

Council of NGOs

Alternative Report To the Fourth Periodic Report of the Kyrgyz Republic to the CEDAW Committee

Bishkek 2014

ABBREVIATIONS

ODIHR OSCE	Office for Democratic Institutions and Human Rights, the Organization for Security and Cooperation in Europe
OSCE	Organization for Security and Cooperation in Europe
HIV	Human Immunodeficiency Virus
CPC KR	Civil Procedure Code of the Kyrgyz Republic
MDCI	Main Department of Criminal Investigation
JK KR	Jogorku Kenesh of the Kyrgyz Republic (Par
STD	Sexually transmitted diseases
KR	Kyrgyz Republic
CC	Crisis Center
MIA	Ministry of Internal Affairs
IO	International Organization
MFO	Microfinance Organization
NPA	National Plan of action for achieving gender equality
NGO	Non-governmental Organization
NC	National Council on gender development issues under the Government of the Kyrgyz Republic
NEP KR	National Employment Program of the Kyrgyz Republic
AIA KR	Agency of Internal Affairs of the Kyrgyz Republic
OBON	Special Purpose Women's Detachment
PO	Public Organization
PF	Public Fund
UN	United Nations
LSG	Local self-governance
BPA	Beijing Platform of Action
UNDP	United Nations Development Program
RH	Reproductive Health
DBIA	District level bodies of internal affairs
MM	Mass Media
FME	Forensic-medical examination
AIDS	Acquired Immunodeficiency Syndrome
CC KR	Criminal Code of the Kyrgyz Republic
YFS	Youth-friendly Services
CPC KR	Criminal Procedural Code of the Kyrgyz Republic
WSC	Women Support Center
MDG	Millennium Development Goals
UNFPA	UN Population Fund
CEDAW	Convention on Elimination of All Forms of Discrimination against Women

Foreword

The 4th Periodic report of the Kyrgyz Republic (KR) on the fulfillment of its obligations under the UN's CEDAW convention has not been submitted in time due to political events of 2010, when the country faced a forced change of family-clan power and, subsequently, an interethnic conflict, whereas both of these events have caused massive casualties.

The NGO Council with an experience in preparing Alternative Reports (AR) for the 2nd and 3rd Periodic Reports of the KR and submitting them to the CEDAW Committee has prepared the Alternative Report (AR) to the 4th Periodic Report of the KR Government.

The NGO Council Members:

Women Support Center (WSC)
Social Technologies Agency (STA)
Gender Research Center (GRC)
Association of Crisis Centers (ACC)
Reproductive Health Alliance (RHA)
Women Entrepreneurs Support Association (WESA),
NGO of rural women "Alga"

This AR is prepared as a supplement to the 4th Periodic Report of the KR, i.e. the report addresses the issues which are briefly presented or omitted, although, in general, the Government Report is quite self-critical and covers almost all of the achievements and issues.

It is important to mention, that the Recommendations to the 3rd Periodic report of the KR (2008) are poorly implemented. One of the reasons for this is the lack of targeted state budgeting for implementing gender policies, including the National plans of action (NAP) for achieving gender equality.

The current AR presents the issues of a particular concern in details, namely:

- ✓ The weakening of the National institutional mechanism responsible for forming and implementing public policies to achieve gender equality.
- ✓ The paucity and inefficiency of initiatives, aimed at changing the social and cultural behavior patterns of men and women in order to eradicate prejudice and discriminatory practices.
- ✓ An underrepresentation of women in public and political life despite temporary special measures stipulated by the law.
- ✓ A constantly descending number of women in politics and public life due to strengthening traditional patriarchal and religious backgrounds in the society.
- ✓ The lack of measures aiming to eradicate gender segregation in the system of professional education and, as a consequence, the presence of gender segregation in the labor market.
- ✓ The problems of rural women, violence against women, reproductive health of men and women, early marriages and other.

The NGO Council has prepared and sent a list of questions to the CEDAW Committee in accordance with the prepared AR. The list of questions is registered under the following numbers CEDAW/C/KGZ/Q/4, 25 July 2014.

Article 1.

Definition of the discrimination against women

11-12. The Constitution of the KR and the Law of the KR on “State guarantees of the equal rights and equal opportunities for men and women” from August 4, 2008, prohibits gender discrimination. However, in practice there are public calls for limiting women’s rights under the pretext of the revival of family values, self-consciousness, and identity of the people, such as: restrictions on departure of young women in the framework of labor migration, adherence to Muslim dress code, promotion of archaic national traditions and customs, and other.

Article 2.

Obligations on elimination of discrimination

13-67. In order to provide women with specific forms of legal protection from the discrimination, in accordance with norms of Article 2 of the CEDAW Convention, the KR has established constitutional equal rights guarantees and works on introducing anti-discriminatory measures into the state legislation. A mandatory gender expertise of regulatory legal acts is secured by a law, the fact suggesting an institutionalization of the expertise. However, these measures -- the improvement of the legal framework to ensure equal rights and opportunities, the institutionalization of their implementation mechanisms, an introduction of the temporary special measures to the Constitutional Law of the KR “On the Election of the President of the KR and deputies of the Parliament of the KR” and the Law “On the Election of deputies to the local councils of the KR” in order to support women in elections to the state parliament and in the local elections, and finally a practice of gender mainstreaming in national development programs -- do not allow to fully carry out the measures implementing gender equality policies. A regular functioning monitoring and evaluation system of women’s status has not been established. Such a system would identify and eliminate obstacles on the way to real equality of women in all spheres of life. The legislation of the KR designates special authorities with functional duties that include procedures of considering facts of violation of gender equality. However, taking into account a very wide range of issues falling under their authority, as well as an insufficient gender sensitivity and a low competence of the staff, one can state that the effectiveness of the national mechanism, where women can refer their complaints about discrimination in public and private spheres in Kyrgyzstan, remains low.

The above stated issues are considered in detail in the articles below.

Article 3.

Development and advancement of women

29-37. *Article 3 of the CEDAW Convention requires the state to take “all appropriate measures” in all areas to ensure a full development and advancement of women in order to guarantee them all rights on an equal basis with men.”*

An implementation of this article of the Convention is not possible without an effective national institutional mechanism of implementation of public policies aiming to achieve gender equality. The National Council on Gender Development under the KR Government is an advisory body. In 2010, due to an uncertainty of its status, the National Council stopped functioning, and was revived only in 2012 as an advisory body under the KR Government.

During 2008-2013, the executive body responsible implementing gender policy has been subjected to the following restructuring:

- The Department of Social Development of the KR Government Office (2008-2011)
- The Ministry of Labor, Employment and Migration (2011-2013)
- The Ministry of Social Development (since 2013).

The fact that the executive body is changing almost every 2-3 years shows the level of instability of the national institutional mechanism for achieving gender equality. Moreover, it is of a concern that in the framework of the National Strategy for Sustainable Development of the KR (NSSD KR) for the period of 2013-2017 the issues of gender equality are given only in conjunction with family issues, i.e. in the Article 5.5 Enhancing the role of family and gender development. In turn, the National Strategy of the KR for achieving gender equality by 2020 and the NAP for 2012-2014 (NAP-3) are not supported by the state budget.

A comprehensive research and analysis of the impact of economic, social, and political reforms in the country on women takes place only under a support from international organizations. So, the methodology of collecting gender-disaggregated data on crimes against women and children and domestic violence, has been developed with the support from UNFPA. In 2012, the National Statistics Committee and the Ministry of Health have carried out a medical and demographic research project MEASURE DHS funded by USAID. The state budget does not allocate funds for publishing the compendium of gender-disaggregated statistics. The main source of funding for this publication is UNFPA.

Article 4.

Accelerating the achievement of equality between men and women

38-49. To ensure gender equality achievement and a maternity protection, Kyrgyzstan has adopted a number of regulations introducing special measures. However, these steps are rather declarative. Specific information on ignoring/nonfulfillment of the special measures in situations of promoting women to the decision-making levels and a number of other situations is considered under the following articles.

Article 5.

Gender roles and stereotypes

50-62 CEDAW Convention (Article 5) states that the state shall take all appropriate measures to modify the social and cultural patterns of men and women behavior in order to eradicate their stereotypes a) in a family and b) in the society.

In the reporting period until 2012, the KR Government has taken two major initiatives aimed to change the social and cultural patterns of men and women's behavior in order to eradicate prejudice and eliminate discriminatory practices.¹

- 1) So, in order to avoid discrimination and promote gender equality, the Labor Code of the KR provides the possibility of obtaining a child-care leave not only for mothers, but also for fathers, grandparents, other relatives or guardians who are actually caring for a child. The introduction of such a rule affects the change of traditional cultural family roles of men and women.
- 2) The Law of the KR "On the State Guarantees of Equal Rights and Opportunities for Men and Women" prohibits a direct and an indirect gender discrimination in any sphere.
- 3) Equal rights and responsibilities of the spouses, including in child upbringing, are included into the Family Code of the KR.

¹The Fourth Periodic Report of the Kyrgyz Republic on the fulfillment of CEDAW, Bishkek, 2012, p. 113.

The study² conducted under a framework of the project “Promotion of political and economic women’s rights in the new context of Kyrgyzstan” once again confirms that the reproductive role of women is an inhibiting factor for starting up their political careers. Prioritization of women’s reproductive roles slows their personal and individual development and sharpens their legal and gender illiteracy. Women’s economic dependence on men often does not allow their active participation in political and public life. The double burden of work and the economic dependence, coupled with the long and inflexible hours, do not allow women to become more active and involved in their communities and in the decision-making.

CEDAW Committee in its 2008 observations to the Second Periodic Report of the KR recommended that the Government of the KR should fully utilize the General Recommendation #23, noting that the stereotypes are present in the mass media on women’s participation in public life. The state should also contribute to changing attitudes and perceptions of both men and women on the role of women in the households, families, at work and in the society in general.

The existing stereotypes still do not allow women to fully participate in the decision-making system, to produce public goods, and to obtain high positions in the government and local authorities. Results of a research state a number of the gender stereotypes regarding women’s participation in electoral campaigns in the local councils:

- 1) Some women leaders could not put forward their candidatures in the elections to local councils (November 2012) due to family circumstances, whereas the most frequent reason for this was that their husbands or relatives did not allow them to do so.
- 2) There were examples of young women who were not allowed to vote by their husbands or in-laws (mother in law, elder sister of her husband, and other).
- 3) Women candidates, especially in the southern regions of the country, experienced difficulties in campaigning because it is impermissible for women to appear, moreover to speak, agitate, and other in front of public, especially in front of men, while women’s active steps (especially of young women) are considered unacceptable.

Persisting stereotypes about the roles of women in the family and in the society put women in a disadvantageous position, particularly in rural areas, during the elections. The same practice reduces their role in the labor market; stereotypes affect their promotion to executive positions and influence women’s choices of study and future career.

Recommendations:

1. The Government of the KR to pursue a policy and implement programs, including communications work and education campaign, targeting women and men in order to eliminate stereotypes regarding the roles of women and men in the society and in families in accordance with articles 2(f) and 5(a) of CEDAW Convention.
2. To agitate positive view on women-leader in mass media.

Article 6.

Exploitation of Women

63-73 In the Article 6 of the Fourth Periodic report, the Government report is limited mostly to the statement of the measures that have been taken or are taken currently in the framework of the Law of the KR “On Social and Legal Protection from Domestic Violence.” Since this report is an alternative to the Periodic Government report, in this section we focus on the comments to the presented description of the state action.

²“Violation of women’s rights in election processes in the Kyrgyz Republic,” Bishkek, 2013

Gender-based violence against women is associated with the violation of a range of human rights -- the right to life, the right to physical and sexual integrity, the right to safety, the right to justice, the right not to be subjected to torture, the right to property and economic independence, the right to private life, the right to family life, the right to housing and food, education, health and medical care without discrimination, the right to work, freedom from prejudice, the right to communicate with children, the right to affordable legal assistance, and other.

Domestic Violence

Domestic violence remains to be one of the most frequent crimes against women.

The Law of the KR “On Social and Legal Protection from Domestic Violence” (2003) had the goal to create socio-legal system for the protection of life, health of family members, and protection of victims of domestic violence, which would be based on international human rights standards. Protection of human rights in cases of domestic violence supposed to provide victims with the access to a range of services, starting from an emergency assistance to a long-term support from the law enforcement agencies, medical, psychological, and social services, including the right to free accommodation in hotels/shelters. (art.14 of the Law).

However there is a significant difference between the law declarations and the reality.

Each year the internal affairs bodies carry out more than 7000 rides on the facts of family conflicts. Emergency wards register more than 600 referrals per year connected with injuries and other health conditions as a result of domestic violence.³ During 10 months of 2012, 2807 cases of family scandals were registered in Bishkek city, 982 cases (35%) more than during the same period of 2011.⁴ Dozens of cases of domestic violence end up with homicide. In 2011, 22 cases of homicide as a result of domestic violence were registered in the KR.

In 2009, the Association of Crisis Centers has conducted a large-scale study. 1600 women with a family life experience have been interviewed in all regions of the country. This monitoring study does not claim to be a fully comprehensive one. Nonetheless, it gives a realistic overall assessment of the situation and identifies main issues and trends. Thus, 83% of women note that they have experienced domestic violence, including physical violence (blows and other). About 3% of the respondents point out that they have got persistent health problems or become disabled as a result of domestic violence.⁵ Moreover, the NSC data shows that the number of appeals to crisis centers or any other special agencies providing psycho-social assistance is steadily growing. (Diagram 1) As it can be seen, there were 2236 referrals due to domestic violence in 2004 and 8906 of such referrals in 2011.⁶ Women are the prevailing group referring to the crisis centers and other agencies with connection to the family violence⁷.

Diagram 1: Number of referrals to crisis centers, aksakal courts, and other specialized agencies working with cases of domestic violence.

