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# **Securing Women`s Safety: an overview of women`s right and security in Kyrgyzstan**

A thesis presented

By

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A dissertation submitted in partial fulfillment  
of the requirements for the degree of  
Master of International Studies

**Graduate School of International Studies**  
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# **Securing Women`s Safety: an overview of women`s right and security in Kyrgyzstan**

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# Securing Women`s Safety: an overview of women`s right and security in Kyrgyzstan

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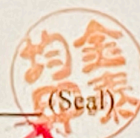
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## ABSTRACT

# **Securing Women`s Safety: an overview of women`s right and security in Kyrgyzstan**

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The relevance of addressing the study of this problem is due to a change in the priorities of the international community in cooperation in the implementation of human rights, in particular, the readiness of states to fully and equally implement women's rights enshrined in international treaties. States' awareness of the fact that women's rights are an integral and integral part of human rights leads to a new understanding, firstly, of the content of women's rights, secondly, the need to ensure them by Kyrgyz Republic to build a democratic society, and thirdly, the development of protection mechanisms women's rights. The Kyrgyz Republic is a sovereign, unitary, democratic state. In recent years, it has been developing at a rapid pace but discrimination against women remains an acute and unsolved problem. The government pays little attention to this problem, and therefore more and more non-governmental organizations and crisis centers appear. But at this time, women are more and more involved in social life and contributes to economic, political and cultural development.

One of the most important problem with Kyrgyz Republic have ratified CEDAW and don't really enforce the advancement of woman's rights. The actual treaty in itself is not very strong, "the CEDAW does not provide for enforcement of its terms, but it does require state parties to submit reports to a designated UN committee"

The Kyrgyzstan have agreed to ratify the CEDAW treaty, but where is the enforcement? There are no officials checking on each state to make sure they are fulfilling the treaty to improve the rights of women. All the CEDAW treaty is requiring is that each state submits a report on how the progress of the treaty is coming along; “Since the reports depend primarily on information submitted by governments, the obvious danger is that the governments may attempt to present information in the best light possible and to suppress any information which shows that they have not complied with the obligations.”

To fulfil the purpose of this thesis, the following research questions are important and appropriate to examine:

What measures have been taken to prevent forced marriages and bride kidnapping in Kyrgyzstan?

What mechanisms are in place to adapt activities to the practical and security needs of the Kyrgyz women?

## **Methodology**

General and publicly available data will be collected using secondary data collection techniques. Analysis of documentary sources. The documents studied by the author mainly include the policies and procedures of the UN reports of Special Rapporteur on violence against women and reports of NGOs. The reliability of this information sources is very high as the documents present a country or international organization’s legal documents.

- Statistics. For the purpose of full analysis, the world and national statistics should be reviewed. This will be achieved from working with databases of such organizations as UN, and national databases of Central Asian countries along with databases of the crisis centers of the Central Asian countries, non-governmental organizations and sociological surveys, The reliability of this data can be classified as high as it corresponds government decision-making.

Object of research: The main idea of the work presented as the concentration of the most important knowledge about women's rights in their historical, theoretical and practical aspects in Kyrgyzstan. The

conceptual basis is made up of modern democratic views on the problems of women's rights, which have received their further political and legal development

**Keywords:** Bride-kidnapping, Ala Kachuu, Forced Marriage, Gender Policy, Traditions, South Korea, Kyrgyzstan

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## LIST OF ABBREVIATIONS

MOE	Ministry of Education
OECD	The Organization for Economic Co-operation and Development
KR	Kyrgyz Republic
ROK	Republic Of Korea
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women CIS
	Commonwealth of Independent States
NGO	Non-Governmental Organization
UNSCR	United Nations Security Council Resolution
UN	United Nations
UNHRC	United Nations Human Rights Committee
BPfA	Beijing Platform for Action
EVAW	Elimination of violence against women
GRB	Gender-responsive budgeting
ICT	Information and communications technology
ILO	International Labour Organization
NGO	Non government organization
OHCHR	Office of the High Commissioner for Human Rights

## **Chapter 1. Protection of Women`s Rights in Kyrgyz Republic**

### **Introduction**

Driving into the distance of the Tien Shan mountain ranges, admiring the nature of Central Asia, travelers are surprised by the hospitality and tolerance of the people of Kyrgyzstan, but most of all they are surprised by the women of these mountains, who in harsh conditions remain the best wives, mothers, sisters and just women. God created a man and a woman so that they, going through life, shared all her joys and hardships among themselves. But the ideal doesn't always coincide with practice. It is well known that the social roles of men and women are complementary, therefore a change in the former inevitably entails a change in the latter, and vice versa. The integrity of the gender approach makes it a very powerful weapon in the struggle to achieve social justice in any state. Since women make up more than half of the country's population, absolutely all spectra of life have a "female" aspect. Equality and full participation of women in solving political and socio-economic problems of society is a prerequisite for economic development, democratic government and society, its openness, security and development, and most importantly, stability and strengthening of peace. But, from time immemorial, political and the world's economic space is dominated by men. Women hold only 10% of the seats in the world's parliaments and 6% in national governments.

The Kyrgyz Republic is one of the first among ten countries to successfully fulfill their commitments under the Beijing Platform for Action, which is one of the most important international documents for the further development of gender equality.<sup>2</sup> However, despite the fact that Kyrgyzstan has everything it needs to ensure gender equality legal framework, in reality there are many different forms of gender inequality. In Kyrgyzstan, it is estimated that three quarters of all jobs are held by women. However, on average, women earn only 65% of what men earn in the same job. Moreover, most women work in the sectors in which they are paid less. Women are not sufficiently represented in public and political life. There are no women in the new parliament, and very few women hold formal high-level positions. The indicators that women's rights are being violated more and more are the growth of violence against women, as well as

the fact that society is quite tolerant of such violence. In Kyrgyzstan, annually, up to three thousand women turn to crisis centers for help in connection with gender-related problems, 50% of which are related to domestic violence. In addition, cases of forced marriages through “bride kidnapping” are still widespread, even though this is a criminal offense.

We can trace the fact that Kyrgyzstan has ratified more than 30 international conventions and protocols on human rights, including the Convention on the Elimination of All Forms of Discrimination against Women, and has signed the Program International Conference on Population and Development (ICPD) and the Beijing Declaration, but the gender issue is still pronounced, meaning there is a large gap between law and reality.

### **1.1. The concept and forms of "ala-kachuu" (bride kidnapping)**

The abduction of women for the purpose of marriage is a form of violence against women. In this regard, it is necessary to consider issues related to the general concept of violence and its legal regulation in international documents (UNGT Group 2018).

Among the significant number of international acts defining fundamental human rights and freedoms, one should note those that guarantee and protect the rights of women in various spheres, and their equal opportunities with men. But first, referring to the Universal Declaration of Human Rights of 1948, which states that "Everyone should have all the rights and all freedoms proclaimed in this declaration, without any discrimination whatsoever, as in relation to race, skin color, gender, language ... or other origin. "

The Kyrgyz Republic has ratified many international acts and thus undertook an obligation to ensure them, so in Part 2 of Art. 16 of the Constitution of the Kyrgyz Republic states: "No one can be discriminated against on the basis of sex, race, language, disability, ethnicity, religion, age, political or other beliefs, education, origin, property or other status, as well as other circumstances "(Constitution of Kyrgyz Republic, 2016).

Regarding the analysis of such a phenomenon as bride kidnapping in the history of the Kyrgyz community. In the context of the formation of a legal democratic state in the Kyrgyz Republic, the relevance and increasing importance is the priority of human and civil rights and freedoms, which follows from the state development program of the Kyrgyz Republic for 2012–2017. Thus, in the criminal legislation of the Kyrgyz Republic, amendments and additions are consistently made in terms of toughening the punishment in Chapter XX "Crimes against family and minors".

According to the foundations of Articles 36, 37 of the Constitution of the Kyrgyz Republic, the state recognizes the family as the basis of society and an object of its care, and by the Decree of the President of

the Kyrgyz Republic dated January 26, 2012, the year of 2018 was declared the Year of Family, Peace, Harmony and Mutual Forgiveness (Too 2018).

One of the main factors of stability and development of the state is the institution of the family. The socio-political situation in the country directly depends on the economic situation and mood of every citizen of Kyrgyzstan, every family living in our villages and cities. In close connection with the traditions of reverence for elders, respect for women, the family has been and remains the keeper of universal human values, culture and historical continuity of generations. Thanks to peace and harmony in the families of Kyrgyzstan, the state will develop, the well-being of people will grow.

However, in recent years, such forms of discrimination against women as their abduction for forced marriage (bride kidnapping) and the early marriage of girls have become more widespread, despite the fact that criminal legislation provides for criminal liability for these actions. Some of these forms are accompanied by the acceptance and payment of kalym - the bride price.

And at the present time the problem of crimes related to the abduction of women for marriage against her will is important from the point of view of studying its patterns and dynamics. The contradictory nature of the situation lies in the fact that the current legislation of the Kyrgyz Republic provides for liability for violation of the voluntary nature of marriage relations, and these acts are qualified by the Criminal Code as specific elements of crimes. But the law enforcement practice is insignificant, which provides a basis for a critical assessment of the state of work on the protection of human rights and freedoms protected by law. Therefore, one of the topical directions is the activity on the development of amendments and additions to the existing normative legal acts.

It should be noted that the issue of bride kidnapping has its own history. It so happened that such a specific form of marriage as “ala kachuu” (bride kidnapping) was established in the customs of the Kyrgyz people. The historical aspect of ala kachuu can be traced back to the ancient history of the Kyrgyz, only during the internecine wars did men kidnap young women of marriageable age from neighboring tribes to

increase their own clans. In peacetime, the kidnapping of a girl for the purpose of marriage was rare for that period (S.M., 1990).

“Kyz ala kachuu” - literally translated as: “to grab a girl and run away” - abduction of a bride is a marriage by abducting a young girl (Dictionary, 2010). This custom originated among the nomadic peoples who lived on the territory of modern Kyrgyzstan. Women at that time served as “goods” for exchange between the Clans or were abducted during times of war.

According to researchers of bride kidnapping (Kleinbach R., 2011), there are three ways to kidnap a bride: the first method involves kidnapping a girl without her consent, which provokes protests from her parents. This method of abduction was rarely used, as it could cause strife and conflict between tribes. The second method of abduction involves the consent of the bride, but provokes a protest from her parents. In most cases, this method was practiced in patriarchal times as a protest against the traditions of that time. The third method is mock kidnapping, when the parents of both parties agree to avoid the high costs of the wedding, and the young man steals the bride. If a man wishing to marry did not have the means to pay for the “kalym”, then he first should pay a small amount and then negotiate with the girl about her abduction. After that, the man's father had to visit the girl's father and ask for forgiveness for his son. This visit is called “aldyn tushu”, which translates as "to appear before the bride's family." After the reconciliation, the bride's mother visited the groom's parents, bringing her dowry with her (S.M., 1990).

The groom resorted to kidnapping, only in those cases when his relatives were influential people and could support him, or the matchmakers of the young man could not succeed, or the bride's parents opposed the marriage. The abduction was carried out, as a rule, with the consent of the bride (A., 1962). The forcible return of the abducted bride by her relatives was seen as a shame for the groom and his relatives, so the girl, who was taken away without the permission of her relatives, was placed in the house of one of the influential relatives of the future husband. Usually the case ended with the reconciliation of the parties. In such cases, kalym was paid in a much larger amount (S.M., 1990). They resorted to abduction relatively rarely, primarily because a wide range of relatives and sorcerers from both sides were drawn into the conflict that arose on this basis, and generic enmity arose, leading to grave consequences. In addition, forcing a woman

to marry is closely related to the acceptance of kalym (A.N., 1946). Kalym has existed among the Kyrgyz for a long time. Kalym – is the payment of the bride price by the groom, his parents or relatives are a influence through which the bride is forced to marry. The size of the kalym was in most cases directly dependent on the social and property status of the parents of the bride and groom. Among feudal lords and “big bays”, it reached a very impressive size; among the poor part of the population, it sometimes decreased to only a few heads of cattle (S.M., 1990).

In the old days, people who have good relations with each other paid kalym not only for a girl who had reached marriageable age, but also for a girl who is far from reaching that age (Kozhonaliev, 2000).

In addition, the presence of property inequality, tribal nobility, class relations among some ancient and medieval tribes, whose descendants became part of the Kyrgyz people, is attested both by historical sources, including monuments of the Orkhon-Yenisei writing, and archaeological data. So, over the centuries, feudal relations have undergone changes. The low stagnant nature of the productive forces under the conditions of nomadic pastoralism, the constant upheavals experienced by the nomadic tribes, as a result of mutual devastating raids, led to a subtle evolution in production relations (D., 1962). According to the researcher of the Kyrgyz customary law S.K. Kozhonaliev, in pre-revolutionary Kyrgyz society, the abduction of a woman was due to the presence of clan divisions. Incest was punishable by death or commuted to family punishment. Many considered it impermissible to take a wife from the same clan division, he had to look for a wife from another clan.

