efforts of the multiplicity of authorized bodies charged with combating violence against women. Furthermore, there is no body authorized to implement gender policies in the public administration system.

National legislation on women's rights and violence against women, meanwhile, is inconsistent and inadequate. In the views of experts of the current study the non-performance of the law on social and legal protection against domestic violence, as well as the non-enforcement of provisional guarding orders by law enforcement bodies is related to the fact that these laws contradict the defining principles of the Criminal Code and the Civil Code – namely, the presumption of innocence and the presumption of guilt. According to the presumption of innocence under the law on domestic violence, the victim of violence has to prove the fact of violence. Moreover, the law deems cases of violence against women as private prosecution cases, and it is difficult for women to resist the pressures of society and patriarchal culture to withdraw charges.⁴²

There are gaps in national statistics, a lack of development indicators and monitoring and evaluation mechanisms, and insufficient informational and analytical bases for assessing the forms and incidences of violence against women in Kyrgyzstan. Organizations mandated to combat violence against women have limited access to regular, systematic and comprehensive statistics from law enforcement agencies, and social and health institutions.

The lack of targeted research projects, including social and criminal investigations on violence against women, must also be noted. Institutional weakness to address the issue of violence against women is apparent at all levels, including among both public and state actors. It is imperative to purposefully expand public dialogue and room for joint learning. Intersectoral debates and discussions, as well as counseling, would facilitate the development of a more gender-sensitive environment. Such dialogue would also facilitate capacity-building and the development of a network of stakeholders committed to combating violence against women. This would necessitate a more in-depth assessment of the capacities of respective stakeholders at the state level, and in professional and public arenas, including youth organizations. In addition to law enforcement bodies and NGOs, social and health institutions - for example, social workers and doctors working at women's health service organizations, children's hospitals and first aid institutions - should be more systematically trained and assisted to understand the issues surrounding violence against women.

3.5.2 Capacities at the State Level

⁴² Council of NGOs, *CEDAW Alternative Report*, 2008. p. 129-131.

There is a lack of technical expertise and sensitivity to the issue of gender-based violence at the state level, as well as in law enforcement bodies and social institutions. In addition, there is little opportunity for stakeholder capacity-building.⁴³

Furthermore, there is a lack of human, managerial and technical resources. These factors are closely linked to the fact that state bodies are subject to frequent reorganization. Over the past two years, the Kyrgyz Government has changed five times, while some state agencies have undergone more than 10 reorganizations. In addition, authoritarian managerial structures inhibit the development of self-government and self-organization skills.

3.5.3 Capacities at Civil Society Level

There are few institutions and organizations in Kyrgyzstan mandated specifically to address the issue of violence against women, i.e., by providing assistance to victims. Furthermore, the level of gender sensitivity and knowledge of issues surrounding women's rights and gender equality is, in general, insufficient across institutions. Stakeholders at the civil society level lack skills with regard to expert evaluation and analysis, and have little access to technology and resources. Furthermore, collaboration between stakeholders operating in the sphere of gender-based violence is underdeveloped, and there have been few initiatives to integrate youth organizations into combating violence against women.

Nevertheless, a dialogue on women's rights and violence against women is developing at the state level, as well as in civil society; the most critical voices in this dialogue are those of women, especially of women who have been direct or indirect victims of violence. The growing prominence of women's rights issues can be seen in the 2008 increase in the number of women in Parliament, as well as in the establishment of a unit within Parliament in charge of the development of gender policies in Parliamentary work (the Unit on Youth Affairs, Sport and Gender Policies). In addition, a network of public organizations entitled the Alliance of Women's Initiatives has also been established, with the view of lobbying the government on programmes aimed at preventing gender-based violence.

3.6. Priorities for Actions

Kyrgyzstan hosts a high level of violence against women and sexual abuse in the family, and most cases are perpetrated against young women. This is linked to the intensification of nationalistic, religious and fundamental values, and a moralistic stance on traditional family relations within the government. Lack of economic opportunities and social difficulties also play explanatory roles in the prevalence of violence against women in Kyrgyzstan.

During the Multi-Stakeholder National Workshop on VAW Programming, held in Bishkek on 3-4 September 2008, with the organizational and technical support of UNFPA, the participants – government, civil society, UN agencies and international organizations – identified the following forms of violence to be addressed on a priority basis:

- Domestic violence
- Sexual violence
- Early and forced marriages
- Polygamy

However, combating the issue effectively will require sustained, systematic and symbiotic approaches to all aspects of the problem.

Thus, at the national level, institutional issues must be addressed, including:

- The unification of definitions of terms on violence against women in official documentation

⁴³ EG: Outcome of survey of law enforcement officers indicates that up to 80 per cent of respondents were not aware of laws and other legal provisions regulating issues of social and legal protection from violence. // Council of NGOs, *CEDAW Alternative Report*, 2008, p. 175.