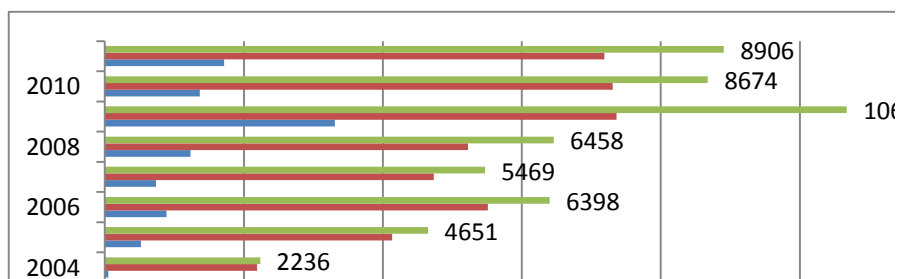
³ «Women and Men in the Kyrgyz Republic” NSC, 2011,p.150.

⁴ Data on domestic violence and victims of domestic violence provided by MIA representatives in Bishkek. Materials of expert seminar (November 2012), Project “How much does domestic violence cost?”

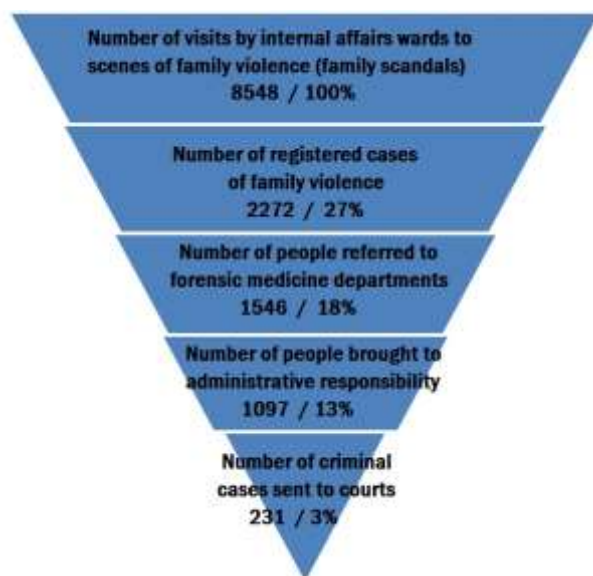
⁵ Monitoring Report “Scale and character of gender and domestic violence in Kyrgyzstan”, Association of Crisis Centers-Bishkek, 2009.

⁶ It should be noted, that in 2009 there was a rapid increase in the number of appeals. At the same time, according to data provided by MIA in 2009 there were not any significant changes speaking about the number of rides of internal affairs bodies in cases of domestic violence. For example, in 2008 there were 7693 rides, in 2009 - 7511, in 2010 - 8125 (Project “How much does the domestic violence cost?”, Bishkek 2013)

⁷ «Women and men of the Kyrgyz Republic.” NSC, 2005-2012.



The law enforcement agencies do not pay enough attention to the prevention of gender-based and domestic violence. So, one of six violence victims have not confirmed the receipt of a temporary protection order (TPO). Moreover, the conditions of TPO execution have not been tracked.⁸



Based on the 2011 statistics provided by the MIA and the Ministry of Health, the study “How much does the domestic violence cost?” (Bishkek, 2012), has attempted to calculate the number of filed cases of family violence actually going to courts. (Pic.1)

The comparison analysis graphically presented on Picture 1 shows that offenders hold an administrative responsibility only in 13% of cases of rides by internal affairs servants to domestic violence sites; and only 3% of criminal cases are brought to a trial.

According to the data provided by the Judicial Department (JD) in 2011, courts considered 875 cases, including 669 cases of administrative violations and 206 criminal cases. 779 of accused were found guilty of committing domestic violence.⁹

Thus, when considering the number of rides to scenes of “family scandals” (8458 rides), one can state that only one of eleven perpetrators is found guilty. One also has to consider that the data of the Judicial Department comprises the statistics of the MIA, the Military Court, and the Prosecutor’s office.

During the last 15 years, the law enforcement bodies have refused to file criminal cases in 21530 instances of violence against women.¹⁰

Until today, the statistics of criminal cases on domestic violence is not disaggregated by sex, does not indicate whether it is domestic violence or not, and has no data on imprisonment terms.

Table 1. Criminal Domestic Violence Cases

Number of filed criminal cases/cases brought to a	Number of examined criminal cases with a	Number of victims
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⁸ Report on monitoring results of enforcement of the Law of the KR “On social and legal protecting from the domestic violence”, Bishkek, 2009.

⁹ «Women and men of the Kyrgyz Republic.” NSC, 2011, p. 147.

¹⁰ Round table materials “Материалы круглого стола «Improvement of departmental statistics on domestic violence” from 12 December 2012, Bishkek, UNFPA

responsibility				sentence					
	2010	2011	2012	2010	2011	2012	2010	2011	2012
Total	70	230	183	117	107	-	186	115	-
In relation to:				-			-		
women	5	25	13	-			-		
men	65	205	170						

An inability to provide appropriate services and assistance necessary to the victims complicates the work on domestic violence cases. Even though district police officers claim that domestic violence cases are sometimes the hardest cases, they still take the domestic violence cases beyond their main responsibilities. In cases of domestic violence, the police officers have hardships while redirecting the victims for special assistance and providing them with a safe place to stay. The network of shelters and nursing homes where women could be safely placed still has not been established. An abused woman has to stay in her family and be continuously subjected to a battery and torture. There are only around 13 public crisis centers in Kyrgyzstan.¹¹ Being non-governmental organizations, the crisis centers operate mainly through donor funds, charity, and donations.

As a rule, the facts of domestic violence fall into the category of offences causing minor and less grievous harm to health. Thus, according to the criminal procedure law they refer to private-public prosecution and can be filed by police only at the request of the injured party. Therefore, the victim has to take a double role. On the one hand, only her will and initiative make the institution of a criminal case possible. On the other hand, she has to act as a prosecutor, to present evidence, to formulate the sentence, and seek the offender's conviction. An effective participation of the victim in the investigative and judicial processes assumes her basic knowledge in procedural investigation, criminal law, and rules of the collection and presentation of evidence. It is obvious that ordinary citizens do not have such knowledge and, therefore, are unable to correctly present their position in the indictment.

As a rule, at the appeal stage, the victim is unable to properly and adequately perform all the necessary steps, not only because of her legal illiteracy, but also because she is going through a post-traumatic stress. In criminal proceedings, she is forced to relive the incident again and again, while answering the questions of judges and lawyers and to repeatedly undergo forensic-medical and forensic-psychological examination. Furthermore, one should keep in mind that the victim usually continues staying together with the offender (in the same apartment/house) who has an opportunity to pressure and intimidate her.

As a result, according to experts and statistics, nine out of ten cases result in parties' reconciliation. And the offenders who have committed domestic violence remain unpunished.

The evaluation of the domestic violence consequences estimates that the state carries a direct financial burden per one homicide case (when a husband kills his wife) averaging to 1.6 million soms (USD 33,200). In 2011, there were 22 homicide cases resulting from domestic violence in Kyrgyzstan. So the state directly spent 35.2 million soms (USD 730,400) to provide services and conduct remedial procedures, to investigate and review the cases, and to institute justice.

¹¹It is hard to name the certain number of centers across the country. Sometimes crisis centers services and shelter services are provided by Women's Public organizations in the framework of their project activity, which is limited to the particular dates of project implementation.

Thus, one can state that the key issues of rights violation in cases of domestic violence are:

- ***An imperfection of the judicial and legal systems of the state;***
- ***A limited access to justice due to the lack of gender-sensitive approach and resources, and an insufficient capacity of the law enforcement bodies.***
- ***Inadequate protection of victims mainly related to the instability (financial, institutional) and an imperfection of the existing system providing victims with assistance, including a lack of state and municipal services and the state support to public crisis centers and shelters.***

In accordance with its previous concluding observations made in 2008, the Committee recommended (CEDAW/C/KGZ/Q/3) that the Member state ensures an effective implementation of existing legal bases in this context, particularly by the law enforcement agencies; the judicial authorities receive the existing mechanisms and use and strengthen them effectively in order to ensure an adequate protection of the rights of victims of the domestic violence. The Committee further recommends allocating necessary funds from the state budget to targeted programs on combatting violence against women. However these recommendations have not been implemented.

Bride Kidnapping

During the last several years the bride kidnapping practice raises a major concern. Bride kidnapping in Kyrgyzstan has to be considered as a violent crime against women. It brings enormous negative consequences, while attempts to present this crime as a part of national customs or traditions are unacceptable and vicious.

Studies and official statistics decisively prove that the prevalence of this crime is extremely high, and during the years of independence there has been a substantial increase in the scale of violent bride abduction. [12] According to the data of different studies, 30% to 80% of marriages in Kyrgyzstan take place without women's consent via kidnapping and are often followed by a rape. [13] Besides, we have data on suicides committed by girls due to their being kidnapped.[14].

Over the last three years, in the Issyk-Kul region, there were three cases of the girls - students of a local university committing suicide as a result of their unwillingness to live in a forced marriage.

Thus, a 21-years-old resident of Mikhailovka village Venera Kasymalieva has hanged herself a week after being non-consensually kidnapped and having experienced quarrels in a new family on December 21st, 2010. Her peer Nurzat Kalykova committed suicide on March 9th, 2011 in the city Karakol.

On June 8th, 2012, a 20-year-old Yrys Kasymbaykyzy from the Teplokluchenka village was kidnapped for a marriage by a 34-year-old Shaimbek Imankulov, who was married twice

¹² Russell Kleinbach and Mehri Gul Ablezova and Medina Aitieva 'Kidnapping for marriage (alakachuu) in Kyrgyz village', Central Asia Survey Vol 24 No 2 2005; Russell Kleinbach and Lilly Salimjanova 'Kyzalakachuu and adat: non-consensual bride kidnapping and tradition in Kyrgyzstan', Central Asia Survey Vol 26 No 2 2007.

¹³ Among ethnic Kyrgyz. Obtained by the calculation: 35-45% of marriages between ethnic Kyrgyz are done without the consent of the women, 1/5 of women did not know the men before, and approximately 1/5 women in cases of non-consensual bride kidnapping are raped (Presentation of R.Kleinbach, 2011). In 2009 there were 47,567 officially registered marriages (NSC). 70,1% of the population in Kyrgyzstan are ethnically Kyrgyz (NSC, Consensus 2009)

¹⁴ In May 2011 in Karakol city which is in the north of Kyrgyzstan held a civil action "Spring without them." in a memory of the two girls who committed suicide as a result of kidnapping. In one case, the girl's relatives went to the police, but the case was closed, and only after the civil action the investigation was resumed. In the second case, there was no appeal to the law enforcement agencies. More information is available in the center for civil initiatives "Leader", Abdrakhmanova St., 142-6, Karakol, Kyrgyzstan.

before and lived in Sary-Kamysh village of Aksu district of the Issyk-Kul region. The same day they had “nikah” (traditional Muslim marriage ceremony), and the girl was sexually abused by Imankulov. In the morning of June 10th, 2012 Yrys was found hanged at home. Imankulov was detained by the police department. However, he was soon released.

Voice of Freedom, Bishkek, 2012

The Constitution of the KR, the state legislation, and international treaties enshrine the right to access to justice for any citizen of the country. However women being the victims of violence are deprived of the right “to receive free qualified legal assistance” which is publicly funded. [15]. According to the Article 5 of the Law “On State-Guaranteed Legal Aid”, detainees, suspects, accused, defendants, justified, and convicted in criminal cases are provided with the state guaranteed legal aid during the investigation and in the court of the first instance and appeal, cassation, and supervisory authorities.

As it follows from the provisions of the Law, the above is relevant to criminal cases filed in respect to the applicant, and is not relevant to a victim.

The law does not consider free assistance on civil cases.

At the same time, only a very few cases of bride kidnapping are officially registered in Kyrgyzstan. Hence, during the period from 2008 to the first half of 2012, the Department of Internal Affairs initiated 32 criminal cases under the Article 154 of the Criminal Code of the KR (CC KR) «Coercion to join de facto marital relationship with a person who has not reached the age of sixteen,” while there were 76 initiated criminal cases under the Article 155 of the CC KR “Forcing a woman to enter a marriage or obstructing her from marriage. However, as a rule, initiated criminal cases do not go to court for many different reasons. Most often this is related to parties’ reconciliation in accordance with the Article 128 of the CC KR, although the bride kidnapping contains elements of several crimes, including crime against freedom, honor and dignity, against sexual integrity and sexual freedom, and also against the family and minors [16].

One of the main acts of the KR determining a responsibility for the violation of the right to marriage based on a free and full consent of both parties is the Criminal Code of the KR (Article 155, CC KR)

Encroachment upon this right is defined as forcing a woman to enter into a marriage or to stay in a marriage cohabitation or bride kidnapping with the purpose of marriage against her will, as well as preventing a woman from marriage. Violation of this law incurs a criminal responsibility, i.e. punished by a fine equal to 100-200 minimum monthly wages or an imprisonment for up to five years.

Both in 2004 and in 2008 the CEDAW Committee (CEDAW/C/KGZ/Q/3) has noted that “the Committee is concerned with the cases of marriages involving girls under the age of 18, as well as the presence of unregistered marriages which is, in turn, a violation of Paragraph 2 of the Article 16 of the Convention.”

Besides, the UN Special Rapporteur on Violence against Women Ms. Rashida Manjoo (November 2009) has indicated that women’s access to justice and protections is difficult in Kyrgyzstan due to an “unwillingness of law enforcement bodies and the general public to recognize and accept numerous forms of violence as crimes requiring a serious attention.” [17]. Moreover, servants of investigative authorities and courts, as well as

¹⁵ P.40 part 3 and p.103 of the Constitution of the KR

¹⁶P.123, 129, 131, 132, 154, 155 of the CC KR

¹⁷Report of the special rapporteur on the issue of violence against women, its reasons and consequences by Rashida Manjoo as the result of her visit and mission to Kyrgyzstan (9-16 November 2009) A/HRC/14/22/Add.2 (Future).

practicing lawyers often share a myth that kidnapping a girl against her will is a Kyrgyz tradition and that countering kidnapping is equivalent to fighting everything Kyrgyz, national, and patriotic. Therefore, despite the criminal nature of the kidnapping and relevant crimes investigative authorities very often refuse to register complaints on bride kidnapping cases. In the cases of registered complaints the actual efforts of the investigating authorities are rather focused on tightening or termination of the investigation, i.e. not bringing the case to a court. None of the arguments justifies the inaction of the authorities in relation to the bride kidnapping crime, because the state is obliged to provide “any person whose rights or freedoms... are violated with an effective remedy, even though the crime is committed by a person acting in his/her official capacity» [18].

