

Forum of Women's NGOs of Kyrgyzstan  
Shadow report, 2008, Bishkek, Kyrgyzstan

# **Shadow report**

**To the Third Periodic Report of Kyrgyzstan**

**42<sup>nd</sup> CEDAW Session**



**Implementation of CEDAW in Kyrgyzstan**

**Forum of Women's NGOs of Kyrgyzstan**

**Violence against women**  
**Women's Political Participation**

**Bishkek, 2008**

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## **Summary of shadow report on CEDAW implementation by the state of Kyrgyzstan**

Forum of women's NGOs of Kyrgyzstan has developed its report in cooperation with women's NGOs from all Kyrgyzstan provinces as monitors with data collection and interviews.

Data on violence against women is based on Forum of Women's NGOs Monitoring of Violence Against Women in all regions of Kyrgyzstan in the period of September 2005 – May 2007. A team of monitors conducted interviews, surveyed local, police officers, staff at prosecutor's office, medical workers, workers of social agencies. Monitoring of the women's political participation was done during 2004 – 2007 and was implemented by Forum's staff.

Report includes statistical and analytical data.

Shadow report of the Forum of women's NGOs of Kyrgyzstan focused on two crucial issues related to discriminatory practices against women, which include: 1 – violence against women with concentration on domestic violence, 2- Women's participation in political processes.

The report is reflecting also country actions to address Concluding comments from the CEDAW committee of 2004.

The monitoring findings and an initial report were presented three times: to Parliament and State officials in February 2008, to women's NGOs in March and April. It was widely disseminated among interested parties.

### **Areas of concern**

#### ***Violence Against Women***

##### ***Description of the problems***

In 2003, Kyrgyzstan adopted a progressive law to address the problem of domestic violence "the Law on Social-Legal Protection from Domestic Violence of the Kyrgyz Republic." Unfortunately, law enforcement and government officials have failed to integrate this promising law into the everyday fulfillment of their duties. Currently, there are no statistics on domestic violence, which law enforcement agencies are required to compile in accordance with the 2003 Law on Social-Legal Protection from Domestic Violence. However, Kyrgyz NGOs as well as 2006 Human Rights Watch Study "State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan" report domestic violence in the country is increasing. Forum of Women's NGOs recent study "Monitoring of Violence Against Women" in all regions of Kyrgyzstan for the period of September 2006 – May 2007 shows lack of enforcement of the Domestic Violence Law.

- Only 18 protection orders were issued since 2003 when the Law came to effect, whilst according to the National Statistics Committee, 4,651 women sought

assistance from shelters, court of elders and other organizations and 4,135 cases of violence against women were registered.

- Only 63 domestic violence cases reached the court in 2005-2006 resulting in issue of 18 court orders;
- Of the 18 court orders, in 16 cases the court only issued warning of administrative arrest or criminal proceedings;

Within the '**Violence against women**' section the report describes implementation articles of CEDAW that relate to the issue, one by one. The issues taken up within the section are:

- Problems in implementation and needed reforms of the Law on Social-Legal Protection from Domestic Violence of the Kyrgyz Republic adopted in 2003;
- Ineffective application and enforcement of existing laws
- The issue of protective orders for women victims of domestic violence;
- State measures to increase financing for women's issues and Financing for crisis centers;
- Work of interior forces agencies on providing security for women victims of domestic violence;
- Low awareness level among State officials and public about the law on Social-Legal Protection from Domestic Violence of the Kyrgyz Republic.

At the end of the section the report provides a list of recommended issues for the working group to raise with the government of Kyrgyzstan.

## ***Women's participation in political processes***

### ***Description of the problems***

Kyrgyzstan experience proved international lessons that only political will is not enough for gender equality reaching. There is lack of the target oriented State program on women's political advancement to power bodies, introductions of temporary special measures on elimination of discrimination of women in political and public life of the country without state financing of the activities of the national plans on gender equality and increasing women's representation at all levels of decision-making. De facto lack of women in decision-making bodies tells about serious problems in the State attitude towards gender equality in politics and about absence of the real quality of opportunities. During the reported period in Kyrgyzstan there was a process of legislation reforms. But the legislation reforming process, speaking about political will of the State, was not consistent, needed measure were not taken or adopted partially. Review and monitoring were done mainly at the national level, no regular assessment or monitoring at provincial or local levels took place. Dominance of the patriarchal stereotypes about women's role and status in society among State officials, making personnel decisions, led to decrease of number of women at leadership posts. Financing of the women's political empowerment was not implemented. In the result during these years we faced reduction of women at the highest decision-making positions.

'**Women's participation in political processes**' section includes:

Within the '**Women's participation in political processes**' section the report describes implementation articles of CEDAW that relate to the issue, one by one. The issues taken up within the section are: Need for further legislation reform

- For example, the law "On basics of the State guarantees on ensuring gender equality» doesn't include legal norms regulating authority of the President and Government on ensuring gender parity in human resources policy. But the State report misses information on State suggestions and strategy on this issue.
- Lack of harmonization of normative legal documents (bylaws) with the law on basics of the State guarantees on ensuring gender equality" (2003)
- Absence of temporary special measures to increase the level of women's representation in appointed bodies
- Ineffective application and enforcement of existing laws
- Women's representation level in decision-making bodies
- Lack of State supported women's leaders' capacity building programs and policies
- Awareness raising on women's participation in political processes and stereotypes on gender roles in politics
- State measures regarding financing gender equality in decision-making

At the end of the section the report provides a list of recommended issues for the working group to raise with the government of Kyrgyzstan.

The Report is based on the:

- 3<sup>rd</sup> periodic report of the Kyrgyz Republic on implementation of CEDAW, 2006 (State Report)
- National Plan Actions on reaching gender equality in the Kyrgyz Republic for 2002-2006 (NPA)
- National Plan Actions on reaching gender equality in the Kyrgyz Republic for (NPA)2007–2010
- Concluding comments of the CEDAW Committee in 2004
- Matrix of activities of the implementation of the Concluding Comments UN CEDAW Committee to the 2<sup>nd</sup> periodic report of the Kyrgyz Republic on implementation of UN CEDAW
- CEDAW and its Optional Protocol.
- Kyrgyzstan law "On basics of the State guarantees on ensuring gender equality", 2003
- "Law on social and legal protection from violence in the family", 2003
- Analysis of the situation in the relevant sphere in the period from 2002 till 2007,
- Analysis of the Kyrgyzstan legislation implemented by the Forum of Women's NGOs of Kyrgyzstan in 2006.
- Monitoring results, held by the Forum of Women's NGOs of Kyrgyzstan
- Reports on bride kidnapping
- Report of Dr. Nurgul Djanaeva developed for the StopVAW website (Minnesota Advocates for Human Rights)
- Human Rights Watch Study "State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan"

## ***Introduction***

Between 2005 and 2007 the Forum of Women's NGOs of Kyrgyzstan (Forum) undertook three years of monitoring of **violence against women** and **women's participation in political processes**. Through this monitoring, the Forum identified a series of gaps in the Government of Kyrgyzstan's implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the 2004 Concluding Comments of the CEDAW Committee on the Second Periodic Report of the Kyrgyz Republic on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (2004 Concluding Comments).

This Shadow Report of the Forum focuses on two crucial issues related to discriminatory practices against women: (1) violence against women with concentration on Domestic violence; and (2) Women's participation in political processes. This Shadow Report includes statistical and analytical data.

This Shadow Report is based on the:

- 3<sup>rd</sup> periodic report of the Kyrgyz Republic on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women , 2006 (State Report).
- National Plan for Action to Achieve Gender Equality in the Kyrgyz Republic for 2002-2006 (NPA 2002-2006).
- National Plan for Action to Achieve Gender Equality in the Kyrgyz Republic for 2007–2010 (NPA 2007-2010).
- 2004 Concluding Comments.
- Matrix of activities of the implementation of the 2004 Concluding Comments (Matrix of Activities to Implement 2004 Concluding Comments).
- CEDAW and its Optional Protocol.
- Kyrgyzstan law “On basics of the State guarantees on ensuring gender equality”, 2003.
- “Law on social and legal protection from violence in the family”, 2003.
- Analysis of the Kyrgyzstan legislation implemented by the Forum of Women's NGOs of Kyrgyzstan in 2006.
- Monitoring results, held by the Forum of Women's NGOs of Kyrgyzstan.
- Reports on bride kidnapping.
- Report of Dr. Nurgul Djanaeva, developed for the StopVAW website (Minnesota Advocates for Human Rights),
- Human Rights Watch Study “State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan”,

This focus of this Shadow Report is on articles 2, 3, 4, 5, 7, 16, General Recommendation 23, General Recommendation 19 and the 2004 Concluding Comments.