At the end of the last century, a researcher of the common law of Kazakhs N. Izraztsov wrote that any forcible withdrawal was considered an insult of the kind to which the parents of the abducted belonged, and “was accompanied by “barymta” (organizing an attack by relatives) , and sometimes even massacre: so until the girl is happy." If we turn to the Kyrgyz epic creativity - the great epic “Manas”, where Manas marries Kanykey, following all the rules of matchmaking, and not kidnapping her. In the epics "Olzhobay and Kishimzhan", "Kulmyrza and Aksatkyn", stories about the fate of women occupy an important place. Without fear of condemnation, going against adat (from the Arabic language - custom) 3 they are the first to confess their love to their chosen ones4. Defending their right to free choice, Kishimzhan and Aksatkyn

are dying in the struggle against the established religious norms. And the main heroines of the epics “Zhanyl Myrza”, “Saykal”, “Dariyka”, in addition to beauty, tenderness, wisdom, were inherent in such features as courage, determination, courage, and most importantly, the desire to be free. Heroines are equal in everything to male heroes, fighters for the freedom and happiness of their people. Freedom-loving and independent Zhanyl, Saikal, Dariyka embody the people's dream of a woman liberated from the norms of adat. With the establishment of Soviet power, a radical change took place in the destinies of women of the Kyrgyz people. The provisions of Soviet law provided women with equal rights with men. The decrees of the Soviet government on freedom and equality of women revolutionized the minds of the working people, brought profound changes to the way of life, family, and culture of the peoples where Soviet power was established<sup>1</sup>. Ideology and legislation were directed against all forms of marriage without consent, payment of kalym and dowry, marriage of underage girls (Kozhonaliev, 2000).

The proclaimed “Declaration of the Rights of Working People” on November 15, 1917 granted women equal rights with men, proclaiming their independence in personal, property and political terms. From the first days of the revolution, the Soviet government fully equalized women in rights with men and eliminated obstacles standing in the way of realizing de facto equality, and the old laws that enslaved women were abolished. The principle of equality between men and women was enshrined in the first Soviet Constitution, adopted on July 10, 1918 at the 5th All-Russian Congress of Soviets, which declared that limiting equality or granting any privileges to men was contrary to the laws of the republic (N.Zhogin, 1958).

In 1921-1922. a number of decrees were adopted to strengthen the fight against socially dangerous encroachments on the freedom and equality of women. On June 14, 1921, the Turkestan CEC issued a decree “On the prohibition of kalym and polygamy”, which abolished the payment of kalym for a bride and established the age of marriage from 16 years.

After the formation of the Kyrgyz ASSR in 1926, the government, attaching exceptional importance to the struggle against slave After the formation of the Kyrgyz Autonomous Soviet Socialist Republic in 1926, the government, attaching exceptional importance to the struggle against the slave position of women



in the family, carried out a reform in the field of family and marriage relations, mainly on the principle of voluntary marriage. Forcing a woman to marry forcibly henceforth entailed severe punishment for the perpetrators.

The decree of the Central Executive Committee and the Council of People's Commissars of the Kyrgyz Autonomous Republic on the abolition of kalym speaks of the need to wage a decisive struggle against harmful remnants of the Kyrgyz life, including kalym, which humiliates the honor and dignity of a woman, turns her into a slave, contributes to strengthening the power of the wealthy people making marriage dependent on a person's financial situation (Kozhonaliev, 2000).

In the appeal of the Central Executive Committee of the USSR to the peoples of the Soviet East on the rights of working women, the attention of the population was focused on the fact that Soviet laws establish punishment for all people, not excluding the closest relatives, who force women to marry against her will or achieve the established in the law of age (Kozhonaliev, 2000). This law stated that the payment of kalym, the kidnapping of a woman to enter into marriage and plurality, as well as the remnants of the age-old oppression of women, which stand in the way of her cultural and political development, are equally punishable by law. Any violation of the rights of women, manifestation of the remnants of the past began to be strictly punished by law.

Also, the protection of the full equality of women was reflected in the Criminal Code of the RSFSR of 1922, in Chapter IX of the Criminal Code of the RSFSR "Domestic Crimes".

In addition, after the formation of the Kyrgyz Autonomous Soviet Socialist Republic in 1926, the government, attaching exceptional importance to the struggle against the slavery of women in the family, carried out a reform in the field of family and marriage relations, emphasizing mainly the principle of voluntariness in marriage. Forcing a woman to marry forcibly now entailed severe punishment for the perpetrators (N.Zhogin, 1958). Defining kalym as a form of sale and purchase of a woman, which was incompatible with the principles of Soviet power, the legislative authorities established responsibility for kalym and polygamy.

The Criminal Code of the RSFSR of 1926 (RSFSR, 1924) contained a number of norms directed against the manifestation of vestiges in the behavior of citizens (these norms were also contained in the Criminal Codes of other Soviet Union Republics), and with the introduction of some changes, they operated on the territory of the Kyrgyz SSR until 1958. These norms are four main groups:

1) criminal acts related to blood feud and liability for “kun” (Articles 194 and 195 of the Criminal Code of the RSFSR);

2) crimes against the de facto equality of women (Art. 195 - kalym, Art. 197 - forced marriage, Art. 198 - entering into de facto marriage with a person who has not reached marriageable age, Art. 199 - bigamy and polygamy);

3) barymta (Art. 200 - organizing an attack of relatives by tribal or tribal enmity, Art. 201 - violence perpetrated during a barimta, or a conflict on the basis of tribal enmity);

4) appropriation of judicial or tax powers (Articles 203, 204).

Of the 1961 Criminal Code of the Kyrgyz SSR clause 8 “On murder committed on the basis of remnants of family life in relation to a woman” was introduced into the composition of premeditated murder committed under aggravated circumstances (Article 94), taking into account revenge when trying to escape a girl who was betrothed for a kalym, when she resisted being kidnapped, etc.

In Art. 115, part I of the Criminal Code of the Kirghiz SSR, a new composition was introduced: preventing marriage, and in Art. 116, Part 3 was introduced: the kidnapping of a girl under the age of sixteen to enter into a de facto marriage with her.

Thus, crimes that constitute the remnants of local customs and are reflected in the Criminal Code of the Kyrgyz SSR in 1961 can be divided into groups.

The first group - crimes that infringe on the equality of women in the field of family and marriage relations:

1) payment and acceptance of the ransom (kalym) for the bride (Article 114 of the Criminal Code of the Kyrgyz SSR);

2) forcing women to marry (Art. 115);

3) entering into a de facto marriage relationship with a person who has not reached marriageable age (Art. 116).

The second group - crimes against the lives of women and obstruction of them in the exercise of equality:

1) premeditated murder committed on the basis of remnants of family life in relation to a woman (Art. 94, item 8);

2) obstruction of the implementation of the equality of women (Article 130).

Thus, crimes that are vestiges of local customs began to be recognized as socially dangerous acts, manifested as the custom of the feudal-clan structure in the field of family and household relations (CEDAW Report, 1999).

In the pre-Soviet period, the overwhelming majority of marriages were contracted by parents. These unions were created with the consent or without the consent of the spouses. Children could not act against the will of their parents.

Consent abduction or feigned abduction, or escape with a beloved was committed by young people who loved each other, in order to avoid contractual marriage with someone else or in order to circumvent parental consent. There is a legend that dates back to the 17th – 18th centuries. In the Boom gorge on the way to Issyk-Kul there is a place called “Kyz-Kuyoo” (Girl-Husband), according to this legend, the parents of the young couple were against marriage, but the young people loved each other so much that they jumped into the river from the gorge to protest and died. This story is proof that the original idea of abduction implied consent on the part of the bride.

Abduction of the bride without her consent was rare, as it contradicted the will of the girl, her parents, adat and Islamic laws. In addition, the abduction takes place without consent and with the use of force, which was considered a serious insult to the girl's family and relatives (UNDP, 2010).

"Ala kachuu" - abduction of the bride without consent, was not a common practice in Kyrgyzstan in the past. It is a completely illegal and somewhat distorted version of the old custom, as it leads to coercion and violence. Moreover, women who survived the rape are forced to marry the rapist, since this is seen as restoring the "honor" of the family, which was considered a dirty woman, who was considered to have "had sexual intercourse" before marriage or outside of marriage.

Thus, the abduction of a woman for forced marriage in the past was considered an infringement on her freedom and dignity, as well as an infringement on the dignity of her parents and an offense to the whole family.

After the collapse of the Soviet Union, with our country gaining independence, a new era of economic instability emerged. The level of moral and ethical relations changed, which led to a significant increase in the number of women abducted and forced to marry. Barely smoldering rudiments of remnants of local customs began to revive again (UNDP 2010).

The abduction of the bride as a negative phenomenon clearly demonstrates the fact how much degradation has grown in the sphere of the spiritual and moral development of society. Bride kidnapping has become almost a common method of initiating marriage. The vestige that the Soviet regime was struggling with received a new development.

In addition, bride kidnapping for forced marriage continues to exist for several reasons. One of them is social stratification. Parents will never allow a rich girl to marry a poor guy, and he has no choice but to steal his beloved. The second is a tribute to tradition. But more often in some other form: abduction exempts from paying kalym, therefore, it costs much cheaper. Thirdly, it is the low legal awareness of the population. Fourth, young girls are abducted to work in the husband's house and are treated as additional labor. Insufficient work of law enforcement agencies should also be noted. If the cases of bride kidnapping were

given more publicity and the young people who did it were tried, then, most likely, there would be fewer such crimes.

There are also some "rules" according to which there is a process of modern abduction of women for marriage against her will. The abduction itself can be viewed as an obvious crime with such actions as: forcible loading of a girl into a car, threats, assault in some cases, restriction of her freedom, binding of her legs and hands. In a number of cases, the relatives of the kidnapped girl manage to get her back, but most of them prefer to leave their daughters where they were brought without going to law enforcement agencies. Thus, this type of crime acquires the character of latency. Experts cite rather disagreeable statistics. Thus, six out of ten marriages break up in the first years of married life. Unfortunately, statistics are silent about the crippled fates of thousands of women. But some of them are not even 20 years old (Sheripov.N 2011).

In addition, early marriages have become commonplace in the republic. Many of these girly wives don't even have a matriculation certificate. Early marriages are dangerous because a person, due to his immaturity, does not understand, does not realize that adult concerns have fallen on his shoulders, that a completely different life has begun. And not everyone can handle it. Understanding and awareness of the problem comes over the years, when a woman is busy with endless care of children, arrangement of life. No one deeply examines the consequences of such abductions.

In Art. 155 of the Criminal Code of the Kyrgyz Republic - forcing a woman to marry against her will is punishable by a fine from one hundred to two hundred calculated indices, or restriction of freedom for up to three years. Art. 8 of the Law of the Kyrgyz Republic

“The basics of state guarantees for ensuring gender equality :“ The behavior of people based on the norms of customary law, traditions and culture, which is contrary to the requirements of this law, is considered as an obstacle to the implementation of gender equality ”. Analysis of law enforcement practice under Art. 155 of the Criminal Code of the Kyrgyz Republic shows that cases of initiation of a criminal case with its subsequent transfer on the basis of a completed investigation to the judicial authorities are extremely rare, and sentences passed by the court on the sanctions provided for by the articles under consideration are

insignificant. Often, young girls do not apply because of their legal illiteracy and stereotypes prevailing in society. But even if applications are received, the police officers are more likely to support the reconciliation of the parties and rejection of the previously filed application than the adoption of measures prescribed by law (Bishkek, 2011).

The behavior of the groom's parents should also be condemned. Often, it is at their insistence that a man decides to kidnap an unknown girl, thereby contributing to the commission of a crime. After all, many believe that this is just a custom and another way to start a family. And even more striking is the fact that the runaway girls are condemned, almost pointing each time at her with a finger, as at a leper and cursed. It is believed that if you have been stolen, then be good if you stay, otherwise an unhappy fate awaits you. Many girls, being afraid of this, still put up with their fate and stay. In this case, such families can hardly be called happy.

Bride kidnapping is one of the painful issues in our society. This phenomenon, of course, refers to gender-based violence, because the right of a woman to freely choose a spouse, to independently decide the issues of her life is violated. In this situation, all decisions are made for the woman by the initiators of the abduction: his friends, relatives. Often the abduction of brides is accompanied by physical coercion, psychological pressure. The groom's older relatives convince the victim. Many people justify this phenomenon, considering it a tradition of the Kyrgyz people, but bride kidnapping without prior consent has nothing to do with traditions. At one time, abductions happened, but only when the relatives of the lovers were against their union or a large kalym was requested for the bride, and the groom did not have the means to pay it. Then the horsemen abducted their chosen ones from home. Bride kidnapping - *alakashuu* - is the abduction of a person. If cattle, things, a car and other property are stolen, it is considered a crime. Our main task is to convince young people that bride kidnapping without consent must be done away with. Accordingly, state policy should be aimed at solving this problem, since it carries negative social consequences.

The abduction of a woman for marriage against her will as a crime should have stricter sanctions. After all, we are talking about human freedom in general.

They prepare in advance for this crime, conspire, gather relatives and friends, accomplices. Friends help the so-called groom to force the girl into the car. And upon arrival at the house of these “heroes” with their “prey” are met by relatives, who also forcibly bring the stolen into the house. And they also forcibly throw a scarf over her. Often, the mullah is also ready to perform the “nike” religious ceremony (Gender Assessment 2011).

In addition, according to researchers (A.Mamutov, 1963) and crisis centers, bride kidnapping is often accompanied by a combination of diverse crimes that are widespread, such as rape (art. C129 of the Criminal Code of the Kyrgyz Republic) and forcing a woman to marry under Art. s155 of the Criminal Code of the Kyrgyz Republic. Problems of this kind need to be addressed at the state level. A number of measures are required to educate the population about the consequences of the crime, to develop comprehensive programs and measures to help and support the victims of abduction. These include: coordination of all activities of public and private structures working with women, on family issues, youth in the fight against abduction of women for forced marriage; improve the work of law enforcement agencies to combat and prevent the abduction of girls for forced marriage; to strengthen awareness-raising work with the population, explaining to the population that the kidnapping of a woman for marriage against her will poses a serious threat to the health and well-being of women.

Thus, during the 20th century, the following changes took place in the Soviet republics: the practice of abducting brides without the consent of girls began to be practiced more often than with the consent of girls, and many young people began to believe that abducting brides without consent is a tradition, especially that they go unpunished.