Together with a Parliament member Ms. A. Altybaeva, women’s NGOs have initiated a draft Law on Amendments to articles 154 and 155 of the CC KR.

In 2013, after many years of a continuous struggle led by civil society organizations, the KR President has signed amendments to the Article 155 of the CC KR to toughen the punishment for the bride kidnapping crime. However the Criminal Procedure Code of the KR provides for criminal prosecution only after the victim herself has referred to internal affairs authorities with an official appeal. This greatly complicates the situation and does not allow taking action in the absence of a formal complaint, as is stated in the Paragraph 22 of the CEDAW Committee’s Recommendation in 2008.

Religious marriages “nikah” remain to be an important challenge today. They, in effect, legalize the bride kidnapping practice, early marriages, and polygamy. Some of the girls naively believe that they became legitimate wives. However, such marriages are not legally valid, which affects the status of children. In 2010, in Kyrgyzstan, there were 3.2 thousand families where children did not have their birth certificate. About a third of the newborns are children of mothers who are not officially married (31% in 2009). According to the data of the NSC KR the number of children born in unofficial marriages is constantly increasing since 2007. The number of such newborns was 39272 in 2007, and it was 43485 in 2012. A large share of such children is in the Osh, Jalalabad, and Chuy regions. In 2012, more than 24 thousand of such children (56%) were registered upon a joined application by both parents, while 19 thousand children (44%) were registered upon their mothers’ requests.¹⁹

The lack of official marriage registration affects thousands of women and children, while women in the unregistered marriages are highly vulnerable.

«It turns out to be a big problem. How is it possible to know about the kidnapped woman’s consent for a marriage, while Mullah is doing “nikah” ritual? According to which documents? Therefore, prior to creating a family it is necessary to get a marriage certificate and a copy of the marriage application to the registrar. These documents will let us know if a couple really wants to get married. Bride’s silence does not imply her consent. This will prevent bride kidnapping. Secondly, it would mean a man’s responsibility for a polygamy. Women who have been married without registration are left with their children in the streets».

¹⁸ International Covenant on Civil and Political Rights, Article 2, Paragraph 3a.

¹⁹ Special Report of the Ombudsman: Respect of the women’s rights living in unregistered marriages. 2013.

A. Altybaeva, Member of Parliament

In order to reduce the rates of bride kidnapping, early marriages, and women's vulnerability, a new draft law has been initiated to amend the Article 21, part 5 of the Law "On Freedom of Confession and Religious Organizations in the KR." The change means that "blessing of the marriage according to a Muslim custom in a mosque or a family, as well as according to the Christian tradition in a church is allowed only when having appropriate documentation from authorized state bodies." The draft also proposed to penalize religious servants allowing religious marriage with no proper registration in the public bodies. This initiative was not however supported by the majority of male members of the Parliament.

Early marriages

According to the NSC KR, 50% of pregnant women aged 15-19 are not officially married. The highest percentage of the maternal mortality falls on young girls. Early marriages often entail intractable social and moral-ethical problems associated with the early motherhood and a low-paid work. These families are more likely to become dependent on the government support. Moreover, early marriages frequently break up. 17-18 years old divorced women live their small children with their parents and grandparents in order to get married again.

According to the Constitution and the Family Code, the marriage age in Kyrgyzstan is 18. According to the Article 14 of the Family Code, at the request of the people wishing to marry and based on serious reasons and on the basis of the conclusion by a commission of a territorial subdivision of the authorized state body responsible for the protection of children, executive bodies of a local self-government have a right to lower the woman's marriage age by no more than one year.

However, such provision is widely ignored by religious leaders who solemnize marriages of very young girls through "nikah", even though the religious observances in the mosques do not have the legal value in the country.

Today, Muslim clerics solemnize marriages of the girls who have not reached a marriage age, as the first and the second wives, not caring at all that by doing so they violate girl's rights.

In 2011, there were 52144 registered marriages in Kyrgyzstan. However, most of marriages of 17 and 18 years old women and all marriages of women under 16 are not legally registered.

The number of early marriages can be indirectly seen in the statistics of child deliveries. According to the National Health Information Center of the KR, out of 139344 delivery cases registered in hospitals in 2011, 1.2% are of teenaged girls. 8.5% of mothers are 15-17 years old and 18-19 years old. About a third of newborns are children of mothers who are not officially registered in marriage; this number was 29.9% in 2011. According to the NSC KR, since 2006, there has been a steady growth of the birth rate for women of 15-17 years old, from 4.4 children per 1000 women in 2006 to 7.7 children per 1000 women in 2012.

In the course of an express-survey on identification of a public opinion on the issues of civil and early marriages run by the Osh gender resource center in 2009, 75% of 150 respondents expressed a view that the lack of registration of marriages and early marriages is a violation of the civil rights of women. 78% of respondents believe that early marriages represent a harm for the society and for the girls due to a lack of preparation for family life and mental, physical, and sexual immaturity. According to the respondents, main circumstances forcing women and girls to agree to unregistered marriages is their low

rights awareness (83% of respondents), poor financial situation of the family (68%), culture, tradition and customs (59%), and an indifference of the society to the problem (52%).

Almost all studied instances of child marriages have been followed by violence, regardless on whether the bride was kidnapped or the marriage was parentally arranged. 9 out of 11 girls who have had been in marriage have admitted that they have been experiencing a psychological violence from their mother-in-laws and other in-laws, as well as a physical violence from their husbands.

One of the girls and her children were beaten not only by her husband, but also by parents-in-law. The other two suffered not only from psychological and physical violence, but also from sexual violence from their husbands. It should be noted, that none of the girls who suffered from domestic violence referred to law enforcement agencies, crisis centers, or local authorities.

None of the girls was aware of the Law “On Social and Legal Protection from Violence in the Family.” Some of them at the time of marriage did not even suppose that they violate the marriage legislation which prohibits marriage before reaching 18 years old.

L. Ilibezova -Analysis of early marriages and early motherhood in Kyrgyzstan, 2013

According to a study, the main reasons of the rise in the number of early marriages are the following:

- Strengthened patriarchal, cultural, and ethnic traditions in the sphere of marriage and family;
- Poverty and worsening financial level of families who cannot afford education of girls, as well as so called “social hopelessness” of the girls;
- Lack of an adequate mechanism enforcing a criminal legal action against child marriages;
- Lack of attention and indifference to child marriages at all levels;
- Lack of awareness of parents and marrying youth about negative legal and reproductive effects of early marriage for the girls;
- A growing influence of religious leaders who support child marriages and an increasing number of religious marriages²⁰.

Sexual Harassment

Sexual harassment is a taboo and stigma topic and, therefore, there is no official data on the issue.

Sexual harassment in the workplace is not considered to be an important issue in the KR. The level of awareness about the crime, in the form of the sexual violence or its threat, still remains low. According to a survey, 35% of urban women and 25% of rural women have shown that they do not consider sexual harassment to be a crime. Also, there is no separate provision in the state legislature that would criminalize sexual harassment in the workplace.²¹

A survey conducted by the Crisis Center “Chance” among students and serving youth has shown the following: more than 50% of women and girls note the existence of the sexual harassment in work and study places. In 32% of cases, the harasser is the boss, in 24% girls experience harassment from their teachers, in 28% from co-workers, and in 16% from relatives. However the practice of crisis centers in Kyrgyzstan reveals rather low rate of referrals from sexual harassment victims, even though the prevalence of this crime is much

²⁰L. Ilibezova -Analysis of the issue of early marriages and early motherhood in Kyrgyzstan. 2013.

¹⁹Report of the KR to the UN Committee on economic, social and cultural rights, 2011.

greater than the offense of rape. The stories of women and girls referring to the crisis center “Chance” for help show that they seek help only when a problem is looming or explicitly offensive.

The state law does not contain provisions for preventing the sexual harassment crimes; and referrals by the ones experiencing sexual violence at work or in school are rare in the practice of law enforcement agencies and courts.

The CC KR establishes a responsibility for such crimes against sexual integrity and sexual freedom as “rape”, “sexual assault”, “coercion to perform sexual acts,” “indecent assault,” and “sexual intercourse and other sexual acts with a person under 16.”

In cases of sexual harassment the norms of Article 131 of the CC KR may be applied, such as “Coercion to perform sexual acts,” but this only refers to cases associated with violent acts. An important role in preventing sexual harassment should belong to the government.

Sexual Violence

Sexual violence continues to be a serious problem. Even though there is official statistics on crime, we believe that it does not reflect the real picture.

Law enforcement agencies state that information on crimes committed against women is relatively complete for the facts of rape only. During a meeting with journalists, the head of the Criminal Investigation Department of the KR police colonel Mr. Tilek Alibaev stated that according to the MIA data dated 05.12.2011, 316 out of 330 registered rape cases have been solved.

However, the data provided by law enforcement agencies and the Bureau of Forensic Medicine differs significantly. In 2011, the MIA registered 323 rape cases, while the expert medical institutions conducted 491 examinations of women on the subject of rape.²²

The analysis of the crisis centers’ data shows that only one-fifth of raped women refer to the police, and only one-sixth attend medical institutions to seek help. Accordingly, one can state, that the actual number of this type of crime exceeds the officially registered number by 5-6 times, whereas rape itself, being deeply latent type of crime due to prevailing gender stereotypes often ends with the victim’s keeping silence.

Servants of the district police tried to cover up a violent crime - rape of an underage girl -- reported by the Prosecutor General.

According to authorities, the supervisory authority of Jalalabad region opened a criminal case on based on elements of crime under Article 304 (abuse of power), 315 (forgery), and 326 (falsification of evidence) of the CC KR in respect to the management and staff of the Aksy district internal affairs department who have been covering up extremely grievous crime.

On June 28th, 2012, a group of 6 unknown men used a physical force and raped an underage girl (born in 1995). Due to injuries and psychological trauma, she was hospitalized to a local hospital, and medical workers reported the case to the police station. «However, being aware of the crime, instead of registering the application the police falsified the test materials presenting it as a household injury, thus covering up the crime by writing it down to the nomenclature cases,»- emphasized the Prosecutor General’s Office. According to the results of the audit by the Prosecutor’s office, the fact of crime has been put on the account, and on October 22, 2012, a criminal case under the Article 28-129 (rape) and 234 (hooliganism) of the Criminal Code. This criminal case is under investigation.

Currently, the Article 129 “Crime of Rape” of the CC KR stipulates for toughening the responsibility for committing crimes against sexual integrity of underage and minors. The

19 Data provided by Department of Internal Affairs and Bureau on forensic examination 2012.

earlier sentence of 17 to 20 years of imprisonment is replaced by the period 20 years of imprisonment to capital (life) sentence. Whether such measure can resolve the issue is still a big question.

Violence during the 2010 conflict

The tragic events which occurred in the south of the country were accompanied by large-scale acts of violence against the civilian population, especially women and other vulnerable groups (Art. 3.33 of Government Report). During the 2010 conflict there were cases of rape in the south of Kyrgyzstan. According to the results of the joint assessment by WHO, UNICEF, and UNFPA, with the reference to the data provided by the Osh regional hospital, 18 cases of sexual violence during the conflict were documented, and 17 of women were killed.

According to the data of the Association of Crisis Centers, during the period from the second half of June to July, workers of four crisis centers recorded 70 cases of sexual violence in Osh and Jalalabad, including based on witnesses' testimonies. As stated by the victims and witnesses, rapes were targeting to intimidate, humiliate, and demonstrate the strength and power.

During the June 2010 events, with the support of UNIFEM and UNFPA, the Association of Crisis Centers carried out a 6-months project with the aim to identify and document cases, to identify needs, and to provide assistance to women who experienced sexual and gender violence. Two shelters were deployed in Osh and Jalalabad cities, hotlines were functioning, crisis centers were operating, and mobile teams were organized for working in ethnic communities. Identified victims of sexual and gender-based violence received comprehensive assistance and rehabilitation, and the measures were taken to minimize the consequences of violence. Public Crisis Centers were assisting and rehabilitating women-victims of Osh conflict without any emphasis on victims' ethnicity. Joint efforts largely contributed to reducing the consequences of violence. The Government recognized the role of NGOs in the conflict and post-conflict periods. (Article.7. 77. Government Report 2012.)

The ethnic conflict in the south of Kyrgyzstan in June 2010 exposed many challenges and once again proved that it is necessary to closely work on developing a system of assistance to victims, including in crisis situations. A lack of social services increases the discrimination of women-victims of violence. Gender activists have repeatedly recommended that service standards are introduced and specialized agencies working with gender-based violence' victims are instituted. However, even after the Osh events these demands of the civil society have not been heard. Since June 2011, all actions to assist victims of violence in the south have closed down and the shelters are not functioning.

It is known that consequences of crisis processes develop over months and sometimes years. If necessary measures are not taken, the consequences can be tragic which is evidenced by an increased suicide rates among young women and a growth of domestic violence rates.

In general, due to a lack of necessary state institutions, skills, technologies, and tools, and unpreparedness, the state was unable to manage the inter-ethnic conflict and to take appropriate measures, including documenting the cases of sexual and gender violence in Osh and Jalalabad regions and the evaluation of the extent of violence and the depth of post-effects.

A lot of issues remained unresolved after the conflict, including the assessment of sexual and gender-based violence.

Assistance and support to victims of gender-based violence. Crisis Centers.

Today, there is a great need in crisis centers and shelters in Kyrgyzstan. There are no specialized services to assist victims of domestic violence on the state or municipal basis in the country. Several public crisis centers and other agencies providing assistance in cases of domestic violence operate in Kyrgyzstan²³. Being non-governmental organizations, they primarily rely on charity and donor funds. There are examples of local authorities supporting crisis centers by providing them with free space and utilities. In 2011, in the frame of the Social Order programme of the Ministry of Social Development, one of the crisis centers received a grant to support a part of its shelter's services. However this practice is rather an exception, whereas the program of the social order is not yet a common practice throughout the country.

