



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of
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**Response to the follow-up recommendations
contained in the concluding observations of the
Committee pursuant to the examination of the
third periodic report of the State party on 23
October 2008***

Kyrgyzstan

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

Introduction

1. Kyrgyzstan acceded to the Convention on the Elimination of All Forms of Discrimination against Women in accordance with decisions issued by the Legislative Assembly (Decision No. Z-320-1 of 25 January 1996) and the Assembly of People's Representatives (Decision No. P-257-1 of 6 March 1996) of the Zhogorku Kenesh, the country's national legislature.
2. The third periodic report on implementation of the Convention (CEDAW/C/KGZ/3) was presented by Kyrgyzstan in October 2008. The fourth periodic report (CEDAW/C/KGZ/4) is scheduled for presentation in October 2012.

Latest measures taken to implement the recommendations contained in paragraphs 20 and 22 of the Committee's concluding observations (CEDAW/C/KGZ/CO/3)

3. Every year, from 25 November to 10 December, events for the prevention of violence against women and children are jointly held under the title "16 days against violence". With support from the Organization for Security and Cooperation in Europe (OSCE), two kinds of pamphlets have been published, in Kyrgyz and Russian: (a) One type provides information to the general public under the title "What to do if you are at risk or have been abused by members of your family". Such pamphlets give the telephone numbers of the local internal affairs bodies which may be called at any time of day. The pamphlets have been distributed through local administrations and in preventive social support centres. They are also accessible to all visitors to internal affairs departments and at municipal militia stations. (b) The second kind consists of reminders for officials working for the internal affairs services pointing out their responsibility to combat domestic violence.
4. The Ministry of Internal Affairs, working with support from OSCE, independent experts and the directors of crisis centres, has developed a practical manual to help internal affairs personnel prevent domestic violence.
5. The militia actively keep the public informed by conducting seminars with local associations and by distributing pamphlets and reminders indicating the telephone numbers and addresses of crisis centres and militia units where victims of domestic violence can seek help.
6. With the help of the media, the public is gaining greater awareness of human rights, women's rights, violence against women, gender stereotypes, the legal consequences of unregistered (religious) marriages, bride abduction, early marriage and polygamy.
7. Special awareness campaigns are being planned to combat discrimination against women, to support women with family responsibilities and to defend the family through the media, brochures and pamphlets.
8. In the spring of 2010 United Nations Secretary-General Ban Ki-moon paid a visit to Kyrgyzstan. During the visit, Kyrgyzstan joined in the Secretary-General's campaign entitled "UNiTE to End Violence against Women".
9. The Social and Legal Protection against Domestic Violence Act was adopted in 2003. There are also separate articles in the Criminal and Civil Codes that criminalize domestic violence.

10. The Act is gender-neutral. It is intended to protect the rights of all members of the family, including victims, regardless of whether the marriage is civil (registered with the civil registry office) or traditional. The Act makes provision for restraining orders to be issued to prevent escalations of violence, but it does not call for any specific penalties.

11. To ensure effective legal protection against domestic violence, a working seminar was held to discuss a bill aimed at revising the Act by taking into account amendments introduced by the Government. A working group focused on the following aspects:

- (a) Compliance with legal technicalities;
- (b) Development and definition of terms and concepts;
- (c) Clear definition of persons covered by the law;
- (d) Simplification of procedures for considering complaints and issuing restraining orders;
- (e) Extension of the range of circumstances justifying restraining orders;
- (f) Responsibility of persons violating restraining orders.

12. The underpinning philosophy behind the law was thus reviewed by the working group. It proposed a preamble and a standard for the scope of the law, and also defined the responsibilities of all persons involved in both the prevention of domestic violence and the protection of victims. The working group categorized those involved as follows:

- (a) Persons who have an obligation to report domestic abuse;
- (b) Persons entitled to file applications with internal affairs services requesting that restraining orders be issued;
- (c) Persons entitled to request that a court impose specific limitations on a perpetrator of domestic violence.

