



Human Rights Watch Memorandum

Domestic violence in Kyrgyzstan

In March 2003 the government of Kyrgyzstan adopted the Law on Social-Legal Protection from Domestic Violence, the result of years of lobbying by local women's rights groups. The Kyrgyz government won deserved praise for the law itself, which recognized domestic violence as a specific offense and provided for orders of protection to protect women from domestic violence. The government also won praise for soliciting and incorporating expertise from women's rights groups in the drafting process.

In June 2008, five years after the law's adoption the parliament held its first ever hearing about the law's implementation and further measures to prevent domestic violence (hearing on domestic violence).¹

During the hearing it became evident that the adoption of the law in 2003 was a significant step demonstrating the government's political will to address domestic violence as a serious human rights violation. But the hearing also made clear that implementation of the law is lagging, leaving women in Kyrgyzstan unprotected from domestic violence. The hearing also aired concerns about the continued prevalence in Kyrgyzstan of the kidnapping of women and girls for forced marriage.

¹ "The hearing, entitled "On the question of the implementation of the Kyrgyz Republic's 'Law on Social-Legal Protection from Domestic Violence' and the discussion of proposals to improve the legislation with the aim to prevent domestic violence," was held on June 17, 2008.

The concerns raised at the hearing about barriers to protection of women from domestic violence coincide with those expressed by women's rights activists to Human Rights Watch in recent months. This memorandum describes these concerns. At the heart of the problem is the government's failure to prioritize combating domestic violence. This is reflected in the lack of national gender institutions, the lack of a budget to implement the domestic violence law, insufficient and inconsistent statistics, uneven, and at times poor training and awareness on domestic violence on the part of law enforcement bodies. Unsurprisingly, protective orders, one of the key features of the 2003 law, are not enforced. This memorandum is based on interviews Human Rights Watch conducted throughout 2008 with women's crisis center leaders, gender experts, and leaders of women's rights nongovernmental organizations. It is also based on information provided by the government of Kyrgyzstan in its Third Periodic Report to the UN Committee on the Elimination of Discrimination Against Women (CEDAW).

The context of domestic violence and bride abduction

Domestic violence and abduction for forced marriage (bride-kidnapping) are pervasive forms of violence against women in Kyrgyzstan. Domestic violence is defined under the law as "any intentional act by one family member directed towards another family member if such act limits [the] victim's legal rights and freedoms, inflicts physical or mental suffering and causes moral harm; or contains a threat to the physical or mental development of a minor member of the family."

Although both kidnapping and domestic violence are illegal in Kyrgyzstan,² great numbers of women and girls in Kyrgyzstan have

² Article 155 of the Criminal Code outlaws non-consensual marriage by abduction. It says, "Forcing a woman to marry or to continue a marriage or kidnapping her in order to marry without her consent"

experienced and continue to experience these serious violations of their most fundamental human rights. For example, annually the Ministry of Internal Affairs registers 8,000 to 10,000 emergency calls regarding family crises.³ And every month 40 to 50 victims of domestic violence are hospitalized in the Bishkek City hospital alone.⁴

Domestic violence is perpetrated in many ways: perpetrators may beat, kick, strangle, stab or rape⁵ their wives. In some cases wives have also been shot. Victims of domestic violence are locked in their homes to isolate them from their natal families and to prevent them from seeking assistance; are denied food; and are beaten with bricks, pipes, and other heavy objects. They are humiliated and demeaned. Some women are hospitalized due to domestic abuse; some suffer permanent injury. Women are severely traumatized by the violence they experience, and some commit suicide as a result. Some are killed by their husbands.⁶

will be punished under the law. The prescribed penalty is a fine in the amount of 100 to 200 times the minimum monthly wage or up to five years in prison.

³ Справка Комитета по молодежной, гендерной политике, физической культуре и спорту Жогорку Кенеша Кыргызской Республики «Об исполнении Закона Кыргызской Республики «О социально-правовой защите от насилия в семье». [Fact sheet of the Committee on Youth, Gender Politics, Gymnastics and Sports of the Parliament of the Kyrgyz Republic “On the implementation of the Law of the Kyrgyz Republic ‘On Social–Legal Protection from Domestic Violence’”], Bishkek, June 17, 2008.

