HUMAN RIGHTS WATCH

"Call Me When He Tries to Kill You"

State Response to Domestic Violence in Kyrgyzstan

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Map of Kyrgyzstan

Summary

Gulnara B. and her husband lived together for 15 years before he began brutally attacking her in 2003. One evening in 2012, he returned to their Bishkek home after a school reunion and started to criticize her. She said:

> I asked him to calm down, to not insult me. He said, "It's my home, I can do whatever I want." I got up and said, "Okay, you can do whatever you want." I wanted to leave the room but he said, "Stand there." I looked over and he was already approaching me. I ran away outside. He caught me by the hair. He banged my head against the cement ground. I was very scared. I asked him to forgive me.

Gulnara was hospitalized for 10 days with a severe concussion. During her hospital stay, medical staff reported her case to police without informing her or obtaining her consent. Although Gulnara provided an incident report, the police did not to tell her she could request a protection order against her abuser and never took any action against her husband. During years of beatings, Gulnara attempted to separate from her husband several times, even divorcing him in 2010. But she said she returned to him largely because she felt her children would suffer stigma and shame if they were "fatherless." After 10 years of abuse, in 2013, Gulnara's husband stabbed her, and she decided to press charges against him. The case has dragged on for over two years; as of this writing, Gulnara's husband has faced no conviction or penalties.

Gulnara's experience demonstrates the multiple ways in which the government of Kyrgyzstan is not providing adequate support, protection, and remedies to survivors of domestic violence.

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This report updates a 2006 Human Rights Watch report on domestic violence and bride kidnapping in Kyrgyzstan. In the intervening years, Kyrgyzstan's government has introduced legal amendments and awareness-raising campaigns in attempts to change attitudes towards violence against women and reduce impunity. For example, in 2013 the government increased penalties for bride kidnapping. Unfortunately, problems persist.

The report documents the government's failure to ensure provision of services and support for survivors, utilize available means of protection, investigate and prosecute cases, and penalize perpetrators in cases of domestic violence. In interviews with survivors of domestic violence, service providers, police, judges, community leaders, and representatives of state agencies, Human Rights Watch found that domestic violence remains a grave concern in Kyrgyzstan, and that multiple barriers hinder survivors from seeking help or accessing justice.

Human Rights Watch documented cases of severe physical and psychological domestic abuse, sometimes with long-lasting consequences. Women told Human Rights Watch about instances in which perpetrators pounded their heads against walls and pavement; broke their jaws; caused concussions and skull fractures; stabbed them; beat them with rolling pins, metal kitchenware, and other objects; locked them outside in extreme cold without shoes or appropriate clothing; beat them while pregnant to the point of miscarriage; chased them with knives and spades; attempted to choke or suffocate them; threatened to kill them; spit in their mouths; and verbally humiliated them at their workplaces.

Several women also told Human Rights Watch that they were forced into marriage, sometimes through abduction; three of the survivors Human Rights Watch interviewed were married between the ages of 15 and 17, below the legal age of 18. In many cases, women told Human Rights Watch that they experienced domestic abuse for years, almost always at the hands of husbands or partners, but also by in-laws and, in one case, a brother. Some of the women suffer from long-term physical or psychological distress as a result of domestic violence.

Survivors of domestic violence in Kyrgyzstan face a daunting array of barriers to seeking assistance, protection, and justice. Social barriers include pressure to maintain the family at all costs, stigma and shame, economic dependence, vulnerability and isolation—especially among those in unregistered marriages—and fear of reprisals by abusers. Other obstacles include lack of services for survivors of domestic violence, particularly shelters, and inaction or hostility on the part of law enforcement and courts. In multiple ways, Kyrgyzstan is violating its own 2003 law on domestic violence, as well as its binding international human rights obligations.

Women and girls in Kyrgyzstan suffer high rates of domestic violence, yet few cases are reported and even fewer are prosecuted. In Kyrgyzstan's 2012 Demographic and Health Survey, 28 percent of women and girls aged 15-49 who are or have ever been married reported having experienced domestic violence (defined in the survey as physical, sexual, or emotional violence by a spouse or partner). According to the survey, 41 percent of women and girls who experienced physical or sexual violence never sought help or told anyone about the violence.

Government data shows that only a fraction of domestic violence complaints registered with police are reviewed by courts. Those that do reach courts are frequently considered administrative offenses, not crimes, and thus face lighter penalties. Even among administrative cases, few perpetrators are convicted of domestic violence; most face penalties for offenses such as "disorderly conduct."

This is a critical time to examine Kyrgyzstan's record on domestic violence. A new law developed by experts and government agencies, which would overhaul the 2003 Domestic Violence Law, is due to be finalized for parliamentary review by the end of 2015. It is vital that any new domestic violence legislation retains those elements of the existing law that ensure protections and redress, while at the same time addresses its weaknesses and incorporates enforcement mechanisms. While the 2003 Domestic Violence Law was groundbreaking, it promised far more than it accomplished.

Parliament is also considering amendments to the Criminal Code and Criminal Procedure Code. These have the potential to strengthen the existing legislative framework on domestic violence.

Not all police, judges, and state service providers ignore their responsibilities with respect to domestic violence. Some police told Human Rights Watch that they regularly take domestic violence complaints and issue temporary protection orders. Some survivors said that judges helped them obtain a divorce or access alimony from abusive husbands. Ministry of Health and Ministry of Internal Affairs officials have introduced manuals offering guidance on domestic violence response and data collection. However, service provision for survivors of domestic violence, including shelter, psychosocial care, and facilitation of access to justice, lies almost entirely in the hands of nongovernmental organizations, most of which receive no state support.

Kyrgyzstan has ratified several international human rights treaties that obligate it to protect women and girls from violence and discrimination. However, it has not ratified an important regional treaty, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, which came into force in 2014. Although not a Council of Europe member state, Kyrgyzstan can and should ratify this treaty, which provides detailed guidance on measures to address domestic violence.

The government of Kyrgyzstan should enforce its national laws on violence against women, including domestic violence, and change laws and practices that put women and girls at risk of violence. The Ministry of Internal Affairs, Ministry of Justice, Prosecutor General's office, and Supreme Court should provide improved and repeated training for police, prosecutors, and judges, and monitor their adherence to laws and policies related to domestic violence. This includes issuing and enforcing protection orders and prosecuting abusers. The government should clearly and publicly state that the safety and welfare of survivors of domestic violence take priority over reconciliation and maintaining family unity. In addition, the government should enforce and clarify laws that limit referral of serious cases of domestic violence to community elders (*aksakals*) courts, which emphasize reconciliation and may limit survivors' access to the full range of measures for redress. It should also enforce laws prohibiting marriage below the age of 18 and all forms of forced marriage, including bride kidnapping.

Human Rights Watch found that health care providers reported cases of domestic violence to police without survivors' consent, which conflicts with recommendations of the World Health Organization and may deter women from seeking care. The government of Kyrgyzstan should issue guidelines specifying that it is not mandatory for medical professionals to report cases of domestic violence against adults to police, and that such reporting should only be done with the survivor's express consent. In addition, the government should expand key services for survivors of domestic violence, such as shelters and legal assistance. The government should also combat harmful attitudes and social norms that foster domestic violence, victim-blaming, and stigmatization of survivors.

In failing to enforce its laws, the government of Kyrgyzstan has left women and girls facing domestic abuse without a safety net. This is a pivotal moment for Kyrgyzstan to update its legal framework and implement effective systems to stop domestic violence and hold perpetrators to account. Until it does so, the government of Kyrgyzstan continues to put the lives of women and girls at risk.

Key Recommendations

Full recommendations to individual ministries and other bodies are listed at the end of this report. Human Rights Watch recommends that the government of Kyrgyzstan:

- Designate a specific government body responsible for coordination of all policies and measures related to domestic violence.
- Amend the Criminal Code to make clear that, in cases of domestic violence, Criminal Code articles may apply to spouses, partners, former spouses, and former partners regardless of whether the perpetrator and victim are cohabiting or have ever cohabited as well as members of the family, extended family, and in-laws.
- Ensure that domestic violence legislation retains the right of survivors of domestic violence to obtain temporary protection orders and longer-term protection by decision of the court, and that both forms of protection include the option of requiring the perpetrator to vacate a shared residence.
- Amend and enforce Ministry of Internal Affairs Order No. 844 of September 28, 2009, on police duties and procedures on responding to domestic violence to include broader protocols for police response to domestic violence in accordance with the United Nations Office on Drugs and Crime (UNODC) standards.
- Design and implement a mandatory core curriculum on domestic violence response at the police training institute, as well as in police retraining and qualification courses, in accordance with the above protocols and UNODC standards.
- Design and implement a mandatory core curriculum for training of prosecutors on domestic violence response in accordance with national and international laws and UNODC standards. Train judges on national domestic violence legislation and international obligations, and on domestic violence response.
- Ensure availability of adequate shelter, psychosocial, legal, and other services for survivors of domestic violence, including in rural areas.
- Amend the Practical Guidelines on Effective Documentation of Violence, Torture, and Other Cruel, Inhuman or Degrading Treatment and Punishment to clarify, in line with World Health Organization clinical and policy guidelines, that medical personnel should not report cases of domestic violence to police or share case information (including with family members) without the express consent of adult survivors.

Methodology

This report documents the government of Kyrgyzstan's failure to provide survivors of domestic violence with adequate services, protection, and legal remedies. It is based on Human Rights Watch research conducted in November and December 2014 in three cities in Kyrgyzstan: Bishkek and Naryn in the north and Osh in the south. Additional meetings and interviews were conducted in Bishkek in May 2015. These cities were selected based on consultation with local women's groups and service providers, and were chosen in an effort to interview survivors representing diverse socioeconomic and ethnic backgrounds.

Human Rights Watch interviewed 28 female survivors of domestic violence ranging in age from 20 to 49. All had experienced physical abuse, and almost all had experienced verbal or psychological abuse as well. Twenty-seven of the survivors reported abuse by their husbands or partners, and several also reported abuse by in-laws; one survivor was abused by her brother. Eleven survivors had experienced forced marriage and three had been married before the legal minimum age of 18. Survivors came from Chuy, Issyk-Kul, Jalal Abad, Naryn, and Osh provinces of Kyrgyzstan. Interviewees included ethnic Kyrgyz, Russian, and Uzbek women. They came from rural and urban areas, with education levels ranging from primary school to graduate degrees. Four of the survivors have or have had alcohol or drug dependence, and two have previously been convicted of crimes and served time in prison.

Human Rights Watch identified survivors with the assistance of local service providers, nongovernmental organizations (NGOs), and women's rights activists. Interviews were conducted in Russian, Kyrgyz, or Uzbek languages with the assistance of female interpreters. Two interviews were conducted in Russian by a Russian-speaking researcher. Some survivors declined to be interviewed for fear of stigma or reprisals.

Interviews with survivors were conducted at places of their choosing, including shelters, private homes, and crisis centers. Human Rights Watch informed all interviewees of the purpose of the interview and how information collected would be used, and received verbal consent before conducting the interview. Survivors were also informed of their right to stop or pause the interview at any time. No incentives were provided for interviews; some interviewees who met with Human Rights Watch were provided a small

reimbursement for travel expenses. Human Rights Watch referred survivors to available services where appropriate and possible, and took care to minimize retraumatization of interviewees.

Human Rights Watch also spoke with 65 representatives of law enforcement and the criminal and civil justice systems, public and private service providers, NGOs, and community leaders. These included ten staff members of crisis centers and shelters as well as eight representatives of the police, four judges, four lawyers, and five members of *aksakals* (elders) courts. It also included five health care providers, two religious leaders, and eleven representatives of international NGOs and United Nations agencies. Additional information was gathered from published sources, including laws, government data, United Nations documents, academic research, and media.

Human Rights Watch met with representatives of the Prosecutor General's office, the Ombudsman for Human Rights, and the Ministries of Health and Justice in December 2014 and with representatives of the Ministry of Internal Affairs in May 2015. The Ministry of Social Development declined multiple requests for meetings at these times. Human Rights Watch submitted written information requests to the Ministries of Internal Affairs, Social Development, Health, and Justice in March 2015; no responses had been received at this writing. These information requests are available on the Human Rights Watch website.

All survivors' names are pseudonyms and some identifying details have been withheld for their security and privacy. Names and identifying details of some other interviewees have been withheld at their request. Pseudonyms are represented by a first name and initial at the first mention, and then simply the first name. Where names and exact titles of interviewees are used, Human Rights Watch received express consent to do so.

I. Background

Domestic Violence and Child and Forced Marriage in Kyrgyzstan

> [My husband] says, "I will kill you. I will stab you. Get out of the house." He uses swear words. When he says get out of the house, I get out. At times I have to get out in winter…. I just stay outside waiting because if I go to the neighbors' he will come and wreak havoc there. I wait outside until he goes to sleep. I wait for two or three hours. Sometimes if he doesn't go to sleep I go to my relatives and stay there overnight with them….To avoid being beaten I run away….I feel depressed. Sometimes I just sit home and cry.
> —*Nurzat N., 37, Naryn province*[1]

Nurzat N. was kidnapped for marriage in Bishkek at age 17 by an acquaintance. She told Human Rights Watch that she fought her kidnappers, but was taken to Naryn and forced to stay with the groom and his family. Within a few years of their marriage, her husband began abusing her physically and psychologically. As in the cases of many of the survivors of domestic violence Human Rights Watch interviewed, Nurzat has not sought assistance from the police, nor had she accessed help from psychosocial or shelter services.[2] She said she feared that involving the police would lead to further abuse, and that leaving is impossible as she would not be able to provide for her children. "I have no one to turn to for help," she said.[3]

Such experiences are all too common in Kyrgyzstan.[4] In interviews with survivors of domestic violence, service providers, representatives of law enforcement and criminal justice, and community leaders, Human Rights Watch documented cases of brutal and long-lasting physical and psychological abuse. Almost all women interviewed were abused

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[1] Human Rights Watch interview with Nurzat N., Naryn city, November 28, 2014.

[2] Many women's rights organizations, service providers, and support organizations prefer the term "survivor" to "victim" as it empowers those who have experienced violence and reflects their agency, though some individuals feel that "victim" better signifies their experience of abuse. This report uses the term "survivor" except where quoting documents, including laws, or interviewees who use the term "victim."

[3] Human Rights Watch interview with Nurzat N., Naryn city, November 28, 2014.

[4] "Kyrgyzstan" and "Kyrgyz Republic" are used interchangeably to denote the country. This report uses "Kyrgyzstan" unless quoting from or naming a source that uses "Kyrgyz Republic."

by husbands or partners, and some also experienced violence by in-laws or family members. Women told Human Rights Watch about being beaten, kicked, and attacked with instruments including a rolling pin and knives, sometimes causing significant injuries such as concussions, skull fractures, or miscarriages.

In Kyrgyzstan's 2012 Demographic and Health Survey, 28 percent of married or formerly married women and girls aged 15-49 reported having experienced physical, sexual, or emotional violence by a spouse or partner.[5] Women and girls also reported frequent attempts by husbands or partners to control or restrict their behavior and movement; 71 percent reported jealousy or anger if they talked to other men; and 68 percent reported that their husbands or partners insisted on knowing their whereabouts at all times.[6] Other government data on violence against women is limited, often referring to registered cases rather than estimating broader prevalence.[7]

Available data indicates that women who experience violence often sustain injuries but may not seek help or divulge the abuse to anyone. In the 2012 Demographic and Health Survey, 56 percent of surveyed women who had experienced domestic violence said they had sustained some form of physical injury; 41 percent of women and girls who experienced physical or sexual violence never sought help or told anyone about the violence.[8]

Survivors and service providers told Human Rights Watch that domestic violence is considered almost normal in Kyrgyzstan. Tomaris M., 46, experienced years of physical and verbal abuse by her husband, but said that she did not perceive it as unusual: "In Kyrgyzstan people think everyone lives like that. All husbands beat their wives. It's not

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[5] National Statistical Committee of the Kyrgyz Republic, Ministry of Health, and ICF International, *Kyrgyz Republic Demographic and Health Survey 2012*, December 2013, https://dhsprogram.com/pubs/pdf/FR283/FR283.pdf (accessed October 13, 2015), Table 14.8., p. 24. The Demographic and Health Survey (DHS) is based on a nationally representative sample of approximately 8,216 households. The survey was conducted by the National Statistical Committee of the Kyrgyz Republic and the Ministry of Health with technical support from ICF International. For further information about the survey methodology, see National Statistical Committee of the Kyrgyz Republic, *Kyrgyz Republic Demographic and Health Survey 2012*, "Appendix A: Sample Design" and "Appendix B: Estimates of Sampling Errors," pp. 293-313.

[6] National Statistical Committee, Ministry of Health, and ICF International, *Kyrgyz Republic Demographic and Health Survey 2012,* pp. 255, 257.

[7] National Statistical Committee of the Kyrgyz Republic, *Women and Men of the Kyrgyz Republic: 2009-2013, Collection of Gender-Disaggregated Statistical Data*, 2014, http://www.unfpa.kg/wp-content/uploads/2015/01/Sbornik-ZHM-2014.pdf (accessed October 13, 2015), Tables 8.14, 8.18, pp. 138, 141.

[8] National Statistical Committee, Ministry of Health, and ICF International, *Kyrgyz Republic Demographic and Health Survey 2012*, pp. 261, 264.

extraordinary," she said.[9] Jyrgal K., 46, was kidnapped for marriage and later hospitalized three times due to physical abuse by her husband. She told Human Rights Watch, "My friends would say, 'We all suffer from the same, but we have to endure. We have to be patient.'"[10] According to Kyrgyzstan's 2012 Demographic and Health Survey, 33 percent of women and girls and 50 percent of men and boys aged 15-49 believe that a man may be justified in hitting or beating his wife.[11]

Marriage practices prohibited under national law—including child, early, and forced marriage—are also often accepted in Kyrgyzstan. Abduction for marriage, or bride kidnapping, has received significant attention and condemnation from media, academics, international bodies, and the government.[12] However, reports indicate that the practice continues; in its 2014 review of Kyrgyzstan, the UN body monitoring compliance with the Convention on the Rights of the Child (CRC) noted its concern about "the continuing widespread practice of bride-kidnapping of underage girls" as well as increasing incidents of early and forced marriages of girls.[13] The government has done little to monitor the scale of bride kidnapping or other forms of early and forced marriage.[14] Government data on registered crimes for 2013 lists only 10 cases of kidnapping and 22 cases of forced marriage against women and children; it does not provide specific data about the number of cases that involved abduction for marriage or child marriage.[15] Data on child and forced marriages is limited in part because such marriages are typically not registered with the state, and authorities only know about cases when complaints are filed.

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[9] Human Rights Watch interview with Tomaris M., Bishkek, November 22, 2014.

[10] Human Rights Watch interview with Jyrgal K., Naryn city, November 26, 2014.

[11] National Statistical Committee, Ministry of Health, and ICF International, *Kyrgyz Republic Demographic and Health Survey 2012,* pp. 279-281. The survey asked whether people felt a man was justified in beating or hitting his wife for at least one of the following reasons: "burns the food," "argues with him," "goes out without telling him," "neglects the children," "refuses to have sexual intercourse with him."

[12] For more on the practice of bride kidnapping and its impact on girls and women, see Human Rights Watch, *Reconciled to Violence: State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan*, vol. 18, no. 9(D), September 2006, http://www.hrw.org/reports/2006/09/26/reconciled-violence.

[13] United Nations Committee on the Rights of the Child (CRC Committee), "Concluding observations on the combined third and fourth periodic reports of Kyrgyzstan," CRC/C/KGZ/CO/3-4, July 7, 2014, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/KGZ/CO/3-4&Lang=En (accessed October 13, 2015), para. 37.

[14] CRC Committee, "Concluding observations on the combined third and fourth periodic reports of Kyrgyzstan," July 7, 2014, paras. 7b, 8.

[15] National Statistical Committee, *Women and Men of the Kyrgyz Republic: 2009-2013,* Table 8.5, p. 131.

Government data does not disaggregate incidences of domestic violence against specific populations such as lesbian and bi-sexual women and transgender men (LBT), women and girls with disabilities, ethnic and religious minorities, HIV-positive women, former prisoners, individuals with drug or alcohol dependence, and elderly women.[16] However, widespread prejudice against such groups likely presents additional obstacles to accessing justice and services.[17] In a report submitted for the 2015 review of Kyrgyzstan's compliance with the Convention on the Elimination of All Forms of Violence against Women (CEDAW), NGOs commented that stigmatization of and discrimination against female drug users, women with HIV, sex workers, and members of the LBT population increase their vulnerability to violence and decrease the likelihood that they will seek help.[18] A 2013-2014 study of a self-selecting sample of female drug users found that 80 percent reported experiencing domestic violence in the previous 12 months, but only 22 percent reported accessing services.[19]

Discrimination against the lesbian, gay, bisexual, and transgender (LGBT) community in Kyrgyzstan is at risk of being institutionalized: legislation criminalizing the dissemination of information that creates or promotes a "positive attitude toward nontraditional sexual orientation" in the media or public assemblies, commonly referred to as the anti-LGBT "propaganda" bill, is currently under consideration in parliament.[20] The bill passed its first reading in parliament in October 2014 and its second reading in June 2015 by an overwhelming majority (79 in favor, 7 opposed at the first reading; 90 in favor, 2 opposed at

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[16] Ibid.,Table 8.10, pp. 135-136.

[17] Anara Moldosheva, "Violence against Women in Kyrgyzstan: Baseline Assessment" (UN Country Team of the Kyrgyz Republic and UNFPA: Bishkek, 2008), http://www.un.org/womenwatch/ianwge/taskforces/vaw/kyrgyzstan_baseline_assessment.pdf (accessed October 13, 2015), p. 10; Alternative Report on the Situation of Women Who Use Drugs, Sex Workers, and Lesbians, Bisexual Women and Transgender People, Joint Submission for the 60th session of the Convention on the Elimination of Discrimination against Women (CEDAW), Republic of Kyrgyzstan, 2014, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/KGZ/INT_CEDAW_NGO_KGZ_19256_E.pdf (accessed October 13, 2015); Alternative Report on the Implementation of the Provisions of the ICCPR Related to LGBT People in Kyrgyzstan, March 2014, http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/KGZ/INT_CCPR_CSS_KGZ_16586_E.pdf (accessed October 13, 2015).

[18] Alternative Report on the Situation of Women Who Use Drugs, Sex Workers, and Lesbians, Bisexual Women and Transgender People, p. 12.

[19] Gilbert, L., Jiwatram-Negron, T., Nikitin, D. & Hunt, T., "The Effects of a Brief Intervention to Identify and Address Gender-Based Violence Among Women Drug Users in Kyrgyzstan," Society for Social Work and Research 19th Annual Conference, New Orleans, Louisiana, 2015.

[20] "Kyrgyzstan: Withdraw Draconian Homophobic Bill," Human Rights Watch news release, March 27, 2014, https://www.hrw.org/news/2014/03/27/kyrgyzstan-withdraw-draconian-homophobic-bill.

the second reading).[21] The UN High Commissioner for Human Rights, European Parliament, UN in Kyrgyzstan, Organization for Security and Co-operation in Europe (OSCE), and the US embassy in Bishkek have urged the Kyrgyz parliament to reject the pending legislation.[22]

In recent years, the government of Kyrgyzstan has taken some measures to address violence against women and girls, particularly bride kidnapping, which are discussed below. However, domestic violence receives less government attention, though it is often cited as one of the primary rights abuses facing the country's women. In the concluding observations of their 2015 reviews of Kyrgyzstan, the UN expert bodies that monitor compliance with CEDAW (the CEDAW Committee) and the International Covenant on Economic, Social, and Cultural Rights (the CESCR) noted concern regarding the prevalence of domestic violence, which "frequently leads to life-threatening physical injuries."[23] Similarly, the UN Human Rights Committee, which monitors compliance with the International Covenant on Civil and Political Rights (ICCPR), expressed concern in 2014 at continued violence against women and underreporting, and "that domestic violence is accepted by the society at large."[24]

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[21] "Kyrgyzstan: Reject Anti-LGBT Bill," Human Rights Watch news release, March 5, 2015, updated June 24, 2015, http://www.hrw.org/news/2015/03/05/kyrgyzstan-reject-anti-lgbt-bill.

[22] Ravina Shamdasani, Spokesperson for the High Commissioner for Human Rights, Briefing Notes, October 24, 2014; European Parliament resolution, Resolution 2015/250 (RSP), Resolution on Kyrgyzstan: homosexual propaganda bill, January 15, 2015, http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2015/2505(RSP) (accessed October 13, 2015); "The United Nations in the Kyrgyz Republic urges the Parliament of the Kyrgyz Republic to respect its international human rights commitments and refrain from adopting discriminatory laws," United nations news release, February 25, 2015, http://bit.ly/1DDcXG1 (accessed October 13, 2015); "Proposed legislation in Kyrgyzstan criminalizing LGBT-related information poses a threat to free speech and free media, says OSCE representative," OSCE news release, October 17, 2014, http://www.osce.org/fom/125657 (accessed October 13, 2015); "Statement on legislation that threatens human rights," US Embassy news release, October 10, 2014, http://bishkek.usembassy.gov/pr_10-10-14_statement_on_legislation_that_threatens_human_rights.html (accessed October 13, 2015).