## ***Part I – CEDAW Articles 4, 5, 7 and CEDAW General Recommendation 23***

### ***Article 4: Temporary special measures to achieve equality***

1. The government has taken temporary special measures to improve political participation of women in Kyrgyzstan and that brought women closer to experiencing equality with men in Parliamentary elections in 2007. The new Elections Code of 2007 includes a 30% quota for women in political parties lists. A special decree of the Central Electoral Committee of 2007 states that at least every fourth seat to be given to different gender representative in political party lists to be eligible for registration in the Parliamentary Elections. This change in Electoral legislation was very effective and progressive and brought 25% of women to the National Parliament.
2. Existing temporary special measures are limited to some of the public sector, they don't cover local elections laws and regulations, nominations policies for high political positions, public service posts, and they do not apply in the private sector.
3. The adopted temporary special measures address women in general and don't address specific groups of women such as rural women, disabled women, and marginalized women in Kyrgyzstan.
4. There are no mechanisms in place to monitor systematically the implementation of temporary special measures and to measure their progress in accelerating de facto equality for women in Kyrgyzstan.

### **Our recommendations for government action**

1. To continue legislation and policy reforms by expanding existing temporary special measures to cover local elections laws and regulations, nominations policies for high political positions, public service posts, and extend these measures to the private sector.
2. To expand temporary measures to address specific groups of women such as rural women, disabled women, and marginalized women in Kyrgyzstan.
3. To implement in practice anti-discriminatory practices by adopting a mechanism to monitor systematically the implementation of temporary special measures and to measure their progress in accelerating de facto equality for women in Kyrgyzstan.

### ***Article 5: Sex roles and stereotyping: In the area of violence against women and women's participation in political processes***

#### **Violence Against Women**

**Problem: Low awareness level among State officials and public about the law on domestic violence and other national and international legislation that protects women and could be used more widely and efficiently.**

#### **State commitments and obligations**

The Sixth Strategic Goal of the National Plan for Action to Achieve Gender Equality in the Kyrgyz Republic for 2002-2006 and for 2006-2010 is called “Decreasing all forms of violence against women”. It includes as one objective: Promote wide information and enlightenment campaign “Life without violence” This has **not been done on regular State level and no funds were and are allocated.**

**In the 2004 Concluding Comment 30 (Paragraph 162)** the CEDAW Committee recommended that an extensive, public awareness-raising campaign against violence in the family be launched nationwide and that strengthened training programs for the police and judiciary be provided so that to ensure that the rights of the domestic violence victims are properly protected.

**In the 2004 Concluding Comment 38 (Paragraph 170), the Committee also recommended** that the State party take comprehensive and effective measures, including the training of the judiciary and law enforcement officials and public awareness-raising campaigns, in order to eliminate these practices.

#### What is missing in the State Report

While Article 138 of the State Report informs about numerous workshops with participants, state officials and public, it lacks information about awareness work on the law on domestic violence and monitoring the application of the “Law on social and legal protection from violence in the family” during the reported period.

#### Description and proof of the problem

Although in the State Report in articles 121, 122, 123, 124 it is mentioned that State Tele radio Corporation was broadcasting on gender issues, it is not giving a picture on what issues, what regularity and with what outreach it was done. Our monitoring shows that it was done rarely. In a survey conducted by the Association of Crisis Centers, of 150 law-enforcement personnel and criminologists, judges, teachers and doctors surveyed, only 15 percent responded positively to the question, “Do you know that the law on violence in the family was adopted?”.

In educational institutions educational programs on combating violence against women are rarely and inconsistently available to students. Elementary and secondary school curricula do not deal specifically with the different forms of violence against women, the prevailing prejudices about the sexes and the stereotyped gender roles, or gender discrimination in general. The *National Action Plan on Reaching Gender Equality*, however, envisions the incorporation of gender components into the curricula of all levels of education.

There are no special items, topics in the school curricula - both in the **elementary and secondary schools** - about VAW, and its different forms and about prejudices and stereotyped roles for the sexes (as well as gender discrimination generally). The issue of violence against women is not in the agenda of the Ministry of Education. But it is also true that Ministry is making efforts to consider gender issues as important part of the education. According the publication of the Ministry of Education, science and youth policy<sup>1</sup> it will ensure that their operations take into account gender components. Main gender policy focus areas of the Ministry of Education, science and youth policy include integrate gender components at all level of educational institutions, develop national

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<sup>1</sup> Millennium Development Goals: gender Aspects in education. Ministry of education, science, and youth policy, Bishkek, 2005.

standards of education for the inclusion of gender component and special programmes, course, etc. on gender, further development of formal and informal educational services to promote gender issues and their delivery to rural schools. In the response information to Forum's monitoring Ministry has reported in September 2006 that courses on gender are not mandatory and it is decision and freedom of educational institutes to introduce them in Universities' curricular or not.

There are **no mandatory training programs** (at universities, vocational schools, etc.) **for future professionals**, including the police, prosecutors, judges, health, social, child and family protection personnel as well as teachers, about VAW, and its different forms and about prejudices and stereotyped roles for the sexes (as well as gender discrimination generally)<sup>2</sup>. But this issue is put in the education institutes agenda. According the publication of the Ministry of Education, science and youth policy<sup>3</sup> it will ensure that their operations take into account gender components. Main gender policy focus areas of the Ministry of Education, science and youth policy include the integration of gender components at all levels of educational institutions the development of national standards of education for the inclusion of gender component and special programmes, course, etc. on gender, and further development of formal and informal educational services to promote gender issues and their delivery to rural schools. In the response information to Forum's monitoring, the Ministry has reported in September 2006 that courses on gender are not mandatory and it is decision and freedom of educational institutes to introduce them in Universities' curricular or not.

There are **no mandatory training programs for the practicing professionals** including the police, prosecutors, judges, health, social, child and family protection personnel, as well as teachers, about the above topics. But it depends on institution's leadership. For example, "On the basis of the academy of specialized police school Mol training was organized for the department of interior affairs on gender components. The curriculum of the academy of Mol introduced a special course named *Gender Policy in the Activities of the Department Interior Affairs*. The program is designed for students of this academy and of special police school. The program of this course is prepared in the department of social political disciplines of the academy of Mol. According to the academic plan, in total the curriculum consists of 20 hours per semester, 8 of the hours are lectures and 12 are practical workshops. This course addresses the following topics: Cultural, historical and biological aspects of gender protection, ecological and medical components of gender protection, gender protection of rights and criminology, and female criminals in KG and its components. In the Bishkek department of interior affairs the following themes were introduced to training groups into all training plans: Role of women in everyday life, violence against women and provision of urgent assistance to people, victims of accidents and crimes, and the understanding of gender sensitivity.<sup>4</sup>

There are **other limited training programs for practicing professionals** about the above topics. The number of participants is not available. The duration depends on individual projects. The content covers the following topics: domestic violence, trafficking, norms of international law. The **organizers are national and international NGOs** are NGOs and rarely State organizations.

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<sup>2</sup> Information from Ministry of Education of the Kyrgyz Republic in reply to Forum's request, 6 September 2006

<sup>3</sup> Millennium Development Goals: gender Aspects in education. Ministry of education, science, and youth policy, Bishkek, 2005.

<sup>4</sup> From the official reply of the Ministry of Interior to the request of the national monitor and Forum of Women's NGOs of Kyrgyzstan, received on 21 July 2006.

There is **no analysis** about the presence and presentation of VAW or its different forms **in the media** in Kyrgyzstan.

There are no specially designed **for victims information packages/brochures** available for the victims about their rights, about the police and legal intervention, and the services they can seek help. But they may use all other available information on VAW.

Some estimates indicated domestic violence constituted between 40 and 60 percent of all crimes committed against women. Many crimes against women were not reported due to psychological pressure, cultural traditions, and apathy of law enforcement officials." "Victims fail to report crimes committed by their relatives or husbands to the police. The main reason is rooted in existing gender stereotypes of women and other victims (lack of trust in solving the problem through women and other victims (lack of trust in solving the problem through legal actions) as well as in fear of retaliation by the perpetrator"<sup>5</sup>.

There are no specially designed for the victims **information packages/brochures** available about their rights, about the police and legal intervention, and the services through which they can seek help.

"Victims fail to report crimes committed by their relatives or husbands to the police. The main reason is rooted in existing gender stereotypes of women and other victims (lack of trust in solving the problem through legal actions) as well as in fear of retaliation by the perpetrator"<sup>6</sup>.