13. The bill clearly defines the duties of local administrations, the local authorities and the media in the prevention of domestic violence. The draft has been discussed in public parliamentary hearings and has undergone the necessary expert assessments. It is now in the adoption stage before the legislature.

14. The Ombudsman's Office in 2009 established a service for protection against domestic violence and gender discrimination.

15. At seminars, conferences, consultations and round tables, Government ministries, departments and local administrations, working with non-governmental organizations (NGOs) and also with the support of international organizations, have discussed the problems involved in protecting women against violence and prospects for action, including:

- (a) Improvement of the data collection and analysis system for indicators of gender violence and domestic abuse;
- (b) Outcome of a pilot programme monitoring implementation of the Social and Legal Protection against Domestic Violence Act by internal affairs units, carried out by means of a questionnaire given to officers at the Sverdlovsk district internal affairs office in Bishkek;
- (c) Analysis of assessments made by directors of internal affairs units and by partners from NGOs and crisis centres;
- (d) Priorities to be emphasized when requesting help from the United Nations in developing a package of social services for women victims of domestic violence.

16. To collect reliable information on the status of, compliance with and enforcement of the Act, and to identify barriers to its practical implementation, in the spring of 2009 the Centre for Research into Democratic Processes, a public foundation, monitored the Act's implementation. A new instruction on the activities of internal affairs units aimed at eliminating and preventing domestic violence was issued on the basis of the Centre's findings, and a new kind of temporary restraining order was devised. It was approved by Ministry of Internal Affairs Order No. 844 of 28 September 2009.

17. To improve the mechanism for the collection of raw data on various types of gender violence and effectively introduce them into departmental statistical reporting, the data analysis centre of the Ministry of Internal Affairs issued Ministry Order No. 321 approving forms for departmental reporting on restraining orders and providing guidance on how to fill them in. An instruction on how to compose departmental reports was approved as well. This mechanism for the collection of raw data on the various types of gender violence from internal affairs departments, other law enforcement units and judicial bodies has made it possible reliably and promptly to prepare and use data on registered cases of domestic violence (taking into account gender and other social indicators).

18. According to a consolidated report of the data analysis centre entitled "Temporary restraining orders issued and perpetrators and victims of domestic violence", in 2010 the number of cases of domestic violence registered was 1,801. The highest numbers were registered in Bishkek (506), Chuy province (342) and Osh province (260).

19. In 2010, the internal affairs services issued 1,775 temporary restraining orders, 15 per cent fewer than in 2009. The figure may have been influenced by the events that took place between April and June 2010, as during that time the public may have avoided calling for the assistance of law enforcement agencies. The number of cases of domestic violence resulting in criminal proceedings and sent to a court was 76. To increase the effectiveness of legal action against administrative offences and thus improve the protection available against domestic violence, a bill has been drawn up to amend the Administrative Liability Code. The bill would replace fines with punitive labour as the administrative penalty for domestic abuse.

20. Crisis centres are in operation to assist victims of violence. The Sezim crisis centre in Bishkek, for example, receives some 3,000 people per year and operates with co-financing from the State and the provision of a premises of 173.1 square metres with no rental fees. The centre's expenditures are covered through separate financing from the Bishkek municipal budget.

21. In Issyk Kul province there are three crisis centres, Altynai, Iskra and Toro Ene, which have carried out rehabilitation for some 3,000 women. Six crisis centres for victims of violence are in operation in Osh province. A centre for victims of domestic abuse has opened in the Kochkor district of Naryn province, and there is a Maana crisis centre in operation in Talas province.

22. The crisis centres have various programmes providing a wide range of social support services. Practically all the centres provide psychological rehabilitation, legal assistance (consultations, representation in court, assistance in the formulation of applications and help with documentation) and medical consultations. Many centres have confidential hotlines and offer assistance to the extent possible in finding jobs. At many centres there are also shelters where victims of domestic abuse can find temporary safe housing.