⁴ Справка Комитета по молодежной, гендерной политике, физической культуре и спорту Жогорку Кенеша Кыргызской Республики «Об исполнении Закона Кыргызской Республики «О социально-правовой защите от насилия в семье». [Fact sheet of the Committee on Youth, Gender Politics, Gymnastics and Sports of the Parliament of the Kyrgyz Republic “On the implementation of the Law of the Kyrgyz Republic ‘On Social–Legal Protection from Domestic Violence’”], Bishkek, June 17, 2008.

⁵ While marital rape is not specifically mentioned as a criminal offense under article 129, the 2003 law on domestic violence lists sexual domestic violence as a type of abuse forbidden under the law. Sexual domestic violence is defined in the 2003 law as “an act by one family member that infringes the sexual inviolability of another family member; as well as acts of a sexual character involving a minor.”, See: Article 1 of the Law on Domestic Violence.

⁶ For a more detailed account of domestic violence see Human Rights Watch, *Kyrgyzstan – Reconciled to Violence: State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan*, vol. 18, no. 9 (D), September 2006, <http://hrw.org/reports/2006/kyrgyzstan0906/>, p. 19–85.

Kidnappings of women and girls—some as young as 12 years old—for forced marriage are carried out by groups of men who capture a woman through physical force or deception and take her to the home of the intended groom. The abductor's family then exerts psychological, and sometimes physical, pressure to coerce the young woman to consent to marry. In some cases the young woman is raped soon after being taken to the abductor's house, so that she will feel shame and feel unable to return to her parents' home; other times the kidnapped woman is coerced to have sex or in some cases is raped on her wedding night, after a marriage ceremony is performed.⁷

In its 2004 Concluding Comments the CEDAW Committee expressed concern “at the continued existence of bride abduction and polygamy” , and 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.”⁸

In 2006 Human Rights Watch published a report documenting how police and other local authorities fail to protect women from domestic violence and bride kidnapping.⁹ In the three years that passed between the research for the 2006 report and the present, little has changed in terms of how law enforcement officials enforce Kyrgyz laws that are supposed to protect women from domestic violence kidnapping for forced marriage.

⁷ For a more detailed account of bride abduction see Human Rights Watch, *Kyrgyzstan – Reconciled to Violence: State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan*, vol. 18, no. 9 (D), September 2006, <http://hrw.org/reports/2006/kyrgyzstan0906/>, p. 86–125.

⁸ United Nations Committee on the Elimination of Discrimination against Women, “Concluding Comments Kyrgyzstan”, CEDAW/C/2004/1/CRP.3/Add.1/Rev.1, 30 January 2004, para. 37 and 38.

⁹ Human Rights Watch, *Kyrgyzstan – Reconciled to Violence: State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan*, vol. 18, no. 9 (D), September 2006, <http://hrw.org/reports/2006/kyrgyzstan0906/>.

Women's rights groups and parliamentarians alike criticize both the rise of bride abduction and the reluctance of law enforcement officials to investigate and prosecute these cases seriously on the other hand. For example, Gazbubu Babayarova, an activist combating bride kidnapping told Human Rights Watch that the police do not take proactive action upon receiving information about an incident of bride kidnapping but rather wait for a written complaint by the victim or her family. And even then the police tend to act not immediately but to wait to see whether the complainants change their mind. Babayarova said that police tell her, "We wait one week [after we receive the complaint]. Otherwise we would start working and then everything would be in vain."¹⁰

According to data from the Ministry of Internal Affairs provided in Kyrgyzstan's Third Periodic Report to CEDAW "the number of criminal cases initiated under Article 155 (abduction) of the Criminal Code of the Kyrgyz Republic grew to 27 in 2005 from 15 in 2002".¹¹ While this represents nearly a doubling, the number of cases is extremely low compared to the number of kidnappings that take place. Two parliamentarians at the June hearing, Roza Otunbaeva and Guljamal Sultanalieva, alluded to the high numbers of kidnappings when they said that with the end of the school year [end of May] a literal hunt for young girls starts all over the country.¹²

Regarding domestic violence, Munara Beknazarova from the Women's Support Center told Human Rights Watch that police

¹⁰ Human Rights Watch interview with Gazbubu Babayarova, activist, Bishkek, February 24, 2008.