And in conclusion, the history of Kyrgyzstan testifies to how women defended their right to free choice, and therefore forcing a woman to marry, regardless of the form, motives, historical roots that give rise to it, is one of the types of encroachments on the freedom of women (. In a free society there should be no place for infringement of a woman's rights, violation of the freedom of her personality. A woman should dispose of her destiny at her own discretion and expression of will, and the state, for its part, should

guarantee the real implementation of these rights and freedoms by all means available to women  
(Sheripov.M 1990).



## **1.2. The concept and forms of "ala-kachuu" (bride kidnapping)**

Research by A.S. Tabyshaliyeva of the historical context of contemporary gender problems in Central Asia confirms that many customs and traditions, the way of life of the sedentary and nomadic peoples of this region preserved and cultivated discriminatory practices against women. (A. Klimenkova, 1998).

Violence against women had its roots, above all, the economic dependence of a woman on her husband, who, having paid the ransom (kalym) upon marriage, considered the wife his property. In customary law, for example, Kazakhs, when concluding a marriage contract, the consent of the spouses themselves was not required, which is why the marriage was usually of a compulsory nature (Tlenchieva, 2009). The payment of kalym testified to the attitude towards a woman as to movable property.

Kalym went to the full disposal of the bride's father and after his death passed to the heirs. It should be noted that the size of the kalym was quite significant, and this often became an insurmountable obstacle to marriage for poor, bankrupt men. Pre-revolutionary researchers noted: "The Kyrgyz still views a woman as an expensive labor force; the opportunity to marry is conditioned by the payment for the wife to her relatives, often very significant kalym, which often results in the impoverishment of the young husband's family, and the result of the latter is rough treatment of his wife, burdening her with unbearable work" (F.Miimanbaeva, 1995).

In the Kyrgyz community, the bearer of property rights and the head of the family has always been a man. As a result, the right of inheritance went through the male line, women were excluded from the circle of heirs. Since women were deprived of rights both in public life and in the family, they were under the care of husbands, fathers and brothers.

When they got married, the daughters could receive their share in the form of things created by their labor and included in the dowry, and although after two or three years after getting married, the brothers could give them certain property inherited, but this was for their brothers right (F.A.Zaikov, 2001).

Women and girls resignedly bore all the hardships of housework, which not only depleted their physical strength, causing serious illness, premature old age and high mortality, but also extremely narrowed the range of mental interests, hindered intellectual development.

Until the beginning of the XX century. polygamy continued to exist, which was perceived as a sign of prestige and as a means to increase one's fortune, since marriage made it possible to obtain land and water. At the same time, the first wife - *baibiche* - occupied a fairly high position in the family. The second and subsequent wives were taken from poor families for a small *kalym*, and the very relationship through them did not have the same value as the relationship with the family of the first wife. Lullaby marriages with the payment of a certain *kalym* were practiced, representing the marriage of young children, often still in the cradle (F.A.Zaikov, 2001).

Another, especially widespread among the Kyrgyz tribes, discriminatory custom was the levirate marriage, according to which a woman-widow became the property of the brother of her deceased husband. Together with *sororat* - the widower's obligation to marry the younger sister of his deceased wife - these marriages were dictated by the need to keep children, woman and property and often took on an ugly character due to the significant age difference between new spouses. For example, often a younger brother who has his own young wife had to take the old and sick wife of his deceased older relative. The departure of the deceased's wife to "freedom" was recognized as a great disgrace for the husband's family. This was explained by the fact that the payment of *kalym* at marriage meant the transfer of the wife to the property not only of the husband, but of his entire family, therefore, the husband's relatives had the right to inherit his wife.

The widow's position was very vulnerable. For example, a widow could leave within a certain period of time after the death of her husband to her parents, subject to the consent of her husband's relatives, but her children remained in the father's family. However, the widow, who had left her family, did not remain free: her parents or brothers could again marry her to a new *kalym*.

The most openly neglected in the Kyrgyz community was the daughter-in-law (kelin). She was completely subordinate not only to her husband, but also to all his relatives. Her life was regulated by a multitude of degrading rules and prohibitions that aroused feelings of inferiority and humiliation in the young woman. For example, she had no right to make a decision even about the number of children in her own family, she could not see her father-in-law and her blood for a long time, even in winter she had to sit outside the yurt if her husband's parents were there (F.A.Zaikov, 2001).

The situation of infertile women was even worse: they were subjected to constant and sophisticated moral violence. Fertility or infertility of a woman as a whole determined her status in traditional society, the value of a woman depended on the ability to give birth to many children, mainly boys. Sanguine played a significant role in the management of a large family. It was she who often initiated the preservation of the patriarchal orders, the ideologue of the doctrine of unquestioning obedience to the daughter-in-law and other women in the Muslim family. At the same time, there are many known cases when a strong alliance was formed between both women and when, thanks to the authority of the husband's mother, arbitrariness over the daughter-in-law was limited (F.Miimanbaeva, 1995).

The quintessence of gender discrimination can be considered the widespread among the Kyrgyz tradition of kidnapping a bride without her consent. At the same time, violence against a girl was viewed as an ancient custom, which means entering into marriage<sup>1</sup>. This custom survived through the centuries, all the ruling regimes, although in Soviet times it was more often met in the form of imitation of bride theft, when the groom stole the bride with their mutual consent. Recently, this custom has become more and more widespread in its original form when violent bride kidnapping takes place (F.Miimanbaeva, 1995)..

In the southern regions of Kyrgyzstan, under the influence of the sedentary peoples of Central Asia (Tajiks and Uzbeks), the enslavement of women was most pronounced due to the greater spread of one of the moral precepts of Islam - the hijab. Literally, hijab means a veil or curtain, but in Islam it means a restriction in something<sup>2</sup>. Consequently, hijab is not only the covering of a woman's face with a ritual veil, but also a whole set of norms of Muslim dogma, Sharia and ethics that regulate a woman's lifestyle and behavior in everyday life, and her isolation from public life.

In particular, the house was divided into two parts - internal (ichkari) and external (tashkari). The woman was isolated in the inner rooms, she was not allowed to talk to strangers then men, she even left food for her husband's guests on the threshold of the outer rooms. Beginning at the age of 10–12, the girl was put on a burqa, which covered her from head to toe, and a thick black net of horsehair fell over her face and chest. Without a burqa, a woman could not appear on the street, and at home she often did not take it off in the presence of older relatives. In cities, a woman was not allowed to go out on the street without her husband's accompaniment or without his permission. On the whole, it should be noted that “the more archaic the cultural attitudes of this or that ethnic group were, the more differences and ritual strictness separated the husband and wife”.

Loss of virginity prior to marriage was a criticism for the bride. There was a rite of control of virginity on the wedding night, and the husband had the right to immediately divorce his wife if she did not turn out to be such, and all the kalym was returned to him. Thus, as K. Mullison writes, “the sexual purity of a woman (especially virginity as evidence of the first mastery and lack of incest) became the subject of trade and economically profitable property” (UNDP 2010).

The rules on divorce and treason almost always turned out to be in favor of men, and only in two cases could a wife demand a divorce from a judge: severe beating and childlessness through the fault of her husband, and the latter was very difficult to prove. Divorce itself, in any case, was very easy for men: it was enough to say the “Talak” formula three times, but the husband's duty was to support the divorced wife. During the divorce, the children also remained with their father. The wife took away her husband's gifts and her dowry upon divorce, but if she was found guilty, her property remained with her husband<sup>4</sup>. The marriage of a Muslim woman with a non-believer was absolutely not recognized, such a girl and her husband could face death from hands of her family. There were even cases when lovers of different faiths were imprisoned.

Marriage itself has always been seen as the highest grace for a woman. The authority of the husband in any form of marriage was absolute and unconditional. It was not always determined by the personal qualities of the bearer but was provided with powerful support for social institutions and public

consciousness, which was expressed in the recognition of a man as a socially significant being, a citizen and a legal entity, a breadwinner and a breadwinner. A woman was only allowed to be with him as a wife and mother of his legitimate children, a servant. The totality of these functions was justified by the need for her lifelong maintenance in her husband's house and at his expense. The division of spheres of activity in everyday life was so strict that it entered consciousness as something obligatory, and mothers had to strictly follow it when raising children. As a result, the boy was prepared for the “external” life, and the girl only for household chores and motherhood. She was constantly taught that the family is the only refuge and support of a woman, the *raison d'être* of her existence, therefore the fate of a woman outside the family and children is unequivocally regarded by society as failed and useless (CEDAW Report 2011).

Since boys were traditionally considered the successors of the clan, a certain style of behavior was instilled in them, the act of male initiation of boys - circumcision was always magnificently celebrated. As A. Karasaeva writes, for boys there was a special rather harmonious system of upbringing, including compulsory training in horse riding and martial art. From early childhood, the boy was inspired that he was the owner of the house, land, livestock, that in the future he would be the head of the family, relying on his old age for his parents. When he marries, he will never go to someone else's house, as this is considered a shame for men from Kyrgyz clans, but on the contrary, will bring a new family member - a wife - to the house of his parents.

At the same time, girls in the family were considered as its temporary members, which was reflected even in folk sayings and proverbs, for example, “A daughter is a cut-off piece,” and their upbringing consisted in joining the process from an early age. household management, which was very difficult in a nomadic way of life. Girls were taught to be hardworking, patient, obedient, able to obey and forgive insults. There were no special holidays for girls, and only occasionally one can see the mention of the braiding ritual, but in its scale it is a modest and not always obligatory action. As a result, the social status in the Kyrgyz family and community for girls, and subsequently for women, was less stable and durable than that of boys.

At the beginning of the XX century. in Turkestan, the educational movement for the liberation of women began to gain strength<sup>3</sup>. It was permeated with the ideas of equality between men and women in relations with each other, the enlightenment of Muslim women, their emancipation from domestic slavery and was greatly influenced by Russian progressive thought after the annexation of Turkestan to Russia.

In particular, a certain step in protecting the rights of women was made by the customary law of the Kyrgyz. It was found that “no one has the right to take a bride to him without paying the kalym and ordinary gifts under the contract”. If the abduction was carried out without consent this bride and with violence, the bride returned to her parents at their request, and the kidnapper was sentenced to a fine. Also, a fine was established for the rape of a married woman or girl, if it was committed without their desire. Divorce initiated by the wife was permitted if, due to her husband's abuse, she ran away from home three times, while her dowry was returned to her. On the other hand, for the murder of a woman, a fine equal to half the fine for the murder of a man was imposed, and the woman's testimony in court was valid if it was confirmed by the oath of her husband and her older male relatives. The author of an unpublished manuscript about Issyk-Kul Uyezd writes: “The protest of widows against the claims of their in-laws in most cases is expressed by the complaint of the Russian administration, which, although initially directs the case to the “court of baiys”, but often, in the end, she herself has to take the side the weak and give them freedom to choose their husbands ”. In this regard, S.N. Kozonaliev notes that “... the tsarist authorities, in order to intensify oppression “in the newly acquired lands ”, legalized such patriarchal clan survivals as kun, ayip, kalym, polygamy, child marriages, etc.”.

Thus, in the Kyrgyz society, there was a significant unequal position of men and women, in which a woman was practically enslaved. According to I.V. Korzun: “... civil law primarily protected the property and social rights of a man, denying a woman the right to inherit and recognize her legal capacity. The criminal law reflected a clear differentiation of sex as an object of a crime, a subject of a crime and, finally, an object of punishment ”.

Radical changes in public life in the last century, especially during the Soviet period, have largely changed the inner world of the Kyrgyz community. But in Soviet times, “a significant part of women

developed an ambiguous position: emancipation was socially encouraged, and the old norms of behavior, which traditionally assigned women mainly ... the sphere of domestic production, were ethnically preserved". Due to the fact that, being the main social institution of society, the family acts not only as an institution of socialization, but also as one of the institutions of social control, the cultural paradigm of the patriarchal model of the family continued to remain quite stable, which was reflected in the upbringing of children. This contributed to a certain extent to the preservation of customs that discriminate against women, especially in rural areas, although they were officially declared relics of the past.

The specifics of the determination line of polygamy

The custom of polygamy, which during the years of Soviet power was considered an "ugly relic of the past," is gaining more and more popularity in the Kyrgyz Republic. Noting that in Kyrgyzstan, polygamy is still prohibited by law. However, during the entire existence of the corresponding article in the Criminal Code of the Kyrgyz Republic, few people have observed it in action.

Soviet education, based on the ideology of the state, sought to teach that the family is a unit of society, it must be protected, there must be one wife, one husband, and children together. As a rule, marriage relations were engendered and maintained only after the official registration of the marriage.

The creation of a family was seen as an important and responsible step in the life of any person, both man and woman.

The UN CEDAW Convention, ratified by Kyrgyzstan, defines polygamy as one of the types of discrimination. In polygamous marriages, husbands often treat women only as objects of sexual services, offspring, and free labor. In legal terms, not only wives, but also children are disadvantaged. Of the states, whose population for the most part adheres to Islamic traditions, polygamy is prohibited (for example, measures in Turkey and Tunisia). But even in those Arab countries where it is allowed, no more than 2–3% of men are in polygamous marriages.

During the research the following questions were raised:

- Is polygamy a social disease, or on the contrary, it contributes to the solution of many family and social problems?

- Is the society ready to accept this phenomenon?

- Why the question of polygamy has surfaced of the problems discussed recently?

- Do citizens know about the existence of a criminal penalty for this crime?

- What are the main reasons for the phenomenon of polygamy?

- What are the consequences of polygamy?

Most women don't accept "harem" prospects. The negative position on this issue is quite understandable, since the moral aspect has not yet been canceled. Considering the arguments of the representatives it was officially spoke out in the media for polygamy. The most interesting position was made by a male representative who proposed decriminalizing polygamy, arguing that it was not a dangerous act. For those who do not know the definition of "crime", he explained that this is a socially dangerous act (action or inaction). And polygamy, in his opinion, is socially useful, since a man can feed several families.