In order to eliminate the gap in providing assistance and support to violence victims, it is necessary to support the existing crisis centers (NGO) by providing them with facilities and ensuring their functioning. Crisis centers have to operate continuously. Otherwise the whole meaning of the assistance is lost. Crisis centers need systematic investments in order to keep their permanent staff, to develop a capacity of their employees, and to strengthen the infrastructure for providing operational and quality care to their clients. The CEDAW Committee states the following:

« Taking into consideration... that non-governmental organizations are managing the majority of crisis management centers in relation to women, who are the victims of violence, trafficking or sexual exploitation in Kyrgyzstan the Committee urges the member-State to provide an adequate support and funding for such organizations. »

Concluding Observations of the CEDAW Committee to the KR Government (2008))

Recommendations:

1. To introduce into the legal practice (the Constitution and national legislation) a single definition of the gender-based discrimination developed on the basis of the Article 1 of the CEDAW Convention;
2. Meet the requirements of mandatory gender analysis of legislation before it is submitted for being considered by the Parliament or approved by another authority;
3. In accordance with the administrative or civil law, introduce clear regulation against sexual harassment in the workplace, including issuing a warning to any employer or an employee, into the labor and anti-discrimination legislation, as well as in the rules and procedures of all public and private institutions.
4. Amend the national legislation in order to reduce the vulnerability of women in unregistered and religious marriages and to support the initiation of the draft law on religious marriage upon presenting a legal marriage certificate;
5. Introduce the norms of international human rights treaties, including the CEDAW Convention, in the court practice and court decisions on cases of family and gender violence;
6. Include the issues of gender-based violence in the curriculum of law faculties, higher schools of police, and medical and other professional schools.
7. Develop and implement a system of collecting statistics on the number of religious marriages by introducing reports on the number of religious marriages by age of those marrying from the Spiritual Administration of Muslims of Kyrgyzstan;
8. Ensure an implementation of all international obligations on an inadmissibility of early marriages enshrined in the Conventions “On the Rights of the Child”, “On the consent

²³ It is hard to name a particular number of such centers across the country. Often the crisis centers' services and shelter services can be provided by women's public organizations in the framework of their activity, which is in turn is limited to certain period.

to Marry, Minimum Marital Age, and Registration of Marriages”, and “On the Elimination of all forms of discrimination against women.”

9. Introduce amendments and additions to the existing legislation to guarantee the rights for teenage mothers, as a category of children in difficult situations, and to provide them with the social support.
10. Amend the Criminal Code and Criminal Procedure Code of the KR in filing the cases of girls kidnapping and polygamy as crimes not under private prosecution, but under public prosecution.
11. Implement generally accepted international gender-sensitive standards on the treatment of victims and witnesses and their prosecution.
12. Guarantee the rights of victims to participate in the court investigation and trial, as well as the right to reparation and other special measures for victims and witnesses of gender violence crimes;
13. Create special departments on domestic violence in the law enforcement system, encouraging female police officers to work in these departments.
14. Create state and municipal crisis centers and shelters for women-victims of violence.
15. Carry out training and re-training of social workers to work with violence victims.
16. Conduct ongoing awareness rising action on the issues of violence against women among men.
17. Facilitate the involvement of men and boys in supporting women’s and girls’ rights to reproductive health, family planning, in activities to reduce the number of polygamous marriages and domestic violence.

Article 7.

Political rights of women

74-77 The Government report makes only a passing mention on the issue of state’s performance in executing obligation to take all necessary measures to eliminate discrimination against women in political and public life of the country. To implement the Convention, the State shall establish and maintain a work in which the principles of gender equality would be built into decision-making procedures.

An actual representation of women in the national and local governance reflects the existing imbalance in the favor of men and points at unequal opportunities for women’s participation in the political life. Special measures recommended in the paragraphs 31-34 of the Concluding Observations of the CEDAW Committee to Kyrgyzstan on November 7, 2008 have not been introduced and implemented.

Underrepresentation of women in the national governance

Following the results of elections based on party lists in October 2007, 23 women-deputies (25.5%) were elected into the KR Parliament. Up until the present day this number remains to be the highest percentage of the female representation in the Parliament. Thus, in the result of 2010 parliamentary elections, women-deputies accounted for 23.3% and today (March 2013) they comprise only 20.3%.²⁴

Thus, one can state that the target 30% of women representation in Parliaments recommended by the UN’s Economic and Social Council still has not been reached.

The following are among the main reasons for this: women’s withdrawal from party lists before obtaining deputy mandates. On a formal level, it takes place through candidates’ submitting applications for a deputy mandate. Independent studies show that these statements often result from a pressure and threats from the party leaders and are collected

²⁴ Under the majority system of election to the Parliament, women being in the list of deputies constituted insignificant number: 1995. – 4,7%, 2000 – 6,8 %, 2005 – 0 %.

Alternative Report to the CEDAW Committee (2014)

from all applicants in advance. For example, by the time of getting the deputy mandates following the 2010 parliamentary elections, there were significant changes in the list of the “Respublika” party based on members’ applications: among 17 such candidates 6 were women and 11 were men. Being under pressure conditions, only a few women were capable to defend their right to become a Parliament member. These cases are rare: Ms. Roza Aknazarova filed an application to Central Electoral Commission (CEC) on an invalidity of her previous application for a renouncement; Ms. Dinara Isaeva did not succumb to the threats and public pressure from the side of the party’s leader. The circumstances of strong gender biases and stereotypes about the participation of women-candidates significantly reduce a likelihood of their passage to the elected bodies. Women make up 39.9% of civil servants and 25.2% at political and special posts. In 34 out of 53 state agencies there is no a single woman holding a political or special post. An age gap between men and women occupying the same positions is 8-15 years.

Government Body	The existence of legislative special measures ensuring representation of women	Actual representation of women
Jogorku Kenesh of the KR (Parliament)	No more than 70% of candidates of the same sex in the parties’ lists and alternating male and female names - no more than three positions in a row.	A decline in the proportion of women-deputies: in 2011, women comprise 20.8% after the parliamentary elections; they comprised 25.5% in the previous parliament composition after 2007 elections. In 2013, there were 18% (9 out of 51) women in the managerial positions in the Parliament of Kyrgyzstan.
Government	There are no special measures	9% (3 out of 22) in the Government In bodies under the Government: <ul style="list-style-type: none"> • Government Agencies (0 out of 7) • Government Services (0 out of 10) • Funds and inspections (1 out of 5 – Mandatory Health Insurance Fund) • 1 woman out of 7 plenipotentiary government representatives.
CEC	No more than 70% candidates of the same sex. No legal requirement to maintain gender balance while putting forward candidates by nominating subjects (majority coalition, opposition in the Parliament, and the President)	Out of 12 CEC members 4 are women (33.3%)
Supreme Court, including the Constitutional Chamber	No more than 70% of the same sex candidates	Out of 30 judges of the Supreme Court 14 are women (46.7%). Out of 9 judges of the Constitutional Chamber 4 are women (44.4%)
Audit Chamber	No more than 70% of the same sex candidates	Out of 9 auditors 3 are women (33.3%)
National Bank	No more than 70% of the same sex candidates	Out of 7 members of the National Bank’s Governing body 4 are women
Prosecutor	There are no special	2 women in leading positions in the

General	measures	general prosecution system: the Prosecutor-General herself and one of her four deputies
Ombudsman	No more than 70% of the same sex candidates	One of the two deputies of Ombudsman is a woman (50%)

An absence of legally defined special measures in forming the government and a lack of procedures for applying the existing special measures (in parliament, the CEC, the Audit Chamber, Supreme Court, the Deputy Ombudsman) and for auditing their compliance leads to special measures' instability and a risk of their non-compliance.

About women's underrepresentation in the political and government life at the local level.

The KR Constitution of the states, that Kyrgyzstan is a sovereign, democratic, rule of law, and secular state. The people of Kyrgyzstan are the bearer of the state sovereignty and the only source of the state power in the country. The people exercise their power directly during the elections and referendums, as well as through the system of the state authorities and local self-government based on the Constitution and laws.

Nevertheless, during the last 20 years women have not achieved equality, and the inequality is aggravated by their low participations in the public and political life. This report considers the main aspects of what hinders elimination or reduction of the discrimination of rural women and their participation in politics through the prism of elections to the **local keneshes (local Parliament)** (November 2012, as well as individual cases of elections to municipal councils).

Today the main challenge engendering a tendency of gender discrimination is the under-representation of women in public and political life. Women's rights violations occur in several directions:

- Manipulations with the law and legal loopholes contributing to women's under-representation in leading positions and decision-making at all levels, including LSG and local Keneshes;
- Age and gender discrimination: social and domestic barriers;
- Stereotypes contributing to violations of women's rights; they have both hidden and quite open and demonstrative forms;
- Functional and legal illiteracy of women;
- Distrust to the government and law-enforcement agencies, choice not to get involved in litigation with the state authorities, fear of asserting own rights;
- Development of political activism or the use of female resource for interest groups in Kyrgyzstan (OBON).

In the framework of the project "Promotion of political and economic rights of women in the new context of Kyrgyzstan", the NGO "Women Support Center" conducted a study during the elections to local councils in November 2012. Subsequent chapters provide more details on the situation of women's under-representation and related women's rights violations identified in the study.²⁵

In the CEDAW Committee's concluding remarks to the third periodic report of the Kyrgyz Republic of 2008, the recommendation 31 states that "The Committee is concerned about an overall situation with under-representation of women in public and political life, in

²⁵Violation of women's political rights (WPR) in election processes in the Kyrgyz Republic. NGO «Women Support Center», Bishkek, 2013.

particular of women in decision-making positions, including the highest levels in political parties, local authorities, and representative bodies, executive bodies at the government level and the level of local governments.”

The CEDAW Convention (Article 4.7) and the national Law “On State Guarantees of Equal Rights and Equal Opportunities for Men and Women” Article 11 stipulate the right of women to vote in all elections and referendums and to be elected to all publicly elected offices.

The KR Government uses temporary special measures to accelerate de facto equality between men and women. Thus, Article 49, Part 7 of the Law “On elections of local councils” from 14 July 2011 №98 states that “when forming the lists of candidates to district and city councils, political parties and groups of voters are required to take into an account the representation of no more than 70% of same sex candidates, whereas the number of subsequently listed same sex candidates in the lists of candidates should not exceed two positions.”

However, during the 16 years following the ratification of the CEDAW Convention by Kyrgyzstan women’s participation in politics remains at an average level of 13-15%. Moreover, a tendency for a continuous depletion of women from political and public life has developed.

It is seen from a steady and significant decrease in the number of women elected to local councils through the majority system: 19% in 2004, 17% in 2007, and 13% in 2012.²⁶

- According to the CEC data, there were 23596 candidates running for aiyl and city councils elections, whereas 19994 were men and 3802 were women (16, 1%)
- 7545 deputies were elected, including 6534 men and 1111 women (13, 4%)
- Elections of deputies to city councils were held under the proportional system;
- Elections of deputies to aiyl councils were held under the majority system

One of the important results of the local elections is also the elections of new heads of the executive bodies of LSGs. It is important in terms of local governments’ continuity, sustainability, and public image. The proportion of the new LSG (Ail Okmoty) heads is 60%.

A generalized profile of the head of an LSG body in 2013 is as follows: a man, Kyrgyz, 45 years old or older. Out of 453 rural LSG heads 426 are men and 27 are women. The majority of heads of rural LSGs (430) are Kyrgyz, compared with only 23 heads who are representatives of ethnic minorities. In terms of age, 277 of heads are older than 45, whereas 176 heads are younger.²⁷

Manipulations with law and legal loopholes promoting women’s under-representation in leading positions and decision-making at all levels, including LSG and local keneshes

It is necessary to solve the issues connected with the inclusion of women in party lists and their “depletion” after elections. A special feature of such violation of the rights of women-candidates is that both at Parliament and local council levels, there is a practice of depletion of women-candidates. A woman, one of the study respondents, was the sixth in a party list. After the election results were announced, she was told that she had to make a choice and decide whether to become a deputy or to leave her current job. This, in turn, suggests that political parties themselves have been misleading candidates to get women’s

²⁶ Men and Women of the KR. National Statistics Committee of the KR, 2012, p.31.
²⁷ Dobrecova N. Maganzin “Municipality”, Bishkek, January 2013

resources during campaigns and to get rid of these women later on. Thus, according to the new list, those candidates passed who a) had financial resources or b) had influential relatives and networks or c) were obedient and, therefore, “necessary” candidates in a sense. This phenomenon was present in all regions across Kyrgyzstan during the local elections.

According to a statistics, the representation of women among municipal employees is slightly declining over the past four years, so, there were 36.5% of women in 2008, 36.1% in 2009, 35.8% in 2010, and 35.1% of women in 2011.²⁸

Manipulations with female political activism or the use of female resources to achieve the objectives of interest groups in Kyrgyzstan

Protests are widespread and have become a trademark of our country. A special group of these protesters are so called women OBON (Special Purpose Women’s Detachment). Their actions range from the usual participation in rallies and speeches to capturing buildings, removal and appointment of officials, beatings, and taking hostages. With the purpose to study this unique phenomenon (with a sharply negative attitude of the society to it) the NGO “Women Support Center” conducted a study “OBON as a mirror of the Kyrgyz Revolution”, which was supported by the Fund for Gender Equality UN Women and Soros-Kyrgyzstan Foundation.

OBON is an established informal group, consisting mainly from women, purposefully formed and valid for the purposes of specific customers (government and other political structures, business, semi-criminal elements), regularly applying aggressive, violent, and illegal methods of work. OBON does not belong to true civil society groups, as it neither represents own interests or the interests of vulnerable groups.

Important to notice that the actions by OBON groups harm the development of women’s political participation through discrediting any actions aimed at achieving gender equality and identification of these activities as an aggression.

Recommendations

1. To the Government of the KR, together with the Central Election Commission (CEC), to implement a good policy to support every woman-candidate to deputies.
2. To the Government of the KR to take necessary enforcement procedures and remedies in cases where women’s political rights are violated.
3. To the Government of the KR to recognize the issue of protest groups such as OBON as a state level problem.
4. To consider the issue of OBON activities, causes and consequences of this phenomenon, to develop the measures combating the organizers and hold regular monitoring on the implementation of all these measures.

Article 8

International representation and participation

78-79 The legislation of the KR provides women with the right to hold all types of international public positions (including diplomatic and other posts and judicial positions in international tribunals) and to participate equally in the work of international organizations.