¹¹ Government of Kyrgyzstan, Third Periodic Report to the Committee on the Elimination of Discrimination against Women, CEDAW/C/KGZ/3, 2 March 2007, para 99. The report does not say how many perpetrators were found guilty.

¹² Human Rights Watch unofficial transcript of the parliamentary hearing on domestic violence, Bishkek, June 17, 2007.

openly acknowledge during seminars that they do not register domestic violence complaints and do not wish to be involved in such “petty things.”¹³ And Bibisara Ryskulova, head of the crisis center Sezim, who is also involved in police training notes that: “As long as you can’t see bruises or somebody was killed it is not considered violence.”¹⁴

Even the scant and inconsistent available statistics indicate¹⁵ that domestic violence is a serious problem in Kyrgyzstan affecting thousands of lives.

Moreover, domestic violence has negative consequences for Kyrgyzstan’s overall social, economic, and political life. Studies from around the world provide evidence that domestic violence leads to increased “costs of providing health care and other services, increased absenteeism, decreased productivity, and lower earnings. Violence undermines women’s health and wellbeing, directly and indirectly, causing chronic morbidity, increased depression, lower birth weight, and mortality. Among children, witnessing abuse may lead to increased delinquency and gang violence. Overall, violence contributes to reduced quality of life of families and communities and decreased participation by women in democratic processes.”¹⁶

Lack of political commitment

Ending domestic violence is an important part of Kyrgyzstan’s continued development. It should therefore be in the government’s

¹³ Human Rights Watch interview with Munara Beknazarova, Women Support Center, Bishkek, May 29, 2008. Article 10 of the law does oblige police to register domestic violence complaints.

¹⁴ Human Rights Watch interview with Bibisara Ryskulova, Crisis Center Sezim, Bishkek, February 2, 2008.

¹⁵ For a discussion of this problem see further below.

¹⁶ International Center for Research on Women, *Costs of Intimate Partner Violence at the Household and Community Levels: An Operational Framework for Developing Countries*, Washington, 2004, www.icrw.org/docs/2004_paper_costingviolence.pdf.

interest to assign the fight against domestic violence a higher propriety on its agenda. It should be in the government's interests to ensure that law enforcement officials and judges have the institutional support they need to effectively deal with the problem.

The five policy priorities president Bakiev outlined in spring 2008 are development of the energy sector, development of the financial sector, reform of the agricultural sector, support for entrepreneurship, and improvements in the social sector.¹⁷ Regrettably, enhancing the protection of women did not figure among these priorities. Nor has any high-level official made public statements committing the government to ending domestic violence and bride kidnapping.

According to Kyrgyzstan's women's rights groups that provide services to victims of domestic violence and bride kidnapping and gender experts, the lack of a political commitment is the main issue that prevents an effective implementation of the law on domestic violence and its related bylaws. Every single activist Human Rights Watch talked with said that while adequate laws and regulations exist on paper they are not implemented in practice. Alexandra Eliferenko, head of the Association of Women's Crisis Centers summarized her disillusionment with the words: "Sometimes I believe all this paperwork is produced for international organizations only, so that they don't bother us any more."¹⁸

During the parliamentary hearing on domestic violence, parliamentarian Roza Otunbaeva called on President Bakiev and

¹⁷ Speech at the congress of the government party Ak-Zhol on April 29, 2008. The full text of the speech is online available at www.president.kg/ru/press/statements/1418/.

¹⁸ Human Rights Watch interview with Alexandra Elifrenko, Association of Crisis Centers, Bishkek, February 25, 2008.

on all political parties to publicly take a stand against domestic violence.¹⁹

Human Rights Watch calls on the government of Kyrgyzstan to issue a clear statement on the highest political level making the prevention of domestic violence a priority policy issue. In its public outreach the government should make clear that domestic violence jeopardizes social stability and development. The parliament should have a regular, annual hearing to monitor the implementation of the law on domestic violence.

Marginalization of national gender institutions

Government agencies generally do not take initiative to promote protection of women from violence. The third periodic report of Kyrgyzstan to CEDAW lists a number of activities that were undertaken to prevent and deal with domestic violence in the last several years. Yet, a closer look reveals that the majority of these activities were initiated and implemented by either non-governmental organizations or international organizations. The role of the Kyrgyz government and authorities is mainly limited to participation in roundtables and workshops.²⁰ While the government's participation is most welcome, it is a far cry from active promotion of protection of women from domestic violence.

