



KYRGYZSTAN

Submission to the UN Universal Periodic Review 49th Session of the UPR Working Group of the Human Rights Council

11 October 2024

Joint Stakeholder Submission

Submitted by: Equality Now (the main submitting organization), Public Association Bir Duino-Kyrgyzstan (BDK), Public Association Union of People with Disabilities “Ravenstvo,” Positive Dialogue Public Foundation, Public Association “Civic Union,” Public Association ‘Ensan Diamond’

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Introduction

1. **Equality Now** is an international human rights organization with ECOSOC status that has been working to protect and promote the rights of women and girls worldwide since 1992. The organization focuses on ending sexual violence, sexual exploitation, harmful practices, and legal equality.
2. **The Public Association Bir Duino-Kyrgyzstan (BDK) was founded in May 2000. Bir Duino's mission** is to promote the cultural and educational aspects of the UN Sustainable Development Goals in the Kyrgyz Republic.
3. **“Positive Dialogue” Public Foundation** was established on December 30, 2011. The Foundation's mission is to protect and promote the rights of women and girls, gender equality, and social justice. We strive to eliminate violence against women and children by supporting victims through legal aid, advocacy, and cooperation with government agencies and civil society. Target audience: women, girls, victims of violence. Geographic coverage: Kyrgyzstan, Osh region. The goal is to create a safe and equal society where every woman and girl can realize her rights and potential.
4. **Public Association Union of People with Disabilities “Ravenstvo”** is a user-led public association formed in 2004 to improve the lives of people with disabilities in Kyrgyzstan. It began operating at the national level in 2019 when its head office relocated to Bishkek after more than a decade of working from and within the Issyk-Kul Region. The organization takes a human rights-based approach to promoting inclusivity in government and civil society by influencing policy and practice and by breaking down stereotypes and stigmas against persons with disabilities.
5. **Public Association Civic Union** has been working to promote democratic reforms in the criminal justice and public security sector in the Kyrgyz Republic since 2007. Among the directions are the development of legislative changes and research in this area. One of the main areas of work of the Civic Union (CU) is to overcome violence against women and girls and to help build the capacity of actors in the prevention of crime.
6. **Public Association Ensan Diamond** works in women's rights and gender studies, focusing on violence against women and women's health. It advocates for a place where women can participate equally in politics, society, and the family and works towards achieving gender equality in the country.
7. Full addresses and contact details for each organization are listed in Annex 1.
8. This submission presents key issues surrounding sexual violence against women and girls in Kyrgyzstan. The submission also provides recommendations to the members of the

Human Rights Council for consideration for its follow-up on the preceding review.

Status of implementation of recommendations given to Kyrgyzstan during the 3rd UPR cycle

9. During the 3rd UPR cycle, Kyrgyzstan received and supported several recommendations on combating violence against women and girls.¹ For example:
 - a. Amend legislation to comprehensively protect women (140.29);
 - b. Adopt further measures to protect the rights of vulnerable groups, especially women and children, and persons with disabilities (140.43);
 - c. Create mandatory training programmes for judges, prosecutors, and law enforcement officials on the application of criminal law dealing with violence against women (140.142);
 - d. Further combat domestic and sexual violence against women and girls, in particular against the abduction of brides, forced marriage, and religious child marriage (140.149);
 - e. Take all necessary action, including through awareness-raising campaigns and training, to effectively implement legislation on violence against women and girls and ensure that all reports of violence are thoroughly investigated and that perpetrators are brought to justice (140.162).
10. Notable progress has been made in this area, particularly with the adoption of Law No. 24 of the Kyrgyz Republic on 22 January 2024² and Law No. 161 on 7 August 2024.³ These laws aim to strengthen support and assistance for individuals subjected to sexual, gender-based, and domestic violence; eliminate impunity for perpetrators, improve survivors' access to justice, and enhance the efficiency and accountability of officials handling criminal and administrative cases related to such violence. Also, Kyrgyzstan has put in place comprehensive measures to tackle child and forced marriage.⁴
11. While these reforms represent a significant advancement in addressing systemic issues and safeguarding the rights of survivors, further legal changes are still required to adequately protect women and girls from violence. As demonstrated in the submission below, several key recommendations remain unimplemented, highlighting the need for continued efforts to ensure full legal protection and justice for survivors.

