

Country Visit: Kyrgyzstan

Report of the Special Representative of the OSCE Chair-in-Office

on Gender Issues, Wendy Patten

25-30 July 2011

Introduction and Purpose of Trip

Women in Kyrgyzstan today play active roles in the national government and in civil society. Several women hold prominent positions in the central government and the Parliament, including the office of President at the time of the visit, and many are leaders of non-governmental organizations (NGOs). While some women have made significant strides, barriers to equal opportunity are a persistent problem. Women and girls confront various forms of discrimination, domestic and sexual violence, bride kidnapping, and human trafficking. These issues are complicated by low levels of legal rights awareness among women in the country.

The events of June 2010 in the south of Kyrgyzstan resulted in about 470 deaths, the displacement of many thousands of people, the destruction of homes and property, and heightened ethnic tension. Women were affected by these events in ways both visible and less visible. Cases of sexual and gender-based violence during the June events have been documented, but justice for victims remains elusive.

During the violence and the reconciliation efforts that have followed, women have sought to participate in mediation and peace building and to bring attention to the needs and concerns of women affected by these events. In this regard, UN Security Council Resolution 1325 on women, peace and security is especially relevant and important. While UNSCR 1325 and its four successor resolutions contain many specific policy prescriptions, they focus on two central imperatives: women's full and equal participation in conflict prevention, crisis management, and post-conflict reconciliation; and addressing the ways in which women are adversely affected by conflict. UNSCR 1325 holds the promise of building a more lasting peace by involving all members of society in the process – women as well as men.

The purpose of the Special Representative's visit was to advance the promotion of women's rights and gender equality. In particular, the objectives of the visit were to discuss women, peace and security issues in the context of the June 2010 events in the south, support measures to facilitate women's full and equal participation in the reconciliation process, and encourage the Government of Kyrgyzstan to develop and implement a National Action Plan (NAP) to implement UNSCR 1325. In addition, the visit focused on combating violence against women, both at the local and national levels.

Joint Visit of Two OSCE Special Representatives

This country visit was conducted jointly by the Special Representative of the OSCE Chair-in-Office on Gender Issues and the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Maria Grazia Giammarinaro. The joint nature of the visit gave high-level prominence to issues affecting women and girls and facilitated an emphasis on cross-cutting issues between the mandates of the two OSCE Special Representatives, in particular the prevention of violence against women and human trafficking. During their joint meetings, the Special Representatives discussed prevention issues and encouraged specific policies and programs to prevent violence and trafficking, including women's legal and economic empowerment.

The Special Representative of the OSCE Chair-in-Office on Gender Issues was very pleased to be able to conduct this visit jointly with Special Representative Giammarinaro.

Women's Participation in Peace Building

Women in the southern part of Kyrgyzstan can make significant contributions to the reconciliation process. In the words of a woman leader from Osh, women play an essential role in sustaining peace and stability in their communities. At the same time, women need effective mechanisms for bringing their needs and concerns to the tables where authorities make key decisions. Local women's groups and other observers reported that during and immediately after the June 2010 events, many women became involved in conflict mediation at the community level, playing an invaluable role in helping to bring an end to the violence – a point that was recognized by some government officials in Osh in their meetings with the Special Representative. Women's reconciliation efforts, however, were not institutionalized.

With support from the OSCE Centre in Bishkek's Osh Field Office, women in Osh and Jalal-Abad are receiving training to enhance their skills in mediation and conflict prevention. The project will also empower these women community leaders to play proactive roles in decision making at the local level, interact with the police and local authorities around women's needs and concerns, and contribute to the peace building process. Just after the visit, the women signed co-operation agreements with local government agencies. Similarly, UN Women is supporting the development of the Women's Peace Network in all three southern provinces. Comprised of 20 local women's peace committees, the Network serves as a vehicle for women's active participation in the reconciliation process and for voicing women's concerns on peace and security issues. It is important to build on these promising initiatives with the goal of achieving women's full and equal participation in reconciliation and in local-level decision making.

Violence Against Women

The visit afforded the opportunity to discuss different forms of violence against women at both the local and national levels. In meetings with women at the community level, women's rights

groups and other NGOs, members of Parliament, and government officials, several forms of gender-based violence were discussed, challenges to addressing violence against women raised, and possibilities for greater action suggested.