Against this background, the closure of the Secretariat of the National Council on Women, Family, and Gender Development in early 2007 is especially disturbing because it was one of the very few government bodies dealing proactively with gender issues such as domestic violence and bride kidnapping. The Secretariat was created as the working body of the National Council in 2001 and

¹⁹ Human Rights Watch unofficial transcript of the parliamentary hearing on domestic violence, Bishkek, June 17, 2007.

²⁰ Government of Kyrgyzstan, Third Periodic Report to the Committee on the Elimination of Discrimination against Women, CEDAW/C/KGZ/3, 2 March 2007, page 22–26.

was part of the presidential administration. Its mandate included tasks such as the coordination and monitoring of the implementation of the government's policy on women, family and gender development, monitoring the implementation of Kyrgyzstan's international obligations to eliminate all forms of discrimination against women, and fostering cooperation with NGOs.²¹ One of the five staff members focused on violence against women specifically.

In 2007, the responsibilities of the Secretariat were transferred to the Sector of Social and Gender Policies of the Division for Economic and Social Development of the Presidential Administration, and in May 2008 they were transferred to the Department of Social Development in the prime minister's administration.²²

This development can be considered a downgrading of women's rights because the Secretariat was an independent structure of gender experts with direct access to the president while now a variety of public servants that are not specialized in gender issues or women's rights have to deal with the Secretariat's task on top of their workload. Given the new structure, there is a risk that women's rights are subsumed in social issues.

Local activists complain about the loss of the Secretariat. Though it consisted of only a handful of staff, it was, as a crisis center leader said, "a bridge to the president."²³ Both NGO groups from Kyrgyzstan that submitted a list of issues to CEDAW in January 2008 – the Forum of Women's NGOs and the NGO Council – express concern about the closure of the Secretariat as well as the marginalization of other national institutions dealing with gender

²¹ Положение и состав Национального совета по вопросам женщин, семьи и гендерному развитию при Президенте Кыргызской Республики" от 13 февраля 2006 года No 64.

²² Decision of the President of the Kyrgyz Republic, May 7, 2008, UP N 158.

²³ Human Rights Watch interview with Alexandra Eliferenko, Association of Crisis Centers, Bishkek, February 25, 2008.

issues such as the National Council on Women, Family, and Gender Development.²⁴ The Council, which consists of representatives from all ministries, several NGOs, and parties, has not met for more than a year because initially the position of the chair was vacant and later the Secretariat was closed and its functions shifted to the prime minister's office.²⁵

Also, the establishment of the Human Rights Representative (Ombudsman) of the Kyrgyz Republic in 2002, which was welcomed in the CEDAW's Committee Concluding Comments in 2004²⁶ did not turn out to be an effective mechanism for the monitoring of women's rights. To date the Office of the Ombudsman does not have a women's rights division or a gender focal point.

During the parliamentary hearing on domestic violence several participants such as Guljamal Sultanalieva, member of parliament, Mira Karabaeva from the Agency of Social Technology, and Alexandra Eliferenko from the Association of Crisis Centers recommended the establishment of a governmental coordinating body or agency that is dedicated to work on gender issues. We believe this is an important step to give issues such as domestic violence a higher priority on the government's agenda.

Human Rights Watch calls on the Kyrgyz government to reinstate the Secretariat of the National Council on Women, Family, and Gender Development or set up an analogous governmental

²⁴ Forum of Women's NGOs, "List of Critical Issues for the CEDAW Pre-Session", Bishkek, January 2008, www2.ohchr.org/english/bodies/cedaw/docs/ngos/ForumofWomensNGOS_Kyrgyzstan42.pdf.
NGO Council, "Critical issues raised by the NGO Council (Kyrgyzstan) for the 40 CEDAW session", Bishkek January 21, 2008, www2.ohchr.org/english/bodies/cedaw/docs/ngos/CouncilNGOS_Kyrgyzstan.pdf.

²⁵ The last meeting took place in June or July 2007 and was aimed at reviewing and adopting the National Action Plan for Gender Development 2007-2010.

