

TREATY BODY MONITOR

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COMMITTEE ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN 42ND SESSION KYRGYZSTAN, 3RD REPORT 23 OCTOBER 2008

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Key facts¹

Ratification	Reservations	Party to Optional Protocol?	Other core treaties ratified
1997	None	Yes	ICERD, ICCPR, ICESCR, CAT, CRC, CMW

¹ The information in this table is sourced from the Office of the High Commissioner for Human Rights (OHCHR), and is available at www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx.

Information submitted to the Committee

State report

Kyrgyzstan submitted its 3rd report to the Committee on the Elimination of All Forms of Discrimination against Women (the Committee) on 2 March 2008.² Kyrgyzstan last appeared before the Committee in January 2004.³ The 3rd report was submitted two months after its due date. Kyrgyzstan's 3rd report systematically deals with each article of the *Convention on the Elimination of All Forms of Discrimination against Women* (the Convention) to illustrate compliance. Kyrgyzstan listed duties assigned to each ministry on implementing Committee's final observations from the 2004 review. Additionally, the report emphasises Kyrgyzstan's political will to address issues of gender equality through several Government initiatives, such as reform of the Family Code, revision of Election Code to include quotas, and amendment to the Constitution to provide for equal opportunities for men and women. The 3rd report includes some sex-disaggregated data to illustrate the status of women as compared to men in areas such as education, employment, and health.

The report also emphasises the *National Plan of Action for Achieving Gender Equality in the Kyrgyz Republic* (the National Plan of Action). However, almost no information is provided on modes of implementation or level of effectiveness since the enactment of the National Plan of Action in 2002. The report also focuses on activity to combat violence against women, notably with the temporary protection orders. While acknowledging gaps in training of law enforcement officials and the need for greater sensitisation in prevention of violence against women, the report does not suggest additional sources of funding for such training programmes or for the crisis centres run by non-governmental organisations (NGOs). Further, the report fails to elaborate on additional measures planned to respond to the country's severe problem of bride abduction or the increase in under-age marriages.

The report describes initiatives, programmes, crisis centres, and even academic studies, many of which are carried out and funded by non-government agencies, such as NGOs and international institutions. While the State's extensive familiarity with non-government efforts emphasises its cooperation with the civil society, it also underlines the lack of Government resources and allocations to fund national gender equality policies.

List of issues

After having studied the report, on 6 March 2008, the Committee provided its list of issues to the State.⁴ The list of issues focuses on those areas where Kyrgyzstan appears to face particular challenges in giving domestic effect to the Covenant, such as equality in marriage in reference to the growing rate of bride abductions, violence against women, trafficking, participation in the labour market, and some declining health indicators. The Committee requests the State to provide information on measures taken to implement and monitor Government initiatives such as gender-sensitive complaint mechanisms, the anti-trafficking initiative, and the legislation to prevent domestic violence. Extensive questions were also posed regarding efforts to decrease gender discrimination in employment in the private sector.

The State's 83-page written responses were distributed three weeks before Kyrgyzstan's scheduled review date.⁵ These were available in Russian only. To demonstrate implementation of previous recommendations, the responses list duties assigned to various ministries since 2004. The State was conscientious in providing a response to each question. It was particularly thorough in describing the implementation of the National Plan of Action. However, no information was provided on budgetary allocations to implement previous

² CEDAW/C/KGZ/3, available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

³ See session webpage at www2.ohchr.org/english/bodies/cedaw/cedaws30.htm.

⁴ CEDAW/C/KGZ/Q/3, available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

⁵ CEDAW/C/KGZ/Q/3/Add.1, available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

recommendations, counselling for victims of violence, or impact assessment of existing initiatives. Moreover, none of the requested data was provided on sexual harassment in the workplace or on women working in the informal sector.

NGO information

Five individual NGOs⁶ and two coalitions of NGOs⁷ submitted **written reports** to the Committee.⁸ The reports acknowledge the recent commitment of the Kyrgyz Government to address issues of gender equality and its cooperation with civil society, but drew attention to several pervasive violations. The NGOs⁹ reported that domestic violence and bride abductions are increasing. This was attributed to the Government's failure to prioritise combating domestic violence, law enforcement officials' poor training and low awareness, insufficient and uneven statistics on domestic violence, and lack of budgetary allocations and political commitment to fighting domestic violence and bride abduction. Further, the report submitted by Labrys discusses lesbian and bisexual women and transgendered person's lack of protection from violence and discrimination, particularly from employment discrimination and family violence.