A somewhat different position is held by another part of the male population, who are outraged by the attitude of Kyrgyz women acting as feminists. They noted that the Kyrgyz people have their own traditions, religion, customs. If polygamy is considered immoral, then Manas and Semetey and all our ancestors were immoral.

Both the first and second opinions are quite controversial. Regarding the first, we note that the question arises, where is the social utility of the phenomenon of polygamy? We believe it is ephemeral. The fact that the first wife does not show moral pain and lives in such a situation for the sake of children, the status of a married woman, economic dependence? Or is it that children will initially perceive the ambivalent attitudes of adults and in the future, may adopt the same motivation for family relationships?



There are a lot of questions of morality and moral and spiritual component of a person's life in society, and no one raises them. Unfortunately, the religious leaders do not give a complete interpretation of this issue.

In the second case, when it was emphasized that our ancestors had several wives and this was almost a tradition of the Kyrgyz people, and not immoral behavior, it looks strange. Then you have to live according to the laws of that historical time. The history of our people testifies that they had the right to a second wife if there were good reasons for that. In addition, at that historical time, only rich people who occupied a privileged position allowed themselves to have more than one wife; the status of a second wife had a certain name, which had a negative meaning (tokol). And the woman was seen as a progenitor rather than an equal marital partner. Family relations had a completely different color.

Following the norms of Sharia, solving the problems of unmarried women and widows.

As a rule, men try to explain their behavior by justifying that they are solving the problems of women in such a "noble" way. It is difficult to determine the correctness or not of the judgments expressed in the questionnaire. But there is an attempt by the male part of the respondents to legitimize the existing state of plurality. While women, on the contrary, are against this phenomenon. Against this background, an attempt by the state to preserve the concept of a family is difficult. the number of wives. In this regard, the phenomenon of prostitution is becoming a profitable business, but it should be noted that cases of men marrying women of this kind are not frequent. In many Islamic countries, where polygamy is the norm, prostitution has become a problem in society.

As a consequence, polygamy can lead to the commission of yet another crime - bride kidnapping.

Thus, the specificity of the line of determination lies in the fact that none of the reasons can be recognized as true, justifying or allowing polygamy. Polygamy in our society is a negative social phenomenon that requires the intervention of the state and society to resolve the problems of family development that arise against its background.

## Sociological and Criminological Study of Abduction the Women for Marriage

“Over the past three years, 24,000 cases of bride kidnapping have been recorded in Kyrgyzstan,” said the Ombudsman of the Kyrgyz Republic (Diplomat 2020). The head of the Association of Crisis Centers A. Eleferenko states that every fifth marriage in Kyrgyzstan is concluded by force. This research has shown a high level of latency in cases of abduction of women for the purpose of marriage. Forensic statistics show a completely different picture. And every fact of the committed crime is described in the press. An example of this is the following case. “Bishkek, October 2. In Kyrgyzstan, the groom was convicted of stealing a bride. According to a court decision, he will face 6 years of imprisonment in a strict regime colony, ”MTRK Mir reports. The abduction took place in June this year, then Sh. Imankulov kidnapped a 20-year-old native of the Issyk-Kul region. The girl was forcibly forced to marry the abductor, but soon her parents managed to return her home, but a day later she committed suicide. Only in 2018, in one Issyk-Kul oblast, 2 cases of suicide of stolen married women were officially registered. A criminal case was opened in connection with the death of the victims. Every year in Kyrgyzstan, more than 16 thousand girls are kidnapped for the purpose of marriage. A significant number of such marriages break up, and the victims often commit suicide, unable to bear such shame (RFERL 2018).

Despite the not indisputable urgency of the problem of theft of breeches in our republic, existing statistics consistently assert that such phenomena are extremely rare. So, for example, over the past 12 years in Kyrgyzstan, only about 150 facts of forced marriage have been recorded. And, according to the Ombudsman, no one in the country has been punished for bride kidnapping (UNDP 2020).

Another fact that completely destroys the situation of “well-being” in this area is the observation of volunteers of the public association BINGO. The group monitored local residents for six days in order to identify the number of girls being stolen in the city of Kerben, Osh oblast. So, over these days, in a small town with a population of 25 thousand people, 7 cases of girls theft were revealed. The same guy stole three girls on the same day, two left, one stayed, but later she divorced him. In other cases, the victims were minors who also divorced.

Bride kidnapping (bride kidnapping) as a social phenomenon has become the practice of abducting women (girls) for the purpose of marriage. It would seem that the end is noble, but this is just the case when the means of the end do not justify. Where did this "tradition" come from? And is it a tradition? What does the bride kidnapping ceremony look like? Various options are possible, but the most traumatic and often encountered is the following: the "groom" steals a girl into his bride, with whom he has not previously met or had no romantic relationship, his friends or relatives help him in this. When the abducted woman is brought to the groom's house, the fiancée's relatives come to the forefront, trying to persuade the girl to stay, while mental violence is always used, less often physical. Mental abuse refers to pressure on traditional upbringing; the fall of the oldest woman of the family under the feet of the departing one (sometimes bread is used instead of women, since it is not customary for the Kyrgyz to step over bread, this is considered a gross insult to both the most sacred food and all their ancestors); persuasion with the use of the ancient proverb "tash tushkon zherinde oor", which means "where the stone is thrown, there it belongs"; often terrible curses and threats are poured on the head of those who resist. The ultimate goal is to put on a white headscarf over the bride's head - a sign of consent. Further, or simultaneously with the persuasion of the girl, the groom's relatives go to the bride's house, where they apologize to her family and give them gifts (money), the rite is called "achuu basasi", literally "suppression of anger". After that, the girl's family in most cases blesses such a "criminal union." Very little depends on the blessing mentioned, as well as on the girl's consent, because when the bride is kidnapped in the Kyrgyz Republic, the union between the newly-made couple is registered "in heaven" in the order of the "nike" rite conducted by a mosque priest.

What does Islam say about stealing brides and forcing women to marry? "The fourth sura, the 19th ayah of the Quran, Allah: " Oh, Muslims! It is considered wrong for you to take women by force. " In the Sharia (Code of Laws of Islam), it is strictly forbidden to marry a woman to a man she does not want; violence against it and pressure is prohibited. It should be noted that according to the rules of Islam, the Muslim wedding ceremony must take place in the father's house of the bride and it should be strictly forbidden to carry out such rituals at the groom's place.

Human rights groups say that 15,000 women and girls are kidnapped in Kyrgyzstan at least every year. According to statistics, more than 50% of such marriages break up. In the case of a marriage solely according to religious custom, without state registration with the registry office, the dissolution of such marriages cannot be considered in court. The spouses have no property rights and obligations, which may lead to the infringement of the rights of any of the spouses, most often women. The presence of children further exacerbates property disputes. In connection with the increase in the number of forced marriages, in order to protect the property rights of women and children, a number of deputies of the Jogorku Kenesh of the Kyrgyz Republic have developed a bill providing for the presence of a certificate of state registration of marriage by the registry office when conducting religious rites of consecration of marriage.

The specified norm has been included in the Code of Administrative Responsibility of the Kyrgyz Republic. From now on, an administrative penalty is imposed when conducting a religious marriage ceremony without state registration of marriage in the amount of ten calculated indicators (1000 soms).

The following can be cited as the reasons for stealing brides in Kyrgyzstan:

1. Economic Benefit: With girl is kidnapped, the costs of the wedding are significantly reduced. The obligation to hold a celebration on the occasion of the wedding is completely eliminated, as is the obligation to pay the traditional kalym.
2. The groom's relatives steal the girl for their son, who is unable to marry on his own (for example, due to mental, physical illness);
3. The girl does not agree to a marriage, which has long been agreed upon by her parents on both sides;
4. Animal instinct according to the principle: “came - saw - won”;
5. Confidence in impunity.

By analyzing the identified reasons for bride kidnapping, it is possible to propose options for the prevention of this phenomenon.

The tolerance of our society and a humble attitude towards cases of kidnapping girls for the purpose of marriage is the root of the problem. It is necessary to carry out preventive work among the population, the goal should be education. Law enforcement agencies and civil society organizations can take over this work. Educational activities should include an explanation about the origins of the practice of abduction - this is not a tradition of the Kyrgyz people, when a guy kidnaps any young person he likes in order to start a family, because knowledge of the history of the issue can put all the i's on this problems.

“Young people represent the most dynamic part of society, which has enormous social, intellectual and scientific potential. An analysis of recent studies shows that at the moment the consciousness of young people is entering a new stage of development, but with a different socio-political worldview, a different system of perception of the world. We must proceed from the awareness that young people have long ago departed from old stereotypes of thinking, ”says the director of the Department of Youth Affairs of the Kyrgyz Republic in his report at the Summer School of Democracy.

But it is also necessary to remember about rural youth who live in an information vacuum. This part of the population is not literate in the legal aspect. She has lost value orientations, unformed spiritual and moral principles. Research conducted in Kyrgyzstan in 2004 showed that in villages where 96% of Kyrgyz live, 80% of marriages are the result of abductions, 57% of them were entered into without the consent of the bride. In addition, 22% of women did not know their future husbands. Only 8% of the abducted women refused to marry (USAID 2010).

In addition to the above-mentioned measures of influence, communication and explanatory work among the servants of the mosque, as well as directly and with the believing population, is very important. Law enforcement agencies, as one of the main bodies directly working with the population, must strictly monitor the situation. The news agency K-news contacted the General Prosecutor's Office for data on the number of criminal cases opened on the facts of bride kidnapping and forced marriage. The supervisory

authority said that the registration and investigation of such cases is within the competence of the Ministry of Internal Affairs. However, the Main Directorate of Criminal Investigation of the Ministry of Internal Affairs reported that there is no separate record of cases of bride kidnapping and forced marriage, and there are no exact statistics for 2011. According to the Institute of the Ombudsman, in 2011, 68 cases of appeals to law enforcement agencies on the facts of bride kidnapping were recorded, however, criminal cases were initiated only on six appeals and none of the accused was sentenced to actually serving a sentence.

Naturally, the internal affairs bodies are not very interested in such cases, because, if they do, they quickly lose their relevance, because the relatives of young people often come to an agreement with each other. Is it worth it to expend energy and nerves on these facts, if it is known that the victims themselves are not interested in the conviction of the culprit? In order to stimulate and give significance to the activities of police officers with similar cases, it is considered appropriate to transfer this category of cases from private prosecution cases to the category of private-public prosecution cases.

An equally productive method of struggle could be the revival of the article of the Criminal Code of the Kyrgyz Republic (which existed before January 1, 1998), which provides for liability for the payment / acceptance of the ransom (kalym) for the bride. As it became known, the primary cause of bride kidnapping in rural areas (and this is where it occurs in the overwhelming majority) is economic benefit - there is no need to pay kalym for the bride.

And finally - Art. 155 of the current Criminal Code of the Kyrgyz Republic "Forcing or preventing a woman from entering into marriage" needs to be tightened through the establishment of a number of qualifying circumstances for the above actions committed:

- with the use of violence (both physical and mental);
- by a group of people;
- by a group of people by prior agreement.

As well as special qualifying circumstances:

- with the use of violence that caused serious harm

health;

- entailed grave consequences (madness, self-murder).

And finally, to give an idea of the scale of the criminal tradition, as an example: according to the US Embassy, two American women were abducted as future brides in rural Kyrgyzstan in 2007. Some aspects of criminal liability for kidnapping for the purpose of entering into marriage or in a de facto marriage relationship

Excerpt from the Criminal Code of the Kyrgyz Republic:

Article 154. Compulsion to join in a de facto marital relationship with a person under the age of seventeen

(1) Compulsion to enter into a de facto marriage relationship with a person under the age of seventeen,

- is punished with a fine in the amount of one hundred to five hundred calculated indices or correctional labor for a term of up to two years, or restraint of liberty for a term of up to five years.

(2) Abduction of a person under the age of seventeen for the purpose of entering into actual marriage relations - shall be punishable by imprisonment for a term of five to

ten years.

(As amended by the Law of the Kyrgyz Republic of January 25, 2013 N 9)

Article 155. Forcing a woman to enter into marriage, abducting a woman for entering into marriage, or obstruction of marriage

(1) Forcing a woman to enter into marriage or to continue marriage, as well as to prevent a woman from entering into marriage

- are punished with a fine in the amount of one hundred to two hundred calculated indices or restraint of liberty for a term of up to three years.

(2) Abduction of a woman for marriage against her will

- is punished with imprisonment for a term of five to seven years.

(As amended by the Law of the Kyrgyz Republic of January 25, 2013 N 9)

As you can see, the legislator has provided for liability for the abduction of a female person for marriage in two categories of crimes. Note that the last changes were made by the Law of the Kyrgyz Republic on January 25, 2013. This law has increased the responsibility for the abduction of women for marriage, or people for entering into a de facto marriage.

Further, we will only talk about the acts of abduction.

In the structure of the Criminal Code, the aforementioned norm is found in the section “Crimes against the person” and in the chapter “Crimes against the family and minors”.

The immediate object is human freedom and the right to freedom of marriage.

The abduction of a person who has not reached the age of seventeen to enter into a de facto marital relationship is dangerous from the point of view of normal sexual and overall physiological development of the adolescent. The marriageable age in Kyrgyzstan is set at 18 years. The marriageable age for both men and women can be reduced by no more than one year on the basis of a commission opinion of the departments for family and child support.



When committing an abduction, the subject takes active steps to take possession of a person and take him away with the use of violence, or the threat of his use, or deception. Victims can be either male or female. As a rule, in judicial practice, it is only about women.

In part 2 of Art. 155 of the Criminal Code of the Kyrgyz Republic refers to the abduction of a woman for the purpose of marriage. The abduction is associated with the abduction of the bride under the guise of an ancient custom. If this action takes place with the consent of the girl, then it is impossible to talk about a crime. In the absence of such consent, there is a crime under Article 155 of the Criminal Code of the Kyrgyz Republic.