²⁶ United Nations Committee on the Elimination of Discrimination against Women, "Concluding Comments Kyrgyzstan," CEDAW/C/2004/1/CRP.3/Add.1/Rev.1, 30 January 2004, para. 16.

coordination body or agency dealing with gender issues including domestic violence and giving it adequate authority, mandate and resources to ensure the enforcement of relevant laws.

Inadequate funding for shelters and crisis centers

The law on domestic violence does not contain a section on budgeting. Indeed, the lack of funding was mentioned as one of the five key problems with the implementation of the law on domestic violence in a fact sheet distributed by the Parliamentary Committee on Youth, Gender Politics, Gymnastics and Sports at the June hearing on domestic violence.²⁷

This view was shared by many speakers at the hearing and Human Rights Watch interviewees. While funding is lacking for many aspects of the law such as training for health personal or police the situation is especially difficult for shelters and crisis centers. For example Alexandra Eliferenko from the Association of Crisis Centers told Human Rights Watch: “Funding is a big problem for the crisis centers. Only [the crisis center] Sezim [in Bishkek] receives some support from the authorities. We do not have a single state run crisis center [in Kyrgyzstan]. We need to finance our work on domestic violence through other projects.”²⁸

In its Third Periodic Report to CEDAW the Kyrgyz government acknowledges the problem of funding for crisis centers referring to the general difficult economic situation in the country.²⁹

²⁷ Справка Комитета по молодежной, гендерной политике, физической культуре и спорту Жогорку Кенеша Кыргызской Республики «Об исполнении Закона Кыргызской Республики «О социально-правовой защите от насилия в семье». [Fact sheet of the Committee on Youth, Gender Politics, Gymnastics and Sports of the Parliament of the Kyrgyz Republic “On the implementation of the Law of the Kyrgyz Republic ‘On Social–Legal Protection from Domestic Violence’”], Bishkek, June 17, 2008.

²⁸ Human Rights Watch interview with Alexandra Elifrenko, Association of Crisis Centers, Bishkek, February 25, 2008.

²⁹ Government of Kyrgyzstan, Third Periodic Report to the Committee on the Elimination of Discrimination against Women, CEDAW/C/KGZ/3, 2 March 2007, para. 133.

In addition to the lack of state funding for shelters and hotlines in Kyrgyzstan women's NGOs and crisis centers face the problem that international donor organizations tend to finance activities such as seminars, roundtables and brochures but not in-kind transfers to cover real expenses that crisis centers incur, such as utilities [e.g., heat and electricity], telephone bills, towels and food for the victims living in the shelters.

Human Rights Watch urges the government of Kyrgyzstan to allocate sufficient funds to combat violence against women and the implementation of the law on domestic violence as soon as possible. We also call on donor organizations focusing on the combat of violence against women in Kyrgyzstan to financially support women's crisis centers and ensure funding for direct services to women and girl victims of violence.

Insufficient and inconsistent statistics on domestic violence

The government in 2002 acknowledged the need to gather and use statistics on specific forms of violence against women, including domestic violence. The National Plan of Action to Implement Gender Equality in the Kyrgyz Republic 2002-2006 and the follow-up plan 2007-2010, the Ministry of Internal Affairs and the National Statistical Committee were tasked with collecting statistical data on all forms of violence against women and children. But the problem with these data is that the current definition of "domestic violence" is rather broad and includes forms of violence such as psychological violence or moral harm that will hardly be reported to the police.

The National Statistic Committee has been issuing compendiums of gender disaggregated statistics in a brochure entitled "Women and Men in the Kyrgyz Republic" since 1996. According to the 2007 brochure, the total number of registered crimes against women and

minors was 3,427 in 2004 and 3,615 in 2006. These crimes include murder, bodily injury, rape, and forced marriage. The table does not specify a category “domestic violence” because the Criminal Code does not list such a crime.³⁰ The table does also not provide information about perpetrators and their relationship with the victim and it is not clear if such information is collected at all.