- A review of the existing policies and legislation on violence against women, as well as the introduction of stronger measures and law-enforcement mechanisms
- Better mechanisms for capacity-building at all levels within government agencies, NGOs and UN agencies
- The development of comprehensive systems to provide assistance to victims, who would comprise psychological assistance, medical services, legal support, etc.
- Adequate funding allocations within the state budget

At the local level, stakeholders need to:

- Identify different forms of violence against women and possible ways of addressing them, taking into account the peculiarities of different regions
- Target the most vulnerable groups and improve service delivery mechanisms, particularly in the area of providing assistance to victims of violence

IV. CONCLUSION AND RECOMMENDATIONS

As the result of wide consultations during a Multi-Stakeholder National Workshop on VAW Programming in Kyrgyzstan, the following recommendations on combating violence against women are offered:

1. **Policy.** It is strategically important that the government develop a clear and unambiguous stance on the problem of violence. The Workshop also determined that the outcomes of this report should form specific considerations in future strategy, budget allocation, and the development of indicators and monitoring mechanisms.
2. **Legal basis.** Inconsistencies and contradictions in the law must be redressed. Future legislation should take into account the needs of the most vulnerable groups.
3. **Collection, data analysis and evaluation.** The collection and quality analysis of both qualitative and quantitative data on the forms and incidences of violence against women is imperative. Future targeted research projects should take into account the diversity and specificity of vulnerable groups, including sexual minorities, imprisoned women, women in institutions and women with disabilities. Another focus of future research activity should be on the enforcement of legal norms.
4. **Developing an efficient system of assistance to victims of violence.** Offering quality support to victims of gender-based violence is a requirement for government, non-governmental organizations, and public institutions. The development of pilot projects in local communities to test models of support and assistance would be valuable in this regard. The development of a network of independent experts and advocates to provide legal support to victims of violence is also strongly recommended.
5. **Awareness-raising campaigns by various stakeholders, including the State, civil society and international organizations.** Increasing understandings of gender equality and the dissemination of information on gender-based violence is imperative. This should include mass media campaigns, cultural projects and the participation of young people in local communities. In addition, such programmes should be developed with a long-term perspective. The Kyrgyzstan experience demonstrates that joint strategies and synergistic implementation of actions is the most effective way to combat violence against women. In this regard, networks should be established to meet common targets and objectives. These networks should also integrate young people and men.
6. **Capacity-building.** Capacity-building must be implemented systematically. Adequate knowledge of the issues surrounding violence against women as well as strong skills for dealing with the problem should be included as professional standards for all bodies authorized to approach the issue. This will require increases in resources and budgeting at the state level. In addition, users of statistical data should be educated on the appropriate use and collection modalities for VAW-related indicators. The capacity of stakeholders to address the issues should be strengthened through the establishment of an inter-agency database on violence, within the framework of gender-disaggregated statistics.
7. **Support to civil networks and building movement to combat violence against women.** Developing network initiatives, projects and programmes, including institutional development of the organizations involved in the activities, to address violence against women is also recommended. Innovative approaches, including the systematic involvement of men and youth as advocates of gender equality, are integral to the success of this process.

ANNEX 1.
Table 1. Number of registered crimes committed against women and minors (NSC, 2007)

	Of which								
	Total			Against women			Against minors		
	<i>(cases)</i>	2004	2005	2006	2004	2005	2006	2004	2005
Number of registered crimes¹ - total	32,616	33,277	31,392	3,427	4,135	3,615	392	505	597
Of them:									
Grave and especially grave	20,739	22,090	19,964	1,766	2,233	2,072	183	302	351
Personal crimes - total	2,566	2,571	2,395	916	927	807	125	107	121
Of them:									
Murder	419	491	446	89	106	89	7	7	7
Intentional, severe, health-harming	305	296	296	58	47	45	9	4	12
Assault	2	-	3	2	-	2	-	-	-
Torture	15	13	13	8	11	9	1	1	1
Rape	278	298	271	210	209	183	34	41	35
Violent actions of sexual nature	25	24	18	10	7	6	11	6	4
Intentional light, health-harming	637	584	512	296	300	268	26	19	25
Kidnapping	24	34	36	10	10	3	1	1	1
Coercion to marriage	-	27	14	-	18	8	-	3	-
Property crimes	19,262	20,211	17,935	1,430	1,919	1,685	126	251	310
Of them:									
Theft	12,101	12,335	10,967	343	850	447	6	10	15
Robbery	1,670	2,718	2,405	568	918	742	73	184	221
Crimes against public security and public order	3,351	2,250	3,569	898	827	863	63	82	107
Of them:									
Hooliganism	3,178	3,180	3,361	895	824	860	62	82	106
Crimes against people's health and public morals	3,004	2,517	2,368	6	7	17	5	2	3
Of them:									
Drug-related crimes ¹	2,963	2,565	2,325	3	3	17	2	1	3

¹ According to the provisions in the Criminal Code of the Kyrgyz Republic

Table 2. Number of people's appeals to the crisis centers, Aksakal Courts and other specialized institutions
(people)