It should be noted that the legislator has provided for a more severe punishment for an act committed against people under the age of seventeen.

The crimes in question are special constituents in relation to Article 123 of the Criminal Code of the Kyrgyz Republic, which provides for liability for kidnapping.

For example, on September 20, a resident of the Issyk-Kul region was sentenced to six years in a strict regime colony for the abduction and rape of a 20-year-old girl in the summer of 2012. This is the most severe sentence ever passed on the territory of the republic for a crime related to bride kidnapping. However, as explained in the Office of the Ombudsman, this case came to court only because the girl hanged herself a day after the abduction<sup>1</sup>.

The accomplices of this corpus delicti may be relatives or friends who directly provided the service both for the abduction and for keeping the person in the house where the kidnapped girl was brought. However, in judicial practice, only the perpetrators of the abduction are brought to justice, and the rest of the participants in this act are left without a proper legal assessment of the actions committed.

#### Forced marriage

According to an NGO study, the practice of forced marriage continues to prevail. And it occurs in two main forms: 1) coercion into marriage and 2) marriage by agreement of the parents.

Bride kidnapping is a modified form of marriage with parental disagreement. It began to be interpreted as a national tradition of the Kyrgyz people and therefore enjoys a certain degree of support from society. But in most cases, the opinion and desire of the girl is completely ignored and she is forcibly forced to marry. As a rule, the victims are young girls aged 16-18. It is clear that at the same time, young girls endure violence and grossly violated their rights to voluntary consent to marriage and free choice of a spouse. In the process of creating a family in such a forced way, relatives from both sides are involved, friends of the “groom”, all of them exert moral and physical pressure on the girl. At the same time, the public and representatives of local authorities and law enforcement agencies adhere to a policy of non-interference. This form of violence is especially common in rural areas in the north of the country. According to the data of the NGO "Bakubat" in the Naryn region (north of the country) in 2010, 62 out of 100 interviewed women were forcibly stolen by their husbands. Often, coercion into marriage is accompanied by rape, and as a result, the relationship between husband and wife cannot be based on mutual respect, especially in the reproductive and sexual sphere and, which subsequently leads to family breakdown. So, in 2019, 197 marriages were registered in the city of Naryn, of which 67 broke up within one year, i.e. 34%, the main reason for divorce is incompatibility. Moreover, these families were created by the method of bride kidnapping.

#### Parental arrangement

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## **CHAPTER 2. Policy advancement of women status in Kyrgyz Republic**

### **2.1. State measures for prevention of ala kachuu**

On March 4, 1993, the President of the Kyrgyz Republic signed the Decree "On the priority tasks of state policy in relation to women", aimed at ensuring equal conditions for the actual equality of women and men in the political, social, economic and cultural life of the country, free choice of self-realization of women in all areas of activity. In accordance with the decree, the implementation of a holistic state policy to improve the status of women is recognized as one of the priority areas of the state's socio-economic policy (State.Kg 1999).

Its successful implementation can be facilitated, firstly, by measures to create a different education system focused on increasing the competitiveness of the female labor force, attracting women to educational institutions in order to improve basic training, advanced training, and mastering new professions. Secondly, the system of economic incentives, encouraging enterprises of all forms of ownership, preserving and creating jobs for women, including the realization of the opportunity to work part-time. Thirdly, the creation of special legal consulting services, centers of social and psychological adaptation, special data banks on jobs for women in employment services. Fourth, support for women's entrepreneurship with social and economic measures. Fifth, the organization and development of social services that allow women to combine parenting responsibilities with work and social activities, including by expanding the network of childcare facilities.

The Kyrgyz Republic has joined more than 20 international human rights treaties within the UN and its specialized agencies, thereby confirming the recognition of the priority of universal human values and expressing its intention to promote, in cooperation with the United Nations, universal respect for and observance of human rights and fundamental freedoms (Jogorku Kenesh 2015).

By ratifying these documents, the Kyrgyz Republic assumed the obligation to fulfill the obligations stipulated in them and conscientiously ensure the compliance of its national laws with its international obligations, became accountable to its citizens, other states-participants of these documents and the

international community as a whole. In addition, many of the core international human rights treaties contain provisions requiring States parties to regularly report on the steps they have taken to guarantee the realization of these rights, as well as on their progress towards this goal (CEDAW Report 2005).

Joining the convention requires taking measures to create a legal mechanism to implement the provisions of international conventions. Such measures include the adoption of new laws, amendments and additions to the existing ones, the development of regulatory and legal documents regulating the actions of state bodies to protect the rights and interests of citizens in the Kyrgyz Republic, ensuring citizens' awareness of their rights arising from international treaties ratified by the Kyrgyz Republic, active cooperation with international human rights organizations that can assist in the fulfillment of Kyrgyzstan's obligations.

The Constitution of the Kyrgyz Republic provides that interstate treaties and other norms of international law ratified by the Kyrgyz Republic are an integral and directly applicable part of the legislation of the Kyrgyz Republic. By virtue of this constitutional provision, the international Conventions ratified by the Jogorku Kenesh of the Kyrgyz Republic are an integral and directly applicable part of the legislation of the Kyrgyz Republic.

The norms enshrined in the Constitution are consistent with the provisions of the Universal Declaration of Human Rights and international covenants and international human rights instruments.

Constitutional law is the fundamental branch of the legislation of the Kyrgyz Republic. It is in the Constitution of any state that the basic principles and priorities of the activities of state power in the field of human rights are enshrined.

In Article 1 of the Constitution of the Kyrgyz Republic, adopted on May 5, 1993, the Kyrgyz Republic asserts itself as a democratic, secular, legal and social state, the highest values of which are a person, his life, rights and freedoms. A fundamental important aspect of the new Constitution is that it is based on the ideas and values of the rule of law and the generally recognized norms of international law, enshrined in

such legal documents as the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights and many others.

An entire section in the Constitution of the Kyrgyz Republic is devoted to human rights and freedoms.

The Constitution of the Kyrgyz Republic proceeds from the fact that the fundamental rights and freedoms of a person belong to him from birth, are recognized as absolute and cannot be violated by the state or alienated, except by a court decision. Human life and health, personal integrity and security, property are the highest values of the state. Ensuring the observance of human rights and freedoms is the main duty of state authorities. The content and application of laws and other normative acts determine precisely human rights and freedoms.

All necessary measures are being taken to ensure that human rights are not only proclaimed, but also protected by law. Human rights issues are fully regulated by the legislation of the Kyrgyz Republic. This example is the adoption in Kyrgyzstan of fundamental normative acts - the Criminal Code, the Civil Code, the Labor Code, and the Code of Administrative Responsibility. Drafts of the Criminal Executive Code, the Family Code, and the Civil Procedure Code have been developed.

Improvement of legislation provides for the adoption of legislative norms and measures for their implementation, which would take into account generally recognized human rights standards. When developing new norms of legislation in Kyrgyzstan, international documents on human rights are taken into account.

Also, when developing new legislative acts, it is necessary to continue to develop the practice of attracting representatives of international and non-governmental organizations as experts.

Thus, the Code of Administrative Responsibility, which came into force on October 1, 1998, also provides for a whole section on responsibility for offenses infringing on the rights and freedoms of citizens, including those related to the electoral right of citizens, labor protection and social protection of citizens, in the field of social insurance, , health protection of citizens and others.

Kyrgyzstan is a party to 5 conventions on women's issues:

- 1979 Convention on the Elimination of All Forms of Racial Discrimination against Women;
- 1952 Convention on the Political Rights of Women;
- Convention on Consent to Marriage, Age of Marriage and Registration of Marriage, 1962;
- Convention on the Nationality of Married Women, 1957;
- Convention on Maternity Protection.

The main achievements of women in Kyrgyzstan are the absence of open discrimination based on gender and ethnicity, a high level of education of women. The Kyrgyz Republic has created a legal and regulatory framework that defines the rights and interests of women in compliance with international norms. This is how the rights and interests of women are legally enshrined in the Constitution of the Kyrgyz Republic: according to the Constitution (Article 15), equality of women and men is guaranteed, discrimination and infringement of rights and freedoms on the basis of sex are prohibited. Article 22 of the Constitution provides for the equal application of laws on the rights of citizens to all citizens without creating any advantages and privileges, except for those provided for by the Constitution and laws on the social protection of citizens. The legislation of the Kyrgyz Republic on the rights and interests of women is also included in the following regulatory legal acts (UNDP 2019).

Table 1: Women in national politics: Status on 1 January 2020 (%)

Central Asia	Parliamentary quotas	Government ministers (% of number and global ranking)	Members of Parliament (Lower House)	Members of Parliament (Upper House)
Republic of Kazakhstan	30 per cent quota for women and youth in election party lists (introduced 25 May 2020)	5% 1 minister Rank: 174	27.1% Rank: 66	10.6%
Kyrgyz Republic	30 % quota for women in the Jogorku Kenesh (the Supreme Court)	9.5% 2 ministers Rank 152	19.2% Rank: 114	
Republic of Tajikistan	The possibility of introducing gender quotas is provided for under the National Strategy on Enhancing the Role of Women in the Republic of Tajikistan 2011–2020	5.9% 1 minister Rank: 173	19.0% Rank: 116	21.9%
Turkmenistan	No temporary special measures currently in place	3.7% 1 minister Rank: 179	25% Rank: 73	
Republic of Uzbekistan	30% quota in the Oliy Majlis / Supreme Assembly; 25% quota in the Senate	8.0% 2 ministers Rank: 158	32% Rank: 44	17%



Source: Inter-Parliamentary Union (IPU) and UN Women (1 January 2020. Women in Politics: 2020.

Note 1: The only female head of state or government within SPECA has been Roza Otunbayeva, President of the Republic of Kyrgyzstan, 7 April 2010 - 1 December 2011.

For example, the Labor Code, which comes into force in January of this year, prohibits the employment of women in hazardous, heavy and earthly types of work. It is not allowed to attract women with children under eight years of age to night work without their consent. Also, it is not allowed to involve pregnant women in night and overtime work, who have the right to be transferred to lighter jobs while maintaining their average earnings.

In addition, the Law of the Kyrgyz Republic "On State Pension Social Insurance" provides for the inclusion of childcare time in the insurance period, which gives the right to retire, provides for additional unpaid leave for childcare up to three years, which is included in the total continuous work experience. According to the Law of the Kyrgyz Republic "On Employment of the Population", unemployed women are paid for the period of pregnancy and childbirth by social security agencies at the expense of the Social Insurance Fund.

Great results in the activities of the state for the protection of women's rights were achieved thanks to the declaration of 2006 in the Kyrgyz Republic as the Year of Women and the implementation of activities under the Ayalzat program. The results of these events were noted by the President of the Kyrgyz Republic A. Akayev at the solemn forum "Ayalzat" and the importance of continuing work to improve the status of women in Kyrgyzstan was noted.

A large block of measures on women's problems is also given in the Araket National Poverty Reduction Program. This is social support for the poorest layers of women, the creation of retraining centers for unemployed women, the creation of jobs for women in state enterprises and public works, the

participation of women in decision-making processes at the political, legislative and executive levels involves the involvement of women in public and political activities - is one of the essential tools for achieving equality (NSC 2010).

An analysis of the legislation of the Kyrgyz Republic shows that a woman, as an equal citizen, has the constitutional right to apply to the court and law enforcement agencies for the protection of her rights and freedoms. Civil law does not establish any restrictions on the legal capacity of women to enter into civil law relations provided for by law, including to bear the rights and obligations of the parties in contracts. Women are provided with the same civil and legal capacity.

The current Family Code grants the same personal and property rights to men and women. Direct or indirect limitation of rights, establishment of direct or indirect advantages in marriage and in family relations depending on gender are not allowed. In addition, the UK regulates the invalidation of a marriage contracted under duress, and the Criminal Code punishes forcing a woman to marry or obstructing marriage. In order to implement the national policy in relation to women, strengthen the family, ensure the survival, protection and development of children, a public Commission on the issues of women, family and children was formed under the President of the Kyrgyz Republic. The executive authorities were recommended to develop and approve regional programs for the advancement of women.

The Department of Family, Women and Children Problems of the former Ministry of Social Protection of the Population of Kyrgyzstan, now the Ministry of Labor and Social Development, carries out a great deal of coordination work on the formation and implementation of programs to improve the situation of families, women and children. The Ministry has a ramified structure of governing bodies, most of which have already established departments for work with families and children. A network of institutions providing social services to families, women and children is being developed; there is a budget that provides funding for family, women's and children's programs, a sectoral system for training personnel, scientific support, extra-budgetary funds. The Department initiates proposals for improving the current legislation on the protection of family rights and ensuring the social and legal protection of women and children, ensures interaction in the work of state and non-governmental organizations dealing with family, women and

children problems. Organizational and methodological assistance is provided to regional governing bodies for the creation of social service institutions, standard regulatory documents are being developed. The complex of tasks solved by the department in the field of analysis, forecasting, information and scientific research of the socio-economic problems of the family, women and children is extremely important.