However, the same brochure includes a table providing information about the number of individuals that approached crisis centers between 2004 and 2006. In 2004 the number was 9,922 (8,474 women and 1,448 men) – 2,087 (2,072 women and 15 men) regarding domestic violence. In 2006 6,961 individuals (5,990 women and 971 men) approached crisis centers – 6,142 regarding domestic violence (5,357 women and 785 men).³¹ Even if we acknowledge that not every incident over which a woman may turn to a crisis center regarding domestic violence may constitute a crime, this gap is quite large. It may result from the general lack of trust in the law enforcement bodies but also in the police’s reluctance to register cases of domestic violence. It is also not clear whether law enforcement officials and crisis centers use the same consistent definition of domestic violence. Therefore it is impossible to compare the statistics provided in the two different tables.

Neither the above-mentioned brochure nor Kyrgyzstan’s Third Periodic Report to CEDAW contains consistent and sufficient statistics regarding domestic violence and bride kidnapping from all state bodies dealing with these crimes. (e. g. Ministry of Internal Affairs, Prosecutor General, and Ministry of Health).

³⁰ National Statistic Committee of the Kyrgyz Republic, *Women and Men in the Kyrgyz Republic – Collection of gender related statistics 2002–2006*, Bishkek 2007, Table 8.5, page 115.

³¹ National Statistic Committee of the Kyrgyz Republic, *Women and Men in the Kyrgyz Republic – Collection of gender related statistics 2002–2006*, Bishkek 2007, Table 8.6, page 116.

The “matrix of activities” of the National Plan of Action to Implement Gender Equality in the Kyrgyz Republic 2007-2010 states that in 2007 the Ministry of Internal Affairs and the Office of the Prosecutor General should start to use a statistical form, devised in 2005, to register cases of violence in the public and private sphere.³² It is not clear whether police started to use this form. According to Nurgul Djanaeva, chair of the Forum of Women’s NGOs “the police [her organization dealt with] has a journal to register crimes, but it does not contain a column for domestic violence.”³³

It is critical to collect accurate statistics on domestic violence for two reasons. Firstly, to enable government to understand the nature and extent of the problem, and what resources must be allocated to deal with it, and secondly, to monitor access to justice for victims of domestic violence and to hold government accountable, where the system fails them.

Human Rights Watch calls on the government of Kyrgyzstan to improve the process of collecting national statistics on domestic violence and bride kidnapping and to merge the data collected by the Ministry of Internal Affairs, the Office of the Prosecutor General and crisis centers. It must be ensured that all institutions are using the same statutory definition of domestic violence. Ensuring the Ministry of Internal Affairs and the prosecutor’s office use standard forms to register cases of domestic violence would be a good start. Statistics should also be gathered on the numbers of protective orders issued by courts and police (see below).

Lack of awareness and training of police and judges

³² Section 6.2 of the matrix, page 109.

³³ Human Rights Watch interview with Nurgul Djanaeva, Forum of Women’s NGOs, Bishkek, May 22, 2008. The Forum of Women’s NGOs has a memorandum of understanding with the Ministry of Internal Affairs and interacts with the police on domestic violence cases.

In 2004, the CEDAW Committee expressed its concern about the “continuing hidden nature of domestic violence and the inadequate performance of the police in dealing with the reporting from the victims [sic].” The Committee recommended “that strengthened training programs for the police and the judiciary be provided so as to ensure that the rights of domestic violence victims are properly protected.”³⁴

In the past several years the Kyrgyz government indeed put a greater emphasis on trainings for police and judges as is reflected in the 2007-2010 National Action Plan. For example, the Academy of the Ministry of Internal Affairs has introduced a special course on gender policy in its curriculum. And domestic violence is part of the OSCE community policing program in Bishkek.³⁵

Toktokan Borombaeva, gender expert with the presidential administration told Human Rights Watch: “When we reviewed the first action plan [2002-2006] the police as well as people in the local administration told us they need more training. That is why we planned for more training activities in the second action plan.”³⁶

However, to date, most of the trainings for law enforcement officials are organized ad-hoc and on a voluntary basis by local women's organizations and crisis centers.³⁷ So far, there are no mandatory training programs dealing specifically with the different forms of violence against women for incoming and existing neighborhood police, judges or prosecutors.

³⁴ United Nations Committee on the Elimination of Discrimination against Women, “Concluding Comments Kyrgyzstan”, CEDAW/C/2004/1/CRP.3/Add.1/Rev.1, 30 January 2004, para. 30.

³⁵ Human Rights Watch interview with Knut Dreyer, OSCE Police Reform Programme for Kyrgyzstan, Bishkek, March 7, 2008.