Five Committee members¹⁰ attended the **pre-session NGO meeting**. Committee members were especially interested in understanding the situation of bride kidnapping and asked extensive questions. NGOs also discussed domestic violence and the lack of government resources for shelters, highlighting that shelters are entirely dependent on outside funding. Other topics discussed were the situation of lesbian, gay, bisexual, and transgender (LGBT) persons and sex workers. The Committee members asked many follow-up questions on bride kidnapping and domestic violence. They were also interested in LGBT issues and were open to the sex workers issues, but to a lesser extent.

Themes and issues

The delegation of Kyrgyzstan was led by Mr O. Nazarov, Chairman of the Kyrgyz Parliament's Committee on Gender Policy, Youth, and Sports. He was supported by a high-level delegation consisting of Ms N. Tashpaeva, Head of the Department of Social Development, Ms D. Sagynbaeva, Head of Ministry of Health, Ms T. Isakunova, expert on gender issues for the Kyrgyz Republic, as well as representatives of the Ministry of Justice, Ministry of Foreign Affairs, and the Permanent Mission in Geneva.¹¹

In his opening remarks to the Committee, Mr Nazarov updated the Committee on the recent constitutional reform to include Article 13 of the Covenant on equal rights and opportunities for men and women. Mr Nazarov also highlighted the introduction of a special affirmative quota to the Election Code, which mandates that no more than 70 percent of the candidates on any party list for Parliamentary elections be of the same sex. While no women were elected to Parliament in previous elections, 23 women were elected under the 2007 quota application. Mr Nazarov emphasised this as a historical achievement brought about by the revival of women's movement and the political will of the Parliament to address gender equality as a separate issue, especially in light of the political events that occurred in Kyrgyzstan in 2005.

Mr Nazarov's cooperative tone set the way for a constructive dialogue with the Committee. The delegation was prepared and eager to provide additional follow-up responses, even though several questions were not directly answered. Committee members were impressed by the high level of the delegation and praised the

⁶ Human Rights Watch, Labrys, Tais Plus, Global Initiative to End All Corporal Punishment of Children.

⁷ Council of NGOs, Forum of Women's NGOs, Forum of Women's NGOs of Kyrgyzstan.

⁸ The NGO reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

⁹ Human Rights Watch, Forum of Women's NGOs, and Forum of Women's NGOs of Kyrgyzstan

¹⁰ Ms Mary Shanthi Dairiam, Ms Pramila Patten, Ms Violeta Neubauer, Ms Silvia Pimentel, Ms Meriem Belmihoub-Zerdani.

¹¹ The list of members of Kyrgyzstan's delegation is available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

application of the new quota system in recent parliamentary elections, but were frustrated by insufficient sex-disaggregated data on implementation and enforcement of gender policies, particularly the *Law on Legal and Social Protections against Domestic Violence*. The delegation expressed appreciation for the Committee's suggestions and was generally accepting of criticism.

Legislative framework

Commenting on the poor visibility of the Convention in Kyrgyzstan, Committee member Ms Mary Shanthi Dairiam emphasised the need for harmonising Kyrgyz laws with articles of the Convention. Additionally, the Committee was concerned that lack of court cases on gender discrimination reflects the inability of the system to benefit women at the operational level. Delegation member Ms Mambetali confused issue of absence of discrimination cases with women's access to courts, and insisted that women actively use the court system to bring various claims. Regarding the *Law on State Guarantees for Equal Rights and Opportunities*, the Committee emphasised that the law will not be effective without further implementation and court cases.

Many of the Committee's concluding observations¹² deal with improving Kyrgyzstan's legislative framework with a view to bring about implementation of legislation and actualise substantive equality of women. Specifically, the Committee urges the Government to ensure legal guarantees result in practical realisation by monitoring through measurable indicators. Additionally, the Committee urges for a systematic gender-based analysis of draft laws and programmes. To increase visibility of the Convention, the Committee also recommends active training of prosecutors, judges, the Ombudsperson, and lawyers on the provisions of the Convention. The need for sustained legal literacy campaigns targeting women, and especially rural women, is also emphasised.