The Government Report provides the data on women’s representation in organs abroad. The representation of women in 2010 was 30% and 24.5% in 2011, i.e. the number tends to decrease. There is no sex-disaggregated data on the composition of the official delegations from Kyrgyzstan at negotiations of various levels and representative meetings.

²⁸Мужчины и женщины КР. Национальный статистический комитет КР, Бишкек, 2012, стр 31.

Article 9

Citizenship

80-81. The enforcement of the CEDAW's Article 9 is highly relevant due to a high level of external migration. However, there is no data on the situation of women-citizens of Kyrgyzstan married to foreigners and on foreign women-wives of citizens of Kyrgyzstan.

Article 10

Education

82-110. Article 10 of the Convention requires states to take “all appropriate measures” to eliminate discrimination against women in education and identifies a number of specific measures. The Government report widely presents the education statistics. The Strategy for Education Development in the KR for 2012-2020 (SED) mentions the issue of gender twice: 1) «By 2020 a system of education will be created that will prepare citizens sharing the values of human rights and freedoms, including the value of gender equality”²⁹ and 2) «A system of strategic planning and management based, inter alia, on information collection and analysis technologies, including sex disaggregated statistics, will be developed in the education sector»³⁰. However, there are a very few gender-sensitive indicators among many indicators of the pre-school, primary, secondary, and higher vocational education of the SED. Particularly, these are: an increase (%) in the proportion of women entering educational institutions of the primary vocational level³¹; the proportion of graduates with a Bachelor, specialist or Master's degree (disaggregated by sex)³².

The main monitoring indicators³³, evaluation criteria of SED implementation, and base performance evaluation criteria of government agencies and local authorities of the KR³⁴ are gender neutral. All this suggests that the gender perspective of SED is rather declarative than practical. The SED's low gender orientation correlates with the level of gender sensitivity of the base country development document, The Strategy for Sustainable Development of the KR for the 2013-2017 Period. The strategy does not incorporate gender mainstreaming; gender development issues and objectives are considered together with the challenges and goals of enhancing the role of a family and apart from other important strategic directions of the development.³⁵

The analysis of the educational system in terms of the workforce training points at the persistence of gender stereotypes regarding “male” and “female” professions. The facts that one third of the economically active population works in the sphere of agriculture (29.5% women and 32.4% of men), as well as that, according to the 2009 population census³⁶, only 10.2% of rural population in Kyrgyzstan have a higher or an incomplete higher education make clear the importance of primary and secondary vocational schools in preparing specialists with occupations in demand in rural areas.

²⁹ Strategy on the education development in the KR. Section II , part 1

³⁰ Ibid, Section II , part 2

³¹ Ibid, Section 3, table.3

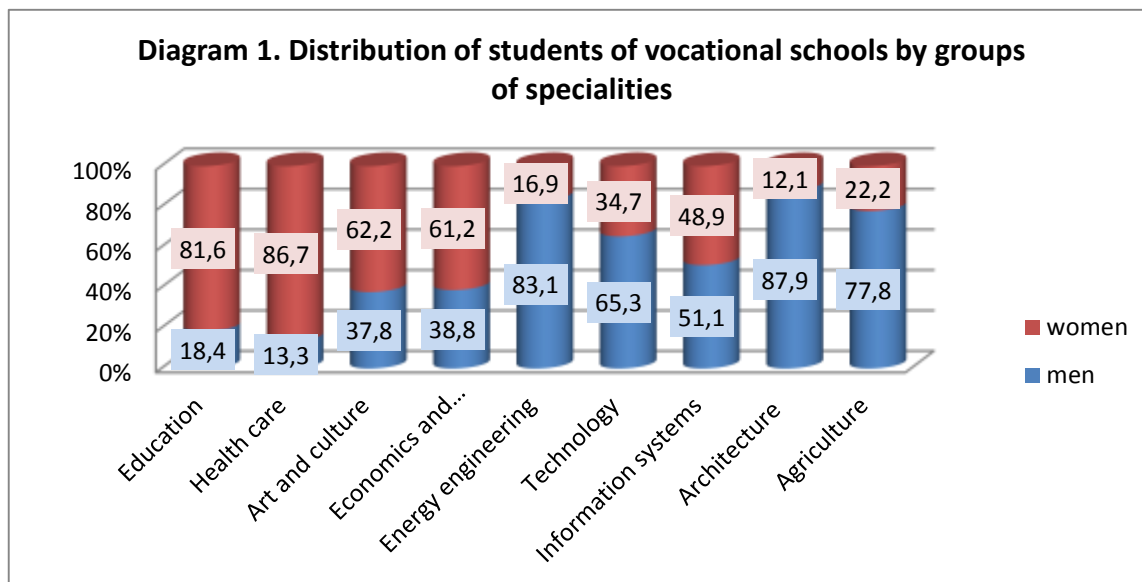
³² Ibid, Section 3, table. 5

³³ Ibid, Section IV, table.9

³⁴ Ibid, Section V.

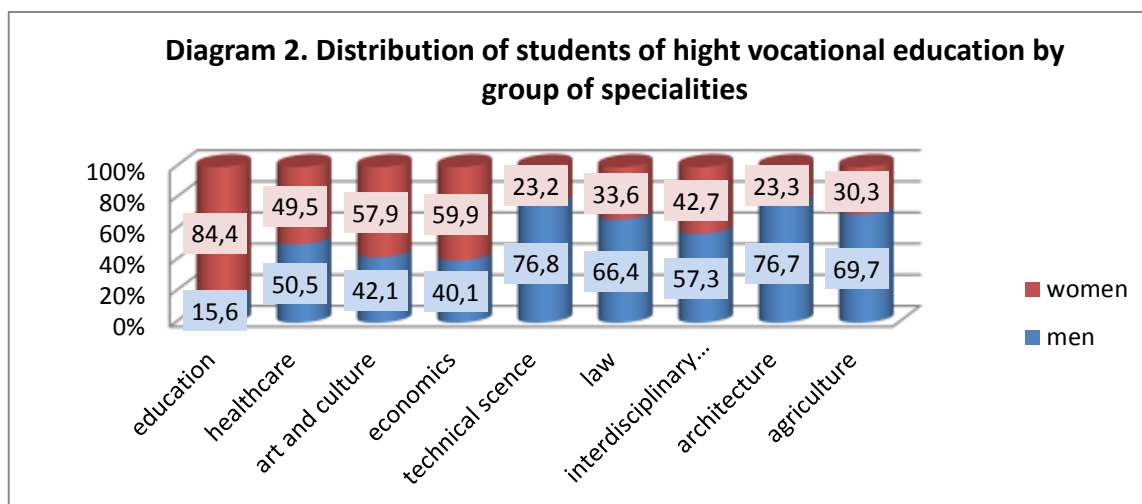
³⁵ Strategy on sustainable development of the KR for the period of 2013-2017, Chapter 5, section 5.5

³⁶ Population and Housing Consensus in the KR, 2009 p.94



However it can be seen from the Diagram 1 that the number of girls enrolled in agriculture majors is only 22%, and this is particularly the area where entrepreneurship is traditionally developed in rural areas. Such situation leads to a lower professional level of women-entrepreneurs working in the field of agricultural production.

A similar situation exists in the system of higher education. Vocational guidance is a part of traditional gender stereotypes and gender roles. Diagram 2 clearly shows, that mostly women have teaching majors (84, 4%), and men have technical majors (76, 8 %.) It is clear that horizontal segregation in the labor market is maintained and reproduced on the stage of training.



It is interesting to analyze the vocational training of specialists for the health sector from a gender perspective. If at the level of higher education in this particular field the enrollment of men is 50.5%, then at the level of secondary vocational education in the same field of “healthcare” men make only 13.3%. This in turn will result in the vertical gender segregation, when women will take lower-level positions, and as a consequence the level of their wages will be much lower. Moreover, there is a much higher probability of opening and running a successful independent business for a person with a higher vocational training, such as for the surgeon rather than for surgical nurses.

Thus, there is a clear chain of cause-and-effect relationships of gender segregation in the labor market and vocational guidance in the education system, meaning the gender

stereotypes and gender roles lead to gender segregation in professional training, and then to the gender segregation in the labor market, both horizontal and vertical. As a consequence, the average salary of women is lower than the average salary of men, which leads to the fact that the average pension for women is lower than the average pension for men.

Article 11.

Employment

111-126 *Article 11 of the Convention obliges states to take “all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure equal rights on the bases of equality of men and women...”*

111. *In its concluding observations the Committee “urges the member-state to ensure that all programs associated with the creation of job positions considered gender factors...”*

The program “Policies to promote employment in the Kyrgyz Republic for the period 2013-2020” which was also mentioned in the governmental report suggested only general measures, whereas there is no information on the gender orientation of such program in the report. There is also no analysis of the actual impact of the earlier programs, i.e. analysis and assessment of the impact of measures taken in the framework of the program implementation on the situation of women in the employment field in the Kyrgyz Republic.

As for the present day, the Program of promotion of population employment and regulation of labor migration until 2020 is approved by the Government of the Kyrgyz Republic on September 6, 2013 N 485.

Despite the fact that this Program has a reference to the attempts for improving legislation in the field of employment promotion of the population of the Kyrgyz Republic, initiatives and consideration of the draft law of the KR “On the Promotion of Employment”³⁷, as the practice shows, the presence in the legislature of rules on mandatory gender analysis of the regulatory legal rights does not guarantee their implementation as in the case with this bill (draft law of the KR “On Employment Promotion”). Initiatives, efforts of public organizations in the transformation rules of this bill to be a gender-sensitive with amendment and supplement the results of an independent gender examination³⁸, had no impact and reaction from legislative, executive bodies in the employment policy, whereas the state of employment remains without any changes with still not adopted law and existing law (with the latest amendment in 2005). It should be noted that draft law is under consideration in the Jogorku Kenesh of KR.

In addition, from the proposed objectives of the program it is not clear, that the directions will be realized with their implementation and women’s or people’s issues with the family responsibilities will be solved in the labor market, meaning that there are no priorities and benefits for women or individuals with family responsibilities who constitute a separate category of low level of employment in the program objective. Also the program objectives do not include international norms and gender equality principles in the framework of labor market. The program also indicates the problems of low level of employment of vulnerable groups, among which are: persons with disabilities, youth, women, and persons close to retirement age, single and multi-child families whose children are underage or disabled. However, the recognition of women (single and multi-child) parents raising underage or disabled children, at the same time experiencing difficulties in finding job is only a prerequisite for an active policy measures to promote the employment of these people as a “priority” among the other groups.

³⁷ Approved by the Resolution of the Government of the Kyrgyz Republic “On the Draft law of the KR on the promotion of Employment” from September 27, 2012. N 660

³⁸ Report on a gender analysis of the draft law “on employment promotion” (WESA)

In the General Recommendation №18 the Committee recommends to the member-states to provide information in their periodic reports on women with disabilities and the measures which are taken to address the issues related to their particular situation, including the special measures to ensure their equal access to employment.

Despite the fact that the number of persons with disabilities is increasing in the country, there is no such information in the national report. If in 2008 the number of disabled was 10 223, whereas 4 651 are women, then in 2011 the number increased up to 15 193, and whereas 6 855 women among them. Also there is a trend increase in the number of women who for the first time were recognized as disabled for the reasons of disability from 4 651 (2008) to 6 855 (2011)³⁹.

113. *According to the paragraph 42 of Concluding Observations “the member state is requested to provide comprehensive statistical data on the situation of rural women divided by age, gender, occupational group, income and etc.”*

The measures, taken by the state in the labor market mainly cover unemployed urban population. There is no statistical data on the number of unemployed women in the rural areas who are covered by such measures as socio-paid work, vocational training, micro-credit and etc. In the absence of the adoption of these active measures in relation to rural women, it is not surprising that there is a downward trend in the proportion of rural women in total population employment (according to the report of the Government in 2009 there were -40%, in 2011 the number decreased to 39.5%).

114. -117. Staff reduction of women is also evident across the country. So if in 2010 the share of women in total employment was 41, 3%, then in 2011 it was 41, 2%⁴⁰. There is no analysis of the problem of staff reduction of women and related to it reasons, which at the first glance may seem paradoxical. According to official statistics in 2011 53% of girls got complete high school education from the total number of graduates of these schools; 64,2% of women were among graduates of educational institutions of secondary vocational education; 59,4% of women among the graduates of educational institutions of higher education. In 2011 there were 1474 female graduate students, which corresponds to 60, 7% from the total number of graduate students; also 63% of PhD female students⁴¹. This data suggests that women-professionals face gender discrimination in the employment sphere, which makes it particularly urgent to protect their labor rights.

This situation has been complicated by the fact that at present day there is no system for tracking/monitoring, research and analysis in the employment in order to determine the women's needs in the labor market. In such case, the lack of analysis and forecasting on the issue of employment was also noted in the Governmental Report of the KR. The importance of the women involvement in the employment also has a number of social indicators, including the level of development of the network of preschool institutions, the provision of medical services, etc. For example, in 2011 98 706 children went to kindergartens,⁴² while the permanent population in the age group 0-4 for the beginning of 2012 was 661 099 children, in the age of 5-9 - 531 475 children⁴³, meaning that there is a lack of pre-school facilities.

119. *In general recommendation № 13, the Committee emphasizes the need to consider “the question of the study, development and adoption of job evaluation systems, which are based on neutral criteria for both sexes and that will facilitate the comparison of the value of different kinds of jobs in which women presently predominate, with those jobs which are currently dominated by men.”*

³⁹ Women and Men of the Kyrgyz Republic, National Statistical Committee, 2012, p. 74.

⁴⁰ Ibid., p.87

⁴¹ Ibid. p.79, 83-84

⁴² Ibid., p.75

⁴³ Women and Men of the Kyrgyz Republic, National Statistical Committee, 2012, p.46

Existing national legislation of the Kyrgyz Republic prohibits discrimination in employment, including the prohibition of unequal pay for equal work (Article 9 and the Law on Gender Equality in the Kyrgyz Republic). Principles of the right to remuneration not less than the legal minimum wage in the Constitution of the KR (Clause 3, Article 42 of the Constitution), equal pay for the same employee's qualifications and the same working conditions (Article 19 of the Law "On state guarantees of equal rights and equal opportunities for men and women"). Despite the existence of national legislation, there is still a gap in pay between men and women. In 2011 the average salary for men was 1.3 times higher than the average wage of women.