[23] United Nations Committee on Economic, Social, and Cultural Rights (CESCR), "Concluding observations on the combined second and third periodic report of Kyrgyzstan," E/C.12/KGZ/CO/2-3, June 22, 2015, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fKGZ%2fCO%2f2-3&Lang=en (accessed October 13, 2015), para. 16; United Nations Committee on the Elimination of Discrimination against Women (CEDAW Committee), "Concluding observations on the fourth periodic report of Kyrgyzstan," CEDAW/C/KGZ/CO/4, March 6, 2015, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fKGZ%2fCO%2f4&Lang=en (accessed October 13, 2015), para. 17.

[24] United Nations Human Rights Committee, "Concluding observations on the second periodic report of Kyrgyzstan," CCPR/C/KGZ/CO/2, April 23, 2014, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/KGZ/CO/2&Lang=En (accessed October 13, 2015), para. 11.

Since Kyrgyzstan's independence in 1991, international agencies and governments have provided significant financial and technical support to Kyrgyzstan to undertake reforms and implement programs that directly or indirectly address the issue of violence against women. These include: the European Union, which has provided assistance for economic and political reforms; the United Kingdom, which supports democratization, security, and development; Germany, which supports poverty reduction and sustainable development; and the United States, which has contributed assistance for development of public services, economic growth, and democracy.[25] In addition, the OSCE has supported promotion of human rights, rule of law, and good governance, and the World Bank has provided assistance for public services, business development, and natural resources management.[26]

In January 2015, the UN Trust Fund to End Violence against Women awarded Kyrgyzstan's Ministry of Social Development a three-year grant of approximately US$719,000.[27] Four local NGOs will serve as implementing partners. Plans for use of the funds include strengthening the legislative and policy framework on domestic violence, piloting improved support services for survivors and women at risk, and conducting awareness-raising and advocacy activities.[28] Human Rights Watch was unable to confirm plans for implementation with the Ministry of Social Development as the Ministry declined requests for in-person meetings and written information.

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[25] See Delegation of the European Union to the Kyrgyz Republic, "Political and Economic Relations," http://eeas.europa.eu/delegations/kyrgyzstan/eu_kyrgyzstan/political_relations/index_en.htm (accessed October 13, 2015); British Embassy, Bishkek, "Overview of Projects and Activities Funded by British Government in Kyrgyz Republic," 2014, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/309644/140310_Project_brochure_ENG_FINAL.pdf (accessed October 13, 2015); Germany Federal Foreign Office, "Kyrgyzstan," March 2015, http://www.auswaertiges-amt.de/EN/Aussenpolitik/Laender/Laenderinfos/01-Nodes/Kirgisistan_node.html (accessed October 13, 2015); Deutsche Gesellschaft für internationale Zusammenarbeit (GIZ) GmbH, "Kyrgyzstan," http://www.giz.de/en/worldwide/356.html (accessed October 13, 2015); United States Department of State, Office of the Coordinator of U.S. Assistance to Europe and Eurasia, "Foreign Operations Assistance Fact Sheet, June 2014: Kyrgyz Republic," http://www.state.gov/documents/organization/231115.pdf (accessed October 13, 2015); USAID/Kyrgyz Republic, "Country Development Cooperation Strategy, 2015-2019," http://www.usaid.gov/sites/default/files/documents/1861/CDCS%20Kyrgyz%20Republic%20Public%20Version%20Final%209-2014.pdf (accessed October 13, 2015).

[26] See Organization for Security and Cooperation in Europe (OSCE), OSCE Centre in Bishkek, "What We Do," http://www.osce.org/bishkek/106149 (accessed October 13, 2015); World Bank, "Kyrgyz Republic," http://www.worldbank.org/en/country/kyrgyzrepublic (accessed October 13, 2015).

[27] UN Women, "United Nations Trust Fund to End Violence against Women, Annual report 2014," http://www.unwomen.org/~/media/headquarters/attachments/sections/library/publications/2015/untf-annualreport-2014-en.pdf (accessed September 30, 2015), p. 56.

[28] Ministry of Social Development, United Nations Trust Fund project "Solving the problem of domestic violence in Kyrgyzstan through a coordinated response of the state and civil society," http://www.mlsp.gov.kg/?q=ru/content/trastovyy-fond-oon (accessed September 30, 2015); UN Women, UN Trust Fund grantees – 18th cycle (2015), http://www.unwomen.org/en/trust-funds/un-trust-fund-to-end-violence-against-women/grantees#_Europe_Central_Asia (accessed September 30, 2015).

II. Legal and Policy Framework

Legal and Policy Framework on Gender Equality

Kyrgyzstan's national legislative framework provides protections related to gender equality and women's rights broadly, as well as to domestic violence specifically. The Constitution and the Law of the Kyrgyz Republic on State Guarantees on the Provision of Equal Rights and Equal Opportunities for Men and Women guarantee gender equality and prohibit sex discrimination.[29]

The government took steps in 2012 to address gender inequality and discrimination by developing a National Strategy to Achieve Gender Equality by 2020 and corresponding National Action Plans.[30] The National Strategy recognizes links between gender inequality and violence against women, and notes high levels of domestic violence and early marriage, as well as the enduring practice of bride kidnapping.[31] The National Action Plan on Achieving Gender Equality in the Kyrgyz Republic for 2012-2014 (NAP) emphasized strengthening women's economic empowerment and access to justice, including in cases of gender discrimination and gender violence.[32] At the time of writing, a NAP for 2015-2017 was awaiting government approval.[33]

Since 2009, responsibility for gender policy and coordination has shifted among three ministries, and now lies with the Department of Gender Policy under the Ministry of Social Development.[34] The National Strategy recognizes that implementation of past gender

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[29] Constitution of the Kyrgyz Republic, 2010, arts. 16.2-16.4; Law of the Kyrgyz Republic on State Guarantees on the Provision of Equal Rights and Equal Opportunities for Men and Women, 2008.

[30] "KR Government Statement from 27 June 2012, No. 443 on the KR National Strategy to Achieve Gender Equality by 2020 and the National Plan of Actions for 2012-2014 to Achieve Gender Equality in KR, Annex 1: National Strategy of the Kyrgyz Republic to Achieve Gender Equality by 2020," Bishkek, July 2012.

[31] Ibid. The document uses the term "violence against women" rather than "violence against women and girls."

[32] "KR Government Statement from 27 June 2012, No. 443 on the KR National Strategy to Achieve Gender Equality by 2020 and the National Plan of Actions for 2012-2014 to Achieve Gender Equality in KR, Annex 2: National Plan of Actions to Achieving Gender Equality in the Kyrgyz Republic 2012-2014," Bishkek, July 2012.

[33] Press Office of the Government of Kyrgyzstan, "Deputy Prime Minister Damira Niyazalieva: 'Kyrgyzstan has made significant progress in achieving gender equality,'" June 26, 2015, http://www.gov.kg/?p=58265&lang=ru (accessed September 30, 2015).

[34] National Review of the Kyrgyz Republic in the framework of the Beijing Declaration and Platform for Action, UN Women, http://www.unwomen.org/~/media/headquarters/attachments/sections/csw/59/national_reviews/kyrgyzstan_review_beijing20_en.ashx (accessed October 13, 2015); UN Human Rights Committee (HRC), Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, Mission to Kyrgyzstan, A/HRC/1422Add.2, May 28, 2010,

policy has failed in part due to the weakness of national mechanisms and lack of coordination.[35] In its 2015 concluding observations on Kyrgyzstan, the CEDAW Committee noted concern that frequent relocation of the state body overseeing gender policy has limited its effectiveness.[36] It also said that the current Department of Gender Policy "lacks necessary authority and capacity, including adequate human and financial resources and capacity to ensure that gender equality policies are properly developed and fully implemented."[37]

Legal Framework on Domestic Violence

Kyrgyzstan's law on domestic violence was adopted in 2003 following civil society mobilization and pressure: women's NGOs collected 30,000 citizen signatures and introduced the draft law on the basis of the then-Constitution's popular legislative initiative.[38]

In many ways, the 2003 Law on Social and Legal Protection against Domestic Violence (hereafter "Domestic Violence Law") establishes a strong framework for providing support and protection to survivors of domestic violence. The law defines domestic violence (referred to in the law as "family violence") as "any deliberate action of one member of a family against another, if that action infringes on the legal rights and freedoms of the family member, causes him/her physical or psychological suffering and moral loss or poses a threat for physical or personal development of a minor member of the family."[39] The law addresses not only physical but also psychological and sexual violence in the family.[40] Moreover, the law does not limit its definition of "family" to relatives or spouses; rather, it includes "spouses, relatives or live-in partners" and specifies that the law applies to partners in unregistered marriages.[41] The law falls short, however, of ensuring protections for non-cohabiting current or former partners, spouses, or relatives, leaving a

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http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.22.Add.2_en.pdf (accessed October 13, 2015), paras. 64-70.

[35] KR Government Statement from 27 June 2012, No. 443 on the KR, Annex 1: National Strategy of the Kyrgyz Republic to Achieve Gender Equality by 2020.

[36] CEDAW Committee, "Concluding Observations on the fourth periodic report of Kyrgyzstan," March 6, 2015, para. 11.

[37] Ibid., para. 11(a).

[38] The 1993 constitution was in force at the time. Law of the Kyrgyz Republic on the New Edition of the Constitution of the Kyrgyz Republic, 1993/2007, art. 64; United Nations, "Kyrgyzstan, Section 1: Review of Trends in the Achievement of Gender Equality in the Kyrgyz Republic," http://www.un.org/womenwatch/daw/Review/responses/KYRGYZSTAN-English.pdf (accessed October 13, 2015), p. 5.

[39] Law on Social and Legal Protection from Domestic Violence, passed by the Legislative Assembly of the KR Jogorku Kenesh, January 31, 2003, art. 1.

[40] Ibid.

[41] Ibid.

critical gap in protection for women and girls who have never lived or are no longer living with boyfriends, partners, spouses, or in-laws who abused them.

The Domestic Violence Law details not only a survivor's right to medical, legal, and shelter services, but also her right to seek remedies. Article 6 guarantees the survivor's right to file a complaint with police or prosecutors and to submit an application to instigate a criminal investigation.[42] It also offers a survivor the option to bring her case before a community justice mechanism called the court of *aksakals*, or elders' court.[43]

While the Domestic Violence Law establishes the importance of multi-sectoral support for survivors of domestic violence, and states that responsibility lies with both government and nongovernmental entities, it remains vague on the government's role outside of legal and judicial processes.[44] The law places significant responsibility for social service provision to survivors with "specialized social service institutions" without specifying governmental responsibility for supporting or monitoring such institutions.[45] Service providers and women's rights activists told Human Rights Watch that the government relies largely on NGOs to provide critical services for survivors. They said that almost none of these services receive government funding or material support (with one significant exception being a shelter in Bishkek), and several said that they struggle to keep their doors open.[46] Aleksandra Eliferenko, director of the Association of Crisis Centers in Bishkek, told Human Rights Watch, "The state says it has no funds to provide services. The state is not ready to provide support to crisis centers and victims."[47] A staff member at another Bishkek-based women's rights group said that, apart from the one shelter receiving government support, "the others are just trying to survive."[48]

Service providers and women's groups told Human Rights Watch that they are concerned that their funding will become even more precarious if parliament passes the "foreign

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[42] Ibid., art. 6.

[43] Ibid.

[44] Ibid., art. 13.

[45] Ibid., art. 14.

[46] Human Rights Watch interviews with staff members of Sezim, Bishkek, November 10, 2014; Forum of Women's NGOs, Bishkek, November 11, 2014; Association of Crisis Centers, Bishkek, November 13, 2014; Tendesh, Naryn city, November 26, 2014; Crisis Center Ak Jurok, Osh, December 2, 2014.

[47] Human Rights Watch interview with Aleksandra Eliferenko, Association of Crisis Centers, Bishkek, November 13, 2014.

[48] Human Rights Watch interview with staff from Forum of Women's NGOs, Bishkek, November 12, 2014.

agents" bill, which was initiated in 2013. In June 2015, the bill passed its first reading in parliament by a significant majority (83 in favor, 23 opposed). The bill would require organizations receiving foreign funds and engaging in vaguely defined "political activities" to register as "foreign agents." This could lead to public perception that they are spies of foreign governments, and also permit the government to suspend operations of those who do not register for up to six months without a court order.[49]

Orders of Protection

A critical element of the Domestic Violence Law is the provision of protection orders, intended to offer survivors immediate and longer-term protection from perpetrators of domestic violence, without requiring them to pursue criminal charges.[50] The law includes two types of orders: temporary protection orders, for immediate, short-term (up to 15 days) protection from an abuser; and court protection orders, for longer-term (up to 6 months) and potentially more stringent protection.[51] In issuing a protection order, police and courts are also obligated to inform the survivor of her right to pursue prosecution of her abuser.[52] Police are responsible for monitoring and enforcing the abuser's adherence to an order's conditions.[53]

Administrative and Criminal Codes

Kyrgyzstan's Code on Administrative Responsibility ("Administrative Code") contains a specific article on domestic violence. Under Article 66-3, domestic violence constitutes intentional harm that violates a family member's rights or freedoms and causes minor

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[49] "Kyrgyzstan: 'Foreign Agents' Bill Violates Rights," Human Rights Watch news release, May 21, 2015, updated June 4, 2015, http://www.hrw.org/news/2015/05/21/kyrgyzstan-foreign-agents-bill-violates-rights; "Kyrgyzstan: Reject 'Foreign Agents Law,'" Human Rights Watch news release, December 5, 2013, http://www.hrw.org/news/2013/12/05/kyrgyzstan-reject-foreign-agents-law; "Kyrgyzstan: Reject Bills that Violate Rights," Human Rights Watch news release, May 29, 2014, http://www.hrw.org/de/node/126012. See also: Venice Commission and OSCE Office for Democratic Institutions and Human Rights, "Joint Interim Opinion on the Draft Law Amending the Law on Non-Commercial Organizations and Other Legislative Acts," October 16, 2013, http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2013)030-e (accessed October 13, 2015).

[50] The United Nations *Handbook for Legislation on Violence against Women* notes that "protection orders are among the most effective legal remedies available to complainants/survivors of violence against women." United Nations Division for the Advancement of Women, Department of Economic and Social Affairs, *Handbook for Legislation on Violence Against Women* (New York: 2010), http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf (accessed October 13, 2015), p. 45.

[51] Law on Social and Legal Protection from Domestic Violence, arts. 21-27.

[52] Ibid., arts. 24, 27.

[53] Ibid., arts. 23, 26.

physical or mental suffering, or developmental damage. The exception is where damage is severe enough to provide grounds for criminal prosecution.[54]

However, government data shows that the majority of domestic violence offenders brought before courts are charged with "disorderly conduct" under article 364 of the Administrative Code, referred to as "minor hooliganism," rather than with article 66-3 on domestic violence, which carries slightly higher penalties.[55] Article 364 defines "disorderly conduct" as actions that violate public order and disturb the peace.[56] Additional Administrative Code articles that may be applied in cases of domestic violence include those for battery, intentional injury, or death threats.[57]

Unlike the Administrative Code, Kyrgyzstan's Criminal Code contains no specific article on domestic violence. Rather, individual articles on offenses such as homicide, torture, threat of murder, rape, bigamy and polygamy, and intentional infliction of light or heavy bodily injury or damage to health can be applied in cases of domestic violence.[58] Several of these articles carry harsher penalties when there are aggravating circumstances, including commission of the act against a woman known to be pregnant, or who is financially or otherwise dependent on the perpetrator.[59]

Laws on Bride Kidnapping, Early and Forced Marriage, and Polygamy

Kyrgyzstan's law forbids forced marriage of any kind, whether or not it includes abduction (so-called bride kidnapping).[60] Following intense public pressure to take action against

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[54] Code of Administrative Responsibility of the Kyrgyz Republic, No. 114, August 4, 1998, art. 66-3.

[55] Ibid., arts. 66-3, 364. Perpetrators found punished under Article 66-3 should face an administrative fine of five to ten standard units or up to five days administrative detention. Those punished under Article 364 face an administrative fine, eight hours of public service, or three days of administrative detention. Code of Administrative Responsibility of the Kyrgyz Republic, arts. 66-3, 364.

[56] Ibid., art. 364.

[57] Ibid., arts. 66-9, 66-10, 66-11.There is no available government data on the application of these articles in cases of domestic violence. Human Rights Watch meeting with Ministry of Interior, Palmir Orozbekov, Head of Department of Legal and International Cooperation, Bishkek, May 14, 2015.

[58] Criminal Code of the Kyrgyz Republic, 1997.

[59] Ibid., arts. 97, 102, 104, 105, 111.

[60] Ibid., arts. 154, 155. In this report, the term "bride kidnapping" refers to non-consensual abduction for marriage. In some cases, the Kyrgyz term for bride kidnapping has been used to denote a range of practices, including non-consensual kidnapping for marriage as well as "mock kidnappings" or consensual "kidnapping" for marriage. Such consensual "kidnappings" may occur when two people wish to marry but the marriage is not approved by their parents or when parents wish for their children to marry without incurring any financial burden. See Russell Kleinbach, Mehrigiul Ablezova, and Medina Aitieva, (2005) "Kidnapping for marriage (ala kachuu) in a Kyrgyz village," Central Asian Survey, 24:2, pp. 191-202;

bride kidnapping, the government increased Criminal Code penalties for bride kidnapping in 2013. Sentences for abduction of someone with intent to marry were increased from a maximum of three years' imprisonment to five to seven years' imprisonment for abduction for marriage, and five to ten years when the abductee is under age 17.[61]

Kyrgyzstan's Family Code establishes 18 as the legal age of marriage, although this may be lowered to 17 with government permission.[62] Both parties must give free consent for marriage.[63] Bigamy and polygamy are also illegal under the Criminal Code.[64] The state only recognizes marriages registered with the Office for Registration of Acts of Civil Status (ZAGS*).*[65] In 2012, members of parliament introduced a bill to amend the Act on Religious Belief and Practice, which included mandatory state marriage registration prior to conducting a religious marriage. The amendments were rejected in parliament.[66]

Russell Kleinbach and Lilly Salimjanova (2007), "Kyz ala kachuu and adat: non-consensual bride kidnapping and tradition in Kyrgyzstan," Central Asian Survey, 26:2, pp. 217–233.

[61] Ibid., arts. 123, 125, 154, 155. Criminal Code articles on abduction (article 123) and illegal deprivation of liberty (article 125) may also be applicable in cases of early or forced marriage, including bride kidnapping. There is no legal analysis or data available on prosecutions of bride kidnapping or forced marriage, nor on the use of various legal instruments or articles in such prosecutions.

[62] Family Code of the Kyrgyz Republic, 2003/2011, art. 14. In its fourth report to the CEDAW Committee, Kyrgyzstan states that such a reduction in age of marriage can be authorized by the local office of the Government Children's Ombudsman. Government of Kyrgyzstan Fourth Periodic Report to the Committee on the Elimination of Discrimination against Women, CEDAW/C/KGZ/4, May 1, 2013, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fKGZ%2f4&Lang=en (accessed October 13, 2015), para 214.

[63] Family Code of the Kyrgyz Republic, art. 13.

[64] Criminal Code of the Kyrgyz Republic, 1997, art. 153.

[65] Ibid., art. 1.

[66] Results of the parliamentary vote were 40 in favor, 34 opposed. Jogorku Kenesh of the Kyrgyz Republic, Results of the vote on January 26, 2012, concerning the Draft Law "On Amending the Law of the Kyrgyz Republic 'On Freedom of Religion and Religious Organizations in the Kyrgyz Republic'" (initiators - A.Altybaeva, B.Mamyrova, D.Bekeshev, Zh.Dzholdoshova, D.Niyazalieva, G.Asymbekova, N.Badykeeva, Y.Kadyralieva, T.Levina), considered by the Committee on Health Care, Social Policy, Labour and Migration) http://www.kenesh.kg/MyFiles/file/РЕЗУЛЬТАТЫ%20ГОЛОСОВАНИЯ/26_01_2012/56.pdf (accessed September 29, 2015).

III. Obstacles to Protection and Redress

> All over my back, my hands, my arms and legs were bruised.... I never went to the doctor or the police. I was afraid of [my husband] very much. If I turn to the police, the next day he might kill me... Sometimes he tried to choke me. I went to the neighbors' sometimes. They said, "It's okay, he will become polite later. If you have more children he will be more polite...." I thought, "If he beats me now, he will kill me later."
> —*Zarina S., 34, Bishkek*[67]

Women who experience domestic violence in Kyrgyzstan face numerous obstacles to accessing help and justice. Intense pressure to "preserve family unity" at all costs, as well as victim-blaming, stigma, economic dependence on abusers, and fear of abusers are among social barriers that trap women in abusive relationships. Marriage practices that violate women's and girls' rights and contravene Kyrgyzstan's laws, including bride kidnapping and other forms of child or forced marriage, often hinder access to help for domestic violence. Women and girls in such marriages frequently experience extreme isolation. Many marriages in Kyrgyzstan are conducted through religious ceremonies and are not registered with the state, resulting in denial of marital property rights.

Women and adolescent girls who seek help may be stymied by a lack of services or inability to access those that exist. Distrust of law enforcement and courts can stop women and girls from reaching out to police or pursuing complaints. In some cases documented by Human Rights Watch, women said they went to police and were turned away. Police resistance to registering survivors' complaints or issuing temporary protection orders and courts' failure to issue longer-term protection orders and convict abusers also pose barriers to justice and protection. Human Rights Watch found that, during all phases of reporting domestic violence and seeking help, family, community members, police, and justice officials tend to prioritize reconciliation and encourage women and adolescent girls to keep the family together.

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[67] Human Rights Watch interview with Zarina S., Bishkek, November 21, 2014.

Social Barriers to Accessing Help

Social pressure to keep silent and maintain the family unit, combined with intense fear of stigmatization and reprisals for speaking out, create significant obstacles to reporting domestic violence or accessing services and support. Unregistered, child, or forced marriages create additional impediments.

The "Kyrgyz Mentality" and Preserving the Family

Survivors, service providers, lawyers, judges, police, and other government representatives interviewed by Human Rights Watch spoke overwhelmingly of a "Kyrgyz mentality" that contributes to acceptance of domestic violence and silences victims. Among ethnic Uzbek interviewees, this was expressed as an "Uzbek mentality," or "our mentality," referring to the overall population of Kyrgyzstan. Women who experienced domestic abuse or forced or early marriage told Human Rights Watch that they often felt enormous familial and societal pressure to keep abuse secret and endure it for the sake of the family.

Asyl, a 30-year-old from Issyk-Kul province, told Human Rights Watch that she informed her mother-in-law about her husband's abuse: "My mother-in-law said, 'Kid, you shouldn't tell me these things. When he comes home drunk, don't tell him the next day what he said while he was drunk. You should just be smiley, give him tea. Everything will be okay.'" Asyl said she never told her own relatives about the violence "because my mother-in-law said I shouldn't tell people what happened in my own [personal] life."[68]

In general, the "Kyrgyz mentality" favors reconciliation of conflict and maintenance of the family unit, even in cases of domestic violence. This discourages victims from coming forward and, if they do, pressures them to reunite with their abusers. Interviewees said that reconciliation is encouraged, sometimes even by service providers. Baglan U., a member of a community domestic violence committee in a Naryn province village, said, "There are quite a lot of cases of physical [domestic] violence, but they don't get to court because the Kyrgyz mentality is that they will reconcile anyway. They come to us and we give them moral support to go back home."[69]

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[68] Human Rights Watch interview with Asyl, Bishkek, December 11, 2014.

[69] Human Rights Watch interview with Baglan U., Naryn province (exact location withheld), November 25, 2014.

Many women who attempted to leave abusive relationships told Human Rights Watch that their families had encouraged them to return and reconcile, even when they had suffered serious injury. Women who complain about violence in the home or leave abusive partners are perceived as destroying the family, leaving their children as "orphans" subject to immoral upbringing, and bringing disgrace onto themselves and their extended family.

Nurgul V. escaped to her sister's house after her husband kicked her in the stomach while she was pregnant: "[My parents] said, 'You have children. You must take care of them. Be patient. Wait until they grow up. Your time will come. You don't want your kids to be orphans without a father.'"[70]

Bermet K., 25, was hospitalized for 15 days when she was 6 months pregnant following a severe beating by her husband. She said her mother took her home to Bishkek, but soon Bermet's in-laws came to apologize and bring her back to Naryn. Bermet said, "I told my mom I didn't want to go back. My mom said, 'You are pregnant. Maybe he will change his behavior. Go back to the village and give birth.' I didn't say anything. I thought maybe she's right. I agreed and went back."[71]

Aisuluu G., 27, said that her husband began beating her within several months of kidnapping her for marriage. At first she told herself the abuse was normal: "I thought, my parents also lived like that, so I should put up with it and tolerate it." In 2011, almost one year later, Aisuluu said she told her mother about the abuse and that she wanted a divorce, but her mother urged her to remain with her husband to avoid bringing shame on her entire family. Aisuluu told Human Rights Watch that this left her even more isolated and vulnerable to abuse: "The fact that my mother returned me back to my husband made things worse. My husband said, 'You have nowhere to go. Your family won't support you.'"[72]

In discussing why many domestic violence complaints do not reach the courts, a representative of the Prosecutor General's office told Human Rights Watch, "For the state, for society it is more important that we have a whole family. Practice shows that children from broken families grow and commit crimes."[73] Asherbek Khalikov, the head of an

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[70] Human Rights Watch interview with Nurgul V., Bishkek, December 11, 2014.