¹ A/HRC/44/4/Add.1

² Available at: <https://cbd.minjust.gov.kg/4-5258/edition/1829/ru>

³ Available at: <https://cbd.minjust.gov.kg/4-5390/edition/14002/ru>

⁴ Articles 172-175 of the Criminal Code of Kyrgyzstan; Resolution of the Cabinet of Ministers of the Kyrgyz Republic No. 25-r dated January 25, 2023 (On the approval of the Action Plan of the Cabinet of Ministers of the Kyrgyz Republic for the Prevention of Child and Forced Marriages for 2023-2024), available at: <https://cbd.minjust.gov.kg/57-18729/edition/1223560/ru>

Prevalence of sexual violence against women and girls in Kyrgyzstan

12. Sexual violence against women and girls in Kyrgyzstan remains a deeply concerning issue. Official statistics are either unavailable or incomplete, and the true scale of sexual violence in Kyrgyzstan is likely much higher due to underreporting driven by societal stigma, fear of retribution, or lack of trust that perpetrators will be held to account.
13. According to the “Summary of Judicial Practice in Criminal Cases on Crimes Against Sexual Inviolability and Sexual Freedom, Reviewed by Courts from 2020 to 2022” of the Supreme Court of the Kyrgyz Republic, over these three years (2020-2022), 276 individuals were convicted for crimes against sexual inviolability and sexual freedom (including cases involving minors), and criminal cases against 155 individuals were terminated.⁵
14. Given that globally, 30 percent of women aged 15 and older have been subjected to physical and/or sexual intimate partner violence, non-partner sexual violence, or both at least once in their life,⁶ Kyrgyzstan’s official statistics do not reflect the full extent of such violence in the country.
15. Societal attitudes towards sexual violence, as well as attitudes of criminal justice actors, further complicate the situation. Gender stereotypes and victim-blaming often deter survivors from coming forward. Survivors frequently face secondary victimization from law enforcement and judicial authorities, who may question their credibility or suggest that they provoked the assault (see Section ‘Gender stereotyping, discriminatory investigation procedures and lack of gender-sensitive justice’ below).

Lack of comprehensive legislation on sexual violence in accordance with international standards

16. The CEDAW Committee has recommended Kyrgyzstan to adopt a definition of rape based on lack of free consent.⁷ However, Kyrgyzstan has not implemented this recommendation, allowing many perpetrators of sexual violence to evade justice due to gaps in the legal framework.
17. In January 2023, Equality Now published a report highlighting deficiencies in Kyrgyzstan’s sexual violence laws and their implementation.⁸ The constituent elements of the current definition of rape in the Criminal Code of Kyrgyzstan are violence, the

⁵ Available at: <http://admin-sot.sot.kg/public/sites/4/2023/09/Obobshhenie-sudebnoj-praktiki.pdf>, p. 3

⁶ Available at: <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>

⁷ CEDAW Committee, CEDAW/C/KGZ/CO/5 (2021), para. 48(b)

⁸ Available at: <https://equalitynow.org/resource/sexual-violence-laws-in-eurasia-towards-a-consent-based-definition/>

threat of violence, or abusing the helpless condition of the victim (Articles 154-155), failing to account for non-consensual acts without these elements.

18. The crime of compulsion or coercion into sexual intercourse or other acts of a sexual nature involves any of the types of behavior criminalized by the offenses of rape and assault of a sexual nature, but that has been committed by means of blackmail or exploiting the material or other dependency of the survivor (Article 156 of the Criminal Code). This offense is classified as a “less serious crime” and carries lower penalties, despite being classified as rape under regional and international standards.⁹
19. Consequently, Kyrgyzstan’s definition of sexual violence overlooks instances where consent is absent but no physical force is involved, allowing many perpetrators to escape accountability.
20. Rape committed against a spouse, ex-spouse, partner, or ex-partner, whether cohabitating or not, is neither explicitly criminalized nor treated as an aggravating factor in Kyrgyzstan, despite the requirements of international standards.¹⁰ Although it is not specifically excluded under the Criminal Code, it is often disregarded by the criminal justice system, leading to a significant gap in legal protection for survivors of domestic sexual violence

Gender stereotyping, discriminatory investigation procedures, and lack of gender-sensitive justice

21. Kyrgyzstan lacks a comprehensive, gender-sensitive methodology for investigating sexual violence crimes, leading to re-victimization during the process. Cultural norms and stereotypes within the criminal justice system contribute to victim-blaming, questioning survivors’ credibility, and deterring them from reporting crimes. Investigations are often conducted by untrained professionals, resulting in poor evidence collection.
22. Survivors often face intrusive, repeated interviews, forced confrontations, and investigative experiments where they must re-enact the crime and face the perpetrator, often without psychological support. Additionally, invasive forensic examinations, coupled with burdensome evidence and corroboration requirements, remain the standard for prosecuting perpetrators of sexual violence.