It is primarily due to the sectorial segregation, vertical segregation: for example, among the executives of operating economic entities as of 1 January 2012, 23,7 % are women, and 76,3 % are men⁴⁴; absence of conditions such as the availability of childcare facilities for mothers who would not impede access to labor.

The problem is also related to the fact that women are concentrated in the areas of education, health, social services, which are mainly related to the public sector. For example, in the field of education, the share of women from the total number of employed population was 76,9 % in 2011⁴⁵. In order to improve the compensation of employees of educational institutions, the state government introduced new terms of remuneration, i.e. measures adopted by the government to provide material incentives and the creation of conditions to improve the effectiveness and quality of the teaching staff, had a positive impact on women.⁴⁶ However it should be noted that these measures were aimed at increasing wages in "female" areas of employment, in order to overcome the wage gap in comparison with "male" employment sectors.

120. Women make up a significant proportion of persons employed in the informal sector, where the economic activity is carried out in the "survival" due to its illegal status: relation to tax and control bodies and its uncertainty.

The consequences of the June 2010 events in the south of the country have confirmed the vulnerability and absolute social insecurity of women working in the informal sector: "«the lack of business registration has led to the fact that for hundreds of women entrepreneurs who have suffered in June 2010, support the state was not only problematic, but for some even impossible to get.»"⁴⁷

At the present day, the practice of registration of informally employed in the labor market still has not been introduced. The Government also did not take any steps to address the problem and measures for the integration of the informal sector into the state economy, support and protection of both men and women in the informal sector.

121. The existing Law of the Kyrgyz Republic "On state guarantees of equal rights and opportunities for men and women" contains rules on state recognition of domestic labor. Also the Family Code of the KR requires spouses to bear equal responsibilities in terms of domestic labor.

As the review of existing national legislation of the KR shows, the recognition of domestic labor is also enshrined at the national level in strategy documents and action plans for gender equality, whereas now it moves toward the recognition of the economic importance of domestic labor, which should improve its social recognition and social status. For example the National Strategy of the KR for achieving gender equality until 2020, and National Action plan on Gender Equality in the Kyrgyz Republic for 2012-2014 state that solving the main issues in the area of women's economic empowerment should lead to expected results such as the system of national accounts, which would consider gender-

⁴⁴ Ibid., p. 100

⁴⁵ Ibid.,93

⁴⁶ Government Resolution from January 19, 2011 N 18

⁴⁷Review of priority economic problems of the affected women in small businesses and informal sector of economy. Association of the Support of Women Entrepreneurs KR/ WESA. UN Women Project "Women in the establishment of peace, trust and harmony in Kyrgyzstan"

sensitive indicators, including the domestic labor.⁴⁸ For example, the **Action Plan of the Ministry of Social Development of the KR includes the paragraph 2.7** which provides compensation to domestic labor for those who are carrying for people with disabilities.⁴⁹

Despite this, the problems associated with the recognition of the domestic work and the implementation of provision of fair compensation, still do not receive the proper attention and therefore cannot develop further. There is no information on confirmation or absence of measures (legislative, institutional) in the National report which would implement the provisions of Article 22 of the Law of the KR “On State Guarantees of Equal rights and equal opportunities for men and women.”

122.-126. The issue of de facto equality between men and women in the field of labor relations is also remains unsolved. One of the reasons is the failure of labor relations actors to comply with labor laws and rules. The lack of gender-divided statistics of court cases on labor disputes, including illegal dismissal of women; do not allow analyzing and identifying the actual situation on violation of labor rights and guarantees of women. According to the national report of the state Inspectorate for environmental and technical safety for the period from 2008 to 2012, there have not been identified any discriminatory practices of women’s labor rights. This being said, this body performs control functions to identify discrimination including women’s labor rights violations only since 2012 due to structural changes in the government happened the same year⁵⁰.

Despite the adoption of the Law “On mandatory insurance of civil liability of the employer for damage to life and health of employees in the performance of labor (service) duties” in 2008, the impact of this law was not widespread as a stimulating measure for employers to reduce the number of operations with occupational hazard for workers’ health. There is no analysis of the impact after the introduction of such law. Moreover, as the review of statistical data on the level of industrial accidents shows, the number of victims who were injured while performing work or number of occupational hazards is different and there is discrepancy in data presented in the national report with other official sources of subjects included in the system of social partnership. Thus, according to data presented in the National report for the period since 2008 to 2012, there were 15 women who were injured in the workplace, whereas at the same time other official resources present a different situation in terms of women being victims in the production: only in 2010 the number of injured both men and women at the workplace was 404, whereas among them there were 50 women, including 2 fatalities. In 2011 the total number of casualties was 132, including 26 women and 1 fatality.⁵¹

Recommendations:

1. Consider all issues related to gender equality and violation of equal rights for women and men in employment and occupation sectors while taking into account the practice of interaction and the use of mechanisms of social partnership system: the state, trade unions and employers.
2. Take all appropriate measures for strengthening coordination and cooperation in the exchange and coordination of information in relation to the gender divided statistical data not only between state agencies and departments, but also with trade unions and employers.

⁴⁸ National Strategy of the Kyrgyz Republic on gender equality until 2020 and national Plan of actions on Gender Equality in the Kyrgyz Republic for 2012-2014 are approved by the Resolution of the Government of the KR on June 27, 2012 N 443

⁴⁹ Action Plan of the Ministry of Social Development of the Kyrgyz Republic on the implementation of resolutions of the Government of the KR from December 13, 2011 № 755 «**On the Development Strategy of Social Protection of the Kyrgyz Republic for 2012-2014.**”

⁵⁰ Government Decree “On measures in connection with the reform of the executive authorities of the Kyrgyz Republic” (from February 10, 2012 № 87)

⁵¹ Women and men of the Kyrgyz Republic, National Statistical Committee, 2010, p. 30.

3. Establish mechanisms for the implementation and promotion of efforts of the subject participants of social partnership, such as the Federation of the Trade Unions of Kyrgyzstan, the employer's association to collective agreements, in accordance with which they sought to enforce the principles of gender equality.
4. Develop interrelated strategies to address the barriers to women's access to close for them industries in the labor market through the setting up targets and training. Interrelated sectorial strategies could help the Ministry of Labor, Employment and Migration, Ministry of Social Development, Ministry of Education, Ministry of Health and a number of ministries in the KR to cooperate in reducing the barriers to equal access, equal rights and opportunities in the labor market for women and men, affecting several sectors (education: access to pre-school institutions, social welfare: the structure of social benefits, the labor market: training and retraining programs for women and so on).
5. Take all appropriate measures to ensure the provision of national statistical data of social and economic research in order to obtain information on the situation of women with disabilities in terms of barriers to equal access to employment.
6. To adopt the practice of registering informally employed women working in national labor market, measures for the integration of the informal sector in the economy of the Kyrgyz Republic, support and protection of women employed in informal sector without a guaranteed wage and social security.
7. Take measures to improve the status of women by measuring and assessing the payment of unpaid domestic labor of women.

Article 12.

Equal access to healthcare

127-158. In addition to the Governmental report regarding this article the following should be considered:

In concluding observation the Committee on the elimination of discrimination against women (forty second session 20th October-7 November 2008, p. 38), recommends the Government of the KR to take measures in order to raise the awareness of the availability of contraceptive methods and provide access to them, and also recommends promotion of sex education, whereas teenage boys and girls are the main target. The Committee proposes the member-state to consider the issue of spreading broadcast programs on the issues of sexual and reproductive health in the media and to raise public awareness on reproductive health... Unfortunately, the 4th Periodic Report does not address the issues of sexual education and youth-friendly services.

In the evaluation of human development the health of youth is an important part, whereas there are two important reasons for that. Firstly, young people have a special profile of the disease, which are much easier to prevent in comparison with elderly diseases. The situation can be improved by increasing awareness. The second reason is that it is important to take into account the state of health of young people, because their lifestyle can be the main cause of disease, which arising at later age. By lifestyle it is meant smoking, alcohol drinking, nutrition, safe sex and exercise- no doubt have influence on people's health in the process of maturation and aging.

According to the research data, the majority of young people (90%) assess their health as excellent and good, 7, 4% - as satisfactory, 1, 6% of young people said that they often get sick and have chronic illnesses. However despite high subjective health assessment the real situation is not so rosy. As a result of routine inspections it was revealed that by the end of the study at the school every 4-5 graduate is suffering from chronic diseases.

According to the experts, the healthcare system in the KR does not specialize teenagers and young people as specific patients, the system of "friendly" services to young people,

especially in the area of sexual health exists only because the pilot projects. According to the World Bank, young people as a separate category of population is not covered by public health and sanitation services. Needs for information and services on sexual and reproductive health of young people are not satisfied.

Implementation of youth-friendly services (YFS) in Kyrgyzstan started in 2008 with the support of UNFPA projects and NGO «Alliance for Reproductive Health» (ARH). On the basis of the Order of the Ministry of Health of the KR №238 from 19.05.2011 “On Improvement of reproductive health services of children and adolescents in the Kyrgyz Republic” there were opened only 4 adolescent gynecology offices in Bishkek, although this order provided for the opening of not less than 20 offices including the regions. The main reason is the lack of personnel and financial capacity of healthcare organizations. Thanks to the project NGO ARH in 2013 10 offices have been redeveloped and provide youth-friendly services, whereas the staff consists from young gynecologists, urologists, teen therapists, school doctors, trained in counseling adolescents and young people on the issues of SRHR. For the stability of offices providing services friendly to adolescents and young adults and efforts in this direction, it is necessary to adopt the standards of services, the mechanism of implementation and sources of funding.

One of the most significant issues related to young people’s health in Kyrgyzstan is the problem of male reproductive health (MRH). Sexual reproductive health of women is directly related to the state and conditions of men’s reproductive health and their sexual behavior. Women are declared guilty of many their sins, and at the same time they are vulnerable to infertility, sexually transmitted infections, and unwanted pregnancies, etc. Services in the field of men’s health security are poorly developed, especially in the rural areas. So, in order to get to the urologist or anthologist young men from rural areas have to travel to the regional center of even to the capital Bishkek. According to the order № 238 from 19.05.201 “On Improvement of reproductive health services of children and adolescents in the Kyrgyz Republic” regional and urban family medical centers had to open offices of child/adolescents uro-andrology. Unfortunately, there is no data on specialists in any of primary care facilities. It also should be noted that the vulnerability of men in the field of MRH is closely related to the existing stereotypes which support risk-taking behavior of men and do not give them the right to any failure. Therefore, measures which aimed at protection of MRH should consider gender approaches, local specifics and mentality. Men are less likely than women to go to the doctor. In Kyrgyzstan, there is a high incidence of urological pathologies among men of working and childbearing age. Each year there is an increasing number of men with prostate disease and male infertility.

There is also increase in the proportion of HIV transmission through sex (from 3, 0% in 2001 to 30, 15% in 2013r.), whereas the increase in the incidents of HIV infection among women is also taking place. If in 2001 women accounted for 9, 5%, then in 2013 – 25, 51%. Most of these women do not belong to high risk groups and whereas they were infected by their husbands who were injection drug users. These facts, as well as the observed increase in the number of infections, sexually transmitted diseases among young people point to the lack of measure effectiveness aimed at fostering the skills and habits of safe sexual behavior. The state program “Strategy to reduce the vulnerability of young people” (2014-2015) due to the heterogeneity of the target population has been only partially realized: to achieve a target of 90% of young people being informed and having access to HIV prevention services still remains to be unresolved issue.

Despite the existing normative legal base, including the National Strategy of Reproductive Health Security of the Population of the Kyrgyz Republic until 2015, the issues of adolescent reproductive health, unwanted pregnancy, abortion, sexually transmitted infections, HIV/AIDS remain to be unresolved as well, whereas the main strategic issues are the following:

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- Lack of access to health services in the area of reproductive health services for adolescents;
- Lack of integration of health services in the areas of reproductive health of adolescents in primary health care;
- Insufficient level of prevention activities among adolescents on reproductive health;
- Lack of information and education programs for teens on safe reproductive health and sexual behavior;
- Low level of awareness and involvement of parents in the issues of sexual education of children and adolescents;
- Availability of discriminatory stereotypes that negatively affect the reproductive health of adolescents.

One of the possibilities to solve the above problems- the introduction of a systematic long-term educational programs. It is necessary to form a fashion to health in the youth group, understanding that to be healthy is more prestigious than to be sick. Reducing the risk for young people require it to possess the information and the ability to adopt and implement solutions. In recent years in Kyrgyzstan it has been a significant increasing trend of Islamization, ethnocentrism, domination of retrospective installations of mass consciousness, spread of ideology of cultural identity. The decision-makers at the level of JK, have populist activity in favor of some political parties or religious groups. A striking example of that can be the scandal erupted around booklets (answers to the questions of adolescents and youth on sexual and reproductive health and relationships of young people) issued by the NGO ARH, when the members of Parliament perceived them as a threat to national security and society.

The lack of sexual educational standards, consistent state policy in this area often leads to negative consequences in the field of health, laying the foundations of safe sex and healthy lifestyles among young people.

Since the violation of sexual development and reproductive health are formed in the adolescent age, at the stage of schooling, than the security of teenage reproductive health should be one of the preventive tasks on the modern school. Children and adolescents are in dire need of knowledge about their organisms and the changes that are taken place in their bodies. All children and adolescents have the right to have access to sex education which is should be appropriate for their certain age.

Order №492/1 from 5 July 2011 of the Ministry of Education and Science of the KR “On the basic curriculum of general education institutions of the Kyrgyz Republic for 2011-2012 academic years” introduced in 2011/2012 the subject of the Fundamentals of Health and Safety («FHS») from 1 till 6 grades. Educational and practical content is aimed at developing students’ conscious and responsible attitude to personal safety and the safety of others, on their acquisition of skills of life and health saving in emergencies, first aid help to victims and the basic foundations of a healthy lifestyle. In 7-9 grades the FHS study course is carried out only at the expense of the time allotted for extracurricular educational activities hold by teachers who are trained in it.