23. Preventive social support centres have been set up and are in operation in the country and have proven particularly useful in preventing domestic abuse. There are currently 556 such centres in operation, with 11,630 members, including 2,983 in 564 women's councils, 2,789 in 541 youth councils and 4,616 people in 852 elders' courts. Representatives of these centres, in particular of the women's and youth councils, work

with the neighbourhood militia and juvenile affairs officers to carry out preventive work with persons who have record of domestic violence, with alcoholics and drug addicts and also with troubled families. In 2010 neighbourhood militia officers identified and placed on the preventive social services' registry 1,043 people who had committed offences related to domestic violence and 1,076 who regularly consumed alcohol.

24. The question of how to prevent and suppress domestic abuse and protect victims is now included in the study plans of the Ministry of Internal Affairs. The Ministry's Academy has introduced into its fourth and fifth year programmes specialized courses entitled "Gender policy in the activities of internal affairs departments" and "The psychological specificities of internal affairs work with victims of domestic violence". A special course for all categories of students has been introduced into the Ministry's specialized secondary school programme under the title "The work of internal affairs departments to prevent domestic violence".

25. To improve the data collection and analysis system for official statistics on violence against women, including domestic violence, Order No. 80 was issued in November 2010 amending the instructions relating to Supreme Court and local court documentation. It added new sections to the forms used for statistical reporting on criminal cases involving domestic violence and also for the corresponding court case files.

26. To ensure the rights and freedoms guaranteed under the Constitution, the country's procuratorial bodies regularly verify observance by State and local bodies of the Men and Women Equal Rights and Opportunities Act, the Social and Legal Protection against Domestic Violence Act, Presidential Decree No. 369 of 20 August 2007 on a national plan of action to achieve gender equality for 2007–2010 and Presidential Decree No. 136 of 20 March 2006 on measures to improve gender policy.

27. As in the past, there have been numerous cases of bride abduction, forced marriage and polygamy, despite the fact that such practices are prohibited by law. The minimum age for entry into a marriage has already been established by the Family Code at 18 years of age. The Criminal Code provides penalties for polygamy, abduction and forced marriage.

28. In 2010, 13 cases were registered under article 124 of the Criminal Code on human trafficking, and one case was withdrawn. In all, five criminal cases of human trafficking were sent to court, and five persons were the subject of criminal proceedings for this category of offence. Five criminal cases were suspended in accordance with article 221 of the Code of Criminal Procedure (of these, one in accordance with paragraph 1, owing to a failure to locate the accused, and four under paragraph 3, owing to a failure to identify the accused). One offence was registered under article 153 of the Criminal Code (on bigamy and polygamy), and one person was the subject of criminal proceedings under that provision. For the offence covered by article 154 of the Criminal Code relating to coercion of a person under 16 years of age to enter into an actual marriage relationship, three persons were the subject of criminal proceedings. In all, three cases were registered and three criminal cases were sent to court.

29. In 2010 the Ministry of Internal Affairs (the Ministry's Academy and its Central Investigations Department) sent the Zhogorku Kenesh a proposal to amend the Criminal Code to make the penalties for offences under articles 129 (on rape) and 153 (on bigamy and polygamy) more severe. In order to provide a mechanism for the systematic analysis of laws and programmes from a gender perspective, in line with the standards of the Convention, the Ministry of Internal Affairs in 2010 submitted one bill for gender-based assessment. The bill was intended to amend the age limits for staff set by the Internal Affairs Bodies Act, and particular attention was paid to ensuring gender equality. Eleven draft presidential decrees and Government decisions were also sent for gender assessment.

30. It is worth noting that the new Constitution adopted by a national referendum on 27 June 2010 features the principle of non-discrimination. One of the important principles contained in the Constitution is that it prohibits discrimination based on various grounds. Article 16 affirms that no one in Kyrgyzstan may be subjected to discrimination on the basis of sex, race, language, disability, ethnicity, religion, age, political or other beliefs, education, origin, wealth or other status, as well as other circumstances. A provision of the utmost importance relating to the equality of rights, freedoms and opportunities for men and women was kept in the new Constitution. This principle relates not only to State structures, but also to political parties and voluntary associations. Article 4 of the Constitution prohibits activities by political parties, public and religious associations and by their representatives or subsidiaries if such activities are aimed at violently changing the country's constitutional structure, undermining national security or inciting animosity among social, racial, national, ethnic or religious groups.