With only one full day in the southern part of the country, the visit did not permit, nor was it intended to carry out proper fact finding on this issue in regard to the events of June 2010. However, from discussions with NGOs and other experts and taking into consideration the findings of international bodies and organizations, it is clear that the issue of violence against women must be addressed. First and foremost, it is essential to ensure that perpetrators of sexual violence are held accountable and victims are provided with meaningful protection, counseling, and medical and social assistance. The domestic and international legal obligations to ensure justice for serious crimes are reason enough; if sexual violence is left unacknowledged and unaddressed, it also undermines reconciliation and risks being repeated. Addressing this issue is critical to protecting women's physical security, as a matter of justice, and to providing an effective remedy for women who were subjected to sexual violence.

As elsewhere in the world, the failure to prevent and punish sexual violence reflects women's subordinate social status and the persistence of gender-based discrimination. It cannot be overlooked that rumors of sexual violence reportedly played a role in fueling the June violence, but when women reported incidents of rape to authorities, they encountered a justice system that often did not take these cases seriously. Such handling of sexual violence sends an especially harmful message – to women seeking protection against sexual violence, to perpetrators that they will not be punished for their crimes, and to the society as a whole regarding women's human rights and the rule of law.

In the aftermath of the June 2010 violence, state authorities established a victim compensation commission to address harms to both persons and property. Victims of sexual violence face significant challenges to obtaining compensation. In particular, they are required to present forensic evidence of rape, which is impossible for many victims to provide after the fact. It should be kept in mind that the purpose of this proceeding is not to determine criminal punishment, but rather to provide compensation to victims and assist them in moving forward with their lives. The victim compensation commission should revise its procedures to ensure that they do not present unwarranted or insurmountable barriers for victims of sexual violence. More generally, it can be difficult for victims to obtain information regarding the commission, the types of claims that can be filed, and how the process works, which hinders the ability of victims to seek redress for the harms they suffered.

Another critical issue for addressing gender-based violence is victim confidentiality. Procedures that protect confidentiality are necessary to ensure that victims of rape and other forms of gender-based violence can safely report these crimes to law enforcement. A thorough review of police confidentiality procedures in cases of sexual violence should be conducted to determine

whether they are adequate to ensure victim confidentiality and whether they are being followed. If there is a lack of adequate procedures, then new procedures should be put in place without delay, in consultation with NGOs and other experts on gender-based violence. If there is an issue of failure to follow procedures, then appropriate steps should be taken to ensure that officers comply with confidentiality procedures. This issue should also be addressed as part of any larger police reform efforts and would also help mitigate distrust of the police, which is a particular impediment to reporting cases of gender-based violence.

Kyrgyzstan adopted legislation to address domestic violence in 2003. Enacted after years of advocacy by local women's rights groups and NGOs, the Law on Social and Legal Protection against Domestic Violence represents a significant step forward in addressing the problem of domestic and family violence. Implementation, however, has not matched the promise of the legislation. Begun in 2008 with support from the OSCE, police training on issuance of protection orders and handling of domestic violence cases has made progress in increasing police knowledge of this issue. As experts noted, however, this awareness is not uniform; victims of domestic violence have varying experiences with law enforcement depending on the knowledge and effectiveness of police officers who handle their cases. To ensure proper and consistent handling of cases, police training on domestic violence and gender sensitivity should be conducted on an ongoing basis for all police personnel. Similarly, continuous monitoring of the handling of domestic violence cases by the justice system is also needed.

Another major challenge is the issuance of court-ordered protection orders. While temporary, 15-day protection orders have been issued by law enforcement in generally increasing numbers since 2008, court-ordered protection orders, which are of a longer duration (up to six months), have not been issued. The reasons for this gap between the two types of protection orders were not entirely clear, but appear to be complex. The lack of longer-term, court-ordered protection orders should be analyzed in order to develop solutions which could include, *inter alia*, training police, prosecutors, judges, and court personnel; reforming the legislation to improve access to longer-term protection; providing public education about victims' rights to seek both types of protection orders; and making legal and social services, including shelters, more accessible to survivors of domestic violence.

The issue of bride kidnapping was raised by numerous government interlocutors, including at high levels, by women's NGOs, and by women at the community level in Osh. The Special Representative also had the opportunity to meet with victims of kidnapping for forced marriage who were very courageous in sharing their experiences. According to estimates by local women's advocates, the rate of marriages that result from bride kidnapping is high and it occurs in both urban and rural areas. Local NGOs also highlighted the difficulty of obtaining birth certificates in unregistered marriages, as is typical of marriages that occur through bride kidnapping. Without official birth certificates for their children, victims of bride kidnapping cannot receive social benefits, leaving many of them economically dependent on their

kidnappers to support them and their children, which serves to reinforce the control that bride kidnappers impose on their victims.