[71] Human Rights Watch interview with Bermet K., Naryn city, November 26, 2014.

[72] Human Rights Watch interview with Aisuluu G., Bishkek, May 16, 2015.

[73] Human Rights Watch meeting with Marat Kuzhabaev, office of the Prosecutor General, Bishkek, December 11, 2014.

aksakals, or community elders, court in Osh, echoed this, saying, "Society with this kind of orphan children cannot be healthy."[74]

Khalikov told Human Rights Watch about a teacher in his community who suffered long-term physical damage due to severe beatings by her husband. He acknowledged that the woman did not receive compensation for her suffering, but praised the court's role in reconciling the couple:

> A woman can ask for compensation from a man, but in the local women's mentality that is not the priority. The main thing is to keep the family together. It is more important that the children not be half-orphans, that she [the survivor] not be called a divorcée. It is much more important than compensation from her husband.[75]

The head of one city police unit in Osh said that he opposes reforming Kyrgyzstan's Domestic Violence Law according to international standards because of the "Kyrgyz mentality": "If we bring in international standards for punishment for violence at home, then we will destroy many families and this is not appropriate for Kyrgyzstan."[76]

Such pressure extends to cases of adolescent girls and young women who are abducted for marriage. Human Rights Watch interviewed several women who had been kidnapped for marriage when they were between the ages of 17 and 25. They told Human Rights Watch that family and community members encouraged them to accept their fate and said that "a stone should stay where it is thrown," meaning that a girl or woman should remain even in a forced or abusive marriage.

Bermet said she was kidnapped in 2007, at age 19, on her way to university classes in Bishkek. She told Human Rights Watch that several men abducted her and held her down as she screamed and kicked in protest during the hours-long drive from Bishkek to Naryn. When Bermet informed her family of the kidnapping, they urged her to stay:

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[74] Human Rights Watch interview with Asherbek Khalikov, head of *aksakals* court, Kara-Su district, Osh, December 6, 2014.
[75] Ibid.
[76] Human Rights Watch interview with Aibek N., senior city police officer (name and exact title withheld), Osh, December 4, 2014.

> I tried to fight when we got there. They pushed me out [of the car], took me to the house. I called my parents. My mom said, "Now that you are in the house, now don't shame us. Now stay there. It's Kyrgyz tradition. You just sit there."[77]

Bermet said she was afraid and upset, but she stayed and got married.

Asyl N. was abducted for marriage in 2007 at age 23. She told Human Rights Watch that the groom's family and community compelled her to stay:

> On the way [to his village] in the car I tried to get out, but of course I was held down…. When we got to the home I cried. Several old women said, "A stone should stay where it's thrown." They said, "She's at the age when she needs to get married so she needs to stay."…They persuaded me to stay. I was forced.[78]

Asyl said she was able to contact her own family, and her sisters came to the groom's home. She said that, "according to Kyrgyz tradition," they persuaded her to stay and marry.[79]

Interviewees also told Human Rights Watch that Kyrgyz law supports reconciliation. Under the Criminal Code, a perpetrator who commits a minor offense is exempt from criminal liability if he or she reconciles with the victim.[80] This provides additional incentive for abusers or their family members to press for reconciliation. A lawyer who previously provided legal aid to survivors of domestic violence told Human Rights Watch, "Because the law has a provision to close the case if the parties reconcile, halfway through [a survivor's] relatives persuade her to reconcile and she withdraws the complaint. His [the perpetrator's] relatives also provide pressure."[81]

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[77] Human rights Watch interview with Bermet, November 26, 2014.

[78] Human rights Watch interview with Asyl N., December 11, 2014.

[79] Ibid.

[80] Criminal Code of the Kyrgyz Republic, art. 66; Criminal Procedure Code of the Kyrgyz Republic, approved by the legislative assembly of the parliament of the Kyrgyz Republic on May 24, 1999/2008, arts. 26, 29. Criminal Code article 66 states that "a person who has committed a crime of small or less severe gravity, shall be released from criminal liability if she/he has reconciled with the victim and has made restitution for any damage inflicted on the victim" unless the crime committed is categorized as "recidivism, dangerous recidivism or especially dangerous recidivism."

[81] Human Rights Watch interview with lawyer, Naryn province (name and exact location withheld), November 26, 2014.

Shame, Stigma, and Victim-blaming

Some survivors said that they did not seek help for domestic violence because they feared stigma and shame. Zarina S., 34, kept silent about her husband's beatings for six years. She said, "I stayed. It is Kyrgyz tradition. I was afraid of gossip. I thought, what will our neighbors say, what will my relatives say? It will be a shame on our family [if I leave]."[82]

Zahida G., 46, has endured years of physical and verbal abuse from her husband, including a beating that resulted in a 15-day hospital stay for a concussion. In 2012, he attempted to suffocate her with a pillow. She said that she never sought help because she felt embarrassed and ashamed, and feared it would jeopardize her reputation at work: "I was afraid I would be stigmatized….There would be rumors, gossiping.… People would say, 'Look at her, she gets beaten by her husband, then she comes to work and pretends as if everything is fine in her life.'"[83]

Women who do reveal domestic violence—whether to family, community members, or law enforcement—are seen as ruining the family, leading to a culture of victim-blaming. Tatiana R., 45, a survivor of physical and verbal abuse by her husband, told Human Rights Watch, "The mentality is that if your husband is like that [abusive], you should be blamed. Our society thinks if a woman is not managing to control her husband, it is her fault."[84]

Batma D., 33, was abused by her in-laws and husband. She said that when she told her husband's relatives, they replied that it was her responsibility to maintain family harmony, saying, "Next time, in the future, don't push him to the level of conflict. Don't argue with him. Just be quiet."[85]

Victim-blaming is sometimes blatant, even among officials. A judge in Naryn province told Human Rights Watch that, in his view, women sometimes bring violence upon themselves:

> The fact is that a husband beat his wife, but maybe he was provoked by his wife. Sometimes there are wives whose behavior provokes violence. Her

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[82] Human Rights Watch interview with Zarina S., Bishkek, November 21, 2014

[83] Human Rights Watch interview with Zahida G., Bishkek, December 10, 2014.

[84] Human Rights Watch interview with Tatiana R., Osh, December 7, 2014.

[85] Human Rights Watch interview with Batma D., Osh, December 5, 2014.

> husband may be unemployed. He comes home every day and very often the wife starts nagging him—you're not working, you're not making money, you're not providing for your family, your children. Sooner or later he gets fed up and beats his wife.[86]

Zarina said that during her divorce proceedings the judge held her responsible for failing to escape her husband's abuse: "The judge asked me and I told her about everything—the physical violence, everything. She said, 'Why haven't you turned to the police at those moments? This is your fault. This is your fault you were suffering and continued to live with him.'"[87]

Aisuluu said that the judge who presided over her first divorce hearing held her responsible for her husband's abusive behavior: "The judge asked, 'Why would he beat you? You were not doing the housework? Or are you sleeping around?'" she said.[88]

Lilia K., a 40-year-old from Osh, suffered severe physical abuse by her husband, and has permanent damage to her skull from a beating with a rolling pin. Lilia said she has struggled with alcohol abuse, and that a neighborhood police officer told her this contributes to her husband's abuse: "The police officer tells me to keep it together, that drinking doesn't lead to good things, that women with my character are also to blame."[89]

Economic and Social Dependence and Isolation

After marrying, women and girls in Kyrgyzstan frequently move to their husband's hometown, often sharing a home with his parents and relatives. As such, new brides are frequently cut off from their own families and social networks. While many women in Kyrgyzstan are highly-skilled professionals, numerous women work outside the home only sporadically or not at all, particularly in rural areas. This can compound women's isolation and dependence on their partners, spouses, or in-laws.

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[86] Human Rights Watch interview with judge (name and title withheld), Naryn province, November 27, 2014.
[87] Human Rights Watch interview with Zarina, November 21, 2014.
[88] Human Rights Watch interview with Aisuluu, May 16, 2015.
[89] Human Rights Watch interview with Lilia K., Osh, December 5, 2014.

Survivors repeatedly told Human Rights Watch that they remained in violent relationships in part because of their reliance on their abusers or abusers' families for shelter and food. Aigul G., a 42-year-old woman from Naryn province, said she had considered filing a complaint with the police but had not done so during nine years of abuse by her husband because she had nowhere to go:

> I knew if I went to the police I would have to leave the house and couldn't go back and I thought, "Where will I go with two kids?" My husband and his [adult] sons would kick me out of the house…. I put up with his beatings, but at least I have a place to stay.[90]

Zahida suffered a skull fracture, concussion, broken nose, and loss of four teeth after one beating by her husband. At the hospital, medical staff learned her injuries were due to domestic violence. "They asked me to write a complaint but I refused because if he was arrested, they [his family] would kick me out of the house and me and my two children would be alone. We would be homeless," Zahida said.[91]

Feruza S., 27, filed for divorce from her husband after years of severe beatings, one of which caused her to miscarry. She said that sometimes her former husband contacts her and asks her to reconcile, and she considers returning to him. "It's hard for me to bring up the children on my own. I'm concerned about how I'm going to bring them up if I don't have a job. I think maybe if I go back to him he will provide food and the children won't go hungry," Feruza said.[92]

Isolation can reinforce dependence on abusers. Some women reported that their partners, spouses, or in-laws controlled their movement and refused to let them work outside the home or contact their own families. Zarina told Human Rights Watch that her husband prevented her from leaving the house, even to attend her older brother's wedding. "When I wanted to go to [visit] my parents he would stop me. He would say, 'A woman after she is

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[90] Human Rights Watch interview with Aigul G., Naryn city, November 28, 2014.
[91] Human Rights Watch interview with Zahida, Bishkek, December 10, 2014.
[92] Human Rights Watch interview with Feruza S., Osh, December 4, 2014.

married shouldn't go to her parents' house so often. I am your family. You should do everything I say,'" Zarina said.[93]

In some cases, women said that their abusers or in-laws prohibited them from accessing help. Aigul said that when she tried to run away from his abuse, her husband would catch her at the front door and beat her.[94] At one point, Aigul suffered a head injury from her husband's beatings, but he would not permit her to get medical treatment:

> I wanted to go to the hospital, but he wouldn't let me out of the house. He would say, "No, you will not go to the hospital. If you go to the hospital someone might persuade you to file a complaint against me. You want to send me to prison, you want to get rid of me, but I will be the first to get rid of you." The next day after I was beaten he wouldn't let me out of the house.[95]

Aisuluu also told Human Rights Watch that her husband sometimes denied her access to medical care:

> He wouldn't allow me to go to the hospital. I would be unconscious [from his beatings] and he would spray water on my face to wake me up again. He would beat me again, and then spray water on me again. He would continue on like that.[96]

Feruza suffered a miscarriage after a severe beating by her husband. "He beat me throughout the night. In the morning I saw the blood on the sheets. That's how I knew I had been pregnant," she said. Her mother-in-law took her to a gynecologist friend for treatment. When she suffered a second miscarriage after her sister-in-law pushed her down the stairs, she said her in-laws again restricted her medical care to their family friend, reducing the likelihood that the abuse would be exposed.[97]

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[93] Human Rights Watch interview with Zarina, November 21, 2014.
[94] Human Rights Watch interview with Aigul, November 28, 2014.
[95] Ibid.
[96] Human Rights Watch interview with Aisuluu, May 16, 2015.
[97] Human Rights Watch interview with Feruza, December 4, 2014.

Some women who managed to flee abusive homes said they had no option but to leave their children behind as they sought housing and work. Several said they now struggle to make ends meet and rely on low-paying jobs, sometimes working shifts of more than 24 hours at a time, due to lack of education and work experience.

Most survivors Human Rights Watch interviewed had attempted to leave abusive relationships but ultimately returned, often due to concern about providing for their children. Nurzat suffers psychological and sometimes physical violence from her husband. He threatens to kill her and has kicked her out of the house for hours at a time in the middle of the night, even in winter. She told Human Rights Watch she does not feel able to separate from him. "I would go away for two or three days and come back because I am worried about my children. They are left behind. I was thinking of leaving with the children but I am afraid I won't be able to provide for my children because I don't have a place of my own," she said.[98]

Unregistered, Child, and Forced Marriages

Unregistered, child, and forced marriages heighten women's and girls' vulnerability to domestic violence and hinder escape. Such marriages often exacerbate women's economic dependence and isolation. Forced and child marriages may not be registered initially because they are illegal, and some remain unregistered to avoid detection. Even some legal marriages performed through religious ceremonies remain unregistered with civil authorities, depriving spouses of protections under the Family Code.

Although Kyrgyzstan's Family Code guarantees rights to marital property for spouses, numerous loopholes may prevent women from realizing this benefit.[99] Couples often marry only in religious ceremonies in Kyrgyzstan. Without additional civil registration, these marriages are not recognized by the state. Under national law, women in unregistered marriages are not entitled to marital property or other rights afforded a spouse, such as alimony and child support.[100] According to staff at an Osh crisis center, some women do not realize that religious marriages are not officially recognized and leave them without the protections granted to spouses under the Family Code.[101]

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[98] Human Rights Watch interview with Nurzat N., November 28, 2014.

[99] Family Code of the Kyrgyz Republic, arts. 3, 34, 35, 38.

[100] Ibid., art. 1.

[101] Human Rights Watch interview with crisis center director and former director, Osh, December 3, 2014.

The nature of some child and forced marriages, including cases of bride kidnapping, can lead to isolation and make seeking help for domestic violence all the more difficult. Bermet said that after she was kidnapped for marriage, her in-laws watched her all the time, even accompanying her to the toilet. Her husband beat her, but she could not confide in her own family. "My in-laws wouldn't give me the phone to call my parents, so I would speak to them only when they called [me], and my mother-in-law would sit next to me with the phone on loudspeaker," Bermet said.[102]

While representatives of women's rights groups and government agencies said they felt that harsher penalties introduced in 2013 had reduced bride kidnapping, none could point to a case that had been prosecuted since the change.[103] Recent data shows significant numbers of bride kidnappings and other forced marriages. In one study based on a 2011-12 nationally-representative survey, 38 percent of married ethnic Kyrgyz women and 31 percent of men reported having been married through bride kidnapping. Within the ethnic Kyrgyz community—the only community for which data was available—rates of bride kidnapping for women, while decreasing, remained at 33 percent for those married between 2002 and 2011.[104]

It is unclear how the government is working to determine the prevalence of bride kidnapping and other forced marriage, given that most cases go unreported.[105] In its November 2013 report to the CESCR, the government confirmed that no official statistics existed on the number of abductions for marriage or percentage of marriages resulting from this practice.[106] A lawyer in Naryn province said, "Bride kidnapping very rarely gets reported to the police. In many cases the women just stay, or, if they don't stay, they just

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[102] Human Rights Watch interview with Bermet, November 26, 2014.

[103] There had been some prosecution of bride kidnapping cases prior to the introduction of harsher penalties, including the case of Shaimbek Aimanajunov, who was sentenced to six years in prison for incitement to suicide, rape, and forced marriage after a 19-year-old university student he had kidnapped, raped, and forcibly married, killed herself. Human Rights Watch, *World Report 2013* (New York: Human Rights Watch, 2013), Kyrgyzstan chapter, http://www.hrw.org/world-report/2013/country-chapters/kyrgyzstan?page=2.

[104] Victor Agadjanian and Lesia Nedoluzhko, "Arranged and Forced Marriages in Kyrgyzstan: Persistence or Change*?"*, 2013, http://www.ucis.pitt.edu/nceeer/2013_827-01_Agadjanian%20_II.pdf (accessed October 13, 2015), p. 12. According to the study, this represents a decrease from 42 percent for those married between 1991 and 2001.

[105] See UN CRC*,* "Concluding observations on the combined third and fourth periodic reports of Kyrgyzstan," CRC/C/KGZ/CO/3-4, July 7, 2014, para. 37.

[106] CESCR, Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social, and Cultural Rights, Second and third reports submitted by States parties due in 2005: Kyrgyzstan, U.N. Document E/C.12/KGZ/2-3, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/484/41/PDF/G1348441.pdf?OpenElement (accessed September 24, 2015), para. 160.

leave, but they don't report to the police."[107] None of the women interviewed by Human Rights Watch who had been forced into marriage or married before the age of 18 had reported it to authorities.

While the minimum legal age of marriage is 18, interviewees said that Muslim religious leaders *(mullahs)* perform marriages of minors in a religious ceremony called reading *nikeh*.[108] The head of an *aksakals* court in Osh told Human Rights Watch, "According to the law, people can't register marriage before age 18, but *mullahs* read *nikeh* to a couple anyway….[E]veryone knows *mullahs* marry [people] at an early age."[109] A women's rights activist in Osh said that religious leaders "provide self-issued certificates" of marriage, but these marriages are seldom officially registered.[110]

Human Rights Watch spoke with an imam who confirmed that he performs marriages without asking for the ages of the bride and groom or proof of civil marriage registration: "According to the religion [Islam], it is not a must to have a [state] registration card [before I marry them]. I don't ask their ages because their parents come here and ask us to do *nikeh.*"[111] He said that he will not marry the couple if the girl appears "very young," which he said could be age 16 or 17 based on his visual assessment.[112]

According to the 2012 Demographic and Health Survey, nearly 14 percent of women currently aged 25 to 49 reported having married by age 18; less than one percent reported having married by age 15.[113] Information in the survey on age of first marriage for girls and women who are currently 15 to 19 years old is incomplete.[114] Government data for 2013 reported that 11,083 girls and women were married between the ages of 15 and 19; no

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[107] Human Rights Watch interview with lawyer (name withheld), Naryn province, November 26, 2014.

[108] Under article 14 of Kyrgyzstan's Family Code, the legal age of marriage is 18 years. However, local government officials may authorize marriage of children as young as 17 upon request and for "justifiable reasons." According to a 2013 report by nongovernmental organization Bir Duino, this is usually in cases of pregnancy or childbirth. Under Article 154 of Kyrgyzstan's Criminal Code, penalties may be given for compulsion to enter into de facto marriage with or abduction for marriage of someone under the age of 17, not 18. Family Code, art. 14; Bir Duino Kyrgyzstan, "Analysis of Early Marriage and Early Maternity in Kyrgyzstan," 2013, p. 9; Criminal Code, art. 154.

[109] Human Rights Watch interview with Asherbek Khalikov, December 6, 2014.

[110] Human Rights Watch interview with Jamila Kaparova, director, Ensan Diamond, Osh, December 3, 2014.

[111] Human Rights Watch interview with imam (name withheld), Osh, December 7, 2014.

[112] Ibid.

[113] National Statistical Committee, Ministry of Health, and ICF International, Kyrgyz Republic Demographic and Health Survey, 2012, Table 4.2, p. 73.

[114] Ibid.

information is provided on how many of these married before age 18.[115] A UN Population Fund (UNFPA) report the same year stated that, nationally, 12.2 percent of girls marry before age 18; in rural areas, this increased to 14.2 percent.[116]

Lax procedures in some religious ceremonies can also result in marriages without women's full and free consent. The imam Human Rights Watch interviewed said he does not confirm each party's individual consent to marry. Specifically, he said he does not ask the bride and groom for their consent in private, away from each other or family members: "Because they agree to marriage, they are here. I am reading *nikeh* in the middle of the ceremony…. So everyone agrees. It is not that people just come and read *nikeh.* One month before the family comes and asks if we can come [perform the wedding]."[117]

Of ten women who told Human Rights Watch they were subject to forced marriage, eight said that they were married in religious ceremonies and their marriages were never registered with the state.[118] Bermet said a *mullah* was called to perform the marriage when she was abducted for marriage at age 19. She said the *mullah* asked for consent only after the ceremony started, while she and the groom were surrounded by family members. Bermet said she tried to signal that she did not agree to the marriage: "The *mullah* asked [for consent]; you're normally supposed to say 'I agree' three times, but I only said it one time because I didn't really want to get married."[119]

In March 2015, the CEDAW Committee noted its concern about ongoing child marriage in Kyrgyzstan despite the legal minimum age of marriage being set at 18. The CEDAW Committee and the CESCR also noted the vulnerability of women in unregistered religious marriages and the denial of economic rights to such women.[120] Both Committees

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[115] National Statistical Committee, *Women and Men of the Kyrgyz Republic: 2009-2013,* Graph 1.5, p. 55.

[116] "UNFPA: Early Marriages Must Stop," United Nations news release, October 11, 2012, http://www.un.org.kg/en/media/news-releases/article/65-news-center/5471-unfpa-early-marriages-must-stop (accessed October 13, 2015).

[117] Human Rights Watch interview with imam (name and exact location withheld), Osh, December 7, 2014.

[118] One woman said her marriage was officially registered, but she later found out her husband had a false passport under a fake name and therefore the civil registration was void. Only one of the ten said her marriage was registered by the state before the religious ceremony.

[119] Human Rights Watch interview with Bermet, November 26, 2014.

[120] CEDAW Committee, "Concluding Observations on the fourth periodic report of Kyrgyzstan," para. 35; CESCR, "Concluding observations on the combined second and third report of Kyrgyzstan," para. 8.

recommended rapid legislative amendments to ensure registration of all marriages and guarantee women's rights upon termination of any marriage.[121]

Fear of the Abuser

Many survivors told Human Rights Watch that fear of their abuser prevented them from seeking help. Some said their husbands or partners directly warned them that there would be consequences for reporting abuse. Anna D., 43, said of her husband, "He said [to me] many times, 'If you ever report it to the police or anywhere, I will kill you.'"[122]

After being kidnapped for marriage, Jyrgal lived in a remote village of Naryn province. Her husband hit her on the forehead with a metal mug, leading to a month-long hospitalization. Jyrgal told Human Rights Watch that she was too afraid to tell doctors the cause of her injuries. "My husband said, 'If you tell the truth, when you come out of the hospital I will kill you,'" Jyrgal said.[123] She said she never went to the police during years of abuse because she feared for her own life and the lives of her children.[124]

Jamila K., 44, said her husband retaliated against her if she discussed his physical abuse outside the home. "If I told anything to anyone he would somehow hear it and would come home and beat me and say, 'Why did you talk to anyone?'" she said. Once, Jamila confided in a village teacher that her husband was abusing her and her daughter, who was in elementary school. The teacher's husband told Jamila's husband to stop. Jamila's husband reacted by beating her; she said she never told anyone about the abuse again.[125]

Lack of Services and Support for Survivors

Although the Domestic Violence Law establishes survivors' rights to shelter, medical, and legal services, Human Rights Watch found that services are insufficient and sometimes inaccessible, and a lack of coordination and referral systems hinders women from reaching comprehensive support. When survivors seek medical assistance, cases are sometimes

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[121] CEDAW Committee, paras. 36(a)-(b); CESCR, para. 8.

[122] Human Rights Watch interview with Anna D., Bishkek, November 24, 2014.

[123] Human Rights Watch interview with Jyrgal, November 26, 2014.

[124] Ibid.

[125] Human Rights Watch interview with Jamila K., Naryn city, November 26, 2014.

referred to police without the survivor's consent, violating core principles of working with survivors of gender-based violence and potentially increasing risks to their security.[126]

According to published government data, 7,373 women survivors of domestic violence sought help from crisis centers and psychosocial services in 2013.[127] Under the Domestic Violence Law, survivors have the right to medical treatment and transport to such treatment, accommodation in a safe space, and legal assistance and consultation.[128] The Domestic Violence Law tasks local government authorities and nongovernmental social service organizations with providing "social support" and "relevant consultations" to survivors.[129] This implies that the responsibility of NGOs is on par with that of the government. Article 11 of the Domestic Violence Law refers to responsibilities of state bodies, including public health and social protection authorities, but does not clearly establish their role.[130]

Insufficient Shelter Space

The Domestic Violence Law guarantees survivors the right to accommodation in a shelter for up to 10 days, with possible extensions. Any expenses for shelter stays beyond 10 days are to be covered by the perpetrator.[131]

Government data shows that 483 women and 256 men were provided with shelter by crisis centers and other social service facilities in 2013, but it does not specify how many sought shelter as a result of domestic violence.[132] Human Rights Watch interviewed staff members at nine crisis centers and shelters serving survivors of domestic violence in three provinces of Kyrgyzstan.[133] Staff at only two of the nine facilities reported receiving any government

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[126] World Health Organization (WHO), *Responding to intimate partner violence and sexual violence against women: WHO clinical and policy guidelines* (Geneva: WHO, 2013).

[127] National Statistical Committee, *Women and Men of the Kyrgyz Republic: 2009-2013,* Table 8.12, p. 137.

[128] Law on Social and Legal Protection from Domestic Violence, art. 6.

[129] Ibid., art. 12.

[130] Law on Social and Legal Protection from Domestic Violence, art. 11. Article 11 states that such bodies shall undertake quality control of social services for victims, develop family violence prevention programs, conduct research on causes and status of family violence, and conduct awareness-raising.