From the point of view of the inclusion of women in the management process, the system of state and municipal service, political parties, non-governmental and community organizations, local self-government bodies and local administrations are important. The determining institution in the public administration system is the institution of public service. It is here that, first of all, the “leveling of the playing field” for men and women should be ensured, equal access of citizens to public service and equal opportunities during its passage should be created. An analysis of statistical data shows that although approximately equal numbers of women and men were employed in the public administration system in 2019 (9068 and 9078, respectively), leadership positions for women are still concentrated in the lower and middle levels of government. This is indicated by a significant gender asymmetry in the distribution of civil servants in the central offices of government bodies according to their positions. This is especially clearly seen in the part of the highest and main positions, where the highest positions in general are occupied by 14.7% of women and 85.3% of men, the main ones, respectively - 27.4% and 72.6%, and only in junior positions (51, 1% and 48.9%) there is a tendency towards leveling out the gender imbalance in the staff. At the same time, the greatest gender imbalance is observed in the Administration of the President of the Kyrgyz Republic, the offices of the Prime Minister and the Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic, where only 8-10% of women work in top positions, as well as in the system of State Agencies of the Republic, where women in top positions are absent. at all. Consideration of the gender component in the distribution of civil servants along the vertical of executive power, from the local (rural) level to the republican level, also reveals gender asymmetry. For example, at the republican level in 2019 there were 102 female civil servants and 925 men, while at the rural level there were 1,930 women and 1,240 men. In the territorial context, men in the composition of civil servants predominate in almost all regions of the republic, which is especially typical for the Batken, Issyk-Kul and Naryn regions, where the number of women civil servants does not exceed 17-18% (UNDP 2019).

Table 1. Distribution of civil servants of the central offices of government bodies by positions and sex as of 01.10.2019

	Women				
	State employees	High level	in% including by position		
			Main	Senior	Junior
Total	41,3	14,7	27,4	48,4	51,1
Legislative Assembly	21,5	8,1	22,2	24,5	0,0
Assembly of People's Representatives	37,7	0,0	36,1	65,0	0,0
Administration of the President	25,0	10,5	10,9	59,3	0,0
Office of the Prime Minister	30,9	8,0	32,0	45,7	0,0
Ministries	49,2	17,6	26,6	53,8	55,7
Committees	61,5	11,1	63,9	64,6	60,0
Commissions	47,1	17,4	30,6	57,1	69,7
Agency	47,9	0,0	20,8	58,3	60,0
Inspections	42,7	12,5	35,1	44,7	57,7
Other	29,3	25,6	18,6	37,5	36,1

	Men				
	State employees	High level	in% including by position		
			Main	Senior	Junior

Total	58,7	85,3	72,6	51,6	48,9
Legislative Assembly	78,5	91,9	77,8	75,5	0,0
Assembly of People's Representatives	62,3	100,0	63,9	35,0	0,0
	75,0	89,5	89,1	40,7	0,0
Administration of the President	69,1	92,0	68,0	54,3	0,0
Office of the Prime Minister	50,8	82,4	73,4	46,2	44,3
Ministries	38,5	88,9	36,1	35,4	40,0
Committees	52,9	82,6	69,4	42,9	30,3
Commissions	52,1	100,0	79,2	41,7	40,0
Agency	57,3	87,5	64,9	55,3	42,3
Inspections	70,7	74,4	81,4	62,5	63,9

Source: stat.kg (2015-2019b)

A decrease in the representation of women is noted in the Judicial bodies of the Kyrgyz Republic. Compared to 2009, in 2020 the number of women decreased from 1004 to 829 people, while the number of men, on the contrary, increased from 829 to 1286 people.

Table 2. The number of civil servants in government and management bodies by sex (people)

	2009		2020	
	Women	Men	Women	Men
Total employed in public administration	8370	10995	9068	9078
General public administration	5123	9208	6032	6960
Legislative activity	6	99	7	98
Executive activity	5117	9109	6025	6862
including:				

Activities of public authorities and management	1572	3195	2478	2849
at the level:				
Republican	79	192	102	925
Regional, district (city)	402	767	446	684
Rural	1091	2236	1930	1240
Tax-related activities	821	1689	816	683
Customs activities	205	1077	202	863
Socio-economic management	2519	3148	2535	2566
International activity	47	54	40	71
Bodies of Justice and Justice	1004	992	829	1286
Compulsory social insurance	2196	741	2167	761

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Source: stat.kg (2015-2019)

A gender examination of the Law of the Kyrgyz Republic "On Civil Service" was carried out, as a result of which it was defined as gender-neutral, as a result of which proposals were lobbied aimed at introducing a gender component into the regulatory service of civil servants. But so far there is no progress on this issue.

Operating in the period 2006-2020 under the Government of the Kyrgyz Republic, the State Commission on Family, Women and Youth Affairs carried out certain measures in order to strengthen the opportunities for women to advance to power and form a gender-balanced staff of its bodies. During the pre-election campaign in 2000, an appeal was sent to the President, the Government and the Jogorku Kenesh of the Kyrgyz Republic with a proposal to introduce a mechanism for temporary quotas for women in the new law on elections. In addition, women - potential election participants were recommended to use political parties for their promotion, which meant investing the candidate's personal potential. A database on women leaders, activists of the women's movement was created, training for women candidates was organized at the School of Political Leadership under the non-governmental organization "Manas

Covenants for the 21st Century" and constant interaction with women's non-governmental organizations of the republic was carried out to increase their potential and resource opportunities (Jogorku Kenesh 2020).

Despite the efforts made, women were unable to secure a sufficient number of seats in the deputy corps, and at present, a “pyramidal” distribution of gender asymmetry in the staff is observed in the legislative branch of government. In the Jogorku Kenesh of the Kyrgyz Republic, out of 105 deputies, there are only 7 women, in regional and district (city) Keneshes, their number does not exceed 12-13%, and at the rural level, 16%. In general, it is characteristic that the women of Kyrgyzstan, representing 52% of the electorate, bring male politicians to power, but do not themselves become equal partners in decision-making processes (Jogorku Kenesh 2020).

The party system of Kyrgyzstan is at the stage of formation and is not focused on the advancement of women status. The gender component is very weakly reflected in the staff of political parties. Only about half of the parties have women in governing bodies, but their number is insignificant - from 1.2% to 7%. At the same time, none of the parties considers women as a political force capable of independently determining the strategy of personal and public activity. In the program documents of the majority of parties, there is no intention to support women's political participation, to promote the advancement of women to leadership positions, or to involve them in the party ranks. Women are seen as an object whose life needs to be improved from the outside without developing their own civic initiative (Ayalzat 2019).

Non-governmental organizations, by transforming the vague opinions and views of their members into clear programs and requirements, contribute to the representation of the interests of individuals before the state, which is very important in an undeveloped party system. Most of the women's non-governmental organizations are actively involved in the development of society and are consolidating with the authorities in important areas. It was the cooperation between the State Commission for Family, Women and Youth Affairs and women's non-governmental organizations that made it possible to successfully implement the Ayalzat National Program and prepare a new National Action Plan for the implementation of gender policy in Kyrgyzstan for 2012-2016. Thus, which was proclaimed a few years ago as one of the priority directions

of the state policy, the cooperation of state structures and non-governmental organizations is gradually moving from information and consultation to participation in management(Ayalzat 2019).

The growth of women's self-awareness has manifested itself over the years not only in the increase in the number of non-governmental women's organizations, but also in the increased involvement of women in other institutions of civil society, in particular, in community-type organizations - local communities. The activities of these organizations are aimed at empowering the poor through their collective action for further growth at the level of their village or district. At present, 964 community organizations have been formed in all regions of the republic within the framework of the UNDP program “Building Poverty Alleviation”, which employ over 7000 people, with 54% of the program participants being women (UNDP 2019).

A significant increase in the number of community organizations, especially in rural areas, is the potential that, with appropriate training, can work under contracts with local authorities in almost all social areas. In addition, it is in local communities that public administration is developing, built on truly democratic principles. The value of these organizations is that they help to increase the trust of people at the bottom of the social pyramid, both among themselves and in the authorities, as well as in the fact that work in these organizations forms new leaders from civil society who can become potential candidates. to advance to the executive and legislative branches of government. Thus, through non-governmental and community-based organizations, another path is opened for women to governance structures (Ayalzat 2019).

Considering that the problems of improving the status of women should be resolved through interdepartmental channels. The government of the Kyrgyz Republic is considering the issue of creating appropriate structural divisions in the Ministry of Economy, Employment to interact with existing divisions in the Ministry of Health, the Ministry of Education and the Ministry of Labor and Social Development.



## Political rights of women

In August 2012, the Presidential Decree "On further improvement of personnel policy to attract women leaders to the state administration of the Kyrgyz Republic" was adopted, which is presented as a normative document that provides certain guarantees in promoting women at the decision-making level. However, in practice, this decree contains norms of latent discrimination, giving women only the positions of deputy regional and district state administrations, and not top leaders. This limits the opportunities for women to advance to the first (main) positions and make independent decisions (CGA 2012).

The report analyzes the situation of women in the "political sphere" based on statistical data for one year in 2008 with a statement of the current situation (CEDAW in Articles 7, see pp. 29-32 of the report) and "international representation and participation" (CEDAW in Article 8, see page 33 of the report). According to the report, in 2008, women accounted for 41.3% of civil servants in the central public administration (see page 30 of the report). In the collection of gender-disaggregated statistics for 2019, one can see a general decrease in the representation of women holding public office to 38.3%, including in senior positions - 18.7%, in main positions - 20.7%, in senior positions - 43.9% and for younger ones - 37.4% of women, respectively (see diagram below). A careful study of gender-disaggregated statistics reveals that the level of representation of women in higher positions is significantly lower than in positions of lower rank (CEDAW Report 2019).

Through the prism of gender relations, the state of affairs in Kyrgyzstan began to be viewed relatively recently, after 2005. Statistical data on the position of men and women and an analysis of the situation allow us to conclude that gender inequality exists, mostly not in favor of women. It is observed in the spheres of politics and public administration, economics, professional sphere and education. Gender inequality is reinforced by stereotypes in traditions and culture and propagated in the media. In the field of legislation, equal rights of women and men are generally protected, but this does not mean equality in reality. A step forward in understanding gender relations in Kyrgyzstan was the gender expertise of some laws of the Kyrgyz Republic, conducted in 2006-2019.

The positive aspects of gender protection in Kyrgyzstan include the creation of state mechanisms to promote gender equality and protect the rights of women: the State Commission for Family, Women and Youth Affairs, the National Council for Gender Policy under the President of the Kyrgyz Republic, special commissions under both chambers of parliament, etc. Currently The draft Law of the Kyrgyz Republic on Gender Equality is currently under consideration in parliament.

Non-governmental organizations work on the problems of gender relations in the republic: Association "Diamond", Center for Gender Studies, Center for Assistance to Women, Federation of Women's NGOs of Kyrgyzstan, Forum of Women's NGOs, Gender Center of the Institute for Regional Studies (<http://www.ifrs.elcat.kg>) and some others. The UNDP Gender in Development Bureau is doing a great deal of work on the development of gender issues. Many other international organizations are showing interest in the problems of gender equality: OSCE, Soros Foundation-Kyrgyzstan, International Organization for Migration, NDI and others. At the initiative of UNDP, regular round tables of donor organizations are held on issues of gender relations in Kyrgyzstan.

In some universities of the republic, in particular, the Kyrgyz-Russian (Slavic) University, the American University of Kyrgyzstan, the Bishkek Humanitarian University, the National University of Kyrgyzstan (from 2000-2001 academic year), lectures on gender issues are read and academic developments are carried out. In addition, trainings are conducted on gender issues with the population, youth, and the media within the framework of various projects of international organizations and non-governmental organizations: "Support for Women's Leadership" (UNDP), Women's Program of Soros Foundation-Kyrgyzstan, etc.

There are a number of publications that touch on the topic of gender relations in Kyrgyzstan. The National Human Development Reports, published annually with the support of UNDP in Kyrgyzstan, have dealt with gender issues since 2007, and the 2008 report dealt with the issue of women separately. In the 2009 report, for the first time in the republic, the Human Development Index was calculated taking into account the gender factor. Since 2006, the National Statistical Committee of the Kyrgyz Republic with the

support of UNDP publishes the annual statistical compilation "Women of the Kyrgyz Republic", and since 2009 - "Men and women of the Kyrgyz Republic" (HDI 2009).

Basically, the achievement of gender equality in Kyrgyzstan is viewed from the point of view of improving the status of women, protecting their rights, including protection from violence: about 150 women's non-governmental organizations are registered, most of which work as charities, providing assistance to women, the elderly and children, there are 10 crisis centers, the National Program "Ayalzat" is aimed primarily at improving the status of women, etc. However, in recent years, there has been an increase in interest in the proper gender understanding of the problem, the development of a state gender policy that provides for the real protection of equal rights and opportunities for women and men in all sectors of government and at all levels. In particular, work has begun in this direction on UNDP projects "Support for Women's Leadership", "Reform of Public Administration in the Kyrgyz Republic", on some OSCE projects. Without excluding and in no way underestimating the importance of work to improve the status of women (since the gender imbalance in general has developed in favor of men), and complementing it, the implementation of a gender approach in public policy and governance will bring Kyrgyzstan's society closer to the ideals of true equality and democracy (Ayalzat 2019).

Gender statistics (end of 2019)

Population

The total population is 6.9 million people.

The share of women in the urban population - 52.1%

rural population - 49.8%.

Life expectancy at birth

Women - 71

Men - 63 years old

Average age at first marriage

Women - 22 years old

Men - 25.2 years

Education in universities

Women - 50.8%

Men - 49.2%

Unemployment

Women - 58.3 thousand people

Men - 48.1 thousand people

average salary

Women - 637 som

Men - 881 som

The number of men and women employed in government and public administration

Women - 8,363

Men - 18 211

The number of men and women holding high positions in various sectors of the economy (including public associations)

Women - 11,875 (32.9%)

Men - 24209 (67.1%)

Men and women in politics

Parliament (Jogorku Kenesh)

Men - 96%; Women - 4%

Rural keneshes)

Men 85.2% Women 14.8%

Regional governors

Men 6 (100%) Women 0 (0%)

Akims of districts

Men 43 (98%) Women 1 (2%)

#### Gender in politics and public administration

As elsewhere in the world, women in Kyrgyzstan have almost no influence on decision-making in matters of economic development, resource allocation, state security, diplomacy. They are cut off from the formation of those realities of life on which their own destiny depends. Politics and political structures are dominated by experiences constructed by the male vision of the world. Achieving true equality in decision-making will undoubtedly improve the general position of women themselves and should be seen as one of the necessary conditions for achieving stability of the state and strengthening its democratic foundations (USAID 2010).

