



# Reconciled to Violence

## State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan

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## **Introduction to the Report**

### **Summary**

Domestic violence and abduction for forced marriage (bride-kidnapping) are pervasive forms of violence against women in Kyrgyzstan. Although statistics are not available, great numbers of women and girls in Kyrgyzstan have experienced these serious violations of their most fundamental human rights. The problems of domestic violence and abduction have long been neglected by government officials, and urgently need to be addressed.

Perpetrators of domestic violence variously beat, kick, strangle, stab, rape, and shoot their wives. Women are locked in their homes to isolate them from their natal families and to prevent them from seeking assistance; are denied food; and are beaten with bricks, pipes, and other heavy objects. They are humiliated and demeaned. Some women are hospitalized due to domestic abuse; some suffer permanent injury. Women are severely traumatized by the violence they experience, and some commit suicide as a result. Some are killed by their husbands.

Kyrgyzstan is not alone in having a serious domestic violence problem. Statistical data on domestic violence is inadequate worldwide, but available data shows disturbingly high levels of domestic violence in many countries. In 2005 the World Health Organization issued a report reflecting data collected from more than 24,000 women in 10 countries around the world that found that the proportion of women who had experienced intimate partner violence ranged from 15 to 71 percent, with most sites falling between 29 and 62 percent. Research shows that domestic violence occurs in all social, economic, religious, and cultural groups.

The domestic violence section of this report focuses primarily on how Kyrgyz police respond to domestic violence. This focus was chosen for several reasons: First, Kyrgyzstan has a progressive new law on domestic violence that specifically calls on law enforcement agencies to play a role in responding to and preventing domestic violence through a series of very specific obligations. Second, despite their legal

obligations, Kyrgyz police display significant reticence in fulfilling their duty to address domestic violence. Third, the resources exist to train law enforcement officials and support them in pursuing an appropriate response to domestic violence, including financial and technical support from international donors and nongovernmental organizations (NGOs).

Kyrgyz authorities similarly neglect their duty to prevent and punish kidnapping for forced marriage. Kidnappings of women and girls—some as young as 12 years old—for forced marriage are carried out by groups of men who capture a woman through physical force or deception and take her to the home of the intended groom. The abductor’s family then exerts psychological, and sometimes physical, pressure to coerce the young woman to consent to marry. In some cases the young woman is raped soon after being taken to the abductor’s house, so that she will feel shame and feel unable to return to her parents’ home; other times the kidnapped woman is coerced to have sex or in some cases is raped on her wedding night, after a marriage ceremony is performed.

The government of Kyrgyzstan has an obligation to prevent violence against women, including domestic violence and abduction. Although both kidnapping and domestic violence are illegal in Kyrgyzstan, this report documents how police and other local authorities fail to enforce the law. Law enforcement officials do not view domestic violence and kidnapping for forced marriage as serious crimes. In most cases they do not take action to stop violence against women, to help women obtain safety from abusers, or to investigate and prosecute such violations in accordance with the law. Instead, government authorities often block women’s access to justice, encourage women to reconcile with their abusers, and allow violence against women to continue with impunity. Too often, government officials try to justify their inaction by claiming that these practices are either too entrenched or too widely accepted by Kyrgyz society, and are therefore insurmountable.

In this report Human Rights Watch puts forward a series of recommendations to the government of Kyrgyzstan designed to improve state protection of women’s rights and ensure accountability for crimes of violence against women. Specifically, Human Rights Watch calls on the government of Kyrgyzstan to enforce existing criminal laws

against assault and abduction and prosecute perpetrators, and to launch extensive, nationwide public awareness campaigns against domestic violence and bride-kidnapping. The government of Kyrgyzstan should also amend the country's Family Code to abolish the mandatory waiting period for divorce, and establish long-term shelters where women and their dependent children can stay voluntarily.