[131] Ibid., art. 17.

[132] National Statistical Committee, *Women and Men of the Kyrgyz Republic: 2009-2013*, Table 8.13, p. 138.

[133] Human Rights Watch interviewed staff members at facilities in Bishkek (Chuy Oblast), Naryn city (Naryn Oblast), and Osh city (Osh oblast).

support.[134] The Ministry of Social Development has indicated that, to improve social protection from domestic violence, it is taking steps to establish state crisis centers and train staff from the Office of Social Development on basic psychosocial support for survivors.[135] Human Rights Watch requested confirmation from the Ministry of Social Development about any existing or planned initiatives to address domestic violence, but has not received any response at this writing.

Only four of the organizations that Human Rights Watch visited currently provide any form of shelter services. Two target especially vulnerable women, including former prisoners, alcohol and drug users, and HIV-positive women. While these organizations' directors said that the majority of their clients have also experienced domestic violence, the services they offer are not intended to support the broader population of domestic abuse survivors. However, the director of one of the organizations explained that they began taking in survivors of domestic violence because there were no other shelters available to them in the area.[136]

Together, the centers Human Rights Watch visited offer a total of approximately three dozen shelter spaces.[137] One organization in Naryn and one in Osh reported that, due to lack of funding, they suspended shelter services in 2011 and 2014 respectively.[138] The director of the center in Osh told Human Rights Watch that, even before it suspended services, the center did not have funding to provide meals and therefore could not accept women with children.[139]

Interviews with survivors and service providers indicate that the number of shelter spaces for domestic violence victims in Kyrgyzstan is far below the need, and significantly less than the ratio recommended by the Council of Europe. The Council of Europe recommends

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[134] One organization in Bishkek and one in Osh reported receiving material or financial support from government sources.

[135] Ministry of Social Development, "Ministry of Social Development is training personnel in psychological counselling for victims of abuse," March 24, 2015.

[136] Human Rights Watch interviews with Nadejda Domasheva, psychologist, Crisis Center Arulaan, Osh, December 3, 2014, Nadejda Sharanova, director, Podruga, Osh, December 5, 2014, and Irena Ermolaeva, director, Asteria, Bishkek, December 9, 2014.

[137] Numbers are approximate as the shelters all accept women with children and in some cases will accommodate family members or additional survivors by taking extra measures, such as placing mattresses on the floor or having children share sleeping space.

[138] Human Rights Watch interviews with Sveta Sayakbaeva, director, Tendesh, Naryn city, November 26, 2014 and Daryika Asilbekova, director, Crisis Center Ak Jurok, Osh, December 2, 2014.

[139] Human Rights Watch interview with Daryka Asilbekova, Crisis Center Ak Jurok, Osh, December 2, 2014.

a minimum of one shelter space per 10,000 people where shelters are the predominant or only form of service provision.[140] In Bishkek, for example, the sole shelter that reported receiving government funding offers 15 places for a city population of approximately 950,000.[141] Shelter staff said that it is frequently overcrowded; at times women and children sleep in the corridors, or shelter staff find them temporary housing elsewhere.[142] The former director of a crisis center in Osh said she used to bring clients or their children home with her for lack of other options.[143]

Survivors of domestic violence repeatedly told Human Rights Watch that they remained in abusive situations because they had nowhere else to go. Numerous women said that even their own families would not take them in, especially if they had children. Aigul said that she went to her father's house in an effort to separate from her abusive husband, but her stepmother objected. "My father took the side of his wife and said, 'Why are you here?' So I had to go back [to my husband]," Aigul said.[144] Her father and stepmother were already caring for her two children from her first marriage, and her father made it clear they would not offer further support:

> I used to tell my father on many occasions that [my husband is] beating me. He would tell me, "You should put up with it, endure it. Don't fight back. He's not going to kill you or stab you. If you fight it you will have to leave your husband. I already brought you up. I take care of your two children—you want me to take care of the others, too?"[145]

Zahida said she felt similarly trapped during years of physical and psychological violence. "I wanted to leave, but because I had no place to go, I stayed. I tried to leave several times. I took the children and went to my sister's. Then I had to go back home after three or four days because my sister wasn't that supportive. She would behave in a way showing me that we are

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[140] Council of Europe, *Combating Violence against Women: Minimum Standards for Support Services* (Gender Equality and Anti-Trafficking Division, Directorate General of Human Rights and Legal Affairs, Strasbourg: 2008), p. 38.

[141] Human Rights Watch interview with staff of Sezim Crisis Center, November 10, 2014, Bishkek; National Statistical Committee of the Kyrgyz Republic, *Social economic situation of the Kyrgyz Republic January-August 2015,* Bishkek, 2015, Table 91: Changes in de jure population by territory in 2015, http://www.stat.kg/media/publicationarchive/4172400a-1e7a-4302-93b6-e080e54b031d.pdf (accessed October 7, 2015), p.144.

[142] Human Rights Watch interview with staff of Sezim Crisis Center, Bishkek, November 10, 2014.

[143] Human Rights Watch interview with former director of crisis center (name and organization withheld), Osh, December 3, 2014.

[144] Human Rights Watch interview with Aigul, Naryn city, November 28, 2014.

[145] Ibid.

not really welcome there," Zahida said. Though Zahida worked as a medical professional, she said her salary could not cover the cost of housing and supporting her children.[146]

One woman said that she tried to find shelter in Osh for herself and her children, but was turned away and unable to secure a space. Umida N.'s brother broke down the door to her house, beat her face against the floor, kicked her, and threatened her during a dispute over the inheritance of their mother's home in 2010. She told Human Rights Watch that she approached two or three shelters in the area, but was not given a place. Staff of at least one shelter told her they only accepted victims of human trafficking and that, as a domestic violence survivor, Umida did not meet their criteria, she said. Umida told Human Rights Watch that, at least at that time, shelters were particularly difficult to access for women with accompanying children.[147]

Women who did access shelters and crisis centers told Human Rights Watch that the support was invaluable. Zarina said that a neighbor gave her the phone number for the Sezim shelter in Bishkek in 2009. She said she hid it inside a textbook for five years before finding the courage to contact the shelter. During a series of phone calls, the shelter's director gave her emotional support and guidance. When Zarina escaped to her uncle's house and called the shelter, she said the director welcomed her, saying, "Come, we have a space for you." Zarina stayed in the shelter for three weeks and, at the time of the interview with Human Rights Watch, was living in a Sezim transitional house with her children.[148]

Tomaris withstood years of physical abuse and humiliation by her husband before she also went to Sezim's shelter with her children in 2013. "Here we felt happy for the first time in many months. We slept for almost 24 hours. We were told that for 21 days we were under their protection—we didn't have to think about [my husband] coming home drunk. I don't know why I hadn't done this before. Thank god I have this shelter," said Tomaris.[149]

Asya P., a 47-year-old from Jalal Abad province, said that she found temporary refuge from her husband's abuse at the Podruga center in Osh in 2014:

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[146] Human Rights Watch interview with Zahida, Bishkek, December 10, 2014.
[147] Human Rights Watch interview with Umida N., Osh, February 18, 2015.
[148] Human Rights Watch interview with Zarina, November 21, 2014.
[149] Human Rights Watch interview with Tomaris, November 22, 2014.

> He would beat me badly. He would chase me out of the apartment without shoes, take the keys and not give them back. Thank god I know this crisis center or I don't know where I would go in the middle of the night without shoes.[150]

All of the shelters that Human Rights Watch visited were in major urban centers or provincial capitals. Survivors and service providers said that there are few, if any, shelters in rural areas. Women living in rural parts of Naryn province told Human Rights Watch that there were no such facilities near their homes, and they would have to travel at least as far as Naryn city to reach one; some women said the distance and cost would be prohibitive.

Lack of Legal Services for Survivors

Although the Domestic Violence Law includes survivors' right to legal consultation and assistance, service providers and survivors told Human Rights Watch that there is little such assistance available.[151] A Naryn lawyer who previously offered legal aid said that he stopped due to lack of project funds and he does not know of any free legal services now available to survivors of domestic violence in Naryn. He also noted that many women cannot afford a lawyer; hiring a lawyer to assist in filing a simple complaint, he said, might cost around 500 Kyrgyz soms (approximately US$8).[152]

According to Kyrgyzstan's Demographic and Health Survey for 2012, of women who had experienced physical or sexual violence, only 1.3 percent sought assistance from a lawyer.[153] Survivors told Human Rights Watch that they did not receive information about legal services unless they visited crisis centers that offered or referred them to such services.

The United Nations Office on Drugs and Crime (UNODC) guidelines on criminal justice response to violence against women recommend provision of free legal aid to survivors of violence.[154] In a 2012 resolution on elimination of violence against women, the UN General

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[150] Human Rights Watch interview with Asya P., Osh, December 7, 2014.

[151] Law on Social and Legal Protection from Domestic Violence, art. 6.

[152] Human Rights Watch interview with lawyer (name withheld), Naryn province, November 26, 2014.

[153] National Statistical Committee, Ministry of Health, and ICF International, *Kyrgyz Republic Demographic and Health Survey, 2012*, Table 14.17, p. 265.

[154] United Nations Office on Drugs and Crime, *Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women* (New York: April, 2014), http://www.unodc.org/documents/justice-and-prison-

Assembly urged member states to ensure that female survivors of violence are provided necessary legal representation as part of ensuring their full access to both civil and criminal justice systems.[155]

Health Services and Reporting to Police without Survivor Consent

Human Rights Watch interviewed four doctors and one nurse at facilities in three provinces who said that, in their experience, survivors typically exhibit bruises or head injuries (concussions) and sometimes broken bones or spinal injuries.[156] Survivors who spoke with Human Rights Watch confirmed that they suffered concussions, bruises, and broken bones as a result of domestic violence. Sixteen of the twenty-eight survivors sought some form of medical assistance due to domestic abuse; nine of these were hospitalized. According to the 2012 Demographic and Health Survey, 56 percent of women who said they had experienced physical or sexual violence by a spouse reported sustaining some form of injury.[157] Of women who reported seeking help due to domestic violence, only 1.8 percent said they contacted a medical professional.[158] Other government data shows that 600 women received medical treatment as a result of domestic violence in 2013; 822 contacted emergency facilities, indicating potentially serious injuries.[159] In 2012, ambulances responded to 498 cases of domestic violence where the victim was female.[160]

The government introduced a new data collection system on domestic violence for health care workers in 2012. Using standardized forms, all health facilities are instructed to report the number of people seeking medical assistance due to physical, psychological, and sexual domestic violence, disaggregated by age and sex.[161] The Ministry of Health also

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reform/Strengthening_Crime_Prevention_and_Criminal_Justice_Responses_to_Violence_against_Women.pdf (accessed October 13, 2015), para. 18(h), p. 17.

[155] United Nations General Assembly, Resolution 67/144, Intensification of efforts to eliminate all forms of violence against women, A/RES/67/144, December 20, 2012, http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/67/144&Lang=E (accessed October 13, 2015), paras. 18(h), 18t.

[156] Human Rights Watch interviews with nurse, Naryn Province Unified Hospital (name withheld) and Kubanychbek Borsokeev, Head of Traumotology, Naryn Province Unified Hospital, Naryn city, November 29, 2014; Navat Arstanbekov, Head of Admissions and Neurosurgeon, Neurotraumatology, Republican Hospital, Bishkek, December 10, 2014.

[157] National Statistical Committee, Ministry of Health, and ICF International, *Kyrgyz Republic Demographic and Health Survey 2012,* p. 261.

[158] Ibid., p. 265.

[159] National Statistical Committee, *Women and Men of the Kyrgyz Republic: 2009-2013*, Table 8.23, p. 144. ; Table 8.27, p. 146. This does not exclude the possibility that some contacted emergency service for non-emergency injuries.

[160] National Statistical Committee, *Women and Men of the Kyrgyz Republic: 2008-2012,* Table 8.27, p. 145.

[161] L. K. Murzakarimova, A. T. Murzaeva, L. K. Ilibezova, and N. E. Kinderbaeva, *Domestic Violence Statistical Reporting Manual for Health Care Professionals of the Kyrgyz Republic* (Ministry of Health, Bishkek: 2012).

developed a protocol on medical care for survivors of sexual violence, but it does not contain specific guidelines on caring for survivors of domestic sexual violence.[162]

In December 2014, the government instituted the Practical Guidelines on Effective Medical Documentation of Violence, Torture, and other Cruel, Inhuman or Degrading Treatment and Punishment (Practical Guidelines), which are applicable in cases of domestic violence.[163] Training on the Practical Guidelines was held for 25 professors at the Kyrgyz State Medical Institute for Retraining and Skills Development and for some forensic experts in April and May 2015.[164] The Ministry of Health, along with national and international partners, plans to train personnel at primary health care facilities, forensic medical examiners, and psychiatric and psychological forensic specialists on the Practical Guidelines in 2015.[165]

Most women who visited health facilities after sustaining injuries from domestic violence did not complain to Human Rights Watch about the quality of care they received. However, some women said that they told medical personnel about domestic abuse, but the medical staff did not acknowledge it. Most women said medical staff did not offer referrals to shelter, psychosocial, or legal services. Mahabat T., a 35-year-old from Osh, said that she went to the hospital when she experienced difficulty breathing and hearing after her husband beat her and pushed her against a wall in October 2014. She said medical staff

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[162] Ministry of Health and Kyrgyz State Medical Institute of Training and Requalification, "Organization and provision of medical aid to persons who have experienced sexual violence (for medical workers), clinical protocol," 2014 (Clinical protocol on sexual violence).

[163] Ministry of Health, "On the Adoption of Practical Guidelines on Effective Medical Documentation of Violence, Torture, and other Cruel, Inhuman or Degrading Treatment and Punishment in the Kyrgyz Republic," No. 649, December 9, 2014; Ministry of Health of the Kyrgyz Republic, Republican Bureau of Forensic Medical Examination, Bishkek Traumatology and Orthopedics Research Center, Bishkek City Gynecological Hospital, and Bishkek City Children's Clinical Hospital and Ambulance, "Effective documentation of violence, torture and other cruel, inhuman or degrading treatment and punishment: Practical guide for health professionals at all levels of health and other departments of the Kyrgyz Republic," Bishkek, 2014 (Practical Guidelines), Chapter 1.

[164] Ministry of Health, "The Ministry of Health will train doctors to effectively document violence, torture and other cruel, inhuman or degrading treatment or punishment," April 16, 2015, http://www.med.kg/index.php/novosty1/453-ministerstvo-zdravookhraneniya-provedet-obuchenie-vrachej-navykam-effektivnogo-dokumentirovaniya-nasiliya-pytok-i-drugikh-zhestokikh-beschelovechnykh-ili-unizhayushchikh-dostoinstvo-vidov-obrashcheniya-i-nakazaniya.html (accessed October 13, 2015); "Forensic experts and forensic psychiatrists and psychologists will learn effective documentation of torture and other cruel treatment and punishment in accordance with the standards of the Istanbul Protocol," Soros Kyrgyzstan news release, May 4, 2015, http://soros.kg/archives/16565 (accessed October 13, 2015.)

[165] Ministry of Health of the Kyrgyz Republic, "Comprehensive plan of action for prevention, identification, documentation, response/redirection and statistical recording of all forms of violence, torture and other cruel, inhuman or degrading treatment and punishment in 2015," approved by Order No. 84 of the Ministry of Health of Kyrgyz Republic, February 19, 2015 (on file with Human Rights Watch).

did not acknowledge her abuse: "I said I was beaten by my husband. They said I was bruised. They gave me ointment. They did x-rays and [then] said everything was okay."[166]

Only one of the four doctors Human Rights Watch interviewed said he had received any training related to treatment of survivors of domestic violence. He said he has participated in training on "European standards" for response to cases of domestic violence, as well as on the new Ministry of Health data collection system.[167] He was unable to recall specific elements of the topics covered, indicating that the training may have been ineffective or inadequate. Another doctor, in Naryn city, said that hospital staff had never participated in any official training regarding response to domestic violence.[168] A Ministry of Health representative told Human Rights Watch that, to her knowledge, state health care professionals do not receive any tailored training on response to domestic violence.[169]

A primary concern with regard to the health system response to domestic violence is the practice of reporting cases to law enforcement without the survivor's informed consent. The Domestic Violence Law clearly specifies that social service institutions may inform police and the prosecutor's office of incidents or threats of domestic violence "upon the victim's consent."[170] In addition, the law states that personal information, including related to a victim's health, is protected by law and will be used only with consent of the victim, or where a criminal case is initiated or administrative action taken.[171]

Despite these legal protections, several survivors who sustained injuries told Human Rights Watch that medical staff contacted police without informing or asking them. Gulnara said she was hospitalized with a concussion in 2012. "[At the hospital] they didn't ask if I wanted them to call the police, the police just came by themselves. They didn't tell me they were going to call the police," she said.[172]

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[166] Human Rights Watch interview with Mahabat T., Bishkek, December 11, 2014.

[167] Human Rights Watch interview with Navat Arstanbekov, Head of Admissions and Neurosurgeon, Neurotraumatology, Republican Hospital, Bishkek, December 10, 2014.

[168] Human Rights Watch interview with Kubanychbek Borsokeev, November 29, 2014.

[169] Human Rights Watch interview with Aigul G. Boobekova, Chief Specialist, Treatment and Prevention Department, Ministry of Health, Bishkek, December 12, 2014.

[170] Law on Social and Legal Protection from Domestic Violence, arts. 15, 19.

[171] Law on Social and Legal Protection from Domestic Violence, art. 20.

[172] Human Rights Watch interview with Gulnara, Bishkek, December 12, 2014.

After her husband hit her against the wall, kicked her, and locked her in the bedroom, Zahida was taken to an intensive care unit and hospitalized for two weeks. When medical staff heard how she was injured and asked her to file a complaint, she refused for fear of being kicked out of her home. "I told the hospital I was not going to report to the police but still the police arrived. When I told the police I was not going to file a complaint, they went to my home and took my husband to the police station. They took him in the evening and kept him until morning," Zahida said. After that, she said, her husband only became more careful about how he beat her: "He avoided breaking my nose, my skull, my face. He would suffocate me and give me bruises."[173]

A trauma doctor in Bishkek told Human Rights Watch, "If she [the survivor] officially says she was beaten by her husband we have to report to the police because it's an obligation and we could be held accountable."[174] The five medical professionals Human Rights Watch interviewed echoed this sentiment that reporting cases to police is mandatory, although neither they nor a Ministry of Health representative could point to a specific directive on mandatory reporting. The Ministry of Health representative with whom Human Rights Watch spoke confirmed that medical personnel "always automatically call the police" in cases of domestic violence and that there are no protocols on requesting a survivor's consent prior to contacting law enforcement.[175]

Hamid K., head of a neighborhood police unit in Osh, said he oversees an area of several thousand people that includes hospitals and other institutions. Hamid told Human Rights Watch that he receives domestic violence complaints regularly. He said that medical personnel sometimes inform police about female patients with injuries, even if the women have not filed complaints. In such cases, he said that he visits the hospital and doctors provide him with information about the patient and her injuries, including a "certificate of diagnosis." He told Human Rights Watch, "Hospital staff just report to the police, they don't inform the victim. They just tell us [police], give us the information." When women ask hospital staff not to report their cases to police, Hamid said, "many women know the

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[173] Human Rights Watch interview with Zahida, December 10, 2014.

[174] Human Rights Watch interview with doctor (name withheld), neurotraumatology unit, Republican Hospital, Bishkek, December 9, 2014.

[175] Human Rights Watch interview with Aigul G. Boobekova, Ministry of Health, December 12, 2014.

doctors may still contact the police officers. Even if they ask [them not to], the doctors are still obliged to report the situation to us."[176]

Concern about health workers reporting their cases to police may deter some women from seeking medical care. "Of course I have had injuries, but I never went to the doctor because I know if I go and the doctor asks me how I got the injuries, they will call the police and I don't want it. I don't trust the police," said Asya.[177]

The Practical Guidelines on documentation of violence adopted in December 2014 include provisions requiring that medical personnel obtain informed consent prior to conducting a medical exam or disclosing information to others and that they explicitly tell patients of "any restrictions on the confidentiality of a medical examination and any legal obligations for disclosure."[178] However, the guidelines also instruct medical workers conducting a medical exam to "promptly inform" local police about cases in which patients have experienced violence.[179] The guidelines do not make clear whether medical workers should obtain the survivor's informed consent regarding contacting police, or specify in what cases and under what law they are legally bound to report to police even without such consent. The clinical protocol on sexual violence specifies that health care providers must notify local law enforcement authorities in cases of rape or life-threatening injuries.[180]

In its clinical and policy guidelines on intimate partner violence and sexual violence against women, the World Health Organization (WHO) recommends that health care providers report cases of intimate partner violence against adults only with the survivor's informed consent. Exceptions may exist where the law requires reporting of cases that are life-threatening or include mistreatment of a child. The WHO recommends that health care providers inform survivors of their rights and options with regard to reporting cases to authorities, offer to report the case to police with the survivor's consent, and inform survivors in cases where their right to withhold consent may be limited.[181]

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[176] Human Rights Watch interview with Hamid K., neighborhood police officer, Osh, December 4, 2014.
[177] Human Rights Watch interview with Asya, Osh, December 7, 2014.
[178] Ministry of Health, "Effective documentation of violence," 2014, chapter 3, p. 35, Appendix 2, p.115.
[179] Ibid., chapter 5, p. 69.
[180] Ministry of Health, "Clinical protocol on sexual violence," 2014, chapter 3, pp. 22-23, chapter 4, p. 26.
[181] WHO, *Responding to intimate partner violence and sexual violence against women*, p. 41.

The UN Istanbul Protocol Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment—on which Kyrgyzstan's Practical Guidelines are based—emphasizes the need for medical professionals to respect informed consent and a patient's right to determine his or her own best interests.[182] The Manual states that, in cases where the law requires health professionals to disclose information that is likely to put the patient at risk, "the fundamental ethical obligations are to respect the autonomy and best interests of the patient, to do good and avoid harm. This supersedes other considerations."[183]

The government of Kyrgyzstan should not enact laws or policies, and should amend or repeal existing laws or polices, that in practice might require a medical professional to violate the law or policy in order to uphold their medical ethics and responsibilities towards patients, such as on issues of confidentiality or consent.

Lack of Referral Systems

Kyrgyzstan lacks comprehensive systems for referral of survivors of domestic violence to key services, and few survivors Human Rights Watch interviewed had received such referrals. Only survivors who visited crisis centers reported being referred to comprehensive services such as health, shelter, counselling, and legal services.

Umida's brother beat her severely over a property dispute after their mother passed away. She told Human Rights Watch:

> [My brother] broke down the door and started to beat me. He grabbed me by the hair and pushed my face, my cheek into the floor. He sat on me, and hit my face on the cement [floor]. My shoulder was injured. I tore myself away and ran, but he caught up to me. I was so scared.[184]

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[182] Office of the United Nations High Commissioner for Human Rights, "Istanbul Protocol Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," Professional Training Series No. 8/Rev. 1, United Nations, 2004, http://www.ohchr.org/Documents/Publications/training8Rev1en.pdf (accessed October 13, 2015), para. 63.

[183] Ibid., para. 65.

[184] Human Rights Watch interview with Umida, Osh, February 18, 2015.

Umida told Human Rights Watch that she went to a trauma center in Osh and later filed a complaint against her brother, but neither medical workers nor police informed her of any services where she could get assistance.[185]

A Naryn province lawyer said that in two years providing legal aid, he never received a case of domestic violence referred by police and received only one referral from a state agency.[186] Health and law enforcement professionals said that they personally do not refer survivors to crisis centers, shelters, psychological services, or other forms of care. In some locations, they were unaware of available services and said that none existed in the community, though Human Rights Watch visited services in the same locations. Medical professionals at three facilities said that they only direct survivors to specialists within the medical facility (such as neurologists for head injuries) and sometimes to police. A Ministry of Health representative said that medical providers should "theoretically" refer survivors to additional services, but that such referrals have not been institutionalized.[187]

In 2010, UNFPA worked with local government and NGOs to pilot a referral system for survivors of gender-based violence in Bishkek. In 2012, the model was implemented in Osh and Jalal Abad cities. The program included instructions for multi-sectoral response to and tracking of cases of domestic violence.[188] A representative of UNFPA told Human Rights Watch that the pilot program showed promise but ended due to lack of funding.[189] A staff member from the Association of Crisis Centers, a network of crisis centers for survivors of violence across Kyrgyzstan, told Human Rights Watch that the program led to increased cooperation among services and agencies in Bishkek, but that inter-agency referrals have stopped since the project ended.[190] A UNFPA note on the program states that "while some progress has been made, more work still needs to be done to ensure that GBV [gender-based violence] survivors have access to comprehensive support. It is necessary to continue strengthening the capacity of local providers of health,

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[185] Ibid.

[186] Human Rights Watch interview with lawyer (name withheld), Naryn province, November 26, 2014.

[187] Human Rights Watch interview with Aigul G. Boobekova, Ministry of Health, December 12, 2014.

[188] UNFPA, "Case Study: Establishing a referral mechanism to prevent and respond to domestic violence at the local level, Kyrgyzstan," undated.