31. The principle of non-discrimination is the basis for the prohibition of propaganda expounding national, ethnic, racial or religious hatred or gender-based or other types of superiority which give rise to discrimination, animosity or violence (art. 31, para. 4).

Protection of the family and marriage

32. A special article (art. 36) is devoted to the constitutional principle of care for the family. The family, fatherhood, motherhood and childhood are of concern to the entire society and are thus protected by the law.

33. Under this article, a new paragraph devoted to marriage is of enormous importance. It establishes the conditions for concluding a marriage and establishing a family. It specifies that the persons to be married must have attained the age of marriage and must mutually and voluntarily consent to be wed, and that marriage is to be registered by the State. All these new provisions have been adopted in response to a series of alarming trends that have recently emerged, such as early marriage, bride abduction and increases in the number of unregistered marriages. It is part of our international obligations to take action against such trends. During consideration of the latest periodic report on implementation of the Convention, the third periodic report submitted by Kyrgyzstan to the Committee on the Elimination of All Forms of Discrimination against Women, criticism was voiced precisely because of the violation of these women's rights.

34. Specifically for that reason, in article 37 relating to customs and traditions, it is only those customs and traditions that do not violate human rights and freedoms that are supported by the Government.

35. The Supreme Court Judges Study Centre, working with a Soros Foundation-Kyrgyzstan project whose objective is to develop mechanisms for and ensure the social and legal defence of women against violence, has held a series of seminars on "International standards and national legislation relating to gender equality" for local judges in Kyrgyzstan. The seminars have provided training to 133 judges. The Centre's syllabus includes seminars and training sessions relating to this Convention for judges and officials from both the Supreme Court and local courts.

Assistance provided to women victims of the events of June 2010 in the southern part of the country

36. Following the tragic events in Osh and Jalal-Abad provinces, a series of special measures were taken to provide timely assistance to women and facilitate their participation in ensuring safe development and a peaceful future.

37. Presidential Decree No. 50 of 26 July 2010 on the establishment of an interdepartmental commission to stabilize the situation in the city of Osh and in Osh and Jalal-Abad provinces set up an interdepartmental working group under the chairmanship of the Vice Prime Minister, Ms. U. A. Abdullaeva. To ascertain the scale of gender violence and determine the needs of groups in the post-conflict zone, the local authorities, working with the Association of Crisis Centres and civil society organizations, carried out an assessment which cast light on the situation and documented what had occurred. The Yug rehabilitation centre's shelter in Osh received 639 people (including 4 women victims of sexual violence) — 281 men and 358 women — who benefited from psychological and legal assistance and counselling. The staff of the Sezim crisis centre carried out the following work:

- (a) Provided instruction to 20 psychologists and 83 school principles and head teachers from the city of Osh;
- (b) Gave individual psychological assistance to residents (women and children) in the Cheremushki and Zhizalyk districts of Osh;
- (c) Provided psychological stress counselling to 32 women;
- (d) Held a seminar in On-Adyr district with school principles and head teachers;
- (e) Held consultations in the city of Osh with the military units that included the special forces involved in the fighting.

38. Apart from the above, seminars were held throughout the entire period, and individual consultations were held for women and for women with children in yurt encampments in densely populated areas of the city of Osh. The Osh provincial authorities allocated premises for the Ak Zhurok crisis centre's shelter. The Association of Crisis Centres, with support from the assistance for victims of violence project of the United Nations Development Fund for Women (UNIFEM), provided psychological assistance to victims of violence and trained legal specialists and mobile groups. In July 2010, the Association organized seminars and training sessions on post-traumatic stress disorder for all the country's crisis centres; they were held in Osh and Jalal-Abad, and also in Issyk-Kul province, with the support of an international institute for humanitarian research based in Budapest. The Association also held seminars and training sessions on measures taken to prevent bride abduction.