	Of which appealed because of family (domestic) violence					
	Total	Including		Total	Women	Men
		Women	Men			
Number of appeals in 2004	11,936	9,792	2,144	2,236	2,189	47
Including:						
Aksakal Courts	1,597	1,133	464	149	117	32
Crisis centers (associations)	9,922	8,474	1,448	2,087	2,072	15
Number of appeals in 2005	11,269	9,146	2,123	4,651	4,134	517
Including:						
Aksakal Courts	2,154	1,454	700	760	539	221
Crisis centers (associations)	8,719	7,496	1,223	3,891	3,595	296
Number of appeals in 2006	9,594	7,515	2,079	6,398	5,510	888
Including:						
Aksakal Courts	1,721	845	876	256	153	103
Crisis centers (associations)	6,961	5,990	971	6,142	5,357	785

Table 3: Most frequent culprits of violence⁴⁴

Subjects of violence	All answers (%)	Answers of urban women (%)	Answers of rural women (%)
Husband, partner (present)		40.0	62.5
Ex-husband, ex-partner (present)	6.4	12.5	5.3
Friend (present)	0.9	0.0	1.1
Ex-friend (present)	3.6	0.0	4.3
Relative	19.1	18.8	19.1
Colleague	1.8	0.0	2.1
None listed	21.8	6.3	24.5
Refuse to answer	6.4	0,0	7.4
Total	100.0	100.0	100.0

Table 4. Additional data of violence research (NSC for Country Gender Dimension Assessment Project, 2007)

Age context	% against total number of victims
Under 18	3.3
18-24	23.0
25-34	39.3
35-44	24.6
45 or older	9.8
Occupation context	% against total number of victims
Employed	39.3
Unemployed	4.9
Housewife	47.5
Students	8.3
Number of children	% against total number of victims
Childless	29.5
1 child	14.7
2 children	14.7
3 children	19.7
> 3 children	21.4

Table 5. Evaluation of the NAP 2007-2010 activities aimed at decreasing gender-based violence⁴⁵

Nature of activities /area of work	Individual	Relations	Local environment	Society
Preventive measures	- (measures are not in place)	-	-	- Running an information campaign 16 Days without Violence - Monitoring the implementation of the KR law on social and legal protection against domestic violence; development of the package of recommendations for improving implementation mechanisms
Urgent actions with regard to violence	-	-	Develop practical interactions between the CC,	- Introduction of statistical reports on the victims of violence and statistic reports on various forms of violence

⁴⁴ NSC, sample survey, *Study of the population's opinions on the current status of women in society, ensuring gender equality between men and women, and the problem of violence against women, 2007*. // NSC, data collection, *Women and Men in the Kyrgyz Republic, 2007*.

⁴⁵ *Country Gender Assessment, Kyrgyzstan, 2007*.

committed			LSG, MIO and MY based on the long-term agreements via provision of CC with rent premises and utilities services at a privileged rate	
Measures for liquidation of consequences of violence	Establishing centers for rehabilitation and social integration of released female and male prisoners	-	-	-

ANNEX 2 List of partnership board members for the organization and running of the campaign "16 Days of Activism against Gender Violence", Kyrgyzstan, 2007.

№	Name	Position	Contact data
1.	Aida Jamankulova	Community Alliance	Development Phone: 67 -04-18 E-mail: aidajam@mail.ru
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ANNEX 3. List of evaluation experts and consultants

№	Experts	Title
1.	Zamira Ajigulova	Social Development Division of the Government Office
2.	Gulsara Alieva	MoI Academy
3.	Nurgul Asylbekova	UNDP
4.	Munara Beknazarova	Help Centre for women
5.	Anastasiya Divinskaya	Gender Issues Adviser to the UNDP Resident Representative in Kyrgyzstan
6.	Alexandra Eliferenko	President of Crisis Centers Association
7.	Tatyana Jiteneva	UNFPA
8.	Gulnara Ibraimova	Gender, Youth policies, Tourism and Sports Committee of the KR Parliament
9.	Taalaikul Isakunova	Women's Programme expert, Soros Foundation-Kyrgyzstan
10.	Ayana Kazybaeva	UN Commissioner for Refugees
11.	Asipa Musaeva	Association of Women with Disabilities
12.	Mathew Newman	Project researcher, Human Rights Council
13.	Anara Niyazova	Deputy Plenipotentiary of the President of the KR in the KR Parliament
14.	Saltanat Sadykova	UNOHCHR
15.	Olga Philippova	Economic and Social Development Division of the President's Administration

ANNEX 4. List of NGOs that submitted alternative CEDAW reports in 2008**1. Council of NGOs:**

- Agency for Social Technologies
 - Alliance for Development of Local Communities
 - Association of Women Entrepreneurs
 - Association of Crisis Centers
 - Centre of Gender Studies
 - Women Support Centre
2. **NGO Tais Plus** (works with sex workers)
 3. **NGO Labris** (works with sexual minorities)

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