Violence against women

Concerned that violence against women is a widespread problem in Kyrgyzstan, Ms Ferdous Ara Begum questioned the delegation on problems of implementing the 2003 *Law on Social and Legal Protections from Domestic Violence*.¹³ In reply, the delegation cited two main obstacles to implementation: women's unwillingness to report cases, and public officials' insufficient knowledge of existing laws and procedures. The Committee further pressed the delegation about the application of temporary protection orders for victims of violence. Ms Begum was also concerned over the lack of Government resources for shelters, especially considering that the 10 existing shelters are all run by NGOs, with only one receiving partial Government funding.

Members of the Committee further questioned why victims of violence turn to NGO crisis centres more often than to law enforcement structures. Ms Begum impressed upon the delegation that women's unwillingness to use law enforcement structures reflects legal illiteracy and widespread patriarchal stereotypes. Even though the delegation described ongoing law enforcement training initiatives, Ms Pramila Patten urged for an impact assessment of the various programs relating to violence against women and encouraged a multi-disciplinary approach to change social stereotypes. Mr Nazarov agreed that violence against women is so widespread because of deep-seated social stereotypes and concluded that time is needed to affect change.

In its concluding observations, the Committee expresses its concern that police approach to domestic violence is ineffective, as reflected by the documentation of such cases under the less severe protocol of crimes of hooliganism. The Committee recommends that an adequate State budget be allocated for programmes to combat violence against women, particularly extensive public awareness-raising campaigns and training programmes to ensure proper enforcement of legal framework by police officers and effective protection of victims by the judiciary.

¹² CEDAW/C/KGZ/CO/3,, available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

¹³ For reference to the *Law on Social and Legal Protections from Domestic Violence*, see paragraph 126 of the State report.

Regarding the allocation of funds for shelters for victims of violence and sexual exploitation, the Committee emphasises the important role of NGOs in running the majority of crisis centres in Kyrgyzstan. The Committee urges the State to provide adequate funding and support to such organisations. The State is also encouraged to involve NGOs in preparation of its next periodic report.

Non-consensual bride kidnapping

The high rate of marriages resulting from bride-kidnapping and the State reports' brief treatment of the problem was worrying to several Committee members, especially Ms Begum, Ms Meriem Belmihoub-Zerdani, Ms Naela Mohamed Gabr, and Ms Hanna Beate Schöpp-Schilling. The delegation acknowledged that bride kidnapping is on the rise, and cited root causes as lack of economic resources and insufficient infrastructure for young people to socialise. Ms Begum cited NGO statistics that over 51 percent of women in villages are married through non-consensual kidnapping.¹⁴ Ms Gabr suggested involving Muslim religious leaders in denouncing the practice as being against Sharia law.

The delegation acknowledged that bride kidnapping is a critical problem and listed several awareness-raising efforts in place, particularly the *16 Days without Violence* campaign which is held annually from November 20 through December 15. Committee members were critical of such efforts as being insufficient particularly in light of the increasing occurrence of the phenomenon, and urged the State to prioritise this issue.

Further, Committee members urged for more holistic Government and mass media campaigns to denounce bride kidnapping and increased prosecution of the already criminalised act. In its concluding observations, Committee urges the State to take immediate action to have all cases of bride kidnapping recorded, investigated, and prosecuted, even in the absence of a formal complaint. To enact most adequate measures for eradication of bride kidnapping, the State is encouraged to conduct research on causes of the existence and reinforcement of this phenomenon.

Political participation of women

Committee members congratulated the State on the introduction of quotas to the Election Code and on having gone from 0 percent to 26 percent female representation in Parliament. The Committee members urged for further promotion of women's participation in municipal governments. Particularly, Ms Schöpp-Schilling recommended implementing municipal equality officers to monitor women's participation in decision-making at the local government level. The delegation agreed with the Committee on the importance of this issue.

In its concluding observations, the Committee expresses concern over continued underrepresentation of women in the highest levels of political parties, local representative bodies, executive bodies of Government, and diplomacy. The Committee further recommends that the State introduce more measures such as temporary special measures, numerical goals, training programmes on leadership and negotiation skills, and regular monitoring of progress made and results achieved.