The classes of sanitary and hygiene education are carried out during the classes (within the scope of a “culture of health”) of “Ethics,” “Native Studies”, “Biology”, and “Fundamental Health and Safety”, classes of family education during “biology” “man and society” and “ethics” by primary school teachers of biology and other teachers who were trained for the program. As it can be seen there is no separate class or an hour which would be dedicated to sexual and reproductive program, whereas the average age of young people’s sexual debut is decreasing every year. According to the survey, one in ten of high school student and every third student of vocational school indicated that they have a sexual experience.

The concept of education development in the Kyrgyz Republic until 2020 presupposes a change in the basic plan according to the needs of a student, school and region. However, the changes in the basic plan will consider reducing the hours in the basic subjects, while introducing new subjects and classes like religion, Manas studies and some other. With the initiative of international organizations, civil society again raises the questions of the implementation of sex education in the school system, and nowadays is trying to adopt education manual for teachers of Healthy living classes.

Specialists of youth-friendly services observed low awareness of the issues of sexual development after their conversations with young people. And even today, in the age of information flows, the specialists still face questions from 18-year-old girls who are the students of higher educational institutions (Jalal-Abad) such as:

«Why there is a delay in menstruation, and whether it is harmful for the health?...»

«What to do if during the pregnancy there is urine with blood?...»

«I always have nausea during menstruation, severe pain that it is impossible to overcome without diclofenac. And it always becomes cold. Please help...»

It should be also noted that one of the important aspects to reduce maternal mortality (MM) is nothing more than a public awareness and education on sexual and reproductive health.

Achievement of the Millennium Development Goals (2-7) out of 8 until 2015 becomes unlikely for Kyrgyzstan. In particular, independent experts highlight the following barriers in achieving the reduction of child mortality and improving maternal health such as:

- An increase in traditional and religious beliefs
- The lack of awareness on reproductive health
- Growth of illiteracy in family planning and the use of contraceptives.

Recommendations:

1. It is necessary to implement youth-friendly services with an emphasis on the quality of counseling by trained professionals, provision of health services considering sexual reproductive clients' rights (not condemnation, not discrimination, rather accessibility and confidentiality)
2. To improve the accuracy of the registration of the entire health system (private, state and public medical institutions) on adolescent morbidity, abortion, contraceptive use, and awareness.
3. It is necessary to develop a plan of guaranteed supplies of contraception and their distribution system, with a focus on vulnerable groups, including young people and teenagers.
4. To enforce the law "On Health insurance in the Kyrgyz Republic" in relation to young people and reception of preferential contraceptives under the governmental guarantees.
5. Develop and implement a plan/strategy to improve the reproductive health of men.
6. It is necessary to intensify prevention efforts of schools on formation, preservation and strengthening of the reproductive health of students, influencing their lifestyles by the methods of hygienic education, the provision of adequate information or referral system, where teenagers could get the necessary information.

7. Approve the standards for sexual education. To conduct educational activities on sexual health of adolescents, and to include the subject of sexual and reproductive health into the compulsory study plan.

Article 13.

Economic rights (access to financial resources)

159-179 Paragraphs 175, 176 of the Governmental report summarize information on women's access to financial services through the development of microfinance.

Article 2 of the Law "On Microfinance Organizations" states that "the purpose of microfinance institutions is the implementation of available services on microfinance with the purpose to alleviate poverty, increase employment rate, promote entrepreneurship and social mobilization development of the population in the KR"⁵², i.e. this provision of the law requires establishment of appropriate balance between economic (financial) and social objectives. However, the analysis of the loan portfolio of MFOs shows that the majority of microcredit borrowers are women (in 2010 women accounted for 73,4% or 356 thousands or women, which means that in Kyrgyzstan one in five women of working age is the recipient of credits MFO).

Taking into account that the National Bank of the KR shows that the share of credit portfolio for 1 borrower equals to 830 US dollars, whereas the average interest rate on loans (for 2012) issued by microfinance institutions is 38%, whereas also some MFO interest rates are set at the level which is much higher than the average level of (70-80%). Thus it becomes evident that such credit does not provide women with opportunity to develop their entrepreneurship. The pace of development of the microfinance sector for the period 2010-2011 is growing, while at the same time in Kyrgyzstan according to NSC the poverty rate increased to 36.8% (in 2010-33.7%) Therefore the burden of responsibility for the payment for the loan fall on woman, while at the same time she is not free from domestic household duties. Increased workload, associated with the activity to ensure the repayment of the loan, resulted in the fact that it has drastically reduced the time to satisfy their physiological needs, such as sleep, nutrition, hygiene, etc., which also leads to the deterioration of women's health.

Article14.

Rural women

180-205. In addition to the data provided by the Governmental Report there are issues that also have to be considered in relation to elimination of discrimination against women in rural areas in order to ensure their participation in development of rural areas on the bases of equality between men and women, and also to ensure their obtaining of benefits from this development, in particular to have the right to enjoy adequate living conditions, in relation to housing, sanitation, electricity and water supply, transport and communications.

Economic crisis and the deterioration of the living conditions of rural women placed them in the most vulnerable position. Financial problems and growing poverty lead not only to economic problems, but also to the problems associated with health, especially reproductive health, gender discrimination in various spheres of life of rural women. Living conditions in the rural areas of Kyrgyzstan represent the living standards which are far behind from those available to urban residents. For example, the lack of heating, lighting, fuel and safe sanitation, poor quality of drinking water and malnutrition-these are the most common problems faced by rural women. As a result, rural women have health

⁵²Law of the KR «On microfinance organizations» Bishkek from 23 July 2002 N 124

problems that are closely connected with limited access to safe drinking water, lack of proper sanitation and poor hygiene. As a confirmation for the presence and spread of problems connected to water supply, the following facts have to be considered: intestinal diseases are the main cause for child mortality, whereas there are 35 deaths per 100,000 children under 5 years. As a result Kyrgyzstan is among the five countries with the worst statistical indicators among the pan-European region. Safe sanitation and safe sewerage system, as well as the conditions for proper hygiene are still not available for many rural women.⁵³

Drinking water supply in rural areas of Kyrgyzstan is provided mainly by underground sources of artesian water, they accounted for 80% of the drinking water and water for household needs. More than 40% of the centralized waters supply system of the country is completely worn out and needs replacement. Kyrgyzstan which produces more than 90% of its electricity using hydroelectric installations faces the imminent energy crisis since 2008. Old equipment, lack of financial resources, corruption and low water has led to the practice of increasing power outages across the country. These circumstances place rural women into vulnerable position in which they are taking the brunt of the energy crisis. The study of NGO “Alga” conducted in 2012 showed that the burden on rural women in the management of the household chores increases significantly in winter period. Women particularly emphasized that during the winter in comparison with summer period they have to spend more time on household chores. Additional activities include inciting furnace for home heating and cooking, as well as boiling water for household needs. Rural women do not use electricity while managing everyday chores due to the regular blackouts and high prices, also there is no gas supply in the villages.

Hygiene and cleanliness are the cultural norm for rural residents across the country. However many residents of Kyrgyzstan have to live in conditions with poor water and sanitation infrastructure. Traditionally, in rural families women and children are responsible for collecting water: 72% and 84% respectively.

Limited access to water exacerbates poor conditions for personal and domestic hygiene, which again worsen the situation of family members, especially women and children. The majority of rural women evaluate their sanitary conditions as very poor.

Many rural women who participated in the study experience psychological and physical discomfort during menstruation due to the lack of privacy and adequate sanitation. The issue of access to the conditions for hygiene during the menstrual cycle as a rule is not discussed, because it's a kind of taboo in families.

Currently, pit latrines and lack of wastewater treatment- the most typical characteristic for sanitation systems in rural areas, which is the cause of many problems related to hygiene and sanitation. A pit latrine is a common sanitation practice in rural areas of the country. Such toilets when being filled usually are not cleaned, but simply transferred to a new place whereas people dug a new pit latrine. The toilets in the villages are far away from homes, they are difficult to use at night or during the cold periods, especially in winter. This brings additional difficulties especially for women and adolescent girls who often complain that they have health problems (for example inflammation of reproductive organs.) Women are also the ones who responsible for cleaning the toilets.

Workload of rural women with domestic work is very high. Lack of developed infrastructure (such as electricity, piped water, sanitation and hygiene) further exacerbates the already difficult situation of rural women, since women are responsible not only for the household but also for the health of each family member. Large expenditures of time and great efforts which are required to meet the basic needs of life negatively influence the potential opportunities for income-generating activities of the family, which worsens the already precarious situation of rural families.

⁵³ Atlas on water and health <http://www.waterandhealth.eu/>

Recommendations:

1. At the national level, the programs aiming at improvement of living conditions in rural areas have to be given a priority, as well as technical and financial support, along with educational programs.
2. Political will and support are required to spread available innovative technologies. Secure and reliable technologies ensuring energy and access to sanitation will bring benefits to all the villages, especially to rural women. Considering the huge costs of health care, every invested euro into sanitation can be repaid by 4.8 euros at the country level.⁵⁴.
3. Local authorities should consider the provision of low-interest microloans for introduction alternative technologies which would improve the lives of rural women.

Article 15

Civil legal capacity and the same opportunities to its exercise

206-209 *According to Article 15 of CEDAW Convention, the state should provide “women the same civil legal capacity as for men and the same opportunities to its exercise”.*

Many women candidates to deputies during the local elections (November, 2012) were uninformed about the electoral processes, especially about the registration of election funds, whereas some had a false impression about the alleged need to create electoral fund, which is the main reason for their refusal to participate in elections. Thus, the majority of women candidates do not know their rights. For example, almost all the women who moved from initiative groups or who put their candidacy themselves were not able to open their election fund. The reason for this was lack of knowledge of laws and not knowing how to organize and operate the electoral process. As a result, women are not able to use the handouts and promotion materials on time.

However, far more serious symptom of female passivity and the growing backlog is their fear of the legal and operational framework of laws and enforcement mechanisms. Furthermore, these fears and ignorance, this legal and functional illiteracy is cluttered with myths and speculations. However this applies to many public servants.

Many members of the TEC and PEC, as well as the heads of regional and local governments are not even aware that these examples- are hidden discrimination against women. So, at the meeting with members of the Gender school to the questions “Were there violations of women’s rights during the elections?” a deputy governor of one of the areas with the confidence and sincerity replied that “no violation was not and should not be present.”

In its Recommendations for 2004 № (19) 151 the CEDAW Committee noted that women rarely use references to the Convention of existing laws in order to challenge the acts of discrimination. Also there is no record of court decisions on approval of legal claims, brought to the court by women in relation to their discrimination.

In its concluding observations in 2008 № 14, the CEDAW Committee calls the Kyrgyz Government to take more active and concrete measures to disseminate information about

⁵⁴ WHO 2012: Global costs and benefits of drinking water supply and sanitation interventions to achieve the MDGs and universal access. http://www.who.int/water_sanitation_health/publications/2012/globalcosts.pdf.

the Convention, procedures under the Optional Protocol and the Committee's general Recommendations.

In fact, women tend not to go to police or law enforcement agencies with the claims on violation of their human rights. This is evidenced by the examples which have been identified during the election process in the local councils (November 2012). In disbelief of active women to state and local governments is reflected most likely distrust of many other social and vulnerable groups such as : the elderly and pensioners, youth and adolescents, single mothers, as well as quite prosperous business representatives, business, education and other public services, regardless of gender, age, and ethnicity.

Further are the concrete cases, which are in the collection of case-study research:

1. During registration in the village Jeti-Oguz, Issyk-Kul region, the Territorial Election Commission (TEC) has not registered two women due to the fact that they are housewives. Nevertheless, women refused to restore their violated rights and prepare the report due to violation.

2. Examples of inefficient right restoring efforts of women-candidates running for deputies of local kenesh, defending their rights: «Due to dissatisfaction and complaints of abandoned candidates running for deputies, commissions conducted a review of the voting results, recounting votes in the district of Ak-Terek and the “Brickyard” of Kyzyl-Suu district and in Darhan village. The Election Commission hold additional examination and recognized the previous voting results to be valid, whereas falsification was not identified by the Commission” (from case study KyWRAW).

3. Successful examples of women defending their rights: «There was **one judicial trial** In Tup village of Tup district, initiated by the candidate running for deputy in Tup village, A. Makarova who requested to cancel voting results in some areas, whereas the court upheld her complaint. In the villages Kabak and Jeti-Oguz two female leaders got the majority of votes in comparison with other candidates, which is a good example for the further outspread” (from case study KyWRAW).

4. During the campaign, women candidates came and worked together. However men were united against women and especially young men were aggressive in relation to women.

5. There were no meetings with the voters in villages. Mostly only the method of bypassing homes was used. In this respect, it was easier to agitate for men candidates, “because they could gather other men for a bottle of vodka.”

6. During the elections men-candidates used their clan links (“Chagysh”, “Kojosh,” “Sary Kuchuk”). In the villages before the elections were different treats at homes mostly from the side of close relatives of men-candidates (with the use of clan ties), also the neighbors of men-candidates were actively involved. In the village of Svetlaya Polyana, feasts were organized in 6 houses for 20 people, who further had to recruit another 20 voting supporters. Women-candidates have indicated that they noted such pattern of behavior and in the next election they “will take into account all the nuances of the electoral process”, i.e. women are going also to use tribal and clan links along with men in the next elections.

7. On the Election Day, men agitated voters to vote for them, while women did not do that because it is **illegal**.

8. Men-candidates behaved illegally, whereas they sent insulting and threatening text messages to one of the woman-candidate. The woman said that “These were the texts which insulted my dignity, and which also demanded that I have to refuse from deputy

position. The head of our village council spread denigrating me messages. I was particularly offended by the fact that women did not support women-candidates. From the side of male voters it was said that “You are a woman, you have to sit at home plugged by something.” I think that these are forethought bad things against me.

Article 16.