³⁶ Human Rights Watch interview with Toktokan Borombaeva, expert in the Presidential Administration, Bishkek, May 28, 2008.

³⁷ The trainings are mainly funded by international donors.

Local women's rights groups such as the Forum of Women's NGOs noted that Kyrgyzstan's Third Periodic report to CEDAW "only very generally mentions awareness-raising activities among law enforcement officials with data of what percentage of law enforcement officials from police departments passed training or participated in such activities."³⁸ Little is known about the effectiveness of these trainings in improving the way criminal justice agencies investigate and prosecute acts of violence against women.

Human Rights Watch urges the Kyrgyz government to undertake thorough training of all Ministry of Internal Affairs and procuracy staff on effective ways to investigate cases of domestic violence and abduction for forced marriage and allocate sufficient funds from the state budget for such measures. All police officers should receive training on domestic violence during their basic training. It should be part of their core curriculum and then be supplemented by on-going on the job training. The government should also set up and fund training programs for law enforcement and judicial personnel in recognizing, investigating, and prosecuting violence against women. In addition, the government should establish a mechanism to assess the effectiveness of training programs.

Protective orders not enforced

The 2003 law on domestic violence provided for orders of protection, which was a landmark provision.³⁹ The law describes an

³⁸ Forum of Women's NGOs, "List of Critical Issues for the CEDAW Pre-Session", Bishkek, January 2008, www2.ohchr.org/english/bodies/cedaw/docs/ngos/ForumofWomensNGOS_Kyrgyzstan42.pdf.

³⁹ According to Article 10 of the domestic violence law, law enforcement officials are obliged to: "accept and register each domestic violence report; ensure appearance of their representative to the place of family conflict; interview both parties; give necessary counseling to the victim of domestic violence; explain the logistics of filing for a protective order; or explain the procedure of calling an assailant to account for civil or criminal liability; in case of necessity provide a victim of domestic violence with transportation to healthcare facility, safe place or a social services institution; take measures in preventing domestic violence; take all means necessary to charge an assailant; prepare

order of protection as “a legal document granting a victim of domestic violence protection by the state. It contains a warning to the individual who committed or attempted to commit an act of domestic violence by the means described in this Law.” The Administrative Code of the Kyrgyz Republic provides a penalty for violation of a protection order of five to 15 times the “calculation indices [a fixed monetary value set by parliament]” or 10 days’ administrative arrest, and a fine of 10 to 20 times the calculation indices or 10 to 15 days’ administrative arrest if the protection order was issued by a court.⁴⁰

The law envisions two types of protection orders: temporary restraining orders issued by law enforcement agencies, and protective court orders. According to the law, a temporary restraining order can be issued by a law enforcement official from the moment a woman files a complaint about domestic violence. The order entitles a woman to police protection to ensure that her abuser does not harm her during the term of the order—up to 15 days. In issuing the order, police also assume the obligation to investigate a woman’s complaint and to monitor the behavior of her husband, to ensure that he is not violating the terms of the restraining order and has not hurt her again. Judges also are authorized to issue protection orders, in their case for terms of one to six months. ⁴¹

documents necessary for a temporary restraining order, as well as all necessary court documents; collaborate with local social service institutions working with unsuccessful families.”

⁴⁰ Administrative Code of the Kyrgyz Republic, art. 66–4 and 66–5. For information on how orders of protection function see Human Rights Watch, *Kyrgyzstan – Reconciled to Violence: State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan*, vol. 18, no. 9 (D), September 2006, <http://hrw.org/reports/2006/kyrgyzstan0906/>, pp. 36–37.

⁴¹ For more details on the two types of orders and their legal consequences see Human Rights Watch, *Kyrgyzstan – Reconciled to Violence: State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan*, vol. 18, no. 9 (D), September 2006, <http://hrw.org/reports/2006/kyrgyzstan0906/>, pp. 36–38.

According to Kyrgyzstan's Third Periodic Report to CEDAW, "in 2005, a total of 211 temporary protective orders were issued (200 against men, and 11 against women)."⁴² The report makes no mention of protective court orders.

