



# KYRGYZSTAN

SUBMISSION TO THE UN COMMITTEE ON THE ELIMINATION OF  
DISCRIMINATION AGAINST WOMEN

80<sup>TH</sup> SESSION, 18 OCTOBER- 12 NOVEMBER 2021

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# INTRODUCTION

Amnesty International submits this document in advance of the consideration by the United Nations (UN) Committee on the Elimination of Discrimination against Women (the Committee) of Kyrgyzstan's fifth periodic report under the Convention on the Elimination of All Forms of Discrimination against Women (the Convention). It is not an exhaustive account of the organization's concerns, but focuses on issues relating to gender-based violence (Article 1 and General Recommendations 19 and 35), and harmful stereotyping (Article 5, 6, 11).

## GENDER-BASED VIOLENCE - ARTICLE 1 AND GENERAL RECOMMENDATIONS 19 AND 35

Gender-based violence, specifically in the context of domestic violence, in Kyrgyzstan is a significant problem, but it is difficult to assess its real scale. Complaints about domestic violence are often either rejected by law enforcement agencies or the victims do not report domestic violence due to social pressure and economic dependence of women in the context of a patriarchal family structure. Existing government approach is ineffective, and there is a lack of resources to provide protection and support to victims of domestic violence, taking into account the needs of the most vulnerable groups of the population.

Women in Kyrgyzstan are often actively discouraged by police and medical personnel from making formal complaints. In many cases, women do not know their rights, and relatives force them to return home to the aggressor. Economic dependence, social stigma, and pressure create a situation where women who report domestic violence risk losing their livelihood and may be made homeless. As noted by the Committee its 2015 Concluding recommendations on Kyrgyzstan, "the persistence of deep-rooted patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and society, which discriminate against women and men perpetuate their subordination in the family and society".<sup>1</sup>

Many victims of domestic violence prefer to go to crisis centers, hospitals or clinics, or go to the aksakal courts.<sup>2</sup> In aksakal courts it is not uncommon for female victims to experience even greater victimization when they are encouraged to preserve the family, accused of provoking the violence and advised to endure and not talk about conflict outside the family.<sup>3</sup> According to the National Statistical Committee, in 2019, the number of people who applied to crisis centers and specialized institutions providing social and psychological assistance for cases of domestic violence was about 7,818, most of whom (85 percent) were women.

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<sup>1</sup> UN Committee on the Elimination of Discrimination of women (CEDAW), Concluding Observations: Kyrgyzstan, 11 March 2015, UN Doc. CEDAW/C/KGZ/CO/4, para 15. (Hereafter CEDAW/C/KGZ/CO/4).

<sup>2</sup> Courts of Elders in rural and urban Kyrgyzstan, introduced in 1993.

<sup>3</sup> Association of Women Judges of Kyrgyzstan, research findings, 2017, <https://center.kg/article/83>.

As per the Ministry of Internal Affairs official statistics, in 2019, 6,145 cases of domestic violence were registered, and 92% were committed against women. 96% of reports of domestic violence came from survivors, 3 % from legal representatives and less than 1% from representatives of state bodies such as the Department for Support of Family and Children and the Inspectorate for Minors.<sup>4</sup> The Association of Women Judges notes that almost 89% of cases of crimes committed against women and girls were terminated in the first 10 months of 2019, and only 11% were fully investigated and sent to court. In the unified register, there are 3,686 cases under Article 75 (Domestic Violence) of the Misdemeanor Code, of which only 13% were sent to court and the rest were terminated.<sup>5</sup>

In 87% of cases, the victims, received protection orders, provided for in the Law on Protection from Domestic Violence.<sup>6</sup> If the aggressor violates the terms of the protection order, he can be fined or called to community service, and in these cases domestic violence may be treated as an aggravating factor in court. However, according to crisis centers and civil society organizations, protection orders are not effective enough, as they must be renewed after three days, which creates difficulties for survivors who need medical and psychological assistance during this period. Crisis centers and NGOs report that police issue protection orders only after receiving additional evidence from crisis centers or lawyers contacted by the survivor; implementation is often not sufficiently monitored; and survivors fear the financial burden on the family budget of the fines imposed for violation of the protection orders.<sup>7</sup> During the first ten months of 2019, only two cases were registered under Art. 76 of the Misdemeanor Code (Failure to comply with the conditions of a temporary protection order), and both were terminated at the stage of pretrial proceedings.<sup>8</sup>

In the 2015 Concluding Observations the Committee recommended expanding support for crisis centers in the country and ensuring that rural areas are provided for.<sup>9</sup> By 2021, Kyrgyzstan, which has a population of 6.5 million inhabitants had only 15 permanent crisis centers which function thanks to the work of civil society organizations through private donations and international grants. In 2021, municipal crisis center Ayalzat was opened in capital Bishkek, and it remains the only state-funded crisis centre in Kyrgyzstan at the time of writing.<sup>10</sup> Most of the crisis centers, apart from one, are located in Bishkek and Osh, which means that most survivors of domestic violence do not have the opportunity to receive the necessary support where they live.