## ***Article 7 and CEDAW General Recommendation # 23: Political and Public Life***

### **Women and political participation**

#### **Awareness rising on Women's participation in political processes and stereotypes on gender roles in politics**

##### ***Description and proof of the problem***

In the CEDAW Committee 2004 Concluding Comments, the Committee called upon Kyrgyzstan to accelerate its efforts to increase awareness on the importance of women's political participation. Our monitoring has demonstrated the existence of the patriarchal stereotypes about women's roles in political life.

##### ***What is missing in the State report***

Article 95 of the State Report recognized the existence of gender stereotypes impacting on role and place of women in politics, and it recognized that these stereotypes are impacting women's status in political representation and decision-making. The State Report provides information about implemented activities (102) but **it is not showing why these activities have not solved the problem**, what planned actions in this regard were not implemented (for example, in the NPA of 2002-2006 – 2.1 (2.1.2))

#### **Our recommendations for government action**

<sup>5</sup> "Millennium Development Goals: Gender Aspects of Security in Kyrgyzstan". Ministry of Interior Affairs, Bishkek, 2005.

<sup>6</sup> "Millennium Development Goals: Gender Aspects of Security in Kyrgyzstan". Ministry of Interior Affairs, Bishkek, 2005.

1. To continue positive educational and training practices of working, practicing and future professional and make gender equality and VAW courses an obligatory part of programs for professionals of law enforcement.
2. To hold and fully fund an extensive awareness-raising campaign against VAW and violence in the family nationwide to eliminate discriminatory practices against women.
3. The Ministry of Education should make issues of violence against women part of its agenda and an important part of secondary education and to implement substantial and effective efforts to raise awareness from childhood on gender issues, VAW, and its different forms and about prejudices and stereotyped roles for the sexes (as well as gender discrimination generally).
4. To make the media sensitive to VAW, women's political participation and gender discriminatory practice.
5. To develop and make available specially designed information packages/brochures for victims of violence.
6. State to adopt effective measures to address existing gender stereotypes impacting on role and place of women in politics, which are impacting the women's status in political representation and decision-making.

### **Women's participation in political processes**

This section focuses on **article 7 (b) and CEDAW General Recommendation 23**: to ensure women's right to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government.

Kyrgyzstan experience proved international lessons that political will alone is not enough to achieve gender equality. There is no State program targeting women's political advancement to political bodies, no temporary special measures on the elimination of discrimination of women in political and public life of the country. The state has failed to finance the activities of the national plans on gender equality and increase women's representation at all levels of decision-making. The lack of women in decision-making bodies points to the serious problems in the State's attitude towards gender equality in politics and about absence of the real equality of opportunities. During the reported period in Kyrgyzstan, there was a process of legislation reforms. But the legislation reforming process, and the political will of the State, was not consistent, and needed measures were not taken or adopted partially. Review and monitoring were done mainly at the national level, and no regular assessment or monitoring at provincial or local levels took place. The dominance of the patriarchal stereotypes about women's role and status in society among State officials, led to a decrease in the number of women at leadership posts. Financing of the women's political empowerment was not implemented. As a result, during these years, we faced a reduction in the number of women at the highest decision-making positions.

### **The status of this right in Kyrgyzstan**

States Parties did take several appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, to ensure to women, on equal terms with men, the right to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government. One of the major accomplishments of the

State was a new Elections Code (2007), which introduced quotas and provided that political parties are eligible for electoral registration for Parliamentary election if they a woman (or man) has at least every fourth seat.

**The major problems** in the area of women's political participation include that women continue to have limited exercise of legislative, executive and administrative powers. They are under-representated in decision-making bodies, there is a lack of women's issues in the country's policies, lack of political leadership capacity development opportunities for women, a lack of training possibilities for women to strengthen their leadership capacity, and a lack of financing.

In the light of the importance of equality of opportunity and of participation in public life and decision-making (GR 23 (7-12)) in reviewing laws and policies, the State did not take into account the most significant factors inhibiting women's ability to participate in public life, including the cultural framework of values and religious beliefs, the lack of services and men's failure to share the tasks associated with the organization of the household and with the care and raising of children. As in many other countries, in Kyrgyzstan cultural traditions and patriarchal attitudes continue to play a part in confining women to the private sphere and excluding them from active participation in public life. The State has not addressed such obstacles as the burdens of domestic work and has not developed a policy or a program that would allow women to engage more fully in the life of their communities. Women's economic dependence on men continues to prevent them from making important political decisions and from participating actively in public life. Their double burden of work and their economic dependence, coupled with the long or inflexible hours of both public and political work, prevent women from being more active.

**Women in elected positions:** in National Parliament – after the amendments in the Constitution and Elections Code, the Decree of the Chair of the Central Electoral Committee women's representation in Parliament increased to 25% in 2007. The previous Parliament (2005-2007) had no elected women members and therefore there has been a tremendous increase in the number of elected female representatives. Kyrgyzstan's legislative body consists of members, elected only from political parties. After a referendum in 2007, the new Elections Code (EC) was adopted in the country. The number of women members of Parliament (MPs) rose after the parties were obliged to nominate at least 30% of women in their party lists.

Women in **local governance elected** bodies comprise **less than 5%** (4,3%<sup>7</sup>).

**Women in high executive and nominated positions in 2005 are less than 15%**<sup>8</sup>.

Table 1. Percentage of women at highest position in State power and governance

	2003	2004	2005	2006
<b>Total of women at highest posts in State</b>	21,8 % <sup>9</sup>	18,4 % <sup>10</sup>	14,4 % <sup>11</sup>	

<sup>7</sup> CEC, 2006

<sup>8</sup> National Statistical Committee. 2005.

<sup>9</sup> Men and Women of the Kyrgyz Republic. NSC KR, 2004, p. 75.

<sup>10</sup> Men and Women of the Kyrgyz Republic. NSC KR, 2005, p. 90.

<sup>11</sup> National Statistical Committee. 2005

The situation of women's status in Judicial bodies is better. The Chair of the Constitutional Court is a woman. But women working in this court comprise less than 13,9 процентов<sup>12</sup>. In the Supreme Court women make 59,6 percentage. In general in Justice system women comprise from 40,7% 42,8<sup>13</sup>.

Out of 88 political parties, 12 are headed by women<sup>14</sup>. This is about 14,4 %.

### ***List of Critical Issues***

#### **1. Further Legislative reform**

##### ***Description and proof of the problem***

- **Legislation reforms after ratification of the CEDAW in Kyrgyzstan** shows that despite political will there was a lack of consistency in this process. The State has adopted laws, programs, and plans of actions to ensure women's participation in political processes. But these laws and programs need to be improved and harmonized. For example, it is needed to introduce quotas to such state document as "Law on public service".

##### ***What is missing in the State Report***

1. According to the article 36 of the Kyrgyzstan law "On basics of the State guarantees on ensuring gender equality" (2003), government was supposed since 2003 to **harmonize its normative legal documents** (bylaws) with this law. Also according to the Plan of Actions on realization of the National Program "Human rights" for the period 2002-2010 (confirmed on 2 January 2002, edited on 7 July 2004 (under the point # 24 for the 2004-2005 years) the State committed to improve regulations of the Kyrgyz Republic in accordance with international conventions "On women's political rights", CEDAW. Our monitoring showed that harmonization of legal norms in the government didn't take place. State report misses information and planned strategy on this **harmonization of the legislation**.
2. State measures and status regarding adoption or introduction of **temporary special measures** to increase the level of women's representation in **appointed bodies** (was recommended by the CEDAW Committee in its Concluding Comments (2004) in article 166 and was included into the Matrix of activities of the implementation of the Concluding Comments UN CEDAW Committee to the 2<sup>nd</sup> periodic report of the Kyrgyz Republic on implementation of UN CEDAW approved by the Government in 2004).
3. Article 200 of the State Report recognizes that Kyrgyzstan law "On basics of the State guarantees on ensuring gender equality" doesn't include legal **norms regulating the authority of the President and Government on ensuring gender parity in human resources policy**. But the State Report fails to include information on the State's strategy to address this issue.

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<sup>12</sup> Men and Women of the Kyrgyz Republic. NSC KR, 2003, p. 76

<sup>13</sup> National Statistical Committee. 2005

<sup>14</sup> Secretariat of the National Council of women, family and gender development under the president of the Kyrgyz Republic.

4. According to the article 36 of the Kyrgyzstan law “On basics of the State guarantees on ensuring gender equality” (2003), beginning in 2003, the government was supposed to **harmonize its normative legal documents** (bylaws) with this law. Also according to the Plan of Actions on realization of the National Program “Human rights” for the period 2002-2010 (confirmed on 2 January 2002, edited on 7 July 2004 (under the point # 24 for the 2004-2005 years)) the State committed to improve regulations of the Kyrgyz Republic in accordance with international conventions “On women’s political rights”, CEDAW. Our monitoring showed that harmonization of legal norms in the government didn’t take place. The State Report fails to include information on how the State plans to **harmonize its laws** .