[189] Human Rights Watch interview with representative of UNFPA, Bishkek, November 21, 2014.

[190] Human Rights Watch interview with staff member from Association of Crisis Centers (names withheld), Bishkek, November 13, 2014.

psychosocial, legal, and protection services, with a view to setting up a sustained and well-functioning referral pathway."[191]

Law Enforcement and Judicial Response

> Everywhere she turns to for help—especially law enforcement—it's as if they are taking revenge on her for just daring to come and ask for support.
> —*Crisis center psychologist, referring to client suffering long-term physical and verbal abuse, Bishkek.*[192]

The Domestic Violence Law outlines responsibilities for police, courts, and the prosecutor's office in ensuring survivors' access to services, protection mechanisms, and justice. However, Human Rights Watch found that officials in all of these sectors were failing to carry out their duties in cases of domestic violence.

Police Deterring Reports, Pressuring Victims to Withdraw Complaints

Police responsibilities under the Domestic Violence Law include accepting, registering, and conducting initial investigation of complaints.[193] A 2009 Ministry of Internal Affairs order also specifies that police are required to accept and register domestic violence claims.[194] However, Human Rights Watch interviews with police officials, survivors, and service providers revealed problems with the police response to domestic violence, including refusing to accept complaints and pressuring survivors to withdraw complaints. Many interviewees attributed this to police attitudes that diminish the seriousness of domestic violence.

Survivors, service providers, and representatives of law enforcement and the judiciary told Human Rights Watch that many survivors of domestic violence never report the abuse to

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[191] UNFPA, "Case Study."

[192] Human Rights Watch interview with psychologist (name withheld), Chance Crisis Center, Bishkek, December 12, 2104; Human Rights Watch interview with Gulnara, December 12, 2014.

[193] Law on Social and Legal Protection from Domestic Violence, art. 10.

[194] "Instructions for organizing activities of law enforcement officers to counter and prevent domestic violence," Appendix 1 to Order of the Ministry of Internal Affairs of the Kyrgyz Republic No. 844 of September 28, 2009, T.B. Isanukova, A.B. Eliferenko, K.K. Kekiev, *Handbook on Dealing with Family Violence for Police Personnel of the Kyrgyz Republic,* Bishkek, 2010, pp.81-95, art. 4.1.

authorities. "You have to understand that only one out of 1,000 women call the police. Domestic violence is everywhere in our families," said one city court judge in Osh.[195]

Despite the fact that interviewees said domestic violence is widespread, Ruslan P., a neighborhood police officer in Naryn province, told Human Rights Watch he had received only two domestic violence complaints between January and November 2014, and only seven or eight total cases in his seven years in the position.[196] Aibek N., head of an Osh city police unit, said that, as of mid-December, there were 32 reported cases of domestic violence for a city population of over 200,000 in 2014.[197] According to Kyrgyzstan's 2012 Demographic and Health Survey, only 5 percent of women and girls who sought help for any type of physical or sexual violence reported going to police.[198]

Human Rights Watch found that survivors of domestic violence in Kyrgyzstan who approach police may be discouraged from filing a complaint, or may lodge a complaint and then face police pressure to withdraw it. Several police officers interviewed by Human Rights Watch said that if someone contacts them about a domestic violence case, they immediately offer to take a written complaint. However, some survivors said that police were dismissive or hostile when they tried to report abuse.

Asya said that she called the police in Osh twice in 2012 after severe beatings by her partner. She told Human Rights Watch:

> They said, "Did he use a knife? Did he try to kill you?" I would say, "No," and they would say, "Okay, you call me when he tries to kill you, because we have more important things to do."[199]

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[195] Human Rights Watch interview with Abduraimov Nurzamatoviev Kozuev, judge, city court, Osh, December 3, 2014.

[196] Human Rights Watch interview with Ruslan P., neighborhood police officer, Naryn city, November 27, 2014.

[197] Human Rights Watch interview with Aibek N., senior city police officer (name and exact title withheld), Osh, December 4, 2014. According to Kyrgyzstan's most recent census, Osh city had a population of approximately 220,500 people in 2009. National Statistical Committee of the Kyrgyz Republic, *Population and Housing Census of the Kyrgyz Republic of 2009,* p.12.

[198] This data is not disaggregated by type of violence and includes women who have experienced any form of physical and sexual violence. National Statistical Committee, Ministry of Health, and ICF International, *Kyrgyz Republic Demographic and Health Survey 2012,* p. 265.

[199] Human Rights Watch interview with Asya, Osh, December 7, 2014.

Asya said this caused her to lose faith in the police. "I don't trust the police because they are not interested in this kind of household stuff. This kind of thing is [in] every second household. They're more interested in robbery, crime," she said.[200]

Anna told Human Rights Watch that police at several different stations in Bishkek and Issyk-Kul province sent her away when she tried to report domestic abuse on multiple occasions between approximately 2007 and 2010. "When I came to the police station the policeman at the door would start asking, 'Why are you here? What do you want?'" she said. "Then they would say, 'No, you cannot do that, we do not take complaints on domestic violence.' Then I would turn around and walk away."[201]

Aisuluu, who suffered serious injuries but said an investigator refused to pursue her complaint against her husband, told Human Rights Watch that police do not take domestic violence seriously:

> Police don't consider beating a wife a real crime. The police say, "We have no right to keep the perpetrator for more than four hours, so after four hours he will just come back and beat you even more." They said it to me…. They said, "It's not a crime—it's just hooliganism."[202]

Nadejda Domasheva, psychologist at Crisis Center Arulaan in Osh, said that in 2013 the center's manager had to intervene on a survivor's behalf to elicit a police response. "The victim called the police 12 times, but they never accepted the case. There was systematic abuse. [Her husband] locked the door on her, burned her belongings. When we approached the police it was the thirteenth time. They had never accepted the case before," Domasheva said.[203]

Tatiana said that she went to the police in Osh to report domestic violence four or five times between 1998 and 2008. She said local police were familiar with her husband, an alcoholic who abused her physically and verbally, and responded to her complaints

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[200] Ibid.

[201] Human Rights Watch interview with Anna, Bishkek, November 24, 2014.

[202] Human Rights Watch interview with Aisuluu, Bishkek, May 16, 2015.

[203] Human Rights Watch interview with Nadejda Domasheva, psychologist, Crisis Center Arulaan, Osh, December 3, 2014.

flippantly. "They would say, 'Oh, again, your husband did something to you again.' But they didn't do anything. I asked for help. Nothing would happen," she said.[204]

Survivors also described police pressure to withdraw complaints after they were filed. Tatiana said that she lost faith in law enforcement when police were hostile and attempted to extort money from her after she managed to file a complaint about her husband's beatings:

> [The] police said, "If you want to continue the case, you have to pay." [He] said, "You know, to tell the truth, we don't like to take up these kinds of cases—family cases." I was quite serious about filing a complaint then. I think maybe if the police had helped me that time, the next eight years would have been different. After that I stopped trusting the police.[205]

Bermet said her husband would beat her until her face was bruised and when she began to heal, he would tell her, "Your bruises are almost gone. It's time to beat you again."[206] Bermet filed a complaint, and the police detained her husband. Police asked Bermet to come provide evidence and told her that prosecutors would later ask her to testify, but she was hesitant. "He [the police officer] said, 'Then you should withdraw your complaint.' I withdrew it," she told Human Rights Watch.[207]

Survivors and service providers described deep skepticism among police that survivors will follow through on domestic violence complaints, and a sense that this justified their inaction, in spite of their mandated duties under the Domestic Violence Law. The former legal aid lawyer in Naryn told Human Rights Watch that some police resist accepting complaints because they assume that women will ultimately drop them: "I would come with the client to the police and they would say, 'What's the point because all these women will withdraw their complaints.' Some [police] say they are fed up with [women] filing complaints against husbands. Even if it's not the first time she is complaining, [they think] she will always withdraw the complaint," he said.[208]

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[204] Human Rights Watch interview with Tatiana, Osh, December 7, 2014.
[205] Ibid.
[206] Human Rights Watch interview with Bermet, Naryn city, November 26, 2014.
[207] Ibid.
[208] Human Rights Watch interview with lawyer (name withheld), Naryn city, November 26, 2014.

In interviews with Human Rights Watch, some police implied that women who file domestic violence complaints are simply overly emotional. "Normally a woman files a complaint with the police in a very strong emotional state. They're angry, it is right after the violence. After one or two days she calms down and withdraws the complaint," said the Deputy Head of the Naryn Province Police Department.[209]

Attitudes about the need to keep families intact underlie police resistance to domestic violence complaints. Police officers—including some who said they regularly take domestic violence complaints and issue protection orders—told Human Rights Watch that their first step in a domestic violence case is usually an attempt to reconcile the couple. A neighborhood police officer in Naryn said, "We try to reconcile the couple, try to explain to them, 'Don't exacerbate the situation. Calm down, reconcile.'"[210]

Aibek, head of a police unit in Osh, explicitly said that this approach is intended to avoid dissolution of the family. "[We] explain the bad side, the outcomes of violence—the community impact. We are preventing family collapse, and having a child brought up without parents," he said.[211]

Lack of Investigations and Convictions

The Domestic Violence Law requires investigation of domestic violence complaints. However, some survivors said that even in cases where police registered their complaints, there seemed to be little or no follow up or investigation by police or prosecutorial authorities.

Aisuluu experienced several years of physical abuse by her husband. In March 2015, his beatings left her with a concussion and broken bones and she decided to file a complaint with police. The police directed her to a forensic examiner. Aisuluu said that the forensic examiner's report indicated that she had no injuries, but she appealed to the police investigator with the medical file detailing her injuries: "I gave him [the investigator] the document from the hospital but he said, 'I closed the case,' and he refused to do anything about it."[212]

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[209] Human Rights Watch interview with Gumaev Makhabat, Naryn City, November 25, 2014.

[210] Human rights Watch interview with Ruslan, neighborhood police officer, Naryn city, November 27, 2014.

[211] Human Rights Watch Interview with Aibek, senior city police officer, Osh, December 4, 2014.

[212] Human Rights Watch interview with Aisuluu, Bishkek, May 16, 2015.

Gulnara withstood severe beatings and humiliation by her husband for many years. Once he beat her head against the cement ground; another time he beat her in the middle of the street, then forced her to beg for forgiveness on her hands and knees. When she was hospitalized in 2012 due to his abuse, hospital staff contacted police, who told her to write an "explanatory note" about the incident. Gulnara said, "The police took the explanatory note and disappeared. I went to the police 10 days later and asked what they had done. They said nothing."[213]

Olga P., from Issyk-Kul province, said that she went to police three times about physical abuse by her partner in 2003, but the only action they took was to warn him. "The third time I wrote a complaint. I even wrote in the complaint, 'If you don't take measures, I will kill him.' They didn't do anything. They just took the complaint and left. He [the police officer] didn't come [back]. He didn't do anything," Olga said.[214] Later that year, Olga killed her husband in self-defense during one of his attacks and was imprisoned for eight years.

According to survivors and service providers, there is a particular lack of political will to hold perpetrators of domestic abuse accountable when a woman's abuser or the abuser's family members are employed by law enforcement. The former head of a crisis center in Osh told Human Rights Watch about obstacles to accessing justice in such circumstances:

> Usually members of law enforcement know where to beat their wives [so it isn't visible]…. In many cases, police husbands go to talk to the relevant bodies to get the case against them closed…. Usually, if all the abuse is documented properly, there should be a criminal case. Often husbands who work for law enforcement go to the court and bribe the bodies [to prevent prosecution].[215]

In some instances, officials have pressured women to drop cases of domestic violence against colleagues. Anna's husband is a former police colonel. She told Human Rights Watch that she filed a complaint against him for physical abuse of herself and her child,

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[213] Human Rights Watch interview with Gulnara, Bishkek, December 12, 2014.

[214] Human Rights Watch interview with Olga P., Bishkek, December 11, 2014.

[215] Human Rights Watch interview with director and director emeritus of crisis center (names withheld), Osh, December 3, 2014.

but the investigating officer told her that it would not be followed up.[216] Anna said she was called to the Ministry of Internal Affairs and instructed to stop the case against her husband: "[A]n officer told me my husband is a very respected retired policeman…. I should stop defaming him. I said, 'Are you threatening me?' [The officer] said, 'No, I'm warning you.'"[217]

As described above, Crisis Center Arulaan intervened on behalf of a survivor after police failed to act upon 12 calls by the survivor to report domestic violence. The crisis center's coordinator explained what she felt caused the lack of response by police: "The perpetrator's brother was working in the same police station."[218]

Only three of the survivors Human Rights Watch interviewed said that their abusers were investigated and brought to court. In all three cases, the survivors said that the perpetrators have not been penalized. Two women said their abusers were brought to court in Osh and, as they understood the judicial proceedings, were acquitted. Courts in Bishkek are still considering the case of one survivor in Bishkek after more than two years.[219]

Other survivors of domestic violence told Human Rights Watch that they believed bribery or corruption contributed to police inaction in their cases. Tomaris said that she filed a complaint with police after her husband beat her, leaving her with a concussion. She said that she found out her husband's family "negotiated" with police, which she believed involved a bribe, because when she went to withdraw her complaint, it had already been done.[220]

Human Rights Watch did not have access to files in any of these cases to confirm what occurred with regards to investigations or court proceedings.

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[216] Human Rights Watch interview with Anna, November 24, 2014.

[217] Ibid.

[218] Human Rights Watch interview with Nadejda Domasheva, psychologist, Crisis Center Arulaan, December 3, 2014.

[219] Human Rights Watch interviews with Lilia, Osh, December 5, 2014; Gulnara, Bishkek, December 12, 2014; Umida, Osh, February 18, 2015; Elena Tkacheva, psychologist, Chance Crisis Center, Bishkek, May 15, 2015.

[220] Human Rights Watch interview with Tomaris, November 22, 2014.

Although the government of Kyrgyzstan has stated it is taking measures to tackle corruption, international monitoring groups have found that corruption remains a significant obstacle to effective rule of law and civilian trust of law enforcement and the judiciary in Kyrgyzstan.[221] The United States government human rights report on Kyrgyzstan for 2013 notes that "corruption remained endemic at all levels of society" and "the payment of bribes to avoid investigation or prosecution was a major problem at all levels of law enforcement."[222]

Inadequate Material and Human Resources and Training for Police

Inadequate or inappropriate police response may be partially due to limited material and human resources, and inadequate police training. Gulsara Alieva, a retired police colonel and former Ministry of Internal Affairs gender focal point, said that police struggle with material and logistical constraints due to insufficient funding. "Here the police are so poor they don't even have fuel in their cars, so they can't really take action," she said.[223]

Police in Naryn and Osh provinces also told Human Rights Watch that neighborhood police are overstretched, covering large areas with villages that may be far from one another.[224] According to a Deputy Minister of Internal Affairs, police capacity is in compliance with normative standards in Issyk-Kul and Chuy (which includes Bishkek) provinces; the Deputy Minister told Human Rights Watch that "two or three regions" are still not in compliance with standards.[225] However, local police officers told Human Rights Watch that the number of neighborhood police is not sufficient to meet needs. The Head of District Police in Naryn city said that there are 10 neighborhood police officers covering 15 village municipalities,

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[221] "President Almazbek Altambaev: 'We have achieved a lot in the fight against corruption, but more must be done,'" statement of the office of the President of the Kyrgyz Republic, March 19, 2015, http://www.president.kg/ru/news/5513_prezident_almazbek_atambaev_myi_dobilis_mnogogo_v_borbe_s_korruptsiey_v_kyirgyizstane_no_predstoit_sdelat_esche_bolshe/ (accessed October 13, 2015); Transparency International, "Corruption by Country: Kyrgyzstan," http://www.transparency.org/country#KGZ (accessed October 13, 2015). Transparency International ranks Kyrgyzstan 136th out of 175 countries on its 2014 corruptions perception index.

[222] United States Department of State, Bureau of Democracy, Human Rights and Labor, "Country Reports on Human Rights Practices for 2013: Kyrgyz Republic," http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220397 (accessed October 13, 2015), p. 20.

[223] Human Rights Watch interview with Gulsara Alieva, retired police colonel and former Gender Focal Point for the Ministry of Internal Affairs, Bishkek, December 10, 2014.

[224] Human Rights Watch interviews with Gumaev Makhabat, deputy head of police, Naryn Province, November 25, 2014; Nurlan N., neighborhood police officer, Naryn City, November 27, 2014; Ruslan, neighborhood police officer, Naryn city, November 27, 2014; Assan Adamlievich Kenjebaev, head of district police, Naryn city, November 27, 2014; Hamid, neighborhood police officer, Osh, December 4, 2014; Gulsara Alieva, December 10, 2014.

[225] Human Rights Watch meeting with Ministry of Internal Affairs, Ryskulbek Japarkulov, Deputy Minister, Bishkek, May 14, 2015.

which include 38 villages and a population of 45,000.[226] A neighborhood police officer in Naryn province said he covers four village municipalities.[227]

Interviewees also said high turnover among police officers impacts enforcement of the Domestic Violence Law, as it increases the need for ongoing training. Aibek, a senior police officer in Osh, said that staff turnover is in part due to poor pay and benefits.[228] He told Human Rights Watch that salaries for neighborhood police officers are approximately 15,000 to 18,000 KGS, or about $244 to $293, per month.[229] According to the World Bank, Kyrgyzstan's gross national income (GNI) per capita in 2013 was $1,210, or approximately $101 per month.[230]

Police officers, survivors, and other experts told Human Rights Watch that Kyrgyzstan's police force also lacks gender and ethnic diversity, and this undermines trust in the police. One survivor told Human Rights Watch, "I didn't trust the police because they are all men."[231]

In its 2014 evaluation of the project "Peace and Trust: Equal Access to Law Enforcement and Justice," the United Nations Peacebuilding Support Office noted the limited number of female police officers in Kyrgyzstan: women comprise 13 percent of police nationwide, but "the percentage of women certified to perform real police work rather than administrative duties is only 6.3 percent."[232] The assessment concluded that "women are even less represented at the local level, with hardly any women employed in village police stations in the PBF [Peacebuilding Fund] priority districts."[233]

Alieva said that most women in the police force occupy administrative positions, such as secretaries or human resources personnel.[234] Police in Osh and Naryn said that there are no female neighborhood police officers, although there are female officers responsible for

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[226] Human Rights Watch interview with Assan Adamlievich Kenjebaev, head of District Police, Naryn City, November 27, 2014.
[227] Human Rights Watch interview with Nurlan, neighborhood police officer, November 27, 2014.
[228] Human Rights Watch interview with Aibek, senior city police officer, December 4, 2014.
[229] Ibid.
[230] World Bank, World Bank database, "Kyrgyz Republic: World Development Indicators," http://data.worldbank.org/country/kyrgyz-republic (accessed October 13, 2015).
[231] Human Rights Watch interview with Tomaris, November 22, 2014.
[232] United Nations Peacebuilding Support Office, "Peacebuilding Fund Annual Project Progress Report, Kyrgyzstan, 1 January-31 December 2014," mptf.undp.org/document/download/13565 (accessed October 13, 2015), p. 5.
[233] Ibid.
[234] Human Rights Watch interview with Gulsara Alieva, December 10, 2014.

some schools.[235] The Head of District Police in Naryn city said, "There are no female neighborhood police because it is too difficult for women in terms of distances, conditions, and also the mentality—people won't take them seriously."[236]

Interviewees in both Bishkek and Osh told Human Rights Watch that police officers in Kyrgyzstan are almost exclusively ethnic Kyrgyz, which could deter reporting by people from other ethnic backgrounds. Alieva said that the police are "more or less mono-Kyrgyz."[237] Tatiana is an ethnic Russian widow whose husband was ethnic Kyrgyz. She said she never reported his physical abuse in part because "in the police office, everyone is Kyrgyz," and she feared they would favor her husband.[238]

The UN Peacebuilding Support Office's 2014 project evaluation states: "Data… confirmed an overall low level of representation of minorities in the police (5.3 percent) and severe underrepresentation of minorities in those districts and cities where the composition of the population is ethnically diverse."[239]

Police training on response to domestic violence appears to be minimal and inconsistent. Some police officers Human Rights Watch interviewed said they had attended training workshops organized by the Ministry of Internal Affairs, the OSCE, or NGOs, but they could not provide details of the material covered or whether it included information on Kyrgyzstan's Domestic Violence Law.[240] The OSCE's annual report on police-related activities for 2013 reported training of 200 neighborhood police officers from the Northern region, including Bishkek, on domestic violence.[241]

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[235] Human Rights Watch interviews with Assan Adamlievich Kenjebaev, November 27, 2014, and Hamid, neighborhood police officer, Osh, December 4, 2014. They referred to these as "juvenile inspectors" or "juvenile police."

[236] Human Rights Watch interview with Assan Adamlievich Kenjebaev, November 27, 2014.

[237] Human Rights Watch interview with Gulsara Alieva, December 10, 2014.

[238] Human Rights Watch interview with Tatiana, December 7, 2014.

[239] United Nations Peacebuilding Support Office, "Peacebuilding Fund Annual Project Progress Report," p. 3. See also Bertelsmann Stiftung, BTI 2012: Kyrgyzstan Country Report, Gütersloh: 2012, http://www.bti-project.de/uploads/tx_itao_download/BTI_2012_Kyrgyzstan.pdf (accessed October 13, 2015), pp. 19, 27.

[240] Human Rights Watch interviews with Nurlan and Ruslan, neighborhood police officers, November 27, 2014; Aibek, head of police unit, December 4, 2014.

[241] Organization for Security and Co-operation in Europe (OSCE), "Annual Report of the Secretary General on Police-Related Activities 2013," August 15, 2014, http://www.osce.org/secretariat/122942 (accessed October 13, 2015), p. 136.

A Ministry of Internal Affairs order on police responsibilities in preventing and responding to domestic violence (Order No. 844) specifies that police should interview victims of and witnesses to domestic violence separately from perpetrators, but otherwise gives no guidance on how to provide a response that respects and prioritizes survivors' dignity, safety, and well-being.[242] A 2012 manual on the role of police in preventing and addressing domestic violence does outline some elements of good practice for interviewing survivors, but the manual's guidelines have not been systematically implemented.[243]

There are currently no specialized domestic violence units in the police force in Kyrgyzstan. Interviewees told Human Rights Watch that the government justifies this by pointing to insufficient resources. Alieva, the former police colonel and Ministry of Interior gender focal point, said, "We've been lobbying for domestic violence units, but the government is saying, 'We are already pressed for funds and you want us to set up a new unit?'"[244] Alieva said she suspects that the government's resistance is partly due to dismissive attitudes and lack of political will:

> The Ministry of Internal Affairs says, "We are too busy with economic crimes, drug trafficking—and you're here with your domestic violence." The budget and staffing allocation of all ministries is defined at the central level of government, but I think it's just an excuse. No one wants to deal with it [domestic violence]. They think we'll all just be blowing up the issue of domestic violence.[245]

In a 2010 resolution on criminal justice response to violence against women, the UN General Assembly recommended mandatory training and ongoing education of police, criminal justice officials, and other criminal justice professionals on violence against women and its consequences.[246] Such training should ensure the ability to identify and

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[242] "Instructions for organizing activities of law enforcement officers to counter and prevent domestic violence," Appendix 1 to Order of the Ministry of Internal Affairs No. 844 of September 28, 2009, art. 4.4.

[243] A.B. Eliferenko, K. Ismailova, and A. Osmonova, *The Role of Internal Affairs Agencies in Preventing and Countering Gender and Family Violence*, Bishkek: 2012, pp. 58-65.

[244] Human Rights Watch interview with Gulsara Alieva, December 10, 2014.

[245] Ibid.

[246] UN General Assembly, Resolution 65/228, Strengthening crime prevention and criminal justice response to violence against women, U.N. Doc. A/RES/65/228 (2010), annex, "Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice," http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/65/228 (accessed October 13, 2015), paras. 20(a), 20(b).

appropriately respond to cases of violence against women, and should include information on maintaining confidentiality, avoiding re-traumatization, and using and enforcing protection orders.[247]

Classification of Domestic Violence as a Minor Crime

When survivors do file domestic violence complaints, police often classify them as minor crimes. When prosecutors pursue cases, they often file them as low-level administrative or criminal offenses and fail to identify the cases as domestic violence. This inhibits data collection and evaluation of Kyrgyzstan's law enforcement and justice system response to domestic violence.

According to the Ministry of Internal Affairs, of 2,542 registered domestic violence cases in 2013, 1,302—about 51 percent—were brought before the court as administrative offenses; 399 (31 percent) of these were charged as "minor hooliganism," or "disorderly conduct."[248] According to the Ministry of Justice, of 998 administrative offenses that received penalties, 64 percent were penalized for "minor hooliganism," while only 29 percent were penalized for family violence.[249] The Ministry of Internal Affairs reports that only 175 complaints—7 percent of complaints filed—were reviewed and referred to the court as criminal cases, which have harsher penalties.[250] However, Ministry of Justice and Ministry of Internal Affairs data concerning law enforcement and judicial response to cases of domestic violence in Kyrgyzstan's 2014 national statistical report is at times unclear and inconsistent. For example, while the Ministry of Internal Affairs reports that all 1,302 domestic violence cases, including administrative offenses, received penalties, the Ministry of Justice reports 998 cases receiving such penalties.[251]

Nadejda Domasheva, psychologist at Crisis Center Arulaan, said that classification of cases as minor offenses is particularly likely when survivors of domestic violence are not accompanied by crisis center workers. "If a woman goes to the police on her own, the

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[247] Ibid., para. 20(c).