## RECOMMENDATIONS

Amnesty International recommends that the authorities of Kyrgyzstan ensure that:

- protection orders are effectively implemented and tailored towards the individual circumstances of survivors;
- failure to comply with the conditions of a temporary protection order will lead to prosecution and that effective measures will be taken against the perpetrator;
- sufficient support is provided to the crisis centers and their availability in all regions of the country.

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<sup>4</sup> Ministry of Internal Affairs, Gender Policy, <https://mvd.gov.kg/gender-policy>.

<sup>5</sup> Report on the Study of the Practice of Prosecution Supervision at the Stage of Pre-Trial Proceedings and Maintenance of the State Account in the Court on Crimes and Acceptances Against Women and Girls, 2020, available at: [https://www.kg.undp.org/content/kyrgyzstan/ru/home/library/womens\\_empowerment/reportoncourtpractices.html](https://www.kg.undp.org/content/kyrgyzstan/ru/home/library/womens_empowerment/reportoncourtpractices.html)

<sup>6</sup> Report on the Study of the Practice of Prosecution Supervision at the Stage of Pre-Trial Proceedings and Maintenance of the State Account in the Court on Crimes and Acceptances Against Women and Girls, 2020.

<sup>7</sup> For overview of the existing practice and its shortfalls, see for example <https://mediazona.ca/article/2020/05/28/order>; <https://crdp.asia/neotvratimost-nakazaniya/>; <https://kloop.kg/tna-vidu-u-vseh/>.

<sup>8</sup> Aidarbekova et al., *Report on the Study of Court Practice in the Kyrgyz Republic on Crimes against Women and Girls*, commissioned by the UNDP for the Supreme Court of the Kyrgyz Republic, 2017, [https://www.kg.undp.org/content/kyrgyzstan/ru/home/library/womens\\_empowerment/reportoncourtpractices.html](https://www.kg.undp.org/content/kyrgyzstan/ru/home/library/womens_empowerment/reportoncourtpractices.html).

<sup>9</sup> CEDAW/C/KGZ/CO/4, para 17.

<sup>10</sup> Official website of the Bishkek City Hall, 2021, <https://www.meria.kg/ru/post/21524>.

# DOMESTIC VIOLENCE AGAINST PEOPLE WITH DISABILITIES

The situation is even worse for women with disabilities. Disability is stigmatized and discriminatory social attitudes deprive people with disabilities of their dignity and choice.<sup>11</sup> Often, close family members and other relatives feel ashamed of having a person with a disability in their care. The stigmatization of people with disabilities, and hostility towards them in Kyrgyz society<sup>12</sup>, combined with gender-based discrimination, impedes the access of women with disabilities to protection and justice.

Women with disabilities are highly dependent on the help of their families. Most women with disabilities face poverty, they lack understanding of their rights. Depending on the type of disability, women have different support needs, including those related to mobility and communication, and they risk being neglected or refused support by their families in retaliation for lodging a complaint. This dependence means that they simply cannot report their abusive relatives to the authorities. Even if they did, legislation on domestic violence does not provide them with adequate protection or support based on their specific and varied needs, which should be met at all stages of the administration of justice. Women who have physical difficulties leaving their homes will not go to the police station, hospital, or crisis center. Often, women do not know the domestic violence helpline numbers because they do not use the Internet and are not able to visit local authorities where they may receive information on support. If NGOs do not work directly with women with disabilities and involve them in their activities, survivors of domestic violence do not know how and where to report abuse.<sup>13</sup>

The above difficulties are not exhaustive. Women with disabilities also experience difficulties in dealing with law enforcement agencies, in the administration of justice, during an initial medical examination and during a forensic medical examination. These challenges include a lack of reasonable accommodations ranging from making infrastructure accessible to people with physical disabilities, providing information in accessible formats at all stages of contact with law enforcement and administering justice, to training of law enforcement officials to address issues of neglect and general stigmatization of people with disabilities in society. The Law on the Rights and Guarantees of Persons with Disabilities provides for a number of reasonable accommodation measures in the administration of justice, such as the provision of a sign language interpreter during investigative actions or the possibility of using a facsimile signature. However, it does not establish any mechanisms for protection and support to people with disabilities in situations of domestic violence. In practice, the possibilities of providing sign language interpretation during investigative actions are extremely limited. Kyrgyzstan has only 60 trained specialists in sign language interpretation with specialization in legal matters and most of them are available only in Bishkek and Osh. The availability of sign language interpretation in other regions of Kyrgyzstan varies from zero to two specialists per region<sup>14</sup> and the quality of their services is not monitored by the state.<sup>15</sup> The Law on Protection from Domestic Violence does not make any provisions specifically for people with disabilities and does not define the range of reasonable accommodation measures in the process of providing protection against domestic violence.