Last spring, a public education campaign was carried out to combat this phenomenon. Called “A Spring without Them,” the campaign focused on two young women who were victims of bride kidnapping who then committed suicide. As described by her staff, President Otunbayeva wrote a blog post about the campaign, lending government support at the highest level to efforts by local women’s NGOs to raise awareness of the issue. Such high-level leadership on this issue is extremely important in propelling successful efforts to end bride kidnapping.

In meetings with other government representatives and Members of Parliament, officials stressed the need to deliver a strong message that marriages must be founded on a voluntary basis. In an engaging discussion of women’s rights and gender issues with women from Osh, they offered several concrete ideas for addressing bride kidnapping: 1) educate parents, especially of young girls, of the risks and harms associated with bride kidnapping; 2) implement a nationwide public education campaign on the need to eliminate kidnapping for forced marriage and promote awareness of the laws against it; and 3) ensure that laws against bride kidnapping are fully enforced. Their thoughtful ideas should be considered seriously as part of a robust effort to eliminate this practice.

Women’s Legal and Economic Empowerment

A core strategy for the promotion of gender equality is the legal and economic empowerment of women. Eliminating gender discrimination, promoting legal rights among women, and ensuring equal opportunity for women in the economic sphere are central to respecting and protecting women’s human rights. Women’s empowerment is also important as a means to prevent all forms of gender-based violence, including domestic violence, sexual assault, and human trafficking. Local women’s advocates emphasized that many women in the country are confronting economic difficulties. They observed that economic hardship often leaves women who are subjected to domestic violence economically dependent on their abusers and thus trapped in violent marriages. They also drew a connection between high unemployment and migration abroad.

In discussions with both government officials and civil society, there was interest in pursuing different approaches to women’s economic empowerment, including micro-enterprise development, larger-scale efforts to support women’s entrepreneurship, and creative linkages between NGO-run programs and opportunities for women to participate in income-generating activities. Women leaders at the community level in Osh indicated that they would welcome women’s economic initiatives to ameliorate economic hardships for women, which have increased since the June events last year.

Implementation of UNSCR 1325

A National Action Plan (NAP) to implement UNSCR 1325 is an important action step that governments can take to achieve the objectives of this resolution and related OSCE commitments.¹ A NAP can serve as a mechanism for involving women at the local and national level in reconciliation efforts, promoting women's full participation in decision-making processes, and taking seriously women's contributions to conflict prevention and to solving other public problems. A NAP can also serve as a vehicle for raising issues of concern to women affected by conflict and ensuring they are addressed. With a NAP in place, a country can better promote gender equality and strengthen peace building efforts. A NAP also gives government, NGOs, and all members of society a clear sense of the government's specific commitments in this area and helps educate the public about women, peace and security issues.

Just weeks before the visit, the Government of Kyrgyzstan made the commendable decision to develop a NAP to implement UNSCR 1325. This decision is a very positive step forward, making Kyrgyzstan the first country in Central Asia to develop a stand-alone NAP on UNSCR 1325. When the NAP is completed, Kyrgyzstan will join a growing number of OSCE participating States (currently 19) that have developed NAPs on women, peace and security and 31 countries worldwide.

At the time of the visit, a small team of government officials had been tasked with developing the NAP on 1325. Led by the Deputy Ministry of Labour, Employment, and Migration, this team consists of a few dedicated staff at the Ministry. In addition to the NAP on 1325, they are responsible for developing three other major national policy initiatives and reports on women's rights and gender-related issues: the next National Action Plan on Gender Equality, the next National Action Plan to Combat Trafficking in Persons, and the government's next periodic report to the UN Committee on the Elimination of Discrimination Against Women, which is due in the fall of 2012. This would be a tall order for a staff twice the size. In order to produce quality work products to guide the government's efforts on gender equality and women's rights, this small team should be given more dedicated staff and the resources needed to carry out their important work.

The work of the National Council on Women, Family and Gender Development has been important in shaping gender policy and addressing women's rights issues. However, the decision to curtail its functions by eliminating its staff in 2007 should be reversed. As seen in so many countries, high-level interagency support is often necessary to lead a successful government-wide process of developing NAPs as well as policy making on gender issues more broadly. Such a high-level, interagency structure is needed to ensure an effective process for

¹ Related OSCE commitments include the 2004 OSCE Action Plan for the Promotion of Gender Equality, MC Dec. 14/05 on Women in Conflict Prevention, Crisis Management, and Post-Conflict Rehabilitation, and MC Dec. 15/05 on Preventing and Combating Violence Against Women.

development and successful implementation of the NAP on UNSCR 1325 as well as the other NAPs and reports listed above.