⁹ E.g., see GREVIO, Baseline Evaluation Report on Georgia (22 November 2022), available at: <https://rm.coe.int/grevio-report-on-georgia-2022/1680a917aa>, para. 256

¹⁰ CEDAW Committee, General Recommendation No. 35, para. 29(e); CEDAW Committee, CEDAW/C/BGR/CO/8, para. 24(c)

23. In most cases, sexual violence is prosecuted only when physical injuries or biological materials are present, leaving many instances of sexual violence unpunished. The system overwhelmingly focuses on cases where physical force was used, and the victim physically resisted. This contributes to the high attrition rate of sexual violence cases, as many never reach prosecution or conviction.
24. These restrictive evidentiary standards violate the CEDAW Committee's recommendations to ensure that evidentiary rules and other legal and quasi-judicial procedures are impartial and are not overly restrictive, inflexible, or influenced by gender stereotypes or prejudice.¹¹ Furthermore, the Committee specifically recommends that States abolish "corroboration rules that discriminate against women as witnesses, complainants, and defendants by requiring them to discharge a higher burden of proof than men in order to establish an offense or to seek a remedy."¹²

Increased vulnerabilities of girls: sexual violence, child and forced marriages

25. Article 157 of the Criminal Code criminalizes sexual actions by an adult with someone under 16. Even though the word "consent" is not mentioned in the article, there is a problematic assumption in the implementation of this article that the minor consented (even though they were legally incapable of consent), which can place blame on the minor instead of the perpetrator and affect the way the criminal justice system might treat the perpetrator.
26. Harmful practices such as child, early, and forced marriages (CEFM) remain a significant issue in Kyrgyzstan. Approximately 13% of women aged 20-24 entered into marriage before the age of 18.¹³ While some progress has been made (see para. 10), a concerning issue is the under-identification of CEFM and informal unions equal to marriage. The persistence of child marriage is rooted in cultural norms that view women primarily as homemakers. Families often feel pressured to marry off daughters to avoid the stigma of being unmarried, especially as they approach an "older" age. The emphasis on virginity and family honor, particularly in rural areas, reinforces these practices. Economic dependence and conservative religious views further encourage early marriages, pushing girls to prioritize family duties over personal growth and aspirations.
27. According to international legal standards, laws within each country's legal system should comprehensively define the Minimum Age of Marriage (MAM) across civil, criminal, family, customary, and/or religious laws to prohibit any instances of marriage

¹¹ CEDAW Committee, General Recommendation No. 33

¹² *ibid*, para. 25(a)(iii)

¹³ Available at: <https://www.unicef.org/kyrgyzstan/media/6066/file/MICS%20Statistical%20Snapshots.pdf>

below the age of 18.¹⁴ In Kyrgyzstan, though the MAM is set at 18, it can be lowered by one year based on the opinion of a commission of the territorial units of the competent state agency for the protection of children.¹⁵

Increased vulnerability of women and girls with disabilities

28. Women and girls with disabilities in Kyrgyzstan are particularly vulnerable to sexual violence, especially those living in psychiatric institutions and other care homes.¹⁶ The legal and procedural barriers, compounded by ableist discrimination, hinder their access to justice.
29. Kyrgyzstan maintains burdensome and discriminatory evidentiary standards in cases of sexual violence, and this is further exacerbated when the victim has a disability. The Code of Criminal Procedure provides (Article 178(2)(4)) that the forensic examination must be carried out if it is necessary to establish “the mental or physical condition of the victim or witness if there is doubt as to his or her ability to correctly perceive the circumstances relevant to the criminal case and to give evidence.” In practice, during the investigation of the alleged sexual violence, a psychological/ psychiatric examination of survivors with disabilities is conducted to assess their supposed competency in order to determine if their testimony can be considered reliable. If deemed “unreliable,” the survivor’s account is automatically discounted, which leads to the dismissal of the case. It directly contradicts Article 12 of the CRPD, “Equal recognition before the law.” The CRPD Committee has similarly urged Georgia to repeal a comparable article.¹⁷
30. As a result of existing stigma and ableism associated with different forms of disabilities and laws failing to provide procedural accommodation, disability often leads to the denial of justice for sexual violence, even where the disability does not affect the person’s ability to comprehend the events that happened to them.
31. Kyrgyzstan lacks an effective social support system to help identify, monitor, and support women and girls with disabilities at risk of or experiencing gender-based violence, particularly sexual violence.

¹⁴ UNFPA et al., Technical note for the Global Programme to End Child Marriage (2020), available at: <https://www.unicef.org/media/86311/file/Child-marriage-the-law-2020.pdf>; Virtual Centre to End Violence against Women and Girls, Establishing a minimum age for marriage (Jan. 27, 2011), available at: <https://endvawnow.org/en/articles/616-establishing-a-minimum-age-for-marriage.html?next=581>

¹⁵ Family Code of Kyrgyzstan, Article 14, available at: <https://cbd.minjust.gov.kg/1327/edition/1163855/ru>

¹⁶ For more details, see Equality Now, “Sexual Violence and Disability in Kyrgyzstan: Law, Policy, Practice and Access to Justice”, available at: <https://equalitynow.org/resource/sexual-violence-and-disability-in-kyrgyzstan-law-policy-practice-and-access-to-justice/>

¹⁷ CRPD/C/GEO/CO/1, paras. 27-28

32. Women and girls with disabilities, especially those with psycho-social needs, face numerous barriers to accessing justice for violence, including sexual and domestic violence. Barriers include inadequate technical means to report crimes, lack of guidelines for interviewing vulnerable victims, and insufficient knowledge among law enforcement on obtaining witness statements from women with disabilities. Discriminatory perceptions, such as the belief that women with disabilities are more prone to lying, further perpetuate a culture of impunity for perpetrators.