In the fact sheet, distributed by the Parliamentary Committee on Youth, Gender Politics, Gymnastics and Sports at the June 2008 parliamentary hearing on domestic violence, the Committee refers to the following numbers from the Ministry of Internal Affairs: 62 temporary protective orders were issued in 2004 (all in Yssyk-Kul province); 101 in 2005 (of that 84 in Osh province); 13 in 2006; 41 in 2007; and 95 in the first four months of 2008.⁴³

The rise in the number of protective orders issued in 2008 as compared to previous years is notable. But it does not eclipse concern about the generally low number of issued protection orders, when viewed in the context of the generally large number of women who encounter domestic violence. The low number of protection orders can be attributed to problems such as the lack of knowledge of the police and judges and the lacking funding (see above) but also the lack of institutional support and the lack of trust in the law enforcement agencies and courts. Activists comment

⁴² Government of Kyrgyzstan, Third Periodic Report to the Committee on the Elimination of Discrimination against Women, CEDAW/C/KGZ/3, 2 March 2007, para. 130.

⁴³ Справка Комитета по молодежной, гендерной политике, физической культуре и спорту Жогорку Кенеша Кыргызской Республики «Об исполнении Закона Кыргызской Республики «О социально-правовой защите от насилия в семье». [Fact sheet of the Committee on Youth, Gender Politics, Gymnastics and Sports of the Parliament of the Kyrgyz Republic "On the implementation of the Law of the Kyrgyz Republic 'On Social-Legal Protection from Domestic Violence'"], Bishkek, June 17, 2008. It is not known what accounts for the discrepancy between the figure for 2005 cited by the government's Third Periodic Report to CEDAW and the figure cited in the parliamentary committee's fact sheet.

rather cynically that “nobody is afraid of protective orders”⁴⁴ and “as long as nobody is killed, the police do not react.”⁴⁵

The problems with protection orders are not new to the authorities or the courts. In the Third Periodic Report to CEDAW the government acknowledges “that victims of violence turn to crisis centers more often than to law-enforcement structures.”⁴⁶ Yet the report does not explain why this is the case. And Nizamidin Azimjanov, representative of the Supreme Court quite frankly said at the parliamentary hearing on domestic violence: “The low number of issued protection orders does not mean that violence does not exist but rather that people do not approach courts. Nearly all divorce suits include domestic violence.”⁴⁷

Representatives from women's rights groups working with the police as well as with victims report that thanks to the awareness raising campaigns, public awareness about domestic violence is better than that of the police. “Often women call saying that the district police department (ROVD) is not issuing protection orders.”⁴⁸

Altynai Khamzaeva from the Diamond crisis center noted at the June parliamentary hearing that police officers often see a protective order for the first time during the trainings the NGO is conducting because the orders are either not printed at all or not enough copies are available. Her question to the Ministry of Internal Affairs who is responsible for the actual printing of the orders

⁴⁴ Human Rights Watch interview with Anara Moldosheva, gender expert, Bishkek, February 29, 2008.

⁴⁵ Human Rights Watch interview with Suyun Kurmanova, Crisis Center Sezim, Bishkek, February 14, 2008.

⁴⁶ Government of Kyrgyzstan, Third Periodic Report to the Committee on the Elimination of Discrimination against Women, CEDAW/C/KGZ/3, 2 March 2007, para. 131

⁴⁷ Human Rights Watch unofficial transcript of the parliamentary hearing on domestic violence, Bishkek, June 17, 2007.

⁴⁸ Human Rights Watch interview with Alexandra Elifrenko, Association of Crisis Centers, Bishkek, February 25, 2008.

remained unanswered. And gender expert Taalaigul Isakunova added to this statement that although the decision to issue protective court orders was adopted in November 2004, in a 2006 training for judges, none of the participants was familiar with that decision.⁴⁹

Human Rights Watch urges the Kyrgyz government to undertake comprehensive training of police, procuracy, and court employees on domestic violence law, including the use and enforcement of protective orders. The Ministry of Internal Affairs and the Ministry of Justice should issue public statements condemning domestic violence and express strong support for their employees to enforce mechanisms to combat it. Human Rights Watch also calls on the government of Kyrgyzstan to ensure that forms for protective court orders are printed out and made readily available. In addition, the government should improve the process of collecting national statistics on protective court orders.

⁴⁹ Human Rights Watch unofficial transcript of the parliamentary hearing on domestic violence, Bishkek, June 17, 2007.