Disability rights activists argue that there is serious under-reporting and lack of reliable statistics on domestic violence, particularly affecting women with disabilities. Article 37 of the Law on Protection from Domestic Violence requires that statistics include gender-disaggregated indicators and socio-demographic data on

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<sup>11</sup> Amnesty International, "Women with Disabilities: Invisible Survivors of Domestic Violence in Kyrgyzstan", blog, 29 June 2021, [https://www.amnesty.org/en/latest/campaigns/2021/06/women-with-disabilities-invisible-survivors-of-domestic-violence-in-kyrgyzstan/#\\_ftn4](https://www.amnesty.org/en/latest/campaigns/2021/06/women-with-disabilities-invisible-survivors-of-domestic-violence-in-kyrgyzstan/#_ftn4)  
<sup>12</sup> Ye. Karpovich & N. Suyunaliyeva, *Report on the Identification of Negative Stereotypes against Women and Men with Disabilities and Rural Women*, 2018, [https://mlsp.gov.kg/wp-content/uploads/2020/05/otchet\\_issledovaniya\\_rus.pdf](https://mlsp.gov.kg/wp-content/uploads/2020/05/otchet_issledovaniya_rus.pdf)

According to the report: Three out of five respondents reject a person with a disability as husband / son-in-law (74%) or wife / daughter-in-law / daughter-in-law (72%). The overwhelming majority of respondents are not ready to accept either a woman or a man with a disability as a close marriage relative (wife, husband, daughter-in-law, son-in-law).

<sup>13</sup> Amnesty International, "Women with Disabilities: Invisible Survivors of Domestic Violence in Kyrgyzstan".

<sup>14</sup> Ministry of Justice, list of sign language interpreters, <http://minjust.gov.kg/ru/content/surdoperevodchiki>

<sup>15</sup> <https://fergana.media/news/112135/>;

[https://kaktus.media/doc/394619\\_tri\\_cheloveka\\_doliny\\_begat\\_po\\_svdam\\_i\\_bolnicam\\_vpyysknica\\_bgv\\_o\\_probleme\\_surdoperevoda.html](https://kaktus.media/doc/394619_tri_cheloveka_doliny_begat_po_svdam_i_bolnicam_vpyysknica_bgv_o_probleme_surdoperevoda.html)

perpetrators and survivors of domestic violence, which suggests that there should be disaggregated data on the most vulnerable groups in society, including people with disabilities. However, the official data from the Ministry of Internal Affairs, the Prosecutor's Office, and the Ministry of Health does not include indicators on people with disabilities in the context of combating domestic violence, which effectively means that the actual situation and specific needs of people with disabilities are invisible to the state.<sup>16</sup>

## RECOMMENDATIONS

Amnesty International recommends that the authorities of Kyrgyzstan:

- undertake immediate steps to fight stigma and prejudice in relation to people with disabilities with a focus on women and girls, including active awareness-raising in society on equality, non-discrimination, and inclusion of people with disabilities;
- provide and actively disseminate information on complaint procedures available to domestic violence survivors with disabilities;
- ensure that these complaint procedures are clear and accessible to people with disabilities, including via locally accessible institutions such as health organizations;
- ensure the availability of professional sign language interpretation on legal matters in all regions of the country, and provide quality control for this service;
- Ensure that the national gender statistics involve disaggregated data on people with disabilities and report about the situation in this regard on a regular basis.

# PRIMARY DOCUMENTATION OF GENDER-BASED VIOLENCE IN THE HEALTH CARE SYSTEM

Since 2014, the Kyrgyzstani health care system has been actively introducing international standards for effective medical documentation of domestic violence, and torture and other ill-treatment, not only to improve the quality of medical care, but also to help authorities in the process of investigating cases of violence in terms of providing medical evidence and forensic support. The Ministry of Health has developed a Practical Guide on Effective Documentation of Violence, Torture and Ill-treatment for Medical Professionals (Practical Guide), which has become a national document based on the principles of the Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and lays out procedures for adequate and complete documentation and recording of cases of violence, torture and other ill-treatment. The introduction of an initial medical screening (examination) in cases of reported violence or torture, according to the concept of the Practical Guide, is an important element of timely documentation of violence and torture, and can be used for forensic medical examination, as well as use by law enforcement agencies and courts in the proceedings. The Practical Guide covers the documentation of all forms of violence (including domestic violence) and torture and other ill-treatment. However, despite its supposed universality for the purpose of documenting any evidence of violence, it is more focused on documenting the consequences of torture and other ill-treatment which is its primary concern as such.