## 2. Ineffective application and enforcement of existing laws

### Description and proof of the problem

The State has adopted some laws, programs, and plans of actions to ensure women's participation in political processes. But it needs these laws and program to be enforced and implemented.

There is a need in detailed information on number of women hired, appointed or elected to high positions (such as governors, ministers, etc.) after each law or state decree was signed, adopted. During 2005-2006 a number of women in deputy-governor positions lost these posts.

### What is missing in the State report

The State report does not contain information on monitoring and **on concrete strategies and actions on enforcement and implementation** of the following laws, programs, and plans of actions:

- Article 9 “State guarantees gender equality in government management” of the law “On basics of the State guarantees on ensuring gender equality”,
- Article 34, 35 of the law “On basics of the State guarantees on ensuring gender equality” on **coordination of activities on disputes resolution and registration of cases** related to violations of gender equality.
- There is also a lack of information on the strategy and measures required to strengthen the role of the National Council on women, family and gender development in ensuring gender balance in decision-making posts. For example, recommendations of the National Council were not taken into consideration, such as the recommendation to widen temporary special measures on increasing women’s representation in public services, including adding quotas and at hiring to state posts on the principle 1+1 (article 84 of the State report to CEDAW Committee).
- **Missing information on implementation of the** Presidential Decree of the Kyrgyz Republic “On measures on improvement of the gender policy” of 2006. The State report fails to show that this decree is not applied everywhere. For example, since May 2006 in Kyrgyzstan there have been no women in such posts as Governors, etc. There is no information on a current level of gender balance in decision-making bodies at all levels including highest political positions.

### 3. Women's representation level in decision-making bodies

States are required to guarantee the right of women to hold public office and to perform all public functions (article 7, para. (b)) and GR 23 (article 26, 27, 28, 29). Kyrgyzstan has not implemented its responsibility, where it is within the state's control, both to appoint women to senior decision-making roles and, to consult and incorporate the advice of groups which are broadly representative of women's views and interests. Such barriers to women's full participation in the formulation of government policy are related to traditional and customary attitudes that discourage women's participation, factors that the states has not addressed. The state doesn't use its power to appoint women to senior cabinet and administrative positions, doesn't ensure that women are appointed to government advisory bodies on an equal basis with men and doesn't ensure that these bodies take into account, as appropriate, the views of representative women's groups. The government is not implementing its fundamental responsibility to encourage these initiatives, to lead and guide public opinion and to change attitudes that discriminate against women or discourage women's involvement in political and public life. The following practices have not been applied in Kyrgyzstan: adoption of a rule whereby, when potential appointees are equally qualified, preference will be given to a woman nominee; the adoption of a rule that neither sex should constitute less than 40 per cent of the members of a public body; a quota for women members of cabinet and for appointment to public office; and consultation with women's organizations to ensure that qualified women are nominated for membership in public bodies and offices and the development and maintenance of registers of such women in order to facilitate the nomination of women for appointment to public bodies and posts – as recommended in GR23 (29). The State has done nothing to encourage private organizations to nominate qualified and suitable women for membership into their advisory bodies (GR23 (29)).

Very few organizations, such as trade unions and political parties, fulfill their obligation to the principle of gender equality in their constitutions, in the application of rules and in the composition of their memberships with gender-balanced representation on their executive boards so that these bodies may benefit from the full and equal participation of all sectors of society and from contributions made by both sexes (GR23 (34)).

#### Description and proof of the problem

During the reporting period (2004-2008) women have not reached the 30% quota in the following positions: executive, legislative, and political parties. At the local government level, : **women hold none of governor's positions**. In the Cabinet of Ministers among locally elected state bodies, women in 2006 held 19,1 % posts. Women in 2005 in state governance at the level of highest state positions comprised had 14,4%. In 2005 out of 35 bodies of state power only five were headed by women. The other 30 state power organizations didn't have women at all. Even after December 2007, where elections were based on political parties lists and the quotas were introduced by the Elections Code in 2007, women won only 24 % of Parliamentary seats. 30% women's representation was not reached during 2006-2007 despite the Presidential Decree of the Kyrgyz Republic "On measures on improvement of the gender policy" of 2006, which obliged the government to reach 30 percent of women in decision-making positions in public service. Besides the introduction of quotas through the new Elections Code of 2007, no measures were undertaken by the State, including Parliament, President's Administration, Cabinet of Ministers, Governors and local State

Administration.

### What is missing in the State report

State information about implementation of its planned actions (2.1.2) in the National Plan of Actions (NPA) (2002-2006) on reaching balanced representation of women and men at all levels of decision-making (executive, legislative, judicial and political parties): In the State Report there is no information on the failure to reach such state indicators in the NPA (2.1.2) (2002-2006) as normative-legal acts which makes provision for gender balance of human resources.

Articles 195 and 196 of the State Report do not include detailed **positions-disaggregated information about the level of women's** in decision-making bodies within the reported period and following years (2006-2007) . This article recognizes decrease of Women's representation in highest levels of State power. These articles give a false impression of good level of women's representation in decision-making bodies: It gives the impression that women comprise 27,7 % of all heads of state governing bodies (article 196), and there was a growth of percentage of women among people in governance (article 209). The State report fails to differentiate the data according to the level of positions. In fact, the real proportion of women as heads of decision-making bodies is lower.

The State Report does not respond to article 165 of the 2004 Concluding Comments regarding increasing the number of women in elected bodies such as local councils and local Governance.

While Article 195 of the State Report acknowledges the need to reform human resources policy at the highest levels of government, , it **doesn't provide** information about how **human resources policy will be reformed to reach gender parity, and on ways to ensure** women's right to be elected to local governing bodies, to be nominated at all levels of high political positions like heads of ministries, state agencies, units in the Administration of the President and local governance bodies. It contains no information on a strategy to enforce a Presidential Decree of the Kyrgyz Republic "On measures on improvement of the gender policy" of 2006 obliging the government to attain a level of 30 percent of women in decision-making positions in public service.

#### **4. Capacity of women to win and run offices**

GR 23, article 15: In order, however, to overcome centuries of male domination of the public sphere, women also require the encouragement and support of all sectors of society to achieve full and effective participation, encouragement which must be led by States parties to the Convention, as well as by political parties and public officials. In the light of this article, women in Kyrgyzstan lack the encouragement and support of all sectors of society under the State leadership.

### Description and proof of the problem

**Lack of women's leaders' capacity building programs and policies** - Although various documents reflect the state's plan to increase women's leadership capacity, including through leadership schools, the state has not implemented these plans. Our monitoring showed that women in all provinces lack leadership training resources, local institutions working on women's leadership capacity development.

**System of training of women-leaders through schools of leadership is not developed.** No special funds were allocated for women's capacity development. It is women's NGOs that contribute to women's capacity development.

*What is missing in the State report*

Data is absent on the situation of educational and training on women's participation in politics.

The State Report doesn't provide information about the scale and results of the training activities to increase women's leadership capacity despite the fact that this was part of the National Plan of Actions.

## **6. State measures regarding financing gender equality in decision-making**

*Description and proof of the problem*

In the NAP (2002-2006) and Matrix of Activities to Implement 2004 Concluding Comments there are no concrete target indicators, forms and sizes of financing from the State. This is despite the law on state guarantees on gender equality in article 24, which clearly states that government "finances activities on realization of the state policy in the area of gender equality".

*What is missing in the State Report*

The State Report lacks information on the situation of education and training resources for women's participation in politics- data on number, kind of training resources, outreach in provinces, participants.

### **Recommendations for the Kyrgyzstan government:**

The State needs a consistent program and an effective implementation and monitoring mechanism on women's political empowerment and inclusion of women into decision-making bodies as heads of bodies. The State needs to allocate a budget for these purposes and to overcome conservative and patriarchal attitudes towards women's effective and full political participation.

- 1. To continue legislation reforms** consistently and organize **harmonization of the legislation.**
- 2. To expand quotas for women and adopt other temporary special measures** to increase the level of women's representation, including in **appointed bodies,**
- 3. Improve state policies: Take concrete strategies and actions on enforcement and implementation** of the laws, programs, and plans of actions aimed at Women's representation level in decision-making bodies.
  - a. As noted in Article 195 of the State Report there is **a need to reform** human resources policy in highest power bodies to develop program, to develop strategies with concrete, measurable, time bound indicators and to identify responsible offices and officers in State organizations.
  - b. Set up a system of incentives towards non-discriminatory practice and policy in institutions, financed by the State.