Health

The Committee was very concerned by the increase in maternal mortality rates and the high percentage of pregnant women suffering from anaemia. It pressed the delegation on the Government's budgetary allocations to address these two problems. Ms Sagynbaeva, head of the Ministry of Health, reported that iron-enriched flour is being provided to 17 percent of pregnant women, but acknowledged that additional resources are needed. Further, the delegation discussed an ongoing initiative to increase the population's access to medicine

¹⁴ Ms Begum referenced the report submitted by Forum of Women's NGOs of Kyrgyzstan. For description of the study, see page 19 of report, available at www2.ohchr.org/english/bodies/cedaw/docs/ngos/Forum_WomensNGO_Kyrgyzstan42.pdf.

by establishing a network of rural pharmacies. Other positive progress cited by the delegation was a decrease in clandestine abortions.

In its concluding observations, the Committee cites its General Recommendation 24 on women and health, and urges the State to ensure accessible, affordable, and adequate health care to all women and to rural women in particular. Specifically, the Committee urges the State to strengthen measures to reduce maternal and infant mortality rates, to reduce the spread of tuberculosis and other diseases, and to address and prevent alcoholism and drug addiction among women. By utilising General Recommendation 24 as a framework for action, the Committee also recommends that the State undertake broadcasts in public media on sexual and reproductive health education programmes.

Rural women

Considering that two thirds of the population lives in rural areas, Ms Schöpp-Schilling commented on the little data in the State report on rural women. The delegation was urged to include more analysis on the condition of rural women in its next report, particularly regarding opportunities and type of work available to young women.

In its concluding observations, the Committee urges the State to provide in its next periodic report, comprehensive statistical data on the situation of rural women, disaggregated by age, sex, occupational group, and income.

Other issues

Ms Violeta Neubauer was concerned about the possible **marginalisation of national gender institutions** with the transfer of mandates of the Secretariat of the National Council on Women, Family, and Gender Development to the less specific Department of Social Development and Economic Policies.

On the **nationality law**, the delegation explained that in case parents are of different nationalities, citizenship of the child is decided by written agreement of both parents. Ms Schöpp-Schilling was concerned that no assurance exists that the mother's rights will be protected in case of disagreement between the parents. The delegation acknowledged that a better resolution mechanism is needed to address such conflicts.

Gender disparity in labour markets was also discussed. Members of the Committee expressed concern that in spite of women's better academic qualifications, women face limited employment opportunities and a significant gender pay gap. The Committee recommended an exhaustive analysis of discriminatory practices by employers and promotion of equal opportunities for women. In its concluding observations, the Committee cites its General Recommendation 25 and urges the State to ensure that women effectively benefit from all programmes to support entrepreneurship, introduce measures to narrow and eliminated the gender wage gap, and to promote reconciliation of family and employment responsibilities.

Regarding violence against **sex workers**, the delegation said that procedures are in place to address such cases. The delegation assured that there were several cases brought by sex workers against law enforcement officers, but did not specify whether officers involved in such cases were prosecuted and punished.

In its concluding observations, the Committee further expresses concern over reports of acts of harassment by police officers against prostitutes, as well as discrimination against women because of their sexuality. More generally, the Committee then urges the State to take measures to protect **vulnerable groups of women** from all forms of discrimination and violence by public and private individuals.

Committee member Ms Yoko Hayashi pressed the delegation on the issue of **sexual trafficking**, particularly on lack of Government-sponsored shelters for victims. The Committee was also concerned about the absence of sufficient information on the phenomenon of trafficking in Kyrgyzstan. In its concluding observations, the

Committee calls upon the State to produce a comprehensive study on the dynamics of trafficking and to include detailed statistical data.

Conclusions and next steps

At the conclusion of the interactive dialogue, the Head of the delegation thanked the Committee for the constructive dialogue and the support and understanding shown by the experts. He agreed that a lot of work needs to be done to improve the legislation and institutional base in Kyrgyzstan to further implement the provisions of the Convention. He acknowledged that the delegation fully accepts all the Committee members' recommendations, adding that upon the delegation's return home the recommendations would be shared with parliamentarians and representatives of the civil society.

In its concluding observations, the Committee puts special emphasis on the issues of violence against women, particularly domestic violence and non-consensual bride kidnapping resulting in forced marriages. The State is urged to prioritise these issues and take immediate action to eliminate them. Additionally, the Committee requests the State to provide information, within a one-year period, on action taken to implement recommendations related to these issues of violence against women. The general observations also invoke General Recommendations 23, 24, and 25 of the Committee in reference to temporary special measures, political participation and participation in public life, employment, and health.¹⁵

Last revised and updated: 9 December 2008.

¹⁵ See paragraphs 31-38 of the Committee's concluding observations, available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

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