[248] National Statistical Committee, *Women and Men of Kyrgyz Republic: 2009-2013,* Table 8.14, p. 138.

[249] Ibid., Table 8.18, p. 141.

[250] Ibid., Table 8.14, p. 138.

[251] Ibid., Table 8.14, Table 8.18, pp. 138, 141.

police will just accept her complaint, but they don't qualify it as domestic violence. They put it under a different type of crime—just minor crimes," Domasheva said.[252]

A judge in Osh told Human Rights Watch that he had presided over cases classified as "hooliganism" which were clearly about domestic violence. "Why open a case under 'hooliganism'? Usually because first of all he [the perpetrator] was drunk. It happened in a public place, not in the apartment or house. It involves bad words, destruction of property – crushing doors, breaking glass. And of course beating of his wife," the judge said.[253] In charging such cases as "hooliganism," the judicial system appears to place greater significance on destruction of property and public disorderliness than harm to the survivor of domestic abuse.

[252] Human Rights Watch interview with Nadejda Domasheva, December 3, 2014.

[253] Human Rights Watch interview with Sherali Kamchibekov Ravshanbekovich, city court judge, Osh, December 5, 2014.

DOMESTIC VIOLENCE CASES IN KYRGYZ COURTS IN 2013
BY THE NUMBERS

Total registered domestic violence cases: 2,542

Cases reviewed by courts: 1,260

Cases in which courts administered penalties: 998

Percentage penalized for:

Cases referred to courts as criminal offenses: 175

Temporary protection orders issued: 2,327

Penalties issued for violation of temp. protection order: 19

Court protection orders issued: **information unavailable**

Penalties issued for violation of court protection order: **0**

Registered cases of:

- Forced marriage of women: **19**
- Forced marriage of minors: **3**
- Kidnapping of minors: **2**
- Kidnapping of women: **1**

No data is available on details of these cases, including articles under which the cases were registered or outcomes of cases, or on registered criminal cases of abduction for marriage.

Source: National Statistical Committee of the Kyrgyz Republic, Women and Men of the Kyrgyz Republic: 2009-2013, Collection of Gender-Disaggregated Statistical Data (Bishkek: 2013), http://www.unfpa.kg/wp-content/uploads/2015/01/Sbornik-ZHM-2014.pdf (accessed October 15, 2015).

In her 2010 report on Kyrgyzstan, the UN special rapporteur on violence against women stated that the frequent classification of domestic violence as "minor hooliganism" or "disorderly conduct" prevents women from accessing adequate protection and hinders accurate data collection.[254] Retired police colonel Gulsara Alieva also said classification of domestic violence as minor infractions masks the prevalence of domestic violence in Kyrgyzstan:

> Why is this bad? Because we are undermining the gender sensitive aspect. The statistics show "hooliganism." This [offense] can involve anyone. When the court aggregates the statistics it doesn't show domestic violence. In the end we have a nice picture that Kyrgyzstan doesn't have any problem with domestic violence.[255]

In cases where injuries resulting from the violence are classified by police as light or not severe, police, judges, and lawyers said that withdrawing a complaint usually results in closure of the case.[256] If the abuse results in severe injuries or death, a criminal case may be pursued with or without the survivor's complaint.[257] However, this depends on the initiative of investigative officers, and some cases may be dropped on grounds of lack of evidence.[258]

Even when cases are classified as criminal offenses, police and prosecutors may fail to adequately investigate and document them, and perpetrators may not be prosecuted to the fullest extent of the law. Lilia suffered a severe head injury in 2013 when her husband kicked her and beat her with a rolling pin. She was hospitalized for twenty days, including three days in intensive care, and still has physical scars from the trauma. Lilia told Human Rights Watch that her husband was prosecuted for injuring her, but that he was released, and she believed he was acquitted. She said he paid the judge and she thought that was why he was released.[259] Human Rights Watch does not have access to the case files and cannot confirm what occurred during the court proceedings.

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[254] UN HRC, "Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, Mission to Kyrgyzstan," para. 72.

[255] Human Rights Watch interview with Gulsara Alieva, December 10, 2014.

[256] Human Rights Watch interviews with lawyer (name and exact location withheld), November 26, 2014, and Ruslan, neighborhood police officer, Naryn city, November 27, 2014.

[257] Criminal Code, art. 66; Criminal Procedure Code of the Kyrgyz Republic, art. 26.

[258] Human Rights Watch interview with lawyer (name withheld), Naryn province, November 26, 2014.

[259] Human Rights Watch interview with Lilia, Osh, December 5, 2014.

Justice System Emphasis on Reconciliation

Judges told Human Rights Watch that they, like police, prioritize keeping families intact, even in cases of domestic violence. One Naryn judge described his approach to cases of domestic violence: "I would explain to both spouses that these kinds of problems are common, not unique to your family…. If after that the wife understands the situation, normally she withdraws the complaint." He said that if "the wife insists on punishment," he would most likely sentence the perpetrator with parole, even though the permitted penalty for cases involving minor bodily injury is up to two years imprisonment: "Very rarely do we put people in detention in this category—maybe one out of 100 is put in detention. In such cases when injuries are not severe we try to preserve the family. We give time to the perpetrator to rectify the problem."[260] He elaborated: "Mainly we give [the perpetrator] a probation period. It is easy to put someone in jail, but the guy has children, he has a wife, a family— he has to support them."[261]

A city court judge in Osh said of the court's involvement in cases of domestic violence, "All court hearings are oriented not only to give punishment, but also [have] the role of saving the family, the upbringing [of children]."[262]

Issuing and Enforcing Protection Orders

The Domestic Violence Law includes two forms of protection orders to help keep survivors safe.[263] Police may issue interim, or temporary, protection orders for a period of up to 15 days due to an act or threat of domestic violence.[264] Temporary protection orders prohibit acts of violence as well as direct or indirect contact between a perpetrator and victim.[265] The law instructs such orders to be issued within 24 hours of either the act or actual threat of violence or filing a domestic violence complaint.[266] The officer issuing the order should

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[260] Human Rights Watch interview with judge (name withheld), Naryn province, November 27, 2014.

[261] Ibid.

[262] Human Rights Watch interview with city court judge (name withheld), Osh, December 5, 2014.

[263] Law on Social and Legal Protection from Domestic Violence, arts. 1, 6.

[264] Ibid., art. 22.

[265] Law on Social and Legal Protection from Domestic Violence, art. 24.

[266] Ibid., arts. 23, 24; "Instructions for organizing activities of law enforcement officers to counter and prevent domestic violence," Appendix 1 to Order of the Ministry of Internal Affairs No. 844 of September 28, 2009, art. 5.2.

notify the victim of her rights to take legal action, initiate a criminal case, and apply for a longer-term court protection order.[267]

Court protection orders, which offer protection of one to six months, can be issued by judges following a hearing within ten days of filing an application, which requires submission of materials by police.[268] Court protection orders have similar provisions to temporary protection orders, including prohibition of contact between the perpetrator and complainant. In addition, such orders may require a perpetrator to leave the place of residence and prohibit the perpetrator's sole use and management of joint property for the duration of the order. As with temporary protection orders, the judge issuing a court protection order should inform the victim of her right to take legal action and instigate a criminal case.[269]

Protection Orders Under Kyrgyzstan's Existing Domestic Violence Law		
	Temporary Protection Order	Court Protection Order
Issued by:	Police	Judge
Issued for period of:	Up to 15 days	1 to 6 months
Conditions for issuing:	Police issue an order based on a committed act of domestic violence or threat thereof that poses threat to the life and health of family members or to their rights and interests.	Court issues decision based on review of materials provided by police and evidence of ongoing domestic violence; court may hear the case in a closed judicial session for protection of the parties involved.
Person who can apply for order:	Survivor of domestic violence or her representative.	Police file an application, with the survivor's request, and gather and submit necessary materials for court consideration.

[267] Law on Social and Legal Protection from Domestic Violence, art. 24; "Instructions for organizing activities of law enforcement officers to counter and prevent domestic violence," Appendix 1 to Order of the Ministry of Internal Affairs No. 844 of September 28, 2009, art. 6.4.

[268] Law on Social and Legal Protection from Domestic Violence, art. 26.

[269] Ibid., art. 27.

Issued within timeframe of:	Within 24 hours of act or real threat of violence or filing of domestic violence complaint.	Within 10 days of filing application or police submission of materials.
Conditions include:	Conditions *do* include: 1. Prohibition of perpetrator to commit acts of violence; 2. Regulation of perpetrator's access to minor dependent children; 3. Prohibition of perpetrator's direct or indirect contact with victim(s)s; 4. Obligation of perpetrator to pay medical expenses of victim(s); 5. Notification of perpetrator that violation of conditions of order may result in administrative action; 6. Notification of victim of right to take legal action or instigate criminal case against perpetrator, including cases related to divorce, division of property, alimony, reimbursement of damages and other compensation; 7. Notification of victim of right to apply for court protection order for further protection from domestic violence and that temporary protection order shall terminate upon issuance of court protection order.	Conditions *may* include: 1. Prohibition of perpetrator to commit acts of violence; 2. Regulation of perpetrator's access to minor dependent children; 3. Prohibition of perpetrator's direct or indirect contact with victim(s), including at work and other places; 4. Obligation of perpetrator to pay victim's expenses for medical treatment, consultation and accommodation at a shelter; 5. Demanding that perpetrator leave a shared residence; 6. Prohibition on perpetrator's purchase and use of firearms and other weapons; 7. Prohibition of perpetrator's sole use and management of joint property; 8. Notification of perpetrator that violation of conditions of order may result in administrative detention or criminal proceedings; 9. Notification of victim of right to take legal action or instigate criminal case against perpetrator, including cases related to divorce, division of property, alimony, reimbursement of damages and other compensation.

Party responsible for monitoring and enforcing:	Police	Police
Consequences of violation:	Administrative proceedings	Administrative detention or criminal proceedings

Source: Law on Social and Legal Protection from Domestic Violence, passed by the Legislative Assembly of the KR Jogorku Kenesh, January 31, 2003, arts. 23-27.

Police are responsible for informing survivors of domestic violence about both types of protection orders.[270] Government data shows that police registered 2,542 domestic violence-related complaints in 2013, for both sexes.[271] According to the Ministry of Internal Affairs, most of these complaints (2,327) led to the issuance of a temporary protection order; the Ministry does not provide information on the number of court protection orders issued.[272] Lawyers and service providers told Human Rights Watch that virtually all orders issued are temporary protection orders. According to survivors, service providers, and representatives of law enforcement, court protection orders are rarely issued; only one survivor interviewed by Human Rights Watch said that she had received a court protection order.[273]

A written justification accompanying the new draft law on domestic violence states that, since the Domestic Violence Law took effect in 2004, courts have issued only 10 protection orders in all of Kyrgyzstan.[274] The Head of Public Security for the Ministry of Internal Affairs told Human Rights Watch that survivors do not use court protection orders because police resolve domestic disputes with temporary protection orders: "Within the 15 days of the [temporary] protection order issued by the police, through persuasion and explanation we [police] resolve the problem. There is no need for further supervision of the problem."[275]

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[270] Ibid., art. 10; "Instructions for organizing activities of law enforcement officers to counter and prevent domestic violence," Appendix 1 to Order of the Ministry of Internal Affairs No. 844 of September 28, 2009, arts. 4.5, 6.4.

[271] National Statistical Committee, *Women and Men of Kyrgyz Republic 2008-2012*, Table 8.14, p. 138.

[272] Ibid.

[273] Human Rights Watch interview with Tatiana, December 7, 2014.

[274] Expert group for development of the Draft Law "On protection from domestic violence", "Justification of the Draft Law of the Kyrgyz Republic 'On protection from domestic violence,'" Inter-ministerial Commission for evaluation of the effectiveness of legal norms providing for responsibility for violence against women, 2014, p. 1 (on file with Human Rights Watch).

[275] Human Rights Watch meeting with Ministry of Internal Affairs, Erkin Baev, Head of Public Security Department, Ministry of Internal Affairs, Bishkek, May 14, 2015.

Temporary Protection Orders

Survivors and service providers told Human Rights Watch that police do not always provide information on protection orders to survivors. Tatiana, who visited police in Osh at least four times between 1998 and 2008 due to her husband's violence, said that the police never told her about protection orders.[276]

Gulzat L., 31, was hospitalized after her husband hit her in the head and kicked her, causing a concussion. She told neighborhood police who came to the hospital that she wanted to file a complaint. She said they took down her complaint and referred it to the district police, who then asked Gulzat and her husband to come together to the police station. When the police interviewed the couple jointly, they asked her husband why he beat her and said they could put him in jail. The police never mentioned protection orders, Gulzat said.[277]

Several survivors said that they only received temporary protection orders with the assistance of a crisis center. Gulnara said she did not know what a protection order was until she went to Chance Crisis Center in Bishkek.[278] Crisis center staff told Human Rights Watch that women who go to the police on their own face difficulty in getting protection orders.[279] Nadejda Domasheva, psychologist at Crisis Center Arulaan in Osh, said that survivors who come to the center after going to the police tell them that the police accept their complaints, but only promise to talk to the perpetrators. "We ask if [the police] have given them protection orders. Women say they don't have any idea what that is," she said.[280]

Elena Tkacheva, psychologist at Chance Crisis Center in Bishkek, said that she sometimes helps survivors get protection orders. "Normally when the neighborhood police don't issue protection orders, I call straight to the head of the police. That's when things happen," she said.[281]

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[276] Human Rights Watch interview with Tatiana, Osh, December 7, 2014.

[277] Human Rights Watch interview with Gulzat L., Osh, November 28, 2014.

[278] Human Rights Watch interview with Gulnara, December 12, 2014.

[279] Human Rights Watch interview with Nadejda Domasheva, psychologist, Crisis Center Arulaan, Osh, December 3, 2014; staff of Sezim Crisis Center, November 10, 2014; psychologist (name withheld), Chance Crisis Center, Bishkek, December 12, 2014.

[280] Human rights Watch interview with Nadejda Domasheva, December 3, 2014.

[281] Human rights Watch interview with Elena Tkacheva, Chance Crisis Center, Bishkek, December 12, 2014.

One police officer in Osh and one in Naryn told Human Rights Watch that they issue temporary protection orders readily and explain the conditions to both the survivor and the perpetrator.[282] The Osh police officer said that his department issues temporary protection orders in all cases of domestic violence, whereas the officer in Naryn said such orders are issued in all cases where an official complaint is filed.[283]

Other police officers who spoke to Human Rights Watch did not seem familiar with the process for issuing temporary protection orders, or the conditions attached to them. The Deputy Head of Police for Naryn Province said he thought temporary protection orders could last up to 10 days, but was not sure.[284] Another neighborhood police officer said that he informs people about protection orders and tells village leaders to disseminate information about them, but is not aware of such orders being issued. "I am not aware of that because my job is to get the complaint, get the file, bring the husband and wife to the investigating office physically…. Then my job is over," he said.[285]

Court Protection Orders

Crisis center and shelter staff said that survivors of domestic violence are rarely granted court protection orders, which offer longer-term and more stringent protection.[286] Only one of 28 survivors Human Rights Watch interviewed had received a court protection order. Only one of the lawyers, judges, or police that Human Rights Watch interviewed knew of a court protection order being issued; many were unfamiliar with court protection orders.[287]

Anna, the only survivor Human Rights Watch interviewed who received a court protection order, recognized that accessing one is uncommon. "Apparently the court orders are not generally used. It is difficult to get one because no one knows how," she said.[288] Anna said even the judge who issued hers was unfamiliar with such orders. "I was able to get one in

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[282] Human rights Watch interviews with neighborhood police officer no.2 (name withheld), Naryn city, November 27, 2014; neighborhood police officer (name withheld), Osh, December 4, 2014.

[283] Ibid.

[284] Human rights Watch interview with Gumaev Makhabat, November 25, 2014.

[285] Human Rights Watch interview with neighborhood police officer no. 1 (name withheld), Naryn city, November 27, 2014.

[286] Law on Social and Legal Protection against Domestic Violence, arts. 25, 26. Under the Law on Social and Legal Protection against Domestic Violence, a court protection order may be issued by the court for a period of one to six months in order to provide a victim with further protection from family violence.

[287] Human Rights Watch interview with Hamid, neighborhood police officer, Osh, December 4, 2014.

[288] Human Rights Watch interview with Anna, Bishkek, November 24, 2014.

Issyk-Kul [province] because the judge got curious himself and helped me. When I filed for the court order he had never issued one. So he called someone in Bishkek, found out the procedure, and gave [the order]," she said.[289]

Some survivors said police told them they needed to obtain three temporary protection orders prior to requesting a court protection order, though the Domestic Violence Law and Ministry of Interior police procedures specify no such requirement. The Ministry of Interior Order No. 844 on police response to domestic violence states that a survivor can petition the court for a protection order against ongoing domestic violence and that "materials for the issuance of a court protective order are prepared upon request from the victim of domestic violence."[290]

Tomaris received a temporary protection order with the help of Sezim Crisis Center after her husband called and threatened to kill her. He stopped the harassment during the period of the protection order, but resumed the threatening calls when it expired. Tomaris requested another protection order, this time without the Sezim lawyer to accompany her. "I wanted a court order because the period [of the order] is longer, but I was told the procedure is that they don't issue a court order under these circumstances. So they gave me another temporary order," Tomaris told Human Rights Watch. She said that the head of police told her that she needed to have several unsuccessful temporary orders to prove her need for the court order.[291]

A staff member at Sezim Crisis Center said that when survivors try to get court protection orders, they are hindered by courts demanding that they provide additional documentation that is only available from the police. "Police are not prepared to or do not want to provide documentation. [The victim] needs documentation [to get the order]. So she is caught. The courts are making her run from one place to another. Lots of women give up," she said.[292]

The Domestic Violence Law states that the court will decide whether to issue a court protection order after reviewing materials provided by police, but the law does not specify

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[289] Ibid.

[290] "Instructions for organizing activities of law enforcement officers to counter and prevent domestic violence," Appendix 1 to Order of the Ministry of Internal Affairs No. 844 of September 28, 2009, arts. 5.1, 5.11.

[291] Human Rights Watch interview with Tomaris, November 22, 2014.

[292] Human Rights Watch interview with Sezim Crisis Center staff members, Bishkek, November 10, 2014.

the nature of these materials, nor does it specify any responsibility on the part of the survivor to provide or submit additional information in order to access a court-issued protection order.[293] The Ministry of Internal Affairs order on police response to domestic violence (Order No. 844) includes an extensive list of required materials for a court protection order application. They include a domestic violence claim, "explanatory notes" from the victim and witnesses, passport or other identification documents of the perpetrator, medical certificate with results of an alcohol intoxication test (presumably for the perpetrator), proof of personal search of the perpetrator, "administrative report and resolution regarding the perpetrator," a statement on collecting materials, a cover letter for the court, a statement from the survivor requesting preparation of materials for a protective court order, and, for prosecution on the basis of bodily harm, results of forensic examination of the survivor.[294]

In interviews with Human Rights Watch, service providers and experts said that police often do not demonstrate willingness to collect the necessary materials or, because there is no specified time limit for collection of the materials, take an excessive amount of time to gather them. One member of the expert working group on domestic violence said that this causes months-long delays in applications for a court protection order, further deterring survivors of domestic violence from pursuing such orders and providing additional time during which they may face pressure to reconcile with the perpetrator or withdraw the complaint.[295]

Enforcement of Protection Orders

Police are responsible for monitoring and enforcing compliance with either type of protection order.[296] Under national law, failure to comply with a temporary protection order may result in administrative penalties, including fines or detention.[297] The Domestic Violence Law does not specify under what law such violations should be considered, but given that there is no criminal legislation on domestic violence or protection orders, any

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[293] Law on Social and Legal Protection from Domestic Violence, art. 26.

[294] "Instructions for organizing activities of law enforcement officers to counter and prevent domestic violence," Appendix 1 to Order of the Ministry of Internal Affairs No. 844 of September 28, 2009, arts. 4.9, 5.13.

[295] Human Rights Watch interview with Zulfia Kochorbaeva, Social Technologies Agency, Bishkek, May 18, 2015.

[296] Law on Social and Legal Protection from Domestic Violence, arts. 23, 26.

[297] Ibid., arts. 23, 24, 25.

sanctions resulting from violations are de facto administrative.[298] Ministry of Interior Order No. 844 confirms that perpetrators who violate temporary protection orders face administrative penalties under Administrative Code Article 66-4; those who violate court protection orders face administrative penalties under Article 66-5.[299]

The Deputy Head of Police for Naryn Province said he did not know of any penalties imposed for violation of protection orders, and does not recognize such violations as legal infractions. "I don't know cases where they violated the order and had to pay a fine or were arrested or received other punishment. There is no such crime as violation of a protection order. If [the perpetrator] violates it by going and beating [the victim], then the crime is him hitting her, not violating the protection order. There is no such crime as this," he said.[300]

Police, lawyers, and survivors told Human Rights Watch that penalties for violating protection orders are rarely invoked and, when they are, tend to be minimal. According to government data for 2013, police issued 2,327 temporary protection orders in cases of domestic violence.[301] Only 19 cases were called for administrative review under Article 66-4 for failure to comply with a temporary protection order; data on court protection orders and failure to comply with them is unavailable.[302]

Hamid, a neighborhood police officer in Osh, told Human Rights Watch that for most protection order violations, police call a community meeting and consult with *aksakals* and community leaders because it can be considered a "marital issue" and they "can just use the influence of community" against the perpetrator.[303] Hamid also said that fines for failing to comply with a temporary protection order may be issued, but some perpetrators will not pay them.[304]

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[298] Administrative Code, arts. 66-4 and 66-5. Under Article 66-4 of the Administrative Code, the penalty for non-compliance with a temporary protection order is a fine of five to fifteen "standard units" (determined under the code) or three to five days administrative detention. Under Article 66-5, non-compliance with a court protective order is subject to a penalty of a fine of 10 to 20 standard units or 5 days administrative arrest.

[299] "Instructions for organizing activities of law enforcement officers to counter and prevent domestic violence," Appendix 1 to Order of the Ministry of Internal Affairs No. 844 of September 28, 2009, arts. 7.6, 7.7.

[300] Human Rights Watch Interview with Gumaev Makhabat, November 25, 2014.

[301] National Statistical Committee, *Women and Men of Kyrgyz Republic: 2009-2013*, Table 8.14 and Table 8.15, pp. 138-9.

[302] Ibid., Table 8.14, p. 138. No information is provided on penalties issued.

[303] Human Rights Watch interview with Hamid, neighborhood police officer, Osh, December 4, 2014.

[304] Ibid. The police officer said that some perpetrators will write an explanatory letter to the court claiming inability to pay the fine.

According to Aibek, head of a police unit in Osh, the police work with community leaders to determine penalties for protection order violations while also trying to preserve the family. Aibek said they may issue fines but are always "taking into consideration the mentality of the family in our country. There is a threat the family would collapse [if a penalty is given]."[305] The process in Kyrgyzstan is not as quick to prosecute or punish as in other countries, he said, because of the national mindset, and therefore they issue a "reminder" before any penalty.[306]

Ministry of Internal Affairs instructions direct police to monitor temporary protection orders at least once during the period of the order and court protection orders at least once per month.[307] In interviews with Human Rights Watch, several police officers and judges said that there is no systematic means of monitoring compliance with protection orders. The Deputy Head of Police for Naryn Province said that the neighborhood policeman usually visits the survivor and perpetrator at home to monitor compliance: "There is no rule about how often he should visit. It is at the discretion of the policeman. [He] can maybe visit more regularly for a perpetrator who committed domestic violence repeatedly."[308] One judge in Osh said that he had never issued any court protection orders, in part because he felt it was futile. "Let's say we have issued protection—but who will carry out the order?" he said.[309]

Some police said that they monitor protection orders by talking to neighbors, shop owners, or others in the village or town where the victim and perpetrator live. This approach raises concerns about possible violations of the right to privacy. Such monitoring methods are included in the Ministry of Internal Affairs instructions for police on verifying compliance with protection orders.[310]

In its guidelines on law enforcement and judicial response to violence against women, the UNODC is clear about the need for a systematic and thorough response to protection order

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[305] Human Rights Watch interview with Aibek, senior city police officer, Osh, December 4, 2014.

[306] Ibid.

[307] "Instructions for organizing activities of law enforcement officers to counter and prevent domestic violence," Appendix 1 to Order of the Ministry of Internal Affairs No. 844 of September 28, 2009, art. 7.4.

[308] Human rights Watch interview with Gumaev Makhabat, November 25, 2014.

[309] Human Rights Watch interview with city court judge (name withheld), Osh, December 5, 2014.