## Loss of positions of women in the transition period

In the 1995 election procedure, the introduction of equal suffrage was accompanied by the abandonment of the Soviet quota system, according to which 33% of seats in government were reserved for women. This led to a sharp decrease in the representation of women in elective structures, where women have become a socially "invisible" group, but their real status in society has been highlighted. In the 1995 elections, only 5 women out of 82 who applied for election to the supreme legislative body of the republic were able to overcome the barriers created by the socio-economic conditions of life, cultural stereotypes and patriarchal worldview. In 2009, there were 4 women deputies in both chambers of parliament, which is 3.9% of the parliamentary corps, at the settlement and rural level their 14.8% (UNDP 2009).

The National Program for the Advancement of Women "Ayalzat" sets the goal of reaching 40 percent participation of women in decision-making by 2000, which is 10 percent higher than the UN target. However, the fulfillment of this point of the program seems questionable. Today we can say that the dynamics of growth in the representation of women at decision-making levels has been lost, for women only horizontal displacements are becoming real, and when the government is being formed, the UN minimum target is not met. This is confirmed by statistical data on the number of women employed at different levels of decision-making. Among the heads of government and administration bodies - 13.6% are women, heads of departments, offices, departments - 21.8%, ordinary specialists and technical workers - up to 73.5%. In the posts of the republican level, approved by the government of the Kyrgyz Republic, out of 102 leaders, only 9 are women. Women are not represented in the posts of regional governors, and out of the sixty heads of district state administrations, there is only one woman (Ayalzat 2009)

In 1997-99, women in the government of the Kyrgyz Republic resigned from the posts of Deputy Prime Minister for Social Policy, ministers of two important ministries - foreign and labor and social protection, as well as two deputy ministers: health and education, science and culture. Thus, the state, represented by its political institutions, violating the gender balance in the composition of power structures, reinforces the traditional alienation of women from the management of socio-political processes and pushes her into a low-paid, not prestigious sector, thereby contributing to the declarative nature of the adopted

programs in the field of promoting women. Women are hardly represented in political parties either. The 1998 study "Women of Kyrgyzstan: Resources for Political Activity" conducted by the Diamond Association indicates that only 8 out of 16 parties (excluding the Democratic Party of Women) have women in governing bodies, but their number is insignificant - from 1.2 % up to 7%. At the same time, none of the parties considers women as a political force capable of independently determining the strategy of personal and public activity. In the program documents of the parties, there is no intention to support women's political participation, to promote the promotion of women to leadership positions, to involve them in the party ranks. Women are seen as an object whose life needs to be improved from the outside without developing their own civic initiative. Apparently, this is why the parties failed to gain great political influence among women (Jogorku Kenesh 1999).

Gender examination of the Law "On Basic Guarantees of Electoral Rights of Citizens and on Elections in the Kyrgyz Republic" (carried out at the stage of the draft law) showed that it does not contain articles that discriminate against women. But at the same time, there are no norms supporting gender balance. Based on Article 4 of the "Convention on the Elimination of All Forms of Discrimination against Women" on the possibility of taking temporary measures of "positive discrimination" to create a mechanism for the fuller participation of women in the electoral process, the expert committee recommended to provide for the creation of equal electoral rights not only on an equal basis, but and under equal conditions and opportunities. Repeated discussions with leaders of the women's movement, NGOs, and independent experts on the advisability of introducing direct quotas have shown that this problem is often viewed as a violation of the principle of equality of human rights. It is impossible to substitute quotas for systematic, constant and varied work to equalize the opportunities for women to be represented in the authorities and administration, to involve them in representation. This work should be carried out in all state and civil institutions, including political parties (CEDAW Report 2009).

## Reasons for the alienation of women from power

It is obvious that in Kyrgyzstan women are alienated from decision-making processes at all levels: in public administration, in the socio-political, professional sphere, in the family, etc. And the point is not only in the imperfection of legislation or voluntarist decisions.

In 1996, more than half of the women in the republic were of the opinion that politics and even the study of politics is not a woman's business. Such self-discrimination is not surprising, since in Kyrgyz society the classic stereotype of woman and femininity, due to the asymmetry of gender socialization, did not include the idea of leadership or a strong personality. Women have always been assigned auxiliary and subordinate roles that are focused on the family. Even in Soviet times, women's participation in politics presupposed the reproduction of the traditional family role of social protection at the state level. The so-called social motherhood, family issues, child protection, the problems of pensioners were considered the main ones in the political activities of women. Even today, in their life orientation, in the movement towards recognition of their importance, women are forced to rely only on generally accepted models, group norms and standards, in which the position of a politically active woman and her desire for power are viewed as not corresponding to the traditional ideal (Ayalzat 2000).

As long as the declared political pluralism has not led to real democracy, as long as the state and politics remain alienated from society, participation in politics loses its meaning, because it does not give a practical effect. Nevertheless, a growing number of those who understand that the social and any other protection of women in a free market is directly related to the size of the female political elite, which actually takes part in governing the state (ADB 2005).

## Perspectives on women's participation in decision-making processes

At the state level and in the public sector, the problems and prospects of the female style in leadership, the possibilities of political partnership between the sexes are discussed. There is an understanding that women's participation in politics will help to limit the power of politics from a position of strength, that women can bring stability, tolerance, intuition, kindness, flexibility, spirituality to politics, and that



feminization of power will mean not weakening it, but using it to improve people's lives , solving problems of equality, development and peace.

The Kyrgyz Republic has not yet created a sustainable mechanism for the development and support of women's leadership to replace the now-gone "school of leadership for women" of the Soviet model - the Komsomol, the trade union, the party. Women are trained in political skills by the Women's Support Center, the Gender Research Center, the Women's NGO Forum and other non-governmental organizations. The School of Political Leadership, organized by the public movement "Manas Covenants - into the 21st Century", has trained over 150 women from remote regions of Kyrgyzstan. At a number of international, regional and republican conferences, issues of enhancing women's participation in politics were discussed. The Democratic Party of Women of Kyrgyzstan was established.

The Women's Leadership Support project, launched in April 2009 with the assistance of UNDP, works both to increase the leadership potential of women themselves and to create an enabling environment for their advancement. More than 200 women leaders have already been trained under the project. Some of them took part in the local council elections in October 2009. According to the results of the elections, out of 6,751 deputies of local councils elected in the republic, 1004 are women, which is approximately 15%. The highest percentage of women deputies at the local level is in Chui oblast: out of 1,325 deputies, 333 are women. This is 6-7% higher than before! In addition, within the framework of the UNDP project, seminars for youth, journalists, dialogues with the population were organized, and cooperation with the government is underway to develop gender-sensitive policies in government structures. Thanks to the policy of openness to the outside world pursued by the President of the Kyrgyz Republic, special programs for the political education of women were implemented in the republic, such as the "Act in Support of Freedom" (USIA, USA), seminars of the K. Adanauer and F. Ebert Foundations (Germany). The OSCE, the US National Democratic Institute and a number of others are working on issues of women's participation in politics (UNDP 2010).

The women's movement in the republic moved away from the notion of a simple physical presence in power, which took place under the Soviet system. The question is raised about the broad political

education of women, about the creation of a solid base of common social and political knowledge, allowing women to build an integral life-orientation system for the successful fulfillment of both existing and new social roles, among which the role of a woman politician should take its rightful place ...

Today it is already obvious that the resources of women's political participation in Kyrgyzstan are potentially unlimited. However, this resource, the mobilization of which is necessary for the success of democratic reforms in Kyrgyzstan, is still far from being realized both by women themselves and by all social groups and institutions of society.

When compared with the 1996 data, it is obvious that the representation of women in the higher echelons of the executive power system has significantly decreased. Thus, in the Government of the Kyrgyz Republic in 1996, women held six leadership positions: Deputy Prime Minister, Minister of Labor and Social Protection, Minister of Justice, Minister of Foreign Affairs, Chairman of the Social Fund and Chairman of the State Commission on Family and Women's Affairs. In 2010, women hold only three similar positions: Minister of Education, Minister of Labor and Social Protection and Chairman of the State Commission for the Support of Entrepreneurship (UNDP 2010).

Analysis of the representation of women and men in leadership positions in the Kyrgyz Republic for 1994-2019. shows that there is a tendency of a steady decline in the number of women in leadership positions.

So in 1994. they were 36.9%, in 1995. - 36.2%, in 1996. - 35.5%, in 1997. - 31.5%, in 2009. - 31.8%, in 2010. - 29.5%, in 2019. - 23.6%.

Based on these data, it can be seen that the most pronounced gender imbalance was noted in 2018, when the Decree of the President of the Kyrgyz Republic dated November 28, 2010, No. 364, was issued, which prescribed a decrease in the number of deputy ministers and heads of administrative departments, deputy heads of administrations of regions, cities and districts. As part of the implementation of this Decree, the positions of deputies in ministries and departments were reduced and, first of all, women were laid off. Obviously, gender equity was not observed in addressing this issue, which led to discrimination against

women leaders, such as the deputy chairman of the national statistics committee, deputy director of the state agency for science and intellectual property, deputy director of the state committee for tourism, sports and youth policy , etc. The negative impact of this decree is clearly seen from the following graph, where there is an annual decrease in the number of women-leaders, and in 2018 they were only 23.6% (Jogorku Kenesh 2018).

The essence of this problem lies in the fact that there is an entrenched and well-established stereotype that the family is the main responsibility of women. There is a widespread point of view, shared by both men and women, that women's participation in politics negatively affects her family well-being, and therefore her activities in this area are undesirable. Therefore, during the reorganization of 2008, no measures were taken to assess qualifications and observe gender parity in the appointment of deputy ministers and heads of administrative departments and, based on the prevailing stereotype, it was women who were laid off (USAID 2005).

In accordance with article 5 of the Convention, it is necessary to change the traditional, social and cultural stereotypes that prevent women from being involved in the political sphere. They still exist in our society, preventing women from participating sufficiently at the level of government decision-making. These stereotypes reflect the ever-increasing prevailing attitude towards women, first of all, as the guardians of the family hearth, who, if it comes to that, can be responsible for the "social sphere" (CEDAW Report 2005).

## **2.2. Activities of organizations for the protection of women's rights in Kyrgyzstan.**

Like all states that have joined the Beijing Platform for Action, Kyrgyzstan has committed itself to the development and advancement of women in all spheres of state activity, in particular, in the political, social, economic and cultural fields, ensuring this advancement through the adoption of appropriate legislative measures. In the previous period, a sufficient legal and regulatory framework was created in Kyrgyzstan, in which fundamental human rights and freedoms were recognized, regardless of gender (Gender Policy 2005).

In connection with the completion of the implementation of the national program "Ayalzat" for the improvement of the status of women, which operated in the period 1996-2000. the success of this program was assessed. Both government agencies and non-governmental and donor organizations took part in the assessment. In general, it was a good experience of how work should be completed on the implementation of government programs, how government agencies should report to the population, declare the results of the work done.

Summing up the results of the National Program "Ayalzat" in April 2001 at the international conference "Women of Kyrgyzstan at the turn of the century" showed that significant positive changes took place in such areas as the development of an institutional mechanism for the advancement of women, improvement of national legislation in the field of women's rights, education, health care, reduction of all forms of violence against women, support of girls, development of economic opportunities for women, including rural women (Ayalzat 2010).

At the same time, obstacles were noted that impede the achievement of progress in promoting women and achieving gender balance: insufficient stability of the institutional mechanism, lack of continuity in its staffing, incomplete funding of the national program "Ayalzat", which amounted to 30% of the required amount, increasing poverty and unemployment of women, lack of gender approaches in politics and mass consciousness, preservation of the patriarchal order, undeveloped system of training women leaders and,

as a result, low representation of women at the decision-making level, ignorance of the use of gender methodology, monitoring and evaluation systems in political analysis (UNDP 2010).

The main goal of state policy in the field of improving the status of women is to ensure the full and equal participation of women in the political, economic, social and cultural life of the state. Based on the National Action Plan, the Government of the Kyrgyz Republic is focusing its attention on the issues of greatest concern in the modern conditions of Kyrgyzstan. These include, in particular, improving the institutional mechanism, eliminating discrimination against women in the world of work and reducing poverty among women, improving women's health and expanding their access to quality health services, increasing women's participation in politics and reducing all forms of violence against women (CDS 2011).

Unfortunately, in real life, despite the relatively high legal security, mechanisms that provide women with equal opportunities with men are not provided for in many existing norms. An example is the Law of the Kyrgyz Republic "On Public Service". In addition, a big obstacle in the implementation of the principles of gender equality is the low awareness of women themselves about their rights and the still persisting influence of existing cultural stereotypes, in which a woman acts as a bearer, first of all, of family values. Based on this, the practice of inheriting property, and now also land through the male line, still continues, women's participation in financial transactions and economic activities is not strongly encouraged, women are gradually squeezed out of high-income industries. For example, in the sphere of crediting, insurance and pensions in 1990 women accounted for 75.4% of the employed, and in 2000 already 53.9%. But at the same time, women, as a rule, have an advantage in exercising their rights and responsibilities for raising children in the event of a divorce, which imposes a great responsibility on her.

In this sense, gender neutrality of many norms in national legislation, without taking into account the imbalances that have developed in the position of men and women in society, puts women at a disadvantage, and women once again find themselves in worse conditions in terms of access to work, financial sources, loans, land as property, to higher political positions, the exercise of property rights, inheritance. With different starting conditions, women lose economic and political combat with men (Ayalzat 2010).

This circumstance has actualized the need for gender expertise of laws and state programs, preparation of new bills or amendments and proposals to existing laws that would be more sensitive to the interests of women and take into account the specifics of their situation at this stage, promote a more active gender policy, purposefully influence changing gender norms in public consciousness.