Recommendations

- Develop and implement a National Action Plan (NAP) on UNSCR 1325 on women, peace and security. A NAP serves to implement UNSCR 1325 at the national and local levels, in particular to promote women's full and equal participation in conflict prevention and reconciliation and to address the ways in which women and girls were adversely affected by the June 2010 events. Although the outgoing government made the welcome decision to develop a NAP, the process has slowed due to the transition in government that is expected to take place shortly. The new government should embrace this project fully and complete the development and implementation of a NAP on UNSCR 1325.
- Ensure a strong process for developing a NAP on UNSCR 1325, which is critical to an effective outcome. The process should involve NGOs at all stages as well as consultations with women at the local level, in particular in the towns and provincial areas of Osh and Jalal-Abad. To ensure a successful NAP that is implemented with full ownership by all relevant state institutions, the process should be driven by very high-level government support and afforded adequate staffing and budgetary resources. A revitalized National Council on Women, Family, and Gender Development could play an important role in this regard. The international community should make available its support for the development of a NAP, including building on work by the OSCE Centre in Bishkek and the UN Gender Theme Group in Kyrgyzstan.
- Promote women's full and equal participation in reconciliation and peace building by involving women from all ethnic backgrounds in decision making processes with governmental authorities and in reconciliation efforts at the local and national levels. The international community should support women's participation in various ways, such as with the OSCE and UN Women projects currently underway in southern Kyrgyzstan that are assisting women's initiative groups and peace networks.
- Increase the number of dedicated staff and budgetary resources for the small team of government officials at the Ministry of Labour, Employment, and Migration which has been tasked with developing major national policy initiatives and reports on women's rights and gender equality. These include the next National Action Plan on Gender Equality, the next National Action Plan to Combat Trafficking in Persons, the government's next periodic report to the UN Committee on the Elimination of All Forms of Discrimination Against Women, due in late 2012, and the new National Action Plan to implement UNSCR 1325.

- Reinvigorate the functions of the National Council on Women, Family, and Gender, in particular by committing to its very high-level, inter-ministerial placement within the structure of government and by ensuring it has dedicated staff in sufficient numbers with expertise in gender and women's rights issues.
- Establish an independent national body for the promotion of women's rights and gender equality.
- Ensure that perpetrators of sexual violence are held accountable for their crimes and victims are provided with meaningful protection and medical, psychological, and social assistance, both in the context of the June 2010 events and in general.
- Revise the procedures of the victim compensation commission established in the aftermath of the June 2010 events to ensure that they do not present unwarranted or insurmountable barriers for victims of sexual violence. Make information about the commission and its procedures easily and widely available to all members of society so that victims can understand how to seek compensation from the commission.
- Conduct a review of police confidentiality procedures in cases of sexual violence to determine whether they are adequate to ensure victim confidentiality. Such procedures are necessary to ensure that victims of rape and other forms of gender-based violence can safely report these crimes to law enforcement. If the procedures are inadequate, then new procedures should be put in place without delay. Authorities should consult with NGOs and other experts on gender-based violence to develop strong, effective victim confidentiality procedures that apply in all such cases. Appropriate steps should be taken to ensure that officers comply with victim confidentiality procedures.
- Ensure full and effective implementation of the law on domestic violence and send a clear signal at the highest levels of government that such implementation is a high priority.
- Analyze the lack of court-ordered protection orders in domestic violence cases and devise effective solutions which could include, *inter alia*, more intensive training of police, prosecutors, judges, and court personnel; amending the legislation to strengthen access to longer-term protection orders; providing public education regarding victims' rights to seek both 15-day and six-month protection orders; and making legal and social assistance and safe shelters more accessible to survivors of domestic violence.
- Take concrete action to eliminate bride kidnapping, including such measures as educating parents about the harms of bride kidnapping; educating girls and boys in schools;

implementing a large-scale, national public education campaign on the need to eliminate bride kidnapping and promote awareness of the laws against it; ensuring that bride kidnapping is treated as a crime and that laws against it are fully enforced; and providing assistance to victims, including expanding access to social services and eliminating barriers to obtaining birth certificates for children born to parents in unregistered marriages. While discrete public awareness campaigns have been undertaken and this is a positive step, public education is needed on a more intensive and sustained basis, as well as enforcement of legal prohibitions on kidnapping for forced marriage.