[310] "Instructions for organizing activities of law enforcement officers to counter and prevent domestic violence," Appendix 1 to Order of the Ministry of Internal Affairs No. 844 of September 28, 2009, art. 7.3.

violations. It urges states to enact legislation mandating that "any reported breach of a protection order requires investigating, no matter the degree of breach."[311] The UN also recommends that all protection order violations should be criminal offenses.[312]

Of particular concern is police failure to enforce provisions barring contact between a victim and perpetrator. In detailing the conditions of protection orders, the Domestic Violence Law specifies that a court protection order may require the perpetrator to vacate the home, regardless of property ownership. Although the law does not specify this for temporary protection orders, it does state that temporary orders may forbid direct or indirect contact between the parties, which can be understood to require that the two live apart.[313] In detailing duties of law enforcement officers in responding to domestic violence, Ministry of Internal Affairs Order No. 844 also specifies that police are required to take measures to prevent domestic violence, which include, "isolate a perpetrator from other family members, if needed."[314] However, many survivors and service providers said that women continue to live with their abusers even after receiving a protection order.

Even though contact between the two parties is in direct violation of protection orders, police and judges told Human Rights Watch that they do not have the right to ask a perpetrator to leave a shared home. They believed doing so would violate the perpetrator's constitutional and property rights. When asked if he had ever demanded that a perpetrator temporarily vacate the home due to a protection order, a neighborhood police officer in Osh said, "No, we don't have the right to do that. We can't ask him to leave, we can just explain the terms [of the order]."[315] A neighborhood police officer in Naryn city said that he cannot respond if a survivor requests that the perpetrator be removed from the home: "We don't deal with that kind of case. She would have to apply to the court."[316] The Head of the Department of Public Security at the Ministry of Internal Affairs also told Human Rights Watch that police cannot ask that a perpetrator leave a shared residence when issuing a

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[311] UNODC, *Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women*, p. 64.

[312] United Nations Division for the Advancement of Women, *Handbook for Legislation on Violence against Women,* Department of Economic and Social Affairs, p. 50.

[313] Law on Social and Legal Protection from Domestic Violence, arts. 24, 27.

[314] "Instructions for organizing activities of law enforcement officers to counter and prevent domestic violence," Appendix 1 to Order of the Ministry of Internal Affairs No. 844 of September 28, 2009, art. 4.2.

[315] Human Rights Watch interview with Hamid, neighborhood police officer, Osh, December 4, 2014.

[316] Human Rights Watch interview with Ruslan, neighborhood police officer, Naryn city, November 27, 2014.

protection order, despite instructions about lack of contact between the perpetrator and victim of violence. He said, "Where could the perpetrator go if that's where he lives?"[317]

International guidelines on protection orders recommend inclusion of the option to remove a domestic violence perpetrator from the home regardless of property ownership or tenancy. The UN *Handbook for Legislation on Violence against Women* notes that protection orders in cases of domestic violence may include instructing the perpetrator to vacate the home without having any bearing on property ownership.[318]

The UNODC guidelines recommend that state officers issuing protection orders have the authority to incorporate a range of measures, including "removal of the perpetrator from the domicile."[319] Moreover, the guidelines recommend legislation that provides "powers to the police to immediately remove domestic violence perpetrators from the home, under certain circumstances."[320] In its updated Model Strategies and Practical Measures on Eliminating Violence against Women in the Fields of Crime Prevention and Criminal Justice, the UN General Assembly likewise urges member states to adopt legislation granting police and courts the authority to issue and enforce protection orders, "including removal of the perpetrator from the domicile and prohibition of further contact with the victim and other affected parties, inside and outside the domicile…."[321]

In 2009, the European Court of Human Rights ruled in the case of *E.S. and others v. Slovakia* that Slovakia had failed to provide adequate protection for a woman and her children when she was denied an interim protection order requiring her abusive husband to leave their home.[322] In a case that went to the CEDAW Committee, *A.T. v. Hungary*, a Budapest court had refused the plaintiff's request to bar her abusive husband from their apartment, ruling that the husband's property rights could not be restricted. In reviewing the case, the CEDAW Committee unequivocally stated that restriction of property rights is

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[317] Human Rights Watch meeting with Ministry of Internal Affairs, Erkin Baev, Head of Public Security Department, Ministry of Internal Affairs, Bishkek, May 14, 2015.

[318] United Nations Division for the Advancement of Women, *Handbook for Legislation on Violence against Women,* Department of Economic and Social Affairs, p. 46.

[319] UNODC, *Strengthening Crime Prevention and Criminal Justice response to Violence against Women,* p. 63.

[320] Ibid., p. 41.

[321] UN General Assembly, Resolution 65/228, annex, para. 15(h).

[322] European Court of Human Rights, *E.S. and others v. Slovakia*, judgment of September 15, 2009, http://hudoc.echr.coe.int/eng-press?i=001-93955 (accessed October 13, 2015).

justified and permissible in instances of domestic violence: "Women's human rights to life and to physical and mental integrity cannot be superseded by other rights, including the right to property and the right to privacy."[323]

Despite clear international guidelines and jurisprudence, and even its own law, authorities in Kyrgyzstan seem unwilling to contemplate temporary removal of an abuser from a residence shared with the victim. This can deter women from seeking remedies. A representative of the Ombudsman's office in Naryn city told Human Rights Watch, "Normally a woman tries not to exacerbate the situation [with her abuser] because she knows she will continue living with the guy. He is the father of her children. So they reconcile."[324]

Only one survivor told Human Rights Watch that her husband left their home after she received a protection order. Gulnara said she received a 15-day protection order because she was afraid to be at home with her husband: "[W]hen we quarreled, he would beat me, run after me, stab me. He would take a knife and run after me. One time he brought an axe and broke the door," she said.[325] When police issued the protection order, they took him outside and she believes they told him that he "better leave home," though she did not hear the conversation directly.[326] She said that after the protection order was issued her husband moved out for five months. [327]

Delays in Divorce Proceedings in Cases of Domestic Violence

Judges often impose a waiting period for couples requesting divorce, even in cases involving domestic violence. If one spouse does not agree to the divorce, Kyrgyzstan's Family Code permits the court to issue a waiting period of up to three months "to enable attempts at reconciliation."[328]

Zarina told Human Rights Watch that she is seeking a divorce after nine years of physical abuse by her husband. Despite the fact that Zarina had a temporary protection order

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[323] *A.T. v. Hungary*, CEDAW Communication No. 2/2003, U.N. Doc. CEDAW/C/32/D/2/2003 (2005). http://www1.umn.edu/humanrts/cedaw/decisions/2-2003.html (accessed October 13, 2015), para 9.3.

[324] Human Rights Watch interview with Hussein Urskunbaev, leading specialist, office of the Ombudsman, Naryn City, November 26, 2014.

[325] Human Rights Watch interview with Gulnara, December 12, 2014.

[326] Ibid.

[327] Ibid.

[328] Family Code, art. 23.

against her husband for domestic violence, she said the judge issued a one-month waiting period and insisted that Zarina and her husband attempt to reconcile. "The judge said we need to go to a family psychologist to talk [try to reconcile]. I said, 'No, I don't need to—I made up my mind.' She [the judge] said, 'I give you one month; go to the psychologist.'.... The judge knew about the protection order," Zarina told Human Rights Watch.[329]

A judge in Naryn province said that he always issues a waiting period for couples seeking divorce, regardless of domestic violence protection orders. He told Human Rights Watch, "[W]e still give a waiting period because normally the wife filed for divorce, but the husband looks guilty and says, 'I understand, I made a mistake, give me time to rectify it.' If he requests that waiting period, we have no right to deny him."[330]

Survivors and several judges also told Human Rights Watch that women with newborns are often prevented from divorcing, even when the woman's husband has been abusive. The Family Code prohibits a man from filing for divorce during his wife's pregnancy or within one year of childbirth, but places no such restrictions on women.[331] However, a judge in Osh said that in cases where the couple has a newborn, he would delay consideration of the case for at least one year.[332]

Feruza is seeking a divorce after years of extreme physical violence by her husband and in-laws that caused injuries and led to a miscarriage. Feruza said that when she consulted a lawyer after her second child was born, he told her she could not get divorced despite the domestic violence. "He said, 'You can't file for divorce until your daughter is one-and-a-half years old. The court will not consider a claim until then.' The lawyer explained that breastfeeding mothers shouldn't be under stress and that's why," Feruza said.[333]

Aksakals Courts (Elders Courts)

Aksakals courts operate in some communities of Kyrgyzstan to resolve disputes at the community level. The Domestic Violence Law states that a victim of domestic violence has the right to address her case to the elders court herself, with the goal of "a public

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[329] Human Rights Watch interview with Zarina, November 21, 2014.

[330] Human Rights Watch interview with judge (name withheld), Naryn province, November 27, 2014.

[331] Family Code, art. 18.

[332] Human Rights Watch interview with judge (name withheld), Osh, December 5, 2014.

[333] Human Rights Watch interview with Feruza, December 4, 2014.

reprimand of the assailant."[334] In accordance with Kyrgyzstan's law regulating *aksakals* courts, such courts can only impose sanctions involving public reprimands or monetary or material compensation.[335] *Aksakals* courts can oversee cases of a civil nature and discontinued criminal cases referred, with permission of the prosecutor's office, by courts, prosecutors, and investigating officers, with the intent of "applying social influence."[336] Police may refer cases to *aksakals* only with prior approval of the office of the prosecutor.[337]

The government reports that 802 cases concerning domestic violence against women were brought to *aksakals* courts in 2013, though no information is provided on whether these cases were referred by police and courts or brought directly by the parties involved.[338] In her 2010 evaluation of Kyrgyzstan, the UN special rapporteur on violence against women found that police did not always adhere to legally-established processes for referring cases to *aksakals* courts.[339]

In interviews with members of five different *aksakals* courts in Bishkek and Osh, Human Rights Watch documented police failure to abide by legal regulations for referring cases of domestic violence to *aksakals* courts. Some police referred cases to *aksakals* courts without permission from the prosecutor's office, even in instances involving severe bodily injury.[340] Kazima Sushanlo, head of an *aksakals* court in Chuy province, explained why she believes some police refer cases of domestic violence to *aksakals*:

> The police department tells us, "There is no law that allows us [police] to punish a husband for beating his wife." The police tell us [*aksakals*], "If he kills you or kills her, then we will come."[341]

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[334] Law on Social and Legal Protection from Domestic Violence, art. 6.

[335] Law of the Kyrgyz Republic on *Aksakals* (Elders) Courts No. 113, 2002, art. 28.

[336] Ibid., art. 4.

[337] Ibid. See further discussion in Human Rights Watch, *Reconciled to Violence*, pp. 63-65.

[338] National Statistical Commission, *Women and Men of Kyrgyz Republic: 2009-2013*, Table 8.6, p. 132.

[339] UN HRC, "Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, Mission to Kyrgyzstan," paras. 82-83.

[340] This has been documented previously by Human Rights Watch and the special rapporteur on violence against women. See Ibid. and Human Rights Watch, *Reconciled to Violence*, pp. 64-66.

[341] Human Rights Watch interview with Kazima Sushanlo, head of *aksakals* court, Aleksandrovski village municipality, Bishkek, December 12, 2014.

An *aksakals* court member in Osh said that neighborhood police officers refer cases of domestic violence to the *aksakals* court in order to preserve families: "When it is necessary to prevent divorce, [to] keep the family together [they refer the case to us]. Usually the police officer considers the case to see if it is just a stress situation, a woman just needs to release some stress. Then they bring it to the *aksakals.*"[342]

This *aksakals* court member described the case of a pregnant woman whose mother-in-law beat her with a rolling pin, causing the woman to be hospitalized for six weeks with a concussion and other injuries. The survivor filed a complaint against her mother-in-law. The *aksakals* court member told Human Rights Watch that, on the way to the hospital with the survivor and her husband, the responding police officer decided to refer the case to the *aksakals* court:

> The police [officer] realized the relationship between the woman and her husband was very good. The husband loved his wife very much. The police officer, instead of bringing the case to court, decided to bring it to the *aksakals* because the couple might divorce if they bring it to court, and it also might spoil the relationship between the mother and her son.[343]

Aksakals court members told Human Rights Watch that they emphasize reconciliation. As one *aksakals* court member said, "The court of *aksakals* is not there to convict anyone. We are there to reconcile people."[344] According to *aksakals* court members, police, and judges that Human Rights Watch interviewed, when *aksakals* courts do issue punishments, they typically involve public apologies or shaming.[345]

Abulfaizyev Bahtiar Saidulovich, head of an *aksakals* court in the Osh area, told Human Rights Watch that the court tries to avoid issuing punishment in the interest of maintaining family harmony:

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[342] Human Rights Watch interview with *aksakals* court member (name and court location withheld), Osh, December 6, 2014.

[343] Ibid.

[344] Human Rights Watch interview with chair of *aksakals* court (name withheld), Ala Myidin village, December 12, 2014.

[345] Human Rights Watch interviews with Gumaev Makhabat, deputy head of police, Naryn Province, November 25, 2014; Hamid, neighborhood police officer, Osh, December 4, 2014; chair of aksakals court (name withheld), Ala Myidin village, Bishkek, December 12, 2014; Kazima Sushanlo, head of *aksakals* court, Aleksandrovski village municipality, Bishkek, December 12, 2014.

> We can impose a financial punishment, but for all the cases we consider, 90 percent [are] resolved in a peaceful way. When I say we settle them in a peaceful way, [I mean] we talk to each side of conflict and help them realize their misdeed…. When we impose a fine or make them apologize in public, maybe it will hurt their relationship—so we just try to get them to talk, to realize their mistake… to get along.[346]

Asherbek Khalikov, an *aksakals* court member in Osh, recounted a case of a young woman whose husband had severely physically abused her, causing permanent physical and psychological damage that forced her to give up her work. Khalikov acknowledged that the woman did not access legal remedies or compensation, but told Human Rights Watch that reconciliation of the couple was a positive outcome. "Of course, in fact the woman had suffered a lot. [But] everyone was very thankful to me because it is very important not to let three kids be left without a father and mother," he said.[347] Moreover, he said:

> Of course I think that she has to get compensation, but at the same time in our culture she will never get that….When [women are] kicked out of a husband's house, raising children themselves, they have expenses for themselves and their children. No one is compensating [them]. It makes her life even more dead-end.[348]

Referring active cases of domestic violence involving serious bodily harm to *aksakals* courts, such as those described above, violates Kyrgyz law, as does referring criminal cases of domestic violence without prior authorization from the prosecutor. It is also contrary to CEDAW, the treaty guaranteeing women legal protection and equality before the law, to which Kyrgyzstan is a party. Referral of cases of domestic violence to *aksakals* courts prevents women who could file criminal cases from having the opportunity to demand that their abusers be held accountable and punished to the fullest extent of the law.[349]

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[346] Human Rights Watch interview with Abulfaizyev Bahtiar Saidulovich, head of *aksakals* court, Ak Buura territorial council, Osh, December 6, 2014.

[347] Human Rights Watch interview with, Asherbek Khalikov, head of *aksakals* court, Kara-Su district, Osh, December 6, 2014.

[348] Ibid.

[349] UN HRC, "Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, Mission to Kyrgyzstan," para. 83.

IV. Proposed Changes to Legislation

A new draft law on domestic violence, developed by an expert group including representatives of government and NGOs, is now under government review. It is intended to broaden the scope of the current law and augment its provisions on prevention of violence.[350] If adopted, the draft law would replace the 2003 Domestic Violence Law. The Ministry of Social Development is the law's sponsoring agency.

The draft law expands and clarifies responsibilities for government bodies in responding to domestic violence. It details duties for the Ministries of Internal Affairs, Social Development, Health, Education, and Justice as well as the offices of the Prosecutor General and Ombudsman. It also establishes responsibilities of national mechanisms for coordination and development of domestic violence activities and policy, and for bodies tasked with child protection, local government, *aksakals* courts, media, NGOs, and civil society groups.[351]

The State Agency on Local Self-Government and Inter-Ethnic Relations, Ministry of Justice, and Ministry of Finance have objected in writing to aspects of the draft law. In a letter to the Ministry of Social Development, the State Agency on Local Self-Government wrote that local authorities may only exercise activities related to social protection if national government bodies authorize them to do so.[352] The Ministry of Justice also objected to designation of duties to various government bodies in the draft law, claiming that it contradicts the Civil Code and Constitutional Law of Kyrgyzstan as well as government Resolution No. 177 on strengthening statehood in the Kyrgyz Republic.[353] In a letter dated March 13, 2015, the Presidential Administration refutes the Ministry of Justice's interpretation of Resolution No. 177 and states that its objection on these grounds is invalid.[354]

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[350] Human Rights Watch interview with Zulfia Kochorbaeva, Social Technologies Agency, Bishkek, November 14, 2014.

[351] Law of the Kyrgyz Republic on Safeguarding and Protection from Domestic Violence, draft, 2014, arts. 6-22.

[352] Letter to the Ministry of Social Development of the Kyrgyz Republic from M.G. Khalitov, Deputy Director, State Agency on Local Self-Government and Inter-Ethnic Relations Under the Government of the Kyrgyz Republic, No. 01-31/1048, October 28, 2014 (on file with Human Rights Watch).

[353] Conclusion of the Ministry of Justice of the Kyrgyz Republic, "On legal, human rights, anti-corruption and gender expertise of the Kyrgyz Republic Draft Law on Protection from Family Violence," August 15, 2014 (on file with Human Rights Watch).

[354] Letter to the Ministry of Justice of the Kyrgyz Republic from D.I. Narymbaev, Head of the Administration of the President of the Republic of Kyrgyzstan, No. 10-73-15677, March 13, 2015 (on file with Human Rights Watch).

The Ministry of Finance stated that provision of state-funded services for domestic violence is impossible due to budgetary constraints:

> Establishing consultation and prevention centers, dedicated social services, residences and shelters at the expense of the national budget does not appear possible at this time, because the medium-term budget of the Ministry of Social Development of the Kyrgyz Republic contains no funds allocated for this purpose; thus, these institutions cannot be created with public funding.[355]

Moreover, the Ministry of Finance requested deletion of an article on NGOs and civil society, claiming that "non-state organizations that provide safeguarding and protection from domestic violence have no right to receive funds from the national budget according to the budget legislation of the Kyrgyz Republic."[356] Because government agencies were unable to come to an agreement about various aspects of the law, it could not be sent to Parliament for review.[357] At the time of writing, the deadline for drafting the revised law had been extended to the end of 2015.

While the draft law has many strong elements, some provisions may leave gaps in protection of women and girls from domestic violence. The latest version of the draft law at this writing (on file with Human Rights Watch) is more restrictive about who qualifies for protection than the existing law. While the draft law does not require cohabitation of the perpetrator and victim, its definition of domestic violence fails to include non-married partners, partners in unregistered marriages, in-laws other than parents, or relatives of an unmarried partner.[358] This leaves unmarried women and girls and those in unregistered marriages without the legal right to access protection and justice mechanisms in cases of domestic violence. The draft law also excludes women and girls who face abuse by in-laws aside from their spouses' parents and by any relatives of unmarried partners.

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[355] Letter to the Ministry of Social Development of the Kyrgyz Republic from A. Azimov, Deputy Minister, Ministry of Finance of the Kyrgyz Republic, October 29, 2014 (on file with Human Rights Watch).

[356] Ibid.

[357] Jogorku Kenesh of the Kyrgyz Republic, Resolution of the Jogorku Kenesh of the Kyrgyz Republic on adoption in first reading of the draft law of the Kyrgyz Republic "On amendments and additions to some legislative acts of the Kyrgyz Republic," June 29, 2015, http://www.kenesh.kg/lawprojects/DocumentDownload.ashx?type=concldoc&id=80432 (accessed September 30, 2015).

[358] Law of the Kyrgyz Republic on Safeguarding and Protection from Domestic Violence, draft, art. 1.

The draft law includes measures for survivors of domestic violence to receive police-issued temporary protection and court-issued longer-term protection. Under the draft law, any person can file a complaint about a case of domestic violence, not only the domestic violence survivor herself. Upon receipt of a complaint and confirmation of domestic violence, police automatically issue a three-day temporary protection order against the perpetrator of domestic violence.[359] The draft law also allows survivors to pursue a "statement of claim" before a court to obtain the same kinds of protections offered by the current law's court protection orders. These can be issued for one to six months.[360]

Some women's rights activists and service providers told Human Rights Watch that they support the elimination of court protection orders because such orders are rarely issued under the current law. Many feel that court-ordered protection should be available, but through a process that is streamlined and ensures better access to protection for survivors. The expert working group on the new draft law aims to achieve this by offering a means of court-issued protection that does not require submission of material or documentary evidence beyond the initial temporary protection order issued by police. Moreover, survivors themselves can submit a claim to the court for such protection, and the draft law mandates that a court review the claim within 10 days.[361]

In line with authoritative UN guidance, Human Rights Watch believes it is critical to maintain both immediate protection orders and longer-term protection by order of the court (issued after a court hearing) to maximize women's safety. Evidence suggests that extending the length of time of protection orders increases security for survivors.[362]

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[359] Law of the Kyrgyz Republic on Safeguarding and Protection from Domestic Violence, draft, arts. 26-27.

[360] If a woman received an initial protection order for a period of 3 days and then an extension of the order for 30 days, as per draft law articles 27.1 and 27.2, the total period of the order would be 33 days. Law of the Kyrgyz Republic on Safeguarding and Protection from Domestic Violence, draft, arts. 27.1-27.2, 32.

[361] Ibid., arts. 30-32; Human Rights Watch interview with Zulfia Kochorbaeva, Bishkek, May 18, 2015.

[362] A paper prepared for the 2008 United Nations Expert Group Meeting on good practices in legislation on violence against women states: "Countries with some experience in implementing Domestic Violence Laws are finding that extending the duration of the permanent order better protects victim safety…. In Austria, based on experience that the orders need to be longer in duration, amendments to the law propose an increase in the length of the order from three to six months…. This reform reflects research that shows permanent [long-term] orders best protect the safety of victims and their children." Cheryl A. Thomas, "Legal Reform on Domestic Violence in Central and Eastern Europe and the Former Soviet Union," Expert Paper prepared for United Nations Expert Group Meeting on good practices in legislation on violence against women, UN Doc EGM/GPLVAW/2008/EP.01, revised June 17, 2008, http://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/expertpapers/EGMGPLVAW%20Paper%20(Cheryl%20Thomas).pdf (accessed October 13, 2015), p. 5.

International guidelines recommend use of both temporary (or emergency) and longer-term, post-hearing protection orders to ensure sustained protection for survivors.[363]

Temporary protection orders under the draft law include narrower restrictions than under the existing law. The draft law provides that protection orders can impose conditions that could prevent acts of domestic violence and prohibit direct or indirect contact with a victim of domestic violence.[364] However, unlike the existing law, the draft law does not automatically regulate contact between the perpetrator and minor dependent children or oblige the perpetrator to pay the victim's medical expenses.[365] The draft law allows for the imposition of supplementary conditions to those automatically included in the protection order, including a requirement that the perpetrator vacate a joint residence, but only upon a victim's application to a court.[366] As noted earlier, international standards support the option of removing a perpetrator of domestic violence from a home shared with the victim of abuse even under temporary protection orders. In its analysis of the new draft law, the Office for Democratic Institutions and Human Rights of the OSCE states with regards to protection orders, "In order to guarantee the security of victims on the spot, it would be advisable to broaden the scope of restrictions to include ordering the offender to temporarily vacate the family home/residence, regardless of who is the owner of the premises."[367]

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[363] UNODC, *Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women*.

[364] Law of the Kyrgyz Republic on Safeguarding and Protection from Domestic Violence, draft, art. 29.

[365] Law on Social and Legal Protection from Domestic Violence, 2003, art. 24.

[366] Law of the Kyrgyz Republic on Safeguarding and Protection from Domestic Violence, draft, arts. 29, 32.

[367] OSCE/Office for Democratic Institutions and Human Rights, Opinion on the Draft Law of the Kyrgyz Republic on Safeguarding and Protection from Domestic Violence, GEND-KYRG/261/2014 [AIC], Warsaw, October 28, 2014, http://www.osce.org/odihr/126692 (accessed October 13, 2015), para. 58.

V. Kyrgyzstan's International Human Rights Obligations

Failure to protect women and girls from domestic violence, offer adequate services, and ensure access to justice violates not only Kyrgyzstan's national legislation, but also its binding international human rights obligations. Kyrgyzstan is a party to several international human rights treaties relevant to domestic violence.

Kyrgyzstan has not yet joined the groundbreaking Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ("Istanbul Convention") that establishes standards for ensuring prevention, protection, and accountability related to domestic violence, and is open to ratification by non-Council of Europe member states.