- c. Review and assess gender balance at all levels of decision-making periodically with full participation of local governance structure.
4. To collect, analyze and apply in practice detailed **positions-disaggregated information** with the goals of increasing number of women in such elected bodies as heads local councils, Provincial Governance, etc.
5. Assess and develop strategies and measures done or planned to increase quantitative women's level of participation in such decision-making bodies as: cabinet of ministers, governors, state administration, and local governance bodies, etc.
6. Develop specialized training system for women's political capacity development at a consistent and sustained level with concrete, measurable, time bound indicators and responsible offices and officers in State organizations.
7. Assess measures adopted and planned to address public awareness raising on women's positive role **in political processes and creation of positive image of women-leaders.**
8. Develop State measures regarding **financing** gender equality in decision-making. Start Gender budgeting initiatives and allocate in the state budget finances for women's issues based on the law of Kyrgyzstan (of 2003)"On basics of the State guarantees on ensuring gender equality " in the article 24, which clearly states that the government is recommended to "finance activities on realization of the state policy in the area of gender equality".
9. Attract international financial support through inclusion of women's issues to country's priorities list.
10. Develop a strategy to provide State sustained support to women's NGOs initiatives.

### **Article 16**

Article 16 raises the right for equality for women and men in all issues related to marriage and family relations. The practice of bride kidnapping is an absolute violation of this article. There is distinction between consensual and non-consensual kidnapping, but the statistics we provide below describe the situation with non-consensual bride kidnapping, that is, without the woman's consent.

In **2002** 40 cases on **article 154** of the Criminal Code of Kyrgyz Republic– factual marriage with a person under the age of 16 and kidnapping of a person under the age of 16 with a purpose to factual marriage (article 154) - were taken to court. 29 cases resulted in convictions, 3 cases were stopped, 1 case resulted in medical treatment, 1 was forwarded for further investigation, and 32 persons were convicted. In **2003** 39 cases on **article 154** were taken to court. 22 cases resulted in convictions, 5 cases were stopped, 1 were forwarded to for further investigation, and 22 persons were convicted. In **2004** 42 cases on **article 154** were taken to court. 24 cases resulted in convictions, 5 cases were stopped, 5 were forwarded for further investigation, and 26 persons were convicted. In **2005** 36 cases on **article 154** were transmitted to court, 23 cases resulted in convictions, 3 cases were stopped, and 24 persons were convicted. In **2006 – first half of the year** 21 cases on **article 154** were taken to court. 11 cases resulted in convictions, 1 case was stopped, and 6 persons were convicted. In **2002** 23 cases on **article 155** of the Criminal Code of Kyrgyz Republic – forcing woman to marriage or making barrier for her marriage (article 155) - were taken to court. 11 cases resulted in convictions, 4 were forwarded to for further investigation, and 25 persons were convicted. In **2003** 31 cases on **article 155** were taken to court. 17 cases resulted in convictions, 7 cases were stopped, 2 were forwarded for further investigation, and 24

persons were convicted, 1 person found not guilty. In **2004** 21 case on **article 155** were brought into court. 17 cases resulted in convictions, and 35 persons were convicted. In **2005** 25 cases on **article 155** were transmitted to court. 13 cases resulted in convictions, 4 – stopped, 1 case was resulted with medical treatment, and 25 persons were convicted. In **2006 – first half of the year** 14 cases on **article 155** were transmitted to court. 5 cases resulted in convictions, 4 – stopped, and 15 persons were convicted.

According to research of 1999 and 2001 the evidence is that approximately 50 per cent of ethnic Kyrgyz marriages were the result of kidnappings. These data provided evidence that as many as 66 per cent of these marriages were non-consensual. The first two studies concluded that approximately 33 per cent of ethnic Kyrgyz women were married against their will as a result of bride kidnapping. The 2004 data show that 80 per cent of Kyrgyz marriages in this village are the result of kidnappings. These data illustrate that 57 per cent of these marriages are non-consensual. The 2004 village study suggests that 45 per cent of the ethnic Kyrgyz women are married against their will as a result of bride kidnapping. Based on the cumulated data from the three studies, we estimate that approximate 35–45 per cent of married ethnic Kyrgyz women are married against their will as a result of bride kidnapping. The evidence from the 2004 village study suggests the rate of kidnapping and the rate of non-consent have been increasing for the last 40–50 years. The percentage of women kidnapped has increased from 64 per cent to over 85 per cent and the percentage of women kidnapped without consent from 43 per cent to 75 per cent for the 16–25 year-old age group.

Below are results of a research project conducted in July-August, 2008 by Russell Kleinbach, Ph.D., Professor of Sociology - Philadelphia University, Philadelphia, Pennsylvania, USA, Gazbubu Babaiarova, MBA, Coordinator of the Bride-Kidnapping Project, Social Research Center, American University-Central Asia and Lilly Salimjanova, BS, Forum of Women's NGOs of Kyrgyzstan.

The research project identified one or two small villages of 150-350 families in each of the seven provinces of Kyrgyzstan. The researchers then went house to house and interviewed all women who were married in the past year.

The preliminary results show that in the 10 villages there were 143 marriages. We interviewed 75 (52%) of the 143 brides; five refused to be interviewed. Thirty-eight (**51%** of those interviewed) were **married by non-consensual kidnapping**. This means the woman answers three separate questions in the negative, i.e., she did not love the man, she did not want to be kidnapped and she was kidnapped by deception or force. Thirteen (17 % of those interviewed) were married by consensual kidnapping. The results raise serious questions about the impact of bride kidnapping on the rights of women, particularly those related to Article 16 of CEDAW. (Kleinbach, M. Ablezova and M. Aitieva, 'Kidnapping for marriage (ala kachuu) in a Kyrgyz village', *Central Asian Studies* (June 2005) 24(2), 191-202).

The government acknowledged the existence of the problem of bride kidnapping and increases in the number of kidnapped women in recent years in Kyrgyzstan in its report to CEDAW (article 5, paragraph 98). No contributing factors and effects on women caused by bride kidnapping are mentioned in the State Report.

In the NPA 2002-2006 there is a section VI on 'Decreasing all forms of violence against women'. Bride kidnapping is not specifically included there. But the actions the Government proposes are:

Paragraph 6.1.2. Hold systematic trainings of law enforcement agencies staff and judges on increasing their gender sensitivity in the issue of violence against women.

Paragraph 6.1.3. Develop and publish a manual for law enforcement agencies staff on treating victims of physical, psychological and sexual violence.

Paragraph 6.1.4. Create a network of free consultative services (legal, informational) for potential victims and women subjected to violence. Support crisis centers and expand their network in the regions, create a network of state crisis centers.

Paragraph 6.1.5. Create a manual for schools on preventing violence against women, tolerant and safe behavior.

Paragraph 6.1.7. Collect statistical data on all forms of violence against women.

In the NPA 2007-2010 in section 7 'Expanding awareness raising on the issues of gender equality'. Again, bride kidnapping is not specifically included there. But the Government proposes:

In paragraph 7.2.4.2. Holding special mass informational campaigns ("16 days without violence" and other).

In its State Report , in paragraph 105, the Government reports on including the issue of bride kidnapping in the "16 days without violence" campaign. In paragraph 101 it says that in 2005 there was held a round table "Women's rights" in a rayon library of Jalal-Abad province, where a discussion "Bride kidnapping national tradition or violation of human rights?". This discussion was aired on TV channel of this one province.

In paragraph 99 of article 5 in State Report it is stated that the number of criminal cases taken to court on the charge of bride kidnapping has increased from 15 in 2002 to 27 in 2005. Statistics of research mentioned above show that hundreds of young women are being non-consensually kidnapped every year.

What the government has described as what it is doing is not enough to eradicate this problem. One round table in one of the 7 provinces and annual campaign (which is held mainly by NGOs) is not enough to deal with the problem.

In paragraph 105 of the State Report it is stated that hot lines for women victims of bride kidnapping or marriage arranged by parents. There is no hotline in country specifically for victims of bride kidnapping. There is one general hotline related to one of the crisis centers. Other hotlines are run by various NGOs and are supported by various grants. When project period is over, hotline ceases to exist.

The most recent research named above shows that the numbers of women kidnapped against their will is not decreasing. 51 % of young women in villages of Kyrgyzstan were married by means of non-consensual kidnapping in the last year.

The Government has not indicated any further steps to be taken to eliminate the problem of bride kidnapping in the State Report to CEDAW.