Today, it is obvious that a simple declaration of equality of rights and freedoms of women and political commitment to this is not enough. It is necessary to realistically ensure the policy of achieving gender equality through changes in legislation, the development of specific mechanisms of equality, taking into account the existing practice, reducing the impact of unfavorable cultural stereotypes and factors, introducing additional mechanisms that enhance opportunities for women, for example, gender quotas.

Accelerating the achievement of equality between men and women. Temporary special measures of positive discrimination are not used in Kyrgyzstan, but the possibility of applying gender quotas in government structures, for example, of this nature - 60% of the organization's staff cannot be of the same sex, is currently being discussed (Jogorku Kenesh 2019).

The Parliament of the Republic is also considering the draft Law of the Kyrgyz Republic “On State Guarantees for Ensuring Gender Equality”. It is designed to regulate relations to assert equal rights and opportunities for persons of different sex in the social, political, economic, cultural and other areas of human life, to protect women and men from discrimination on the basis of gender. The draft law is aimed at establishing progressive democratic relations between women and men based on national traditions and provides state guarantees of equality of rights for both sexes. The adoption of this law will make it possible to incorporate the principle of equal rights and opportunities for women and men into national legislation (Jogokru Kenesh 2019).

In Kyrgyzstan, 13 non-governmental organizations operate under programs and projects providing direct services to women who have suffered from violence. For practical activities in this direction, 10 organizations have created specialized structures - crisis centers and shelters, 3 organizations - counseling or prevention centers. In crisis centers and shelters, women who have been victims of violence are provided,

at their request, with free medical (first aid), psychological, legal and other services, for example, assistance in finding a job, referral for retraining to acquire a new specialty. Women can stay in shelters for up to 1 month with their children. Counseling and prevention centers are organized mainly for young people and women who are victims of illegal trafficking. These organizations are also engaged in raising awareness among the population about the problem of violence against women, ways to prevent it, and existing types of assistance to victims of violence. Partnerships continue to develop between crisis centers, shelters, women's NGOs, local authorities and educational institutions. This allows us to speak about the formation of civil initiative at the local level for the organization of forces to counter violence, in order to suppress, prevent and prevent it (UNDP 2019).

Since 2000, Kyrgyzstan has been implementing special gender programs for law enforcement agencies on the issue of ensuring the protection of women victims of violence. In cooperation with a non-governmental organization, the Diamond Association, training has begun for police officers and prosecutors, and a methodological manual for law enforcement agencies entitled “Violence against Women: Preventing and Combating Consequences” has been prepared and published. Interaction and partnership with the non-governmental sector is included in the plan of the main organizational measures of the Ministry of Internal Affairs of the Kyrgyz Republic for 2002. In particular, the Ministry of Internal Affairs is actively working with crisis centers and shelters for women victims of violence. Using the potential of academic institutions, work is being carried out to institutionalize this training in the system of internal affairs bodies and the prosecutor's office of the republic, which will make it possible to achieve sustainability in the implementation of gender policy in power structures and oversight bodies (MFA 2002).

This will also be facilitated by the adoption of the gender-sensitive Law of the Kyrgyz Republic developed by non-governmental organizations "On Social and Legal Protection against Domestic Violence", which includes an effective mechanism for suppressing and preventing domestic violence - a protection order, as well as an integrated approach with public participation to effectively combat domestic violence.

In Kyrgyzstan, a new strategy to combat violence against women is being drawn up, taking into account the specifics of a mountainous country with a predominantly rural population. This is capacity building at the local level to counter violence, through the unification of efforts of self-support groups, from among active and authoritative women, local law enforcement agencies and authorities, representatives of the Courts of aksakals, education and health workers. It adapts to rural conditions the initiative of the Bishkek City Council of Deputies, which has experience in this area, which is reflected in its Resolution of 10.10.2001 "On the further development of joint activities of the Public Councils and Courts of Aksakals to prevent offenses and strengthen public order." Given that in mountainous conditions, due to insufficient development of communications and infrastructure, the opportunities for rural women to receive assistance in crisis centers are reduced, this strategy will not only expand their access to protection from violence, but also contribute to the development of civic responsibility in the localities (USAID 2005).

In general, it can be stated that Kyrgyzstan has reached an understanding of the need to combat gender-based violence, and there are significant positive changes in terms of implementing the recommendations of the Beijing Platform for Action in the field of reducing all its forms. But at the same time, there are several problems in promoting this policy in Kyrgyzstan. In particular, in the criminal legal system of Kyrgyzstan, domestic violence is included in the category of domestic violence (as was customary during the period when the republic was part of the USSR), as a result of which it is difficult to reliably assess its scale and monitor its changes. The statistics of crisis centers and shelters is not uniform, which also complicates the analysis of this problem. There are certain obstacles for women victims in the exercise of the right to protection. This is the lack of free legal advice, especially for rural women and the still existing stereotypes in the law enforcement agencies regarding the victim's guilt. There is a weak coverage of the problem of gender-based violence in the media, a general lack of information materials on preventive measures and ways to provide assistance to women who have suffered from violence. But the main problem is insufficient financial support from the state for the further development of programs and projects on the problem of violence against women. For example, all non-governmental organizations expressed the opinion that the main obstacle to the development of a stable and stable network of crisis centers is the lack of funding for at least part of the project from the local budget (UNDP 2019).





## **CHAPTER 3. International protection of women`s rights in Kyrgyz Republic**

### **3.1. Implementation of the provisions of the conventions on women's issues**

The Kyrgyz Republic prepared and submitted the fifth periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. To prepare it, a special commission was created from representatives of government agencies and several non-governmental organizations. According to the Ministry of Justice of the Kyrgyz Republic, over 150 NGOs for the protection of women's rights are currently registered. However, the report of the Government did not include information from other non-governmental organizations dealing with the protection of women's rights and having real information about the status of the implementation of the Convention (CEDAW Report 2019) .

The report states that the Kyrgyz Republic has ratified over 30 international human rights instruments, including the Optional Protocol to the Convention, which enshrines an individual complaint mechanism. However, the government has not taken measures to inform and educate the population on filing these complaints, as a result of which there is not a single registered application on this mechanism from Kyrgyzstan in the UN international bodies. In Kyrgyzstan, training is being conducted for representatives of NGOs, practicing lawyers on the mechanism for filing an individual complaint within the framework of projects of international organizations UNIFEM, ABA / CEELI, the International Commission of Jurists, etc., but this work is not monitored and carried out by the state.

Despite the fact that, in accordance with the Constitution of Kyrgyzstan (Article 12), the Convention is an integral part of national legislation, there was no case of application of international Conventions in legal proceedings, even in the absence of national legislation. For example, when protecting the rights of refugees, instead of directly applying international norms, the courts used a by-law that contradicted these international documents.

The special commissions indicated in the report, such as: the interdepartmental commission for the advancement of women, for refugees, for trafficking, etc. are only formal in nature, since the work in these

commissions is carried out on a voluntary basis, that is, it is not paid ... The population is not informed about the goals of these commissions and the results of their work (CEDAW Report 2019).

Despite the fact that the National Council for Women, Family and Gender Development under the President of the Kyrgyz Republic (hereinafter the National Council) has been established in Kyrgyzstan, its activities are not effective enough, which, in our opinion, is due to the frequent change of its status (then under the Government, then under the President), change of leaders and employees. The Secretariat of the Council was often left without a leader for a long period, which accordingly affected the overall efficiency of its activities.

The National Parliament includes high-ranking officials and prominent public figures, burdened with their official powers within the framework of the ministries and departments where they work. Meetings of the National Council are held 1-2 times a year. Due to the small number of staff and insufficient financial support, the Secretariat of the National Parliament cannot guarantee the implementation of the assigned tasks in full. It is quite obvious that in such a situation the National Assembly is now more a political body than an executive one, more interested in fulfilling its function aimed at improving the situation and protecting women's rights.

Lack of institutional mechanism in the system of executive power - The Government of Kyrgyzstan cannot provide sustainable development to improve the status of women in general and eliminate discrimination against women, in particular. The abolition of the institutional mechanism for improving the status of women in the executive branch has led to the lack of daily, large-scale work to improve the status of women, with the involvement of all structures of the executive branch, to a lack of continuity and instability in addressing these issues (UNDO 2010).

In the Legislative Assembly of the Parliament (Jogorku Kenesh) of the Kyrgyz Republic, there is a joint Committee on health protection, women, family and youth affairs. On his initiative, in 2003, the Parliament of Kyrgyzstan adopted two Laws concerning the rights of women - the Law "On the Foundations of State Guarantees for Ensuring Gender Equality", the Law of the Kyrgyz Republic "On Social and Legal Protection from Domestic Violence". The latter is unique in that it is the only law adopted as a result of a

popular initiative, i.e. the submission of this draft law to the parliament was initiated by a number of Kyrgyz NGOs, which carried out explanatory work among the population and collected more than 30,000 signatures of voters in support of this law. There is no doubt that if a separate Committee on Women and / or Gender Equality was created in the Legislative Assembly, better results could be achieved, since the existing committee is mainly concerned with health problems (Jogorku Kenesh 2003).

The adoption of these gender-oriented laws is an important stage in the country's gender development, but many of the provisions of these laws are declarative. For example, Article 23 of the Law of the Kyrgyz Republic "On State Guarantees for Ensuring Gender Equality" contains a provision on observance of gender parity in the appointment of judges of the Constitutional and Supreme Courts, as well as the composition of the Central Election Commission and the Accounts Chamber. However, in the norms of this Law, which regulate the powers of the President and the Government of Kyrgyzstan, there are no norms ensuring their observance of gender parity in personnel matters. Moreover, these norms were originally laid down in the draft law, but when passing the approval procedure in the Government, they were excluded from the draft law, which confirms the lack of political will of the Government to guarantee gender equality at all levels (USAID 2005).

### **Policy Suggestions:**

1. The National Council on Women, Family and Gender Development under the President of the Kyrgyz Republic to take effective measures to implement the NAP, in partnership with NGOs and international organizations working in this direction.
2. Inform the public about the tasks and results of the activities of the National Council.
3. Ensure adequate funding and staffing for the implementation of activities aimed at addressing gender equality issues.
4. Publish the Periodic Report of Kyrgyzstan to the CEDAW Committee and its Concluding Comments and Recommendations in the state and official (Kyrgyz and Russian) languages, to ensure their access to the general public.

## **Conclusion**

It should be clearly that in modern society, caring for the most disadvantaged people, for those who are not able to protect themselves are an integral function of the state, that the protection of the rights and freedoms of people belonging to socially vulnerable groups of citizens should become one of the priorities of the policy of the Kyrgyz Republic in the field of human rights. This is how the degree of our humanity and civilization is tested. It is a sensitive barometer of the moral health of society and a social criterion for the loyalty of the chosen path.

One of the components of the concept of human rights should be considered international protection of human rights, which is one of the ways to establish a certain standard in the field of human rights, the obligation of states not only to introduce it on their territory, but also to be responsible for non-compliance with their obligations under the relevant international treaties, and also the ability of an individual to defend his rights in international instances.

First of all, it should be borne in mind that the degree of influence of international law on the legislation of states largely depends on their domestic and foreign policies and is largely determined by the ratification of basic international agreements. The more international treaties a state has ratified, the more tangible the impact of international law on domestic legislation. The influence of international law on national law also lies in the fact that new principles and norms appear in the legislation of the state that did not exist before. Finally, the influence of international law can also be indirect. States assume international obligations only after they bring their national legislation in line with national legislation in accordance with the provisions of international agreements (UNDP 2010).

In the process of analyzing international legal norms in the field of women's rights, it is concluded that we are faced with two main tasks:

- 1) contribute to ensuring the rights of women in different states;

2) assist states in the implementation of obligations enshrined in agreements on women's rights. The implementation of the above tasks is ensured by the created mechanisms: international (universal and regional) and domestic, the main methods of which are: consideration of reports and other information of state structures, individuals' appeal to international bodies, appointment of special advisers, monitoring of international organizations, the status of women in individual states, financial assistance to states in ensuring the rights of women, monitoring compliance by states with their obligations, bringing to international legal responsibility.

Now kyrgyz society is coming to an understanding that women's rights are an attractive slogan paving the way to power and giving a noble appearance to the ruling elite, and a real indicator of civilization and humanity of society. Understanding that there is a long way of struggle between the declaration of these rights and freedoms and their real triumph. After all, women's rights are not realized even under favorable conditions: there are violations of women's rights even in developed democracies.

Fundamentally new is the creation in Kyrgyzstan of a new institution of commissioners of the President of the Kyrgyz Republic - the Commission on Women's Rights under the President of the Kyrgyz Republic, which complements the existing mechanisms for non-judicial protection of women's rights. The creation of such an institution is a real mechanism for exercising the functions of the President as a guarantor of the observance of women's rights. The introduction of this institution into the palette of our realities will correspond to the modern traditions of democratic countries.

Accession to the Conventions requires the adoption of measures to create a legal mechanism to implement the provisions of international Conventions. Such measures include the adoption of new laws, amendments and additions to existing ones, the development of regulatory and legal documents regulating the actions of state bodies to protect the rights and interests of citizens in Kyrgyzstan, ensuring citizens' awareness of their rights arising from international treaties ratified by the Kyrgyz Republic, active cooperation with international organizations on women's rights, which can assist in the fulfillment of Kyrgyzstan's obligations (CEDAW Report 2019).

A clear action plan and legislative instruments are needed at the state level. In addition, through the education of the population, it is necessary to develop new stereotypes. Citizens must assimilate and absorb the world values, without which the existence of democracy is impossible. And for this it is necessary to work with the local population, because the fate of a parliamentarian is decided there. Of course, such training is a complex and lengthy process. Great effort and genuine commitment are needed to create a dedicated educational infrastructure.



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