Equality in marriage and family law

210-222. *In Concluding Observations (n.n.39-40) to the third periodic report of the Kyrgyz Government, the CEDAW Committee requests the State party to analyze the incidence of de facto marriages, in order to make an assessment of the economic situation of women in the separation, as well as to enact laws and regulations that protect women’s property rights in the event of dissolution of marriage or de facto union. The Committee also requests the State Party to include in its next periodic report the data on its implementation of such measures as well as their results.*

Available informational and analytical materials are not sufficient enough for assessment and analysis of the economic situation of women, who are in de facto marital relations without official registration of marriage. Important to note that the 4th periodic Report (п.п.210-222) reflects positive aspects in relation to officially registered marriages: at the legislative level and improving the number of officially registered marriages. For example:

210. During the reporting period, the legal framework of the Kyrgyz Republic was extended which guarantees gender equality in family relations.

The conditions for marriage registration for the first time were stated in the Constitution of the KR of 2010, which stated that “Persons who have reached marriageable age have the right to marry and create a family. No marriage shall be registered without free and mutual consent of two parties. Marriage is registered by state.”

212. With the purpose of reducing vulnerability of women in unregistered marriages (only hallowed through ritual religious practices), the Member of the Parliament initiated a bill that Mullah has the right to conduct a marriage ceremony after presenting marriage certificate issued by the registrar. The initiative has caused great public outcry, and was not supported by the Parliament.

It is necessary to note that in its General Recommendations № 20 the **CEDAW Committee stated that:** despite the fact that national constitutions and laws comply with the Convention, however customs, traditions, and failure to implement those laws contrary to the Convention.

Indeed, according to statistics, since 2000s there has been growth in the number of registered marriages, but at the same time, there is increasing trend of so called “civil” or religious marriages. It should be noted that such marriages involve economic consequences for women and children after the break-up of marriages or deaths of men, which is especially evident during the tragic events of June 2010. Since women who were living and children who were born in such marriages, in cases of men’s deaths, when paternity has not been established voluntarily or in court, women had no legal rights and bases of inheritance and could not receive state financial assistance/(lump-sum payments, allowances and pensions, and etc.).

According to official statistics, in 2007 there were 39 272 kids born in unregistered marriages, in 2011 44 740 – kids, whereas **45% from them were registered only with the request of mothers.** (Women and men of the Kyrgyz Republic, National Statistical committee, 2012)

Since 2006, there has been a steady rise in birth rate of women who are 15-17 years old, from 4, 4 children for 1000 women of this age, in 2006 up to 7, and 2 children. At the

same time **there is no information, whether these women are in officially registered marriages.**

In addition, official statistics shows that there is an increase in the number of divorces. According to the National Statistical Committee of the Kyrgyz Republic in rural areas there are 104 cases of divorce for 1000 marriages, whereas in urban areas the number is almost 3 times higher. As it is stated in paragraph 160 of united second, third and fourth periodic reports of the KR on implementation of the International Covenant on Economic, Social and Cultural Rights for the period of 1999-2011: in 2009 in comparison with 2005 the number of divorces increased by 17 % (from 1, 2 for 1000 population in 2005 to 1, 4 – in 2009), whereas there is no statistics on the number of court appeals claiming the property division as a result of divorce.

Practices of Lawyers Association WESA and other NGOs also suggests that in recent times there has been growth in the number of unregistered marriages and women are faced with the practical economic consequences for themselves and their children; they are forced to establish paternity through the legal process, in order to have the right to collect child support alimony, and solve the issues of property and inheritance rights.

Despite the fact the Constitution, family and civil law of the country do not recognize officially unregistered marriages, the right to a share in the common property in the case of an unregistered marriage is possible to put in issue in the legal process (which is quite complex in terms of financial and moral sides of the procedure).

Constitution, family and civil law of the country do not recognize unregistered marriages; therefore property acquired during the marriage is not recognized as the common property of persons living in marriage. The property is considered to belong to them on the basis of right of common ownership with the definition of the share of each of them (shared ownership), which can be set by the agreement of two sides. However in case of the absence of the agreement on the definition of a share (as a rule, there are no such agreements), the property right for the share can be put in issue in court, which is also complex in terms of financial and moral sides of the procedure (collection of evidence-it is required to provide written evidence of each some investments, property appraisal, examination, attorney's fees, payment of the state fees for the consideration of the merits of all courts- district, regional, and the Supreme Courts)

At the moment there is no (at least no published version) a review or synthesis of judicial practice in cases of divorce and division of property, and therefore it is impossible to assert whether there is increase/decrease in the number of such cases, how successfully or unsuccessfully women themselves exercise their rights to the rule of law, what problems are faced by the parties, and courts which resolving such disputes and etc. It is necessary also to note, that not all of women (particularly in rural areas) have claims for property division, because they don't know their rights and it is difficult to collect evidence, whereas they also don't have financial opportunities, do not believe in justice, or still depend on stereotypes.

The reasons for the existence and increase of unregistered marriages rate are: the choice of the woman, her legal illiteracy and lack of awareness of the consequences, indifferent attitude towards the timely registration of acts of civil status, obtaining of personal documents, stereotypes, lack of any liability (in particular administrative) for the timely civil registration of (birth, marriage and others), "attempt" to solve family financial hardships through marriage, as well as the lack of analysis of the incidence of de facto marriages from the government side in order to assess the economic situation of women and children living in such marriage; lack of access to free legal help and counseling services on civil disputes for a particularly vulnerable category of women, the lack of sufficient information and education on the consequences of unregistered marriages from the governmental side.

Despite the fact that the Family Code of the KR states that property acquired by the spouses during the marriage is their joint property, the legal equality of the spouses in the consolidation of jointly acquired property does not mean the actual protection and guarantee this right for women. In case of the termination of even officially registered marriage and in the case of impossibility of a voluntary division of joint property, a woman had to deal with the property disputes in the court.

In the modern court practice there are a lot of cases (disputes) on property rights between divorcing spouses, based on which there is a problem of gender inequality. However, unfortunately, it is impossible to estimate the depth of the situation of these disputes, because the official (court) statistics on claims of the property division between the spouses is not conducted. There is also no analysis and no factual circumstances that influence the adoption of legal and informed decisions while considering disputes by courts on the protections of women's property rights.

This could be assessed as a result of the review/ brief of judicial practice, conducted by the Supreme Court. However, as the official publications in information-legal system "Toktom" show that Информационно-правовой системе «Токтом» shows that court brief on the cases of divorce was conducted in 1991, and was taken in line with the Resolution of the Plenum of the Supreme Court. NGO does not have information on whether there was review/brief of court practice on the cases of property division between spouses.

Resolution of the Plenum of the Supreme Court of the KR in 1991 does not contain any information on whether there were cases on the division of property upon the dissolution of marriage. Only the paragraph 9 of the Regulation draws attention of the courts that in accordance with paragraph 15 of the Resolution of the Plenum of the Supreme Court of the USSR N6 from June 18, 1987 "under the resolution of the dispute as a result of the divorce, at the same the cases on division of property jointly owned by the spouses can be considered."

The presence of such statistics and analysis would also initiate and implement measures in accordance with the CEDAW Committee's Concluding Observations and other laws and regulations, which protect women's property rights in case of the dissolution of the registered marriage or de facto relationship.

Recommendations:

1. Return to the discussion of the bill, according to which the marriage ceremony (nikah) of Muslim tradition is possible only after the obtaining and presenting the marriage certificate issued by the state authorities;
2. Legislate the right to free legal aid for particularly vulnerable women and members of their families on civil disputes.
3. Considering increasing economic vulnerability of women who are in unregistered (civil) marriages during the division of property, inheritance matters, by sampling and statistical data collection methods to establish a system of regular analysis, assessment of the economic status of women in such marriages for consolidation of the initiatives of civil society to change the existing legislature;
4. To develop and maintain a record of statistics across medical institutions and local authorities on the state of marriage relationships of women who gave birth between the ages of 15-17;
5. To extend the work on the awareness of women, youth in particular girls on the questions of marriage and family relationships with a broad involvement of civil society (women's councils, courts of elders, respected local *baibiche*, elders, activists, leaders and the others)

6. Analyze judicial practice in respect to consideration of cases on recognitions of ownership of the share in the joint property of persons living in unregistered marriage; analysis of judicial practice in respect to consideration of divorce cases; division of property between spouses in unregistered marriage.
7. Keep and publish judicial statistics on considered cases of property division, both in the presence and absence of officially registered marriage.

Appendix 1:

INFORMATION ON NON-GOVERNMENTAL ORGANIZATIONS - AUTHORS OF THE PRESENT REPORT

Women Support Center (WCS)

Address: Pr. Mira 80-14, Bishkek, Kyrgyzstan

Telephone: +996 (312) 54 74 16

Fax: +996 (312) 54 15 20

E-mail: kyrgyzwomen@gmail.com

Website: <http://www.wsc.kg>

Contact person: Roza Aitmatova, President

Mission:

Promotion of gender equality through the protection of human rights and active participation in democratic reforms in Kyrgyzstan.

Main activities:

- Gender training
- Ensuring access of civil society to information on gender issues
- Monitoring of women rights
- Participation in discussions on the formation of the national gender policy
- Training of public servants, in particular, gender specialists
- Work with the decision-makers to improve the legislative framework
- Expansion of methodological and information base on gender issues, both in Russian and Kyrgyz

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- Research on various aspects of gender to the local context

Association of Crisis Centers of Kyrgyzstan (ACS)

Address: Kievskaya St, 27, app. 401, Bishkek, Kyrgyzstan

Telephone: +996 (312) 66 15 92, 43 53 01

Fax: +996 (312) 66 15 92

E-mail: association.kg@gmail.com, acc.kg@mail.ru

Website: www.acc.web.kg

Contact Person: Eliferenko Alexandra, President

Mission

Decreasing gender violence in the society, promotion of rights and freedoms of women, encouraging elimination of all forms of discrimination against women, and creating conditions for sustainable development and effective work of crisis centers.

Main activities

- Promotion of the rights and freedoms of women in law;
- Lobbying laws aimed at improving the status of women in society, elimination of discrimination and violence against women, and legal, social and other protection;
- Advocacy;
- Organizational development and strengthening of the ACS, strengthening the civil society's capacity;

NGO of rural women «Alga»

Address: Djerkazar village, Aidarbekova St, 35, Chui region, Kyrgyzstan

Telephone: +996 (3132) 52 4 47

Fax: + 996 (312) 61 00 22

E-mail: alga@infotel.kg, ngoalga@gmail.com

Contact Person: Djanaeva Olga, Director

Mission:

Improving the status and living conditions of rural women through the development of their consciousness and opportunities for self-affirmation, strengthening rural women's participation in decision-making and to protection of their rights.

Main activities

The main program of NGO "Alga":

- 1 Women's rights are human rights.
- 2 Overcoming poverty.
- 3 Development of the civil society.

NGO "Alliance for Reproductive Health" (ARH)

Address: Kievskaya St., Bishkek, Kyrgyzstan

Telephone/Fax: +996 (312) 66 31 44

E-mail: rhak@infotel.kg

Website: www.rhak.kg

Contact Person: Galina Chirkina, Executive Director.

Main goals:

1. Promotion and protection of the fundamental rights of men and women to make free and informed choices about their reproductive and sexual health;

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2. Providing the public with the information on the spectrum of sexual and reproductive health care, including family planning and related services;
3. Prevention of discrimination and enforcement of the rights of clients to receive information and confidential services.
4. Preservation and maintenance of reproductive and sexual health of the family;
5. Putting together the efforts of all interested organizations and individuals to inform the population on reproductive and sexual health issues by their greater involvement in the activities of the Alliance;
6. Promotion of a healthy lifestyle, family planning, conservation of maternal and child health. The Alliance performs this work in cooperation with national, international, governmental and non-governmental entities, the media, and other sectors of the society.

Services

- 1) Clinic for family planning and safe abortion established by the Public Association "Alliance for Reproductive Health" with the support of SAAF and the International Planned Parenthood Federation
- 2) School of childbirth preparation

Agency of Social Technologies (AST)

Address: Manasa St, 101/1, room 301, Bishkek, Kyrgyzstan

Telephone: +996 (312) 694062 (63)

E-mail: kas-kg@elcat.kg

Contact Person: Zulfia Kochorbaeva, Director

Mission

Promoting social development of Kyrgyzstan through training and support of social activity and self-organization of citizens of the Republic.

Main activities

All projects and activities of the ACT are designed to work with specific social groups (women, entrepreneurs, youth, employees of local government) in order to increase their social activity and the formation of self-organization skills.

The priority target group of the AST is women who can become community leaders.

NGO «Association for the support of women-entrepreneurs» (WESA),

Address: Timiryazeva St, 37, app. 2, Bishkek, Kyrgyzstan

Telephone: +996 (312) 35 26 74

Fax: +996 (312) 93 27 33

E-mail: wesa@elcat.kg

Contact Person: Gulnara Baimambetova, Executive Director

Mission

Capacity building for women in small and medium-sized businesses through a protection of their economic rights and a promotion of economic initiatives.

Main activities and services:

- Assistance to women to have an actual access to economic resources (land, credit, new technologies, etc.);
- Support women's competitiveness in the labor market through retraining and professional development;
- Creation of special programs to promote the development and strengthening of small businesses that are owned by rural women;

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- Preventive work in the form of legal knowledge and practical assistance to women entrepreneurs to protect their economic rights;
- Promoting youth employment through an integrated approach to decent work.
- Provision of expert and advisory services to members and clients of the Association;
- Creation of information resources for beginning entrepreneurs.

Center for Gender Studies (CGS)

Address: Ibraimova St, 35/66, Bishkek, Kyrgyzstan

Telephone: +996 (312) 555 21 19 85

E-mail: chynara_davletov@mail.ru

Contact Person: Chynara Davletova, Executive Director

Mission

Promoting equal rights and opportunities for people in the socio-economic sphere, regardless of gender, ethnicity, age, occupation, religion, etc.

Main activities

1. Conduct studies of gender aspects of socio-economic policy of Kyrgyzstan.
2. Conduct gender expertise of legal acts regulating social relations in social and economic spheres of life.
3. Gender mainstreaming in the activities of the state and municipal governments, and national, sectorial, and local strategic development programs and plans.
4. Increase the capacity of state and municipal officials, representatives of the private sector, NGOs and other social groups in civil society in the field of gender policy, including gender mainstreaming and gender budgeting.
5. Participation in the promotion and implementation of gender policy.