## **Part II – CEDAW General Recommendation # 19: VAW.**

This part of the Shadow Report describes the following issues:

- Problems in implementation and needed reforms of the Law on Social-Legal Protection from Domestic Violence of the Kyrgyz Republic adopted in 2003;
- Ineffective application and enforcement of existing laws;
- The issue of protective orders for women victims of domestic violence;
- State measures to increase financing for women's issues and financing for crisis centers; and
- Work of interior forces agencies on providing security for women victims of domestic violence;

Issues of the **Low awareness** level among State officials and public about the law on Social-Legal Protection from Domestic Violence of the Kyrgyz Republic and VAW is incorporated in the Shadow Report **under the article 5.**

Recognition of violence against women is based on the formulation in the Criminal Code. It covers the following forms of violence: crime against persons, killing, intentional harm to health, beating, torture, rape, forced action of sexual character. National indicators used by National Statistical Committee - Number of registered crimes against women on categories of crimes as defined in the Criminal Code: killing, intentional harm to health, beating, torture, rape, forces sexual acts, kidnapping, forced marriage<sup>15</sup>

### **Evidence of high scale of domestic violence from state resources:**

- Department of Interior Affairs made 8,579 visits to respond to domestic violence calls in 2005<sup>16</sup>.
- Police made preventive registration 2002-2005 -15,262 people who committed domestic violence.

### **Evidence of scale of non application of laws**

- Only 18 protection orders were issued since 2003 when the Law came to effect, whilst according to the National Statistics Committee, 4,651 women sought assistance from shelters, court of elders and other organizations and 4,135 cases of violence against women were registered.
- Only 63 domestic violence cases reached the court in 2005-2006 resulting in issue of 18 court orders;
- Of the 18 court orders, in 16 cases the court only issued warning of administrative arrest or criminal proceedings;

According to Radio Free Europe, Radio Liberty information "At least 17 women have died in Kyrgyzstan in the past two years at the hands of physically abusive husbands. It is a sad reminder that many Kyrgyz women are unable to escape the horrors of domestic violence. Statistics from the country's crisis shelters -- where many of the most

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<sup>15</sup> National Statistical Committee. Gender relation in the Kyrgyz Republic. Collection of gender disaggregated statistics. Bishkek, 2005, p. 91.

<sup>16</sup> From the official reply of the Ministry of Interior to the request of the national monitor and Forum of Women's NGOs of Kyrgyzstan, 21 July 2006.

serious cases end up -- suggest that 80 to 90 percent of Kyrgyzstan's victims of domestic violence are women”<sup>17</sup>

There is **no special National Plan** of Action for Combating Violence against Women in the Kyrgyz Republic. **But, there are special provisions concerning violence** against women. They are formulated in the strategic goals section and matrix of actions on implementation of the National Action Plan. **There is no special governmental coordination institution or body** in charge of the implementation of measures to combat Violence Against Women with fixed responsibilities to monitor and evaluate regularly.

**The Sixth Strategic Goal of National Plan for Action to Achieve Gender Equality in the Kyrgyz Republic for 2002-2006 and for 2006-2010 is called “Decreasing all forms of violence against women”.**

The sixth strategic goal is translated into type of actions with deadlines and responsible actors and the resources in the **Matrix of actions on implementation** of the National Action Plan. They are:

- The continuation of fulfillment of the recommendations of the CEDAW Committee. This has **not been done**.
- Systematic trainings of law enforcement and judges to raise gender awareness on the issue of violence against women. This has not been done.
- The development and publication of a manual to train on methods of treatment of victims of physical, psychological and sexual violence for workers of the law enforcement system. This has not been done. The creation of a network of free consultative assistance (legal and information services) for women at risk of violence and victims of violence. Supporting crisis centers and expanding their network in regions, the formation of a network of crisis centers. This has not been done.
- The development of a manual for schools on the prevention of violence against women, non-conflict and tolerant behavior. This has not been done.
- The creation of self-help groups in rural regions to fight violence against women and raise gender awareness of society toward violence. This has not been done. The development and inculcation of a program to work with perpetrators (rehabilitation of offenders) and an overall approach of intersectional responding to violence against women. This has not been done. The collection of gender statistics on all forms of violence against women and children. This has not been done. Monitoring and analysis of the effectiveness of measures used in combating violence against women. This has not been done **on a regular basis**. There is a **sporadic process of monitoring and reviewing** this National Action Plan on Reaching Gender Equality in the Kyrgyz Republic in Kyrgyzstan. There are no common indicators developed by the state to evaluate the scale of violence against women in the Kyrgyz Republic.
- Promote wide information and enlightenment campaign “Life without violence” . This has not been done **regularly on the State level**.

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<sup>17</sup> <http://www.rferl.org/featuresarticle/2006/6/87b214de-2e7f-40ad-b5b5-9f6203f66eee.html>

Although national programs, action plans, matrices include basic monitoring indicators (gender indicators), they are indicators of implementation, not of evaluation of the scale of VAW.

### **Kyrgyzstan legislation related to VAW**

In the Kyrgyz Republic, **there are the following laws related to different forms of violence:** a law on domestic violence, a law “On prevention and combating trafficking in persons” and a On the Basics of the State Guarantees of Gender Equality. They contain articles related to violence against women. The Criminal Code criminalizes bride kidnapping.

Kyrgyzstan partially implemented its obligation to protect women from violence by adopting and amending State laws.

But there are still forms of VAW that are not recognized by the laws, such as: sexual harassment at work and public places, Kyrgyzstan legislation doesn't contain norms, regulating punishment for sexual harassment,

Unfortunately, law enforcement and government officials have failed to integrate existing promising laws into the everyday fulfillment of their duties. Not all appropriate means are pursued to eliminate discrimination.

### **Kyrgyzstan legislation related to domestic violence**

Kyrgyzstan **partially implemented its obligations with regard to VAW** by:

- Adopting in March 2003 a progressive law to address the problem of domestic violence “the Law on Social-Legal Protection from Domestic Violence of the Kyrgyz Republic” (2003 Domestic Violence Law).
- Adding amendments to legislation regarding the consequences of the violation of the 2003 Domestic Violence Law”. Law of the Kyrgyz Republic “On introduction of amendments into the Code of the Kyrgyz Republic on administrative liability”, added three new articles into the Code: 66–3, 66–4 and 66–5. Articles 66-4 and 66-5 on non-implementation of the temporary and judiciary protective order provisions state that, non implementation of the temporary and judiciary protective order provisions lead to administrative fines or administrative arrests up to 10 days and 15 days.<sup>18</sup>
- Setting up a working group under the President’s Administration “Social and legal protection from violence in the family” and recommendations were developed by this group.
- Ministry of Internal Affairs’ order # 388 on “Integration of temporary protective orders and statistical data collection on them into practical work of district police departments”.

### **1. Despite the actions taken by the State, further legislative reforms are necessary**

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<sup>18</sup> Law of the Kyrgyz Republic “On introduction of amendments in the Code of the Kyrgyz Republic on administrative liability”, of 26 July 2004, # 98.

Description and proof of the problem

- There are some troublesome provisions that should be removed or changed in 2003 Domestic Violence Law , such as removal of the victim from the home and insufficient duration of protective orders. Also there is a need to further improvement of the Criminal Code. *Beating occurred in family should be classified as criminal act and be included to the Criminal Code.* In the Criminal Code there is no law or article, which explicitly defines or prohibits sexual harassment, whether generally, in the workplace or in educational institutions. The law should also bind State to take financial responsibility for protection and treatment of the victim of domestic violence.
- There is a need to harmonize the laws and there are at least 14 legal acts that need to be amended.
- There is no state system of compensation to victims of domestic violence. There is also no legal norm regulating compensation to victims.
- The law of the state obligation on Article 6 of the DV law needs to be changed to make concise and clear the right to compensation for victims of domestic violence.
- Article 7 needs to be amended to make clear the state bodies' responsibilities.
- Article 9 is not implemented and needs changes to increase role of prosecutors' office
- Amendments to article 10 are necessary. This formulation should be changed or deleted because it creates additional legal barrier to already existing cultural one. Before a victim collects all this required materials she may be killed by perpetrator if sanction are not on time and the essence of temporary orders is in immediate response to violence against women in family. Oral appeal or evidence from victim or police should be enough.
- Article 18 on social intervention of the domestic violence should be amended to add a provision requiring the automatic removal of the perpetrator from the home.

What is missing in the State report

- The State Report does not indicate the ext State's next steps on the legislation reforms, such as the steps the State will take to strengthen sanctions for violators of women's rights including law on domestic violence.  
The State Report does not reflect the State's commitment to provide funding for implementation of the laws on domestic violence.