Intersecting forms of discrimination against marginalized women victims of sexual violence

33. Women from vulnerable and marginalized groups experience intersecting forms of discrimination and serious barriers in accessing justice for sexual violence. In particular, women with disabilities, ethnic minority women, LBT women, women in prostitution, drug users, and migrant women all experience specific challenges related to their unique situation. Barriers include the existing legislative regulation preventing women from filing reports for fear of themselves being penalized for their activities (legislation penalizing women in prostitution and leaving “buyers” unpunished,¹⁸ repressive legislation on drug use), stigma towards women in prostitution, drug users, LBT women and women with disabilities, lack of reasonable accommodation (for women with disabilities) and language barriers (for migrant and ethnic minorities).

Recommendations

Substantive law

- Introduce a consent-based definition of rape in accordance with international human rights standards, including the ones developed by the CEDAW Committee.
- Ensure that the consent of a minor under 16 is not examined to allow for sexual offenses perpetrated by an adult to a minor under 16 years of age to be classified as rape.
- Amend the Family Code to set 18 as the minimum age of marriage without any exceptions.
- Explicitly criminalize or treat as an aggravating factor rape committed against a spouse, ex-spouse, partner, or ex-partner, whether cohabitating or not.

Practice and procedural changes

- Remove burdensome evidentiary standards and abolish discriminatory investigation procedures;
- Ensure examinations of the victim’s mental health are conducted only when directly relevant and necessary and that they are not used to assess the credibility of victims. Such

¹⁸ Article 109.2, "Engaging in Prostitution," was introduced into the Code of Violations of the Kyrgyz Republic following the adoption of Law No. 153 on July 29, 2024, available at: <https://cbd.minjust.gov.kg/4-5385/edition/13674/ru>

examinations should not prevent women and girls, including those with disabilities, from testifying.

- Ensure that all cases of sexual violence against women and girls are investigated, prosecuted, and adjudicated with a victim-centered approach and from a gender-, age- and disability perspective.

Training of professionals

- Put in place comprehensive manuals and guidelines for criminal justice professionals, in line with CRPD and CEDAW standards, and provide training for law enforcement and judicial officials, health and social workers, and other professionals, including in rural areas, to effectively respond to and address all forms of gender-based violence, including sexual violence and child and forced marriage.

Collecting and maintaining data

- Improve the collection of data on all forms of violence against women and girls, including sexual violence and child and forced marriage, by the authorities, disaggregated based on the type of violence, perpetrator, age, sex, disability, ethnicity, and other vulnerabilities, the outcome of such cases and the number of complaints received, investigations carried out, prosecutions conducted, the sentences imposed on perpetrators, as well as attrition rates.

ANNEX 1 – the list of submitting organizations

1. Equality Now

Address: c/o SEESAW

86 Princes Street

Manchester M1 6NG

United Kingdom

Website: <https://equalitynow.org/>

Contact person: Dariana Gryaznova, dgryaznova@equalitynow.org

2. Public Association Bir Duino-Kyrgyzstan' (BDK)

Address: 258 Sydykova

720000

Bishkek

Kyrgyzstan

Website: www.birduino.kg

Contact person: Lira Ismailova (Asylbek), asylbekovalira@gmail.com

3. Public Association Union of People with Disabilities “Ravenstvo”

Address: Bishkek

51/28 Ankara Street

Kyrgyzstan

Website: <https://ravenstvo.kg/>

Contact person: Gulmira Kazakunova, ravenstvo-ik@mail.ru

4. Positive Dialogue Public Foundation

Address: 209 Kurmanjan Datki Street

Osh

Kyrgyzstan

Contact person: Madmarova Mira, positivedialogue0@gmail.com

5. Public Association “Civic Union”

Address: 515/18 Frunze Street

Bishkek

Kyrgyzstan

Website: www.reforma.kg

Contact person: Anna Zubenko, anna@reforma.kg

6. Public Association ‘Ensan Diamond’

Address: 205-108 Lenin Street

Osh

Kyrgyzstan

Contact person: Dzhamilia Kaparova, kaparovaj@gmail.com