International Standards

Several international human rights treaties prohibit discrimination and violence against women and girls. Key among these is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which Kyrgyzstan acceded in 1997. The Convention calls on states to take a number of measures to prevent and prohibit discrimination on the basis of sex, including by private actors, so as to ensure women's full enjoyment of their human rights.[368]

Kyrgyzstan has also ratified other treaties that contain provisions relevant to domestic violence, including the Convention on the Rights of the Child (CRC), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These include provisions on the rights to life, health, physical integrity, nondiscrimination, an adequate standard of living (including housing), a remedy, and freedom from cruel, inhuman, or degrading treatment

[368] Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted Dec. 18, 1979, G.A. res. 34/180, 34 UN GAOR Supp. (no. 46) at 193, UN Doc. A/34/46, entered into force September 3, 1981, art. 1. The Convention defines discrimination against women as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

or punishment.[369] Kyrgyzstan has signed but not ratified the Convention on the Rights of Persons with Disabilities, which also contains provisions on domestic violence.[370]

The CEDAW Committee has stated that "[f]amily violence is one of the most insidious forms of violence against women" and that such violence presents risks to women's health and ability to fully participate in private and public life.[371] The CEDAW Committee's General Recommendations No. 19 and No. 28 make clear that gender-based violence is considered a form of discrimination and may be considered a violation of CEDAW, whether committed by state or private actors.[372]

The CEDAW Committee has specifically called on states to combat domestic violence. It has called for implementation of laws on domestic violence, for provision of services to protect and support survivors, and training of state officials, including judicial and law enforcement personnel, to properly enforce such measures.[373] Moreover, it clearly recommends that states establish or support services for survivors of domestic violence, including in rural or isolated areas.[374] The Committee on Economic, Social, and Cultural Rights (CESCR) has similarly stated that implementation of the IESCR "requires States parties… to provide victims of domestic violence, who are primarily female, with access to safe housing, remedies and redress for physical, mental and emotional damage."[375]

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[369] Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (no. 49) at 167, UN Doc. A/44/49 (1989), entered into force September 2, 1990, Kyrgyzstan acceded October 7, 1994, art. 2; International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXIo, 21 UN GAOR Supp. (No. 16) at 52, UN Doc. A/6316 (1966), 999 U.N.T.S 171, entered into force March 23, 1976, Kyrgyzstan acceded October 7, 1994; International Covenant on Economic, Social, and Cultural Rights, adopted December 16, 1966, G.A. Res. 2200A (XXIo, 21 UN GAOR Supp. (No. 16) at 52, UN Doc. A/6316 (1966) 993 U.N.T.S. 3, entered into force January 3, 1976, Kyrgyzstan acceded Oct. 7, 1994.

[370] Convention on the Rights of Persons with Disabilities, adopted December 13, 2006, G.A. Res 61/106, entered into force May 3, 2008, Kyrgyzstan signed September 21, 2011, art. 16.

[371] CEDAW Committee, General Recommendation No. 19, Violence against Women, (Eleventh session, 1992), Compilation of General Recommendations and General Comments adopted, http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19 (accessed October 13, 2015), art. 16.

[372] CEDAW Committee, General Recommendation No. 19; CEDAW Committee, General Recommendation No. 28, on the core obligations of States parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, UN Doc CEDAW/C/GC/28 (December 16, 2010), para. 19.

[373] CEDAW Committee, General Recommendation No. 19, art. 24b.

[374] Ibid., arts. 24(k), 24(o).

[375] CESCR, General Comment No. 16 (2005), Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social, and Cultural Rights: The equal right of men and women to the enjoyment of all economic, social, and cultural rights (art. 3 of the International Covenant on Economic, Social, and Cultural Rights), UN Doc E/C.12/2005/4 (August 11, 2005), para. 27.

International human rights instruments recognize that social and cultural norms may be linked to attitudes and behaviors that are harmful to women and girls. CEDAW calls on states to modify or abolish customs and practices that discriminate against women, and also to take measures to change patterns of conduct of men and women, with a view to eliminating prejudices and practices based on the idea of inferiority or superiority of either of the sexes or stereotyped gender roles.[376] This includes polygamy, which CEDAW has stated "contravenes a woman's right to equality with men, and can have such serious emotional and financial consequences for her and her dependents that such marriages ought to be discouraged and prohibited."[377]

CEDAW calls for action, including legislation, to require mandatory registration of all marriages by the state, whether conducted by religious or civil authorities.[378] The UN Human Rights Council has urged states to ensure access to marriage registration, including for customary or religious marriages.[379] CEDAW and other treaties guarantee the right to enter into marriage only by choice and with free and full consent, and provide that marriage of a child has no legal effect.[380] The CEDAW Committee has emphasized the importance of prohibiting forced marriage, stating that "[a] woman's right to choose a spouse and enter freely into marriage is central to her life and to her dignity and equality as a human being."[381]

Kyrgyzstan has also acceded to the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages, which guarantees equal marital rights and mandates free and full consent from both parties to the marriage.[382] It also demands that states establish and enforce a minimum age of marriage and take steps to

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[376] CEDAW, arts. 2(f) and 5(a).

[377] CEDAW Committee, General Recommendation No. 29, Economic consequences of marriage, family relations and their dissolution, CEDAW/C/GC/29, February 26, 2013, http://www2.ohchr.org/english/bodies/cedaw/docs/comments/CEDAW-C-52-WP-1_en.pdf (accessed October 13, 2015), para. 27.

[378] CEDAW art. 16.2; see also CEDAW Committee, General Recommendation No. 29 (2013), paras. 25 and 26; and CEDAW Committee, General Recommendation No. 21 (13th Session, 1994), Equality in marriage and family relations, http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom21 (accessed October 13, 2015), para. 39.

[379] UN Human Rights Council (HRC), Resolution 29.8: Strengthening efforts to prevent and eliminate child, early, and forced marriage, Twenty-ninth session, UN Document A/HRC/29/L.15, July 1, 2015, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/29/L.15 (accessed October 13, 2015), para. 7.

[380] CEDAW art. 16.1(b); ICESCR, art. 10.1.

[381] General Recommendation No. 21, para. 16.

[382] Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, November 7, 1962, entered into force December 9, 1964, Kyrgyzstan acceded February 10, 1997.

eliminate customs, laws, and practices that inhibit human rights, including child, early, and forced marriage.[383]

The Convention on the Rights of the Child expressly protects a child's right to freedom from any form of physical or emotional abuse and to the realization of his or her development to the greatest extent possible.[384] Child marriage presents clear violations of these rights. The UN Human Rights Council has recognized child, early, and forced marriage as a human rights violation and a harmful practice that precludes the ability to live a life free of violence.[385] Both the Committee on the Rights of the Child and the CEDAW Committee have expressed strong views that states should legislate the minimum age of marriage at 18 for both girls and boys.[386] While Kyrgyzstan's Family Code meets these standards, enforcement is inadequate and child marriage continues in practice.

With regard to marital property, the CEDAW Committee has commented on the importance of protecting the property rights of women in unregistered marriages or unmarried partner relationships. It has called for amendment of laws that do not guarantee equal rights to property acquired during a de facto relationship.[387]

CEDAW also guarantees non-discrimination in provision of health care and social services for rural women.[388]

Istanbul Convention

The Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence, known as the Istanbul Convention, entered into force in 2014. The Convention expressly provides for ratification by states that are not members of the Council of Europe, such as Kyrgyzstan. At the time of writing, 18 Council of Europe countries had ratified the Convention and an additional 20 had signed it, pending ratification, and reported

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[383] Ibid., arts. 1-2.

[384] CRC, arts. 6, 19.

[385] HRC Resolution 29.8, para. 1.

[386] Committee on the Rights of the Child, General Comment No. 4 (2003), Adolescent Health and Development in the Context of the Convention on the Rights of the Child, Thirty-third session, UN Document CRC/GC/2003/4, July 1, 2003, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/427/24/PDF/G0342724.pdf?OpenElement (accessed October 13, 2015), para. 20; CEDAW Committee, General Recommendation No. 21, para. 36.

[387] General Recommendation No. 21, para. 33.

[388] CEDAW, art. 14.

they were working towards completion of the ratification process. As of this writing, no non-member countries of the Council of Europe have ratified the treaty.

The Istanbul Convention covers all forms of violence against women, including domestic violence, rape and sexual assault, sexual harassment, stalking, and forced marriage. The Convention is notable for setting strong standards on prevention of and response to violence against women, with specific measures for addressing domestic violence. These include guidelines on protection orders and provision of shelter and other services. The Convention also prioritizes accountability and prosecution of perpetrators, even in cases where victims withdraw complaints. In addition, it requires states to take sustained measures to change attitudes and practices conducive to violence against women.

Kyrgyzstan, which entered into a Partnership for Democracy with the Parliamentary Assembly of the Council of Europe (PACE) in 2014, should sign and ratify the Istanbul Convention as a critical step in addressing violence against women and domestic violence. In its 2011 request for Partner for Democracy status with PACE, Kyrgyzstan's parliament affirmed its commitment to human rights and rule of law and pledged to promote further reforms in these areas.[389] In granting Kyrgyzstan Partner for Democracy status in April 2014, PACE highlighted a number of steps it considered to be of "key importance" for Kyrgyzstan to take towards reform, including measures to combat all forms of gender discrimination and gender-based violence.[390] Moreover, PACE noted, "The Assembly expects Kyrgyzstan to accede in due course to relevant Council of Europe conventions and partial agreements open to non-member states, in particular those dealing with human rights, the rule of law and democracy issues."[391] This includes the Istanbul Convention.

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[389] Parliamentary Assembly of the Council of Europe, Request for Partner for Democracy Status with the Parliamentary Assembly submitted by the Parliament of the Kyrgyz Republic, Resolution 1984 (2014), para. 4.

[390] Ibid., paras. 15, 15.24, 15.26.

[391] Ibid., para. 17.

Recommendations

To the President of Kyrgyzstan

- Designate a specific government body responsible for coordination of all policies and measures related to domestic violence.
- Strengthen statements publicly condemning all forms of violence against women, including domestic violence, and announce specific measures to ensure that cases of domestic violence will be investigated and prosecuted to the fullest extent of the law, and that law enforcement and judicial officers who fail to do so will be held to account.

To the Parliament (*Jogorku Kenesh*) of the Government of Kyrgyzstan

- Reject the proposed bill 6-118/14, "Introducing additions to several legal acts of the Kyrgyz Republic" ("Propaganda bill").
- Reject the proposed bill 6-13589/14, "On introducing additions and amendments to several legal acts of the Kyrgyz Republic" ("Foreign Agents bill") and any other proposed legislation that may restrict funding of domestic violence services.
- Amend the Criminal Code to make clear that, in cases of domestic violence, Criminal Code articles may apply to spouses, partners, former spouses, and former partners—regardless of whether the perpetrator and victim are cohabiting or have ever cohabited—as well as members of the family, extended family, and in-laws.
- Amend Criminal Code Article 66 to eliminate release of perpetrators from criminal liability following reconciliation with the victim in cases of domestic violence, even in cases involving "light" or "minor" injury.
- Amend the Administrative and Criminal Codes to make violation of a protection order a criminal offense.
- Ensure that domestic violence legislation:
    - Applies to unmarried partners, partners in unregistered marriages, former partners or spouses, any relative of a partner or spouse, and any relative of a former partner or spouse, regardless of whether the perpetrator and victim have cohabited;

- Retains the right of survivors of domestic violence to obtain temporary protection orders and longer-term protection by decision of a court, and that both forms of protection include the option of requiring the perpetrator to vacate a shared residence;
- Specifies that protection by decision of the court does not require police submission of evidence beyond the initial temporary protection order, that survivors can apply directly to the court for such protection, and that such protection is issued within a short timeframe;
- Clearly indicates when cases of domestic violence should be subject to administrative penalties versus criminal prosecution;
- Treats violations of protection orders or protection by decision of the court as criminal offenses; and
- Clearly specifies responsibilities of individual government bodies with regards to prevention of and response to domestic violence.

- Ensure adequate allocation of resources, including from grants awarded by international donors, to the Ministry of Social Development to facilitate development and implementation of national gender and domestic violence policies, and to support services for survivors of domestic violence.
- Ensure adequate support—including for human resources, material needs, and training—to the Ministry of Internal Affairs to improve the law enforcement response to domestic violence.
- Enact legislation prohibiting religious marriages without a state registration certificate, including penalties for religious officials who perform marriages without such a certificate.
- Amend the Family Code to eliminate waiting periods for divorce in cases of domestic violence, regardless of the age of the plaintiff's or defendant's children.
- Amend the Law on *Aksakals* Courts to clarify under what circumstances cases of domestic violence can be referred to *aksakals* courts. Definition of such circumstances should exclude cases of a criminal nature or involving any form of physical injury and should prioritize survivors' right to access justice under the official court system.

- Together with the President and Prime Minister, ratify the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence.

To the Ministry of Internal Affairs

- Ensure that law enforcement policies and training are in line with the UN Office on Drugs and Crime (UNODC) Handbook on Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women and the UNODC Handbook on Effective Police Responses to Violence against Women.
- Amend Ministry of Internal Affairs Order No. 844 of September 28, 2009, on police duties and procedures on responding to domestic violence to include broader protocols for police response to domestic violence in accordance with UNODC standards. Enforce the amended Order No. 844 to ensure that police:
    - Respond to domestic violence with a survivor-centered approach that empowers the survivor, refrains from victim-blaming or stigmatization, and prioritizes the survivor's safety, health, and well-being over family unity;
    - Accept and register domestic violence complaints;
    - Inform domestic violence survivors of their rights with regards to protection, prosecution, and redress;
    - Issue, monitor, and enforce temporary protection orders using methods that protect the security and privacy of the survivor;
    - Assist survivors to apply for court protection orders or other court-issued protection in a short timeframe;
    - Follow clear guidelines on investigating complaints and referring complaints to prosecutors; and
    - Adhere to directives not to refer cases to *aksakals* courts without permission from the survivor and the prosecutor's office, and never to refer cases of a criminal nature to *aksakals* courts.
- Establish a national registry for protection orders, and train law enforcement personnel on its use.

- Design and implement a mandatory core curriculum on domestic violence response at the police training institute, as well as in police retraining and qualification courses, in accordance with the above protocols and UNODC standards.
- Engage with national and international nongovernmental organizations and agencies, including the OSCE, for technical support in training of police.
- Ensure that local police have adequate resources, including transportation, to respond fully to cases of domestic violence without delay.
- Ensure that police register cases of domestic violence in a designated "domestic violence" category, and that cases brought under the Administrative Code are registered under Article 66-3 (domestic violence). Train law enforcement officers to accurately classify cases of domestic violence under relevant Administrative and Criminal Code articles.
- Support the development of specialized domestic violence units or district-level focal points in the police force in all regions of Kyrgyzstan.
- Engage with other ministries and the Office of the Prosecutor General to develop multi-sectoral referral systems for survivors of domestic violence. Ensure that all law enforcement personnel are aware of available services for survivors, and refer survivors to services with survivors' consent.
- Recruit and train women and members of ethnic and religious minorities as police officers, including as neighborhood police officers.
- Investigate violations of Family Code provisions requiring individuals' consent prior to marriage.
- Improve collection and dissemination of data on domestic violence and early and forced marriage, and on investigation and prosecution of such cases.

To the Ministry of Social Development

- Ensure availability of adequate shelter, psychosocial, legal, and other services for survivors of domestic violence, including in rural areas. Ensure availability of shelters accommodating women with children, women with disabilities, and women in marginalized groups, including lesbian, bisexual, and transgender (LBT) individuals.

- Develop and disseminate best practice guidelines for domestic violence services in accordance with international standards.
- In conjunction with local NGOs and experts, develop and conduct awareness-raising campaigns to:
    - Increase public understanding of domestic violence and child, early, and forced marriage as crimes;
    - Combat normalization of domestic violence, victim-blaming, and stigmatization of survivors; and
    - Increase public knowledge of available services.
- In collaboration with international agencies, such as the UN Population Fund, and with other ministries, develop and implement multi-sectoral referral systems that facilitate survivors' rapid and confidential access to health, psychosocial, shelter, and legal services.

To the Ministry of Justice and the Supreme Court

- Ensure that all judicial training and policies related to domestic violence are in line with the UNODC *Handbook on Strengthening Crime Prevention and Criminal Justice Response to Violence against Women*.
- Train judges on national domestic violence legislation and international obligations, and on domestic violence response. Such training should include:
    - A survivor-centered approach;
    - Guidelines on categorizing cases of domestic violence under the Administrative and Criminal Codes;
    - Directives not to require mediation in cases of domestic violence;
    - Directives not to refer cases to *aksakals* courts unless at the request of a survivor, and never to refer cases of a criminal nature to *aksakals* courts;
    - Guidance on issuing protection by order of the court (including the option of barring perpetrators from the residence); and
    - Instruction on penalties for violations of protection orders or court-issued protective measures.

To the Office of the Prosecutor General

- Design and implement a mandatory core curriculum for training of prosecutors on domestic violence response in accordance with national and international laws and UNODC standards.
- Ensure that cases of domestic violence are investigated and prosecuted to the fullest extent of the law, and that domestic violence cases involving physical or psychological damage are handled as criminal cases.
- Train prosecutors on the referral of domestic violence cases to *aksakals* courts and the circumstances under which such referrals may occur, and that domestic violence cases of a criminal nature—no matter how minor—may not be referred to *aksakals* courts.
- Track and monitor investigation and prosecution of cases of domestic violence to ensure that cases are properly investigated, classified, and prosecuted.
- Ensure investigation of all protection order violations, and discipline or sanction officers who fail to do so.
- Ensure prosecution of and accountability for violations of Family Code provisions requiring individuals' consent prior to marriage, and enforce Criminal Code sanctions for coercion into and abduction for marriage.

To the Ministry of Health

- Amend the Practical Guidelines on Effective Documentation of Violence, Torture, and Other Cruel, Inhuman or Degrading Treatment and Punishment (Practical Guidelines) to clarify, in line with World Health Organization clinical and policy guidelines, that medical personnel should not report cases of domestic violence to police or share case information (including with family members) without the express consent of adult survivors.
- Ensure implementation of the amended Practical Guidelines in cases of domestic violence and training of all medical personnel on these guidelines, including personnel at rural and small health facilities. Training should emphasize aspects of the guidelines including:
    - Confidentiality, informed consent, and referral of survivors to other services;

    - Responding with a survivor-centric approach that promotes survivor empowerment and dignity, and avoids victim-blaming, stigmatization, or prioritization of family unity over survivor safety;
    - Referral of cases of domestic violence for forensic examination; and
    - Availability of female medical personnel to conduct examinations or be present for examinations as per the survivor's wishes.
- Engage with other Ministries and the Office of the Prosecutor General to develop comprehensive and multi-sectoral referral systems for survivors of domestic violence. Train health care providers on referrals with informed consent.
- Modify the protocol on health care response to sexual violence to address domestic violence and marital rape.

To the Office of the Ombudsman on Human Rights

- Refer survivors of domestic violence to police for registration of complaints and to other services for psychosocial, medical, legal, and shelter assistance.
- Train all personnel on domestic and international law regarding domestic violence and their role in responding to cases of domestic violence.
- Ensure that personnel at local offices of the Ombudsman monitor police registration and investigation of domestic violence complaints, and file reports to the Prosecutor General's office detailing any related police inaction or misconduct.
- Include domestic violence as a distinct topic in the Ombudsman's annual human rights report.

To the State Agency on Local Self-Government and Inter-Ethnic Affairs

- Ensure that local self-government bodies across Kyrgyzstan take measures to address domestic violence in their communities.

To the Department of Ethnic and Religious Policy under the Office of the President and the State Committee on Religious Affairs

- Establish guidelines for religiously officiated marriages that prevent child, early, forced, and polygamous marriages, and urge religious groups and leaders to adhere to these guidelines. Such guidelines should include:
  - Viewing a state certificate of marriage registration prior to conducting a marriage ceremony;
  - Asking for proof of age of each individual planning to marry;
  - Verifying consent privately and individually from each of the parties in advance of a marriage ceremony;
  - Verifying that neither party is already married.
- Conduct training for religious leaders on the Family Code and the Criminal Code in relation to child, early, and forced marriage and domestic violence.

To the State Registration Service

- Ensure that all officials comply with Family Code provisions with respect to marriage registration by verifying the age and express consent, in private, of each party prior to registering a marriage and verifying that neither party is currently married.
- Train all personnel engaging in marriage registration on national law with regards to marriage, including provisions on the legal age of marriage, requirement for consent from both parties, and criminalization of bride kidnapping, other forms of early and forced marriage, and polygamy.
- Ensure that personnel report all cases of non-consensual marriage or marriage below the age of 18 to law enforcement.

To Religious Leaders

- Adhere to guidelines established by the Department of Ethnic and Religious Policy for officiating marriages that prevent child, early, forced, and polygamous marriage.
- Refer survivors of domestic violence to services including shelters, crisis centers, psychosocial counseling, health care, and legal assistance in a confidential manner.

To the Courts of *Aksakals*

- Ensure that all cases of domestic violence that can be classified as criminal offenses are immediately referred to law enforcement authorities. Should such a case be referred to *aksakals* courts by police, courts, or prosecutors, immediately inform the Ministry of Justice or Prosecutor General's office.
- Train all members of the courts of *aksakals* on domestic violence legislation and response. Training should include:
    - Types of cases of domestic violence that should and should not be reviewed by *aksakals* courts, and when cases should be referred to law enforcement;
    - When mediation can prove harmful to a survivor; and
    - Best practices for a survivor-centric response to domestic violence.
- Refer survivors of domestic violence to appropriate services, including shelters, crisis centers, psychosocial counseling, health care, and legal assistance.

To the Organization for Security and Co-operation in Europe (OSCE)

- Continue to engage with the government of Kyrgyzstan and with local non-governmental organizations on security sector reform, including through technical support for training of police, prosecutors, and judges on response to domestic violence in line with UNODC standards.
- Engage with the Ministry of Internal Affairs to support development and implementation of a core curriculum on domestic violence response at the police training institute.
- Engage with the Ministry of Internal Affairs to promote recruitment and training of a diverse police force, including women and members of ethnic and religious minorities.

To the Parliamentary Assembly of the Council of Europe (PACE)

- Closely monitor steps taken by the Kyrgyz authorities to implement the human rights reform commitments Kyrgyzstan undertook when granted Partner for Democracy status with PACE, including measures to address violence against women.
- Urge the government to ratify the Istanbul Convention on violence against women and domestic violence.

To Kyrgyzstan's International Partners, including the European Union and its Member States

- Raise violence against women and domestic violence in Kyrgyzstan as a key area of concern in bilateral and multilateral dialogues with Kyrgyz authorities, and urge the government of Kyrgyzstan to address such violence through reforms in the social service, law enforcement, and judicial sectors.
- Provide financial and other support for both short and long-term shelter for survivors of domestic violence, as well as for other key services, including psychosocial counseling and legal assistance. Ensure that services meet the needs of women and girls in both urban and rural areas and in marginalized groups.
- Provide financial and other support for development and implementation of multi-sectoral referral systems that facilitate access to domestic violence services.
- Support and facilitate the establishment and regular gathering of national and regional networks to ensure information-sharing between agencies and individuals in different sectors of domestic violence prevention and response.
- Press the government to reject legislation that is discriminatory or limits the activities of nongovernmental organizations, such as the Propaganda Law and Foreign Agents Bill.

To Nongovernmental Organizations in Kyrgyzstan

- Engage with the government to develop and implement multi-sectoral referral systems to increase access to services for survivors of domestic violence. Train staff in use of such referral systems with survivors' consent.
- Train staff on international standards for response to domestic violence. Training should include principles of confidentiality, survivor-centered assistance, and informed consent.
- Engage with the police, judicial, and prosecutorial training agencies of the Ministries of Internal Affairs and Justice, the Prosecutor General's office, and the Supreme Court, as well as with the OSCE and other international expert groups, to facilitate training of police, judges, prosecutors, and forensic examiners according to a survivor-centered approach and UNODC standards.
- Establish national and regional networks to ensure information-sharing between agencies and individuals in different sectors of domestic violence prevention and

response, including those providing service provision, conducting advocacy and awareness-raising, and influencing law and policy.

- Cooperate and coordinate with other sectors of civil society, including those working with members of the LGBT community, people with disabilities, and people with drug or alcohol dependence, to ensure that all women and girls experiencing violence have access to services and support.

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“Call Me When He Tries to Kill You”

State Response to Domestic Violence in Kyrgyzstan

Domestic violence affects nearly one-third of women and girls ages 15-49 in Kyrgyzstan. Yet state authorities are failing to provide adequate protection, services, and access to justice for survivors.

Based on over 90 interviews, including with 28 survivors of domestic abuse, *“Call Me When He Tries to Kill You”: State Response to Domestic Violence in Kyrgyzstan* documents ongoing, severe domestic violence, usually perpetrated by husbands or partners. Women described abuse including stabbing, choking, rape, beatings, public humiliation, and blocking access to medical treatment.

Kyrgyzstan adopted a domestic violence law in 2003, but, as this report documents, significant gaps remain in its response to such abuse. Many officials push survivors to reconcile with their abusers. Survivors said authorities often refuse to register or investigate complaints, fail to issue or enforce protection orders, and treat domestic violence cases as minor offenses. Other survivors said they withdrew or never filed complaints due to pressure and fear. Inadequate shelter and other services frequently leave survivors feeling that they have nowhere to turn.

With a new domestic violence law under consideration, this is a critical time for Kyrgyzstan to tackle this life-threatening problem.

Human Rights Watch calls on the government to ensure that new domestic violence legislation strengthens protection and accountability, and to enforce such measures. Police, prosecutors, and judges should investigate and prosecute domestic violence. The government should also ensure that survivors across Kyrgyzstan can access shelter, health, psychosocial, and legal services.

Beds in a shelter for women in southern Kyrgyzstan. Shelter space in Kyrgyzstan is extremely limited, and few shelters receive any government support.

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