**2. Ineffective application and enforcement of existing laws and State orders**

Currently, there are no statistics on domestic violence, although law enforcement agencies are required to compile these statistics pursuant to the 2003 Domestic Violence Law . However, Kyrgyz NGOs as well as 2006 Human Rights Watch Study "State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan" report that domestic violence in the country is increasing. The Forum of Women's NGOs recent study "Monitoring of Violence Against Women" in all regions of Kyrgyzstan for the period of September 2006 – May 2007 shows lack of enforcement of the Domestic Violence Law.

The Minister of Interior<sup>19</sup> developed and integrated into the practice a form of temporary protective order. The department of internal affairs of the republic issued 31 temporary protective orders in 2003, 62 in 2004, 101 in 2005 and 39 during the first 3 months of 2006. 63 materials were transmitted to the court which issued judiciary protective orders. With the purpose of decreasing domestic violence, district police from the department of interior affairs of the republic executed preventive measures among people who commit domestic violence.

Description and proof of the problem

- The need to develop an enforcement mechanism for the 2003 Domestic Violence Act.
- Low level of regular State monitoring of laws enforcement as contributing to the problem of low level of application.
- CEDAW was not used and not referred to judicial practice in cases on VAW.
- Articles 10, 17, 18, 19, 22, 23, 24, 25, 26, 27 and 28 of the 2003 Domestic Violence Act were rarely applied.
- Low level of use of protective and judicial orders in practice. Law on Department of Interior Affairs doesn't include norms of officials' duties regarding issuing temporary protective order. During the 2005 – 2006 no judicial orders were issued by courts. Rare practice of issuing of protective, especially of judicial orders - number of issued orders was evidence of this.
- Annually police officers do 8-10 thousands visits to domestic violence cases. But they are not fully documented. According to National Statistical Committee' data, in 2005 4135 cases of domestic violence against women were registered.
- Existing bad conditions of the law applications in police departments, lack of specialized officers in police departments. There are no special units or responsible persons in law enforcement agencies dealing only with cases of violence against women.
- No state, municipal shelters or crisis center for victims of domestic violence.
- Not satisfactory police performance in dealing with violence against women the rights of victims of domestic and sexual violence are not properly protected. In cases of domestic violence police officers are not following their own Ministry's instruction and do not register often cases of domestic violence. 98 % of interviewed police officers don't consider domestic violence as a serious crime. **Often police refuses to take an appeal under the pretext that there is not enough evidence of the crime.**
- No state, municipal shelters or crisis center for victims of domestic violence.
- Judges do not provide justice based on law. Judges do not use CEDAW and very rarely use national laws on Domestic Violence. For example, monitoring by the Forum of Women's NGOs of Kyrgyzstan in the some districts showed that during 2005-2006 courts received 63 cases on domestic violence, but the courts issued only 18 protective orders. In the period of 2005-2007 Kyrgyzstan courts didn't issue even one judicial order. Many judges not only don't work with cases of domestic violence, but they even don't know about the existence of the domestic violence law.
- **Domestic violence** related reports from judicial department under the Ministry of Justice of the Kyrgyz Republic, received upon Forum's request provides the

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<sup>19</sup> From the official reply of the Ministry of Interior to the request of the national monitor and Forum of Women's NGOs of Kyrgyzstan, 21 July 2006.

following data. In 2005 warning notes about possible arrests were given to 14 violators, 13 of them were men, and 1 – woman. Total number of victims of domestic violence in 2005 were 14 persons, 8 of them were men, 6 – women. Total number of violators was 14, 13 men and 1 woman.

- According to the official reply from the Ministry of Healthcare, state medical institutions are the first state units where victims of violence go to. This is the reason why, in 2005, Ministry of Healthcare has introduced changes into registration and reporting documentation, so that data is collected on the number of victims of violence (domestic, physical, psychological, sexual). In 2005, 377 people were registered as victims of violence, 243 (64,4%) out of them are women, which probably does not reflect the real scale of the problem. Received data from other statistical medical materials are published in the form of collection that is used in the work of the healthcare system.<sup>20</sup>

## Case

Domestic violence victim, a young unemployed woman with secondary education from the remote village has come to the NGO Crisis center “Tendesh” for help. This woman was regularly subject to domestic violence (beating, psychological violence) from her unemployed husband and his relatives. Before two years she has come to the crisis center she was kidnapped by her future husband from her relatives house in the different province of the country. At the moment of appealing to the crisis center they had a daughter who was one year old. After the beating, the woman ran way to neighbors, which saw everything but did nothing in reaction. This is evidence of the people’s awareness about women’s rights – victims of domestic violence. The last time, her husband threatened her to kill by knife. After this she has appealed to the police district office. When the policeman arrived to the place they took no action, despite continuing threats from the husband in their presence. The appeal from the victim was not taken and no registration protocol was filled. According to the policemen it was due to absence of the identity documents of the victim and her husband.

After the victim came to the crisis center its personnel contacted law enforcement offices for clarification, but the response was that victim didn’t have identify documents. On the question of the crisis center staff “What if she is killed”, the police officer responded that it is her problem.

Finally an assistance in the form of clothes, transport costs, costs of telephone communication with relatives was provided by NGO crisis centers “Tendesh” and “Sezim”.

This case demonstrates violation of women’s right and non-implementation of norms, that are formulated by the Kyrgyzstan laws.

**Sanctions for Domestic violence are not applied fully.** In 2006, in Kochkor district of Naryn province, 150 domestic violence complaints were filed with only 19 cases reaching the court and 4 protection orders issued whilst 74 complaints were rejected for lack of “crime”.

District police officers and do not use Kyrgyzstan law on Domestic violence in the daily work.

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<sup>20</sup> Official letter of reply to questions, sent by the Forum of Women's NGOs of Kyrgyzstan, from the Ministry of Healthcare received by e-mail on 4 August 2006.

Even if we issue temporary protective orders a question arise, how to prevent direct and non-direct domestic violence victims with perpetrators. We don't have special places and services, which would work with perpetrators.

Police office, Naryn Province

- Despite adding amendments to the Administrative Code on administrative liability in accordance with the abovementioned law (articles 66-3, 66-4, 66-5 formulate responsibility for domestic violence, non-implementation of the conditions of the temporary and judicial protective orders), no cases were investigated under article 66-3 (domestic violence) and 66-5 (non implementation of conditions of temporary and judicial protective orders)<sup>21</sup>.
- The Minister of Interior<sup>22</sup> developed and integrated into the practice a form of temporary protective order. The department of internal affairs of the republic issued 62 in 2004 , 101 in 2005 and 39 during 3 months of 2006. 63 materials were transmitted to the court which issued judiciary protective orders.
- State institutes on social protection do not participate in domestic violence law implementation.

#### What is missing in the State Report

- Detailed information on **implementation of recommendations 169 – 170 of the 2004 Concluding Comments (2004) and the Matrix of Activities to Implement 2004 Concluding Comments**. .
- State report in article 130 informs about issuing of temporary protective orders, but it fails to include detailed information about judicial orders.
- Lack of information on police and court performance in dealing with violence against women so as to ensure that the rights of victims of trafficking and domestic and sexual violence are properly protected.
- The State Report doesn't recognize the problem or include a strategy to improve statistical data collection on violence against women and there is no data on victims of domestic violence.
- The State Report includes no information on ways to improve state strategy to increase efficiency of using of protective and judicial orders in practice.
- No information on existing conditions of the law applications in police departments, on preparation police officers in police departments to apply law on domestic violence.
- Real level of law enforcement officials' awareness is not addressed. Article 138 of the State Report only very generally mentions awareness raising activities for law enforcement officials and contains no data on what percentage of law enforcement officials from police departments passed training or participated in such activities. It doesn't show the low level of police officers, judges, prosecutors' capacity and awareness to use this law due to lack of information, knowledge and skills in application of the currently available legislation in Kyrgyzstan.

<sup>21</sup> Judicial Department for the program of the forum on "National Plan of 'actions on reaching gender equality: consolidation of resources for prevention of gender based violence in Kyrgyzstan", Bishkek, 22-23 November 2007.

<sup>22</sup> From the official reply of the Ministry of Interior to the request of the national monitor and Forum of Women's NGOs of Kyrgyzstan, 21 July 2006.

- Lack information about the process of systematic monitoring at all levels.

**3. Low awareness level among State officials, women and public about the law – (Note that this topic was covered earlier under the article 5 of this Shadow report.)**

**4. State measures to increase financing program, policies, and implementation laws related to violence against women**

*Description and proof of the problem*

**Budget allocated for implementation** of tasks in the area of VAW from State budget is not specified. It is only noted that state budget and other than state budget resources will be used. No specific deadlines are fixed in any State documents with regards to VAW.

There is no **budget line** in the State and municipality budget for the fight against VAW.