- Implement policies and programs to promote the legal and economic empowerment of women, both as a means of combating gender discrimination and of preventing violence against women and trafficking in women and girls. Initiate economic projects to address economic hardships faced by women, especially in the southern part of the country. Implement measures to increase women's legal literacy, including educating women and girls on their legal rights and where and how to seek legal assistance. Increase access to women-focused legal services.

Appendix – List of Meetings

Osh, 26 July

MAYOR’S OFFICE

Mr. Melis Myrzakmatov, Mayor of Osh

Ms. Tursunay Aytmatova, President of the Osh city Women’s Council

Ms. Gulmira Erkulova, Head of department of socio-cultural development of Osh city

Ms. Lira Sherieva, Head of department for family and children issues of Osh city

MINISTRY OF INTERIOR

Mr. Kursan Asanov, Deputy Minister of Interior for the South

STATE COMMITTEE OF NATIONAL SECURITY SERVICE

Mr. Turat Asanbaev, Head of Osh Province and City National Security Service

OSH PROVINCE ADMINISTRATION

Mr. Kushbak Tezekbaev, Deputy Governor of Osh province

Roundtable meeting with NGOs Ensan-Diamond and Iret, women community leaders, and members of Women’s Initiative Groups

Bishkek, 27-29 July

Meeting with extended UN Gender Theme Group

UN WOMEN – Ms. Tatyana Jiteneva

UNDP – Ms. Nurgul Asylbekova

UNICEF – Ms. Venera Urbaeva

UNFPA – Ms. Nurgul Kinderbaeva

UNRCCA (UN Regional Center for Preventive Diplomacy) – Mr. Joomart Ormonbekov

OHCHR – Ms. Saltanat Sadykova

Ms. Elisabeth Duban – international consultant on country gender assessment

Ms. Gulfia Abdullaeva -- consultant, Promoting Gender-Inclusive Growth in Central and West Asia Project, Asian Development Bank

Meeting with NGOS

Ms. Zulfiya Kochorbaeva - Social Technologies Agency

Ms. Isakunova - Democratic Process Research Center

Ms. Anara Niyazova – Innovation Solution (ex-Special Representative on Gender Issues of the President to the Parliament)

Ms. Aigul Alymkulova – Women Support Center

Ms. Aleksandra Eliferenko - Association of Crisis Centers

Ms. Dinara Sayakova - Osh-based crisis center Ak-Jurok

Ms. Munara Beknazarova - Open Line

OMBUDSMAN'S OFFICE

Mr. Tursunbek Akun, Ombudsman

Ms. Toktokan Borombaeva, Deputy Ombudsman (ex-Chairperson of National Council on Women, Family and Gender Development)

MINISTRY OF INTERIOR

Mr. Shamshybek Mamyrov, Head of Scientific Research Center and liaison between the Ministry and the OSCE Center in Bishkek

Mr. Palmir Orozobekov, Head of Legal and International Cooperation Department

Mr. Usupek Tashkaraev, Deputy Head of Public Safety Department

Ms. Kaana Aydarkul, Head of Social and Political Department of the Police Academy and Chairperson of the Women's Police Association

Mr. Almaz Moldokmatov, Head of Community Policing Section

Ms. Asel Osmonova, Adviser to the Minister and Ministry Gender Focal Point

MINISTRY OF LABOUR, EMPLOYMENT AND MIGRATION

Ms. Nuriila Dzholdosheva, Deputy Minister

STATE COMMITTEE ON NATIONAL SECURITY

Mr. Kolbay Musaev, Deputy Head

Ms. Gulsara Alieva, Head of Office of the Head of the Committee

GOVERNMENT

Mr. Ibragim Kozhonazarovich Junusov, Vice-Prime-Minister of the Kyrgyz Republic

OFFICE OF THE PRESIDENT

Ms. Mira Karybaeva, Head of the Department of Ethnic and Religious Policies and Cooperation with Civil Society

PARLIAMENTARY COMMITTEE ON HUMAN RIGHTS, EQUAL OPPORTUNITIES AND
PUBLIC ASSOCIATIONS

Mr. Dastan Bekeshev, Head of Committee

PROSECUTOR GENERAL'S OFFICE

Mr. Ryskul Baktybaev, First Deputy Prosecutor General

Cholpon-Ata, 30 July

President Roza Otunbaeva

Issyk-Kul, 30 July

Ms. Asya Sasykbaeva, Vice Speaker of Parliament of Kyrgyzstan