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<sup>16</sup> UNODC, *Analysis of Official Statistics on Gender Discrimination*, report, 2018, [https://www.unodc.org/documents/centralasia/2018/GBV\\_TIP\\_crimes\\_data\\_collection\\_analysis\\_RUS.pdf](https://www.unodc.org/documents/centralasia/2018/GBV_TIP_crimes_data_collection_analysis_RUS.pdf).

According to a study by the Ombudsman's Institute regarding the national application of the Istanbul Protocol standards, the results of the initial medical screening are often superficial, incomplete and formalistic, and not supported by the necessary documents, which means the results cannot be used by forensic medical experts.<sup>17</sup> According to reports by civil society activists and media reports, as well as to the National Center for the Prevention of Torture, medical workers sometime do not apply the Practical Guide standards altogether because they consider the obligation to document violence as an additional onerous burden, and thus denying survivors an initial medical examination.<sup>18</sup>

## RECOMMENDATIONS

Amnesty International recommends that the authorities of Kyrgyzstan:

- examine the existing shortfalls in the national application of the Istanbul Protocol standards for documenting the consequences of violence and torture and other ill-treatment within the health care system;
- provide an adequate system of professional development and motivation for health workers for effective initial medical screening of survivors. Quality control must be introduced to ensure that documentation provided by the initial screening to forensic experts is sufficient and thorough.

# RISKS FACED BY CIVIL SOCIETY ORGANIZATIONS AND ACTIVISTS IN PROMOTING GENDER EQUALITY

On 8 March, 2020, International Women's Day, activists organized a peaceful march to draw attention to the issue of gender-based violence in Kyrgyzstan. On the day of the march, they were attacked by a group of masked men wearing traditional Kyrgyz headdresses. These men threw eggs at the activists, tore up banners, and physically assaulted and injured many of the marchers. Instead of providing protection to the participants of the march, police officers detained about 70 protesters, mostly women.

Activists had faced problems organizing the march due to an attempt by the authorities to stop the march ostensibly because of restrictions on the right to peaceful assembly in connection with the Covid-19 pandemic. However, the authorities also argued that the march might cause discontent among the population because it contradicted "traditional values". Later, many participants of the march were accused

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<sup>17</sup> Ombudsman of the Kyrgyz Republic, *Special Report*, 2017, <https://ombudsman.kg/images/files/news/2018/specdokladi/Effekt-Stambulskogo-protokola.pdf>

<sup>18</sup> <https://mediazona.ca/article/2020/05/28/order>; Annual report of the National Center for Prevention of Torture 2020, npm.kg Special Report of the Ombudsman of the Kyrgyz Republic 2017. Effectiveness of application of the Istanbul protocol principles in forensic examinations regarding victims of torture and ill treatment, <https://ombudsman.kg/images/files/news/2018/specdokladi/Effekt-Stambulskogo-protokola.pdf>



of disobeying police orders and fined. However, in November 2020, the decision of the Supreme Court of the Kyrgyz Republic cancelled the decisions of the lower courts on the legality of the police actions.<sup>19</sup>

In January 2021, the investigation of the State National Security Committee on the dispersal of the 2020 march concluded that only two of ten complainants from among the arrested participants were recognized as victims. The investigation decision stated that the two women suffered "mild harm to their health".<sup>20</sup>

In 2021, the march for Gender Equality was held successfully without any attacks or threats against the participants. But in April a group of aggressively behaved men intimidated and harassed the participants in a peaceful rally against violence against women in Bishkek. Police failed to curb the actions of the rally intruders.

## RECOMMENDATIONS

Amnesty International recommends that the authorities of Kyrgyzstan ensure that:

- all reported attacks against civil society activists in relation to their work on gender equality and the elimination of gender-based violence are promptly, effectively and impartially investigated, and all alleged perpetrators of such attacks are held accountable in fair trial proceedings.

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<sup>19</sup> [https://www.americanbar.org/content/dam/aba/administrative/human\\_rights/justice-defenders/vaw-kyrgyzsta.pdf](https://www.americanbar.org/content/dam/aba/administrative/human_rights/justice-defenders/vaw-kyrgyzsta.pdf);  
<https://rus.azattyk.org/a/kyrgyzstan-masochniki-obon-kyrk-choro-march/30481008.html>.

<sup>20</sup> <https://kloop.kg/blog/2021/01/27/razgon-marsha-8-marta-za-prava-zhenshin-iz-desyati-chelovek-v-gknb-priznali-poterpevshimi-tolko-dvuh/>.



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