There is no yearly amount for the **support of NGOs** from the State (authorities), including for those working in the field of VAW.

There is no **financing system** to compensate victims. There is no differentiated budget allocation for implementation of the commitments related to violence against women. State gender equality machinery is understaffed. Number and qualification of staff on VAW– 1 person, who also has other responsibilities and has no special professional background.

There is no budget line in the State or municipal budgets for activities to address VAW. This is despite the fact that the Matrix of Activities to Implement 2004 Concluding Comments clearly includes plans to set up municipal crisis centers with services for victims of trafficking VAW. The State has failed to create even a single such crisis center. Moreover, the State doesn't provide sustainable and consistent support to existing crisis centers.

There is no state financing system to compensate victims. Shelters and hotlines in Kyrgyzstan are generally operated by crisis centers and women's NGOs. There are about ten crisis centers, which provide immediate help for women and children victims of domestic violence, rape, trafficking in persons, as well as support to victims of physical, psychological, sexual and economic violence. However, the crisis centers are often unclear about what form of violence they address. Their services are usually available free of charge but are not accessible throughout the country. Depending on funds, they provide medical, psychological, social, and legal assistance and shelter for up to one month. International donors serve as the sources of cash funding for crisis centers. The state sometimes provides in-kind donations, such as a free telephone line and free space, but this is more an exception than a rule. Victims of violence against women can use free legal consultations at police departments or free consultations in consulates when being abroad. Although the *National Action Plan on Reaching Gender Equality* envisions the development of a program to work with perpetrators, there are no treatment programs for offenders whether on a regular or a project basis. As occasional

community initiatives, offender treatment programs are offered by women's NGOs working in the countryside.

### What is missing in the State report

Although State Commitment on financial support from state budget was formulated in the NPA, the State Report doesn't address its implementation. Regarding the funding of planned NPA on gender equality activities, it mentions that the state budget and other resources will be earmarked, but the amount is not specified. Tasks regarding violence against women include: organizing training programs for law enforcement personnel and judges to raise gender awareness among them; supporting crisis centers; developing an information manual for schools on prevention of violence against women; applying an intersectional approach in the organized response to violence against women; collecting gender statistics on all forms of violence against women and children; monitoring and analyzing the effectiveness of measures used.

Government lacked the adequate resources to implement many aspects of the anti-trafficking national program.

There is no budget line in the state or municipality budgets for combating violence against women. There is no yearly amount earmarked in the state budgets for the support of NGOs, including for those organizations working in the field of violence against women.

Examples: State doesn't provide even enough paper with forms for protective orders' forms to police departments, no state locations for victims, even no funding for police to pick up victims, etc. The State Report fails to include information on level of technical support to police on the law implementation.

### **Recommendations**

1. To continue **Legislation reforms and enforcement of existing laws**. The 2003 Domestic Violence Act and corresponding laws of the Kyrgyz Republic such as the Criminal Code, the Administrative Code, the Family Code and other legislation related to Domestic Violence need to be amended and harmonized to remove contradictions between the laws. To include criminalization of all offensive acts against women, including sexual harassment; Strengthen the legal basis for combating violence against women by holding regular gender expertise of the current legislation and developing and adopting special legislative and normative acts aimed at the struggle against violence against women; to strengthen the 2003 Domestic Violence Act by including amendments on punishment and financing.
- 2.
3. Development and enforcement of implementing mechanisms, such as guidelines for implementing the 2003 Domestic Violence ACT, the Ministry of Internal Affairs internal instructions and domestic violence desks at each district branches of the Ministry of Internal Affairs.
4. Improve police performance in dealing with violence against women so as to ensure that the rights of victims of domestic violence, trafficking, sexual violence and all other forms of VAW are properly protected;
5. Establish a stronger and clearer punishment mechanisms for offenders;
6. Monitor and analyze the effectiveness of measures used in combating violence against women, including monitoring implementation of international and local

- recommendations with the active participation of the judiciary and law enforcement officials;
7. Improve the process and Improve capacity of the government agencies to generate, use and publish data on domestic violence nationally.
  8. Allocate sufficient funds to combat violence against women, using the state budget and other resources as well following article 24 of the law of Kyrgyzstan (of 2003) on state guarantees on gender equality which clearly states government is recommended to “finance activities on realization of the state policy in the area of gender equality” including: to set up compensation mechanism for victims of violence against women; to oblige local governance to allocate in local budget to address violence against women.
  9. Improve capacity in gender-responsive budgeting of the Ministry of Internal Affairs to ensure adequate government funds are allocated to enforce legislation to end domestic violence.
  10. Develop and adopt special bylaws for various professions with codes of conduct or guidelines would regulate how to deal with cases of violence against women.
  11. Establish a special state department on violence against women within the working body of the National Council on Women, Family and Gender Development with staff to coordinate actions in the country aimed at the reduction of violence against women;
  12. Strengthen capacity of the law enforcement officers in understanding domestic violence legislation, women’s human rights and gender issues and incorporating these into their work. Introduce mandatory training programs for practicing professionals, including the police, prosecutors, judges, health, social, child and family protection personnel, as well as teachers, about the above topics;
  13. Carry out systematic training programs for the judiciary and law enforcement officials to raise gender awareness on the issue of violence against women and make them women-friendly; strengthen such component on professionals training as training on VAW with law on domestic violence in Police Academy curriculum.
  14. Undertake the transformation of social attitudes towards violence against women, especially those concerning practices of bride kidnapping, polygamy, sexual harassment, sexual violence, domestic violence, and trafficking;
  15. Expand educational programs at all levels to change traditional attitudes and stereotypes towards violence against women in all forms;
  16. Introduce measures, including an extensive, nationwide public awareness-raising campaign organized together with NGOs, to inform the population through the mass media about the problem of violence against women.
  17. Emphasize that domestic violence, forced marriage, bride kidnapping, and sexual harassment are violations of human rights and not simply “women’s issues”
  18. Ensure support by the state and international organizations for crisis centers, shelters, hotlines and women’s NGOs dealing with violence against women and expanding their network throughout Kyrgyzstan;
  19. Strengthen the capacity of Women’s NGOs (including crisis centers) in monitoring domestic violence and holding government agencies accountable for implementing the laws to end violence against women

## **Implementation of the Concluding Comments**

*Despite making efforts to implement concluding comments Kyrgyzstan has not in fact improved the situation identified in the 2004 Concluding Comments .*

**The State party has taken the following steps to implement recommendations:**

- 12<sup>th</sup> November 2004 - Prime-Minister has signed a decree of the Government of the Kyrgyz republic "On confirmation of the matrix of actions on implementation of concluding recommendations of the UN Committee on CEDAW to the second periodic report of the Kyrgyz Republic on implementation of the UN convention CEDAW"<sup>23</sup>. This decree is aimed at implementation of the Committee's concluding recommendations and confirmed matrix of actions, assigned ministries, state committees, administrative units, state commissions, local governance and administrations to ensure realization of actions and provide reports to the government about implementation, assigned monitoring function to the department of the social and cultural development of the apparatus of the Prime-Minister of Kyrgyzstan.
- Matrix of actions on implementation of the concluding recommendations of the UN CEDAW Committee to the second periodic report of the Kyrgyz Republic on implementation of the UN convention "CEDAW"

This Matrix included action addressing each recommendation related to violence against women.

**Recommendations and actions to implement them are with FWNGO's comment:**

161 - 162.

1. Creation of municipal crisis centers with provision of a set of services for assistance to victims of violence. – **Not implemented. Zero municipal crisis centers were set up by State.**
2. Introduction of State reporting on activities of crisis centers and public institutions implementing social and psychological assistance to people. – **Not implemented.**
3. Widening of indicators of sectoral reporting, law enforcement bodies on crimes related to violence and administrative breaks of law. – **Not implemented.**
4. Continuation of work on improvement and development of mechanism of implementation of law on the Kyrgyz Republic (Law on social and legal protection from violence in family). (Introduction of temporary and protective orders). – **Partially implemented.**
5. Introduction of changes and amendment to legislation of the Kyrgyz Republic on reviewing responsibilities of official persons for sexual; harassment to their employees at work places. – **Not implemented.**

169 – 170.

1. Development and introduction into school curricular of issues of gender equality in family. – **Not implemented.**

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<sup>23</sup> "Collection of normative legal acts of the Kyrgyz Republic in the area gender policy", p. 142.

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2. Organization of information and advocacy campaigns with the purpose to eliminate cases of bride kidnapping. – **Not implemented.**
3. Training of leaders of local communities: court of elders, women's councils, youth councils on liquidation of cases bride kidnapping and polygamy. – **Not implemented.**