## **Methodology**

Human Rights Watch conducted research for this report in Kyrgyzstan in October and November 2005. Two researchers traveled to five of the seven provinces of Kyrgyzstan as well as the capital, Bishkek, and visited numerous cities, towns, and villages in the north and south of the country. This report is based on in-depth interviews with 25 victims of domestic violence and kidnapping throughout the country. The identities of these women have been withheld in the interest of protecting their safety. Interviews with these women were facilitated with the help of local women's rights organizations. This report is also based on dozens of additional interviews with police, government officials, medical professionals, lawyers, representatives of international and donor organizations, women's rights activists, gender experts, and other civil society activists; the identities of some of these interviewees have also been withheld, in the interest of avoiding possible repercussions to them for having spoken to Human Rights Watch. No official representatives from the headquarters of the Ministry of Internal Affairs or prosecutor's office made themselves available to Human Rights Watch during the research mission. As of this writing, Human Rights Watch had not received any reply to questions sent to these government agencies on May 15, 2006.

The interconnectness of the issues means that a number of the individual cases covered in this report are referenced in both the domestic violence and bride-kidnapping chapters.

## **Background**

### *Political and economic development in Kyrgyzstan*

The population of Kyrgyzstan is officially around five million people, though it is estimated that as many as a million Kyrgyz nationals live and work abroad at least

part of the year. The population is about 67 percent ethnic Kyrgyz, 14 percent ethnic Uzbeks, and 10 percent ethnic Russians.<sup>1</sup> Kyrgyzstan has few natural resources and little local industry, leaving the economy vulnerable to external price shocks. Its natural resources include gold and other metals, some natural gas, and hydropower. Cotton is among the country's chief exports. Kyrgyzstan's GDP for 2003 was estimated to be U.S.\$1.9 billion.<sup>2</sup> The GDP per capita was \$1,751.<sup>3</sup>

As described below, poverty is frequently cited in explanations for violence against women, and women's poverty is an important factor that inhibits women from leaving violent or forced marriages. In 2005 the minimum wage was around 100 som (about \$2.42) per month.<sup>4</sup> The average monthly salary was reported by official sources to be around \$64 in 2005.<sup>5</sup> Eighteen percent of adults were registered as unemployed in 2004.<sup>6</sup> Officially, 42.9 percent of the population lives in poverty.<sup>7</sup> Yet although Kyrgyzstan is a poor country in comparison to its resource-rich neighbors, such as Kazakhstan and Uzbekistan, its infrastructure and government institutions are relatively well developed. Government agencies and institutions are operational, though inhibited in their functions by under-funding and corruption.

Kyrgyzstan rated in the lower half of the UNDP's 2003 human development index, with a ranking of 109 out of 177.<sup>8</sup> Average life expectancy is 66.8 years.<sup>9</sup> Infant

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<sup>1</sup> U.S. Department of State, "International Religious Freedom Report 2005," citing data from Kyrgyzstan's National Statistics Committee, <http://www.state.gov/g/drl/rls/irf/2005/51562.htm> (accessed June 23, 2006). The latest official data from the National Statistics Committee reflected the following ethnic breakdown of the population: Kyrgyz, 67.4 percent; Uzbeks, 14.2 percent; Russians, 10.3 percent; Dungans (ethnic Chinese Muslims), 1.1 percent; Uighurs, 1 percent; and other ethnicities, 6.4 percent.

<sup>2</sup> United Nations Development Programme (UNDP), *Human Development Report* (New York: United Nations Development Program, 2005), [http://hdr.undp.org/reports/global/2005/pdf/HDR05\\_complete.pdf](http://hdr.undp.org/reports/global/2005/pdf/HDR05_complete.pdf) (accessed June 23, 2006).

<sup>3</sup> *Ibid.*, p. 221.

<sup>4</sup> U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices - 2005: Kyrgyz Republic," March 8, 2006, <http://www.state.gov/g/drl/rls/hrrpt/2005/61657.htm> (accessed June 23, 2006).

<sup>5</sup> In 2005 the average monthly salary in Kyrgyzstan was officially reported to be 2,612.5 som (about \$64), <http://www.stat.kg/Rus/Home/obzor.html#Top1> (accessed August 15, 2006). The average monthly salary in Kyrgyzstan for the first quarter of 2006 was officially estimated to be 2,651.5 som (about \$65). This estimate does not include data from small businesses, <http://www.stat.kg/nsdp/rus/index.htm> (accessed August 14, 2006).

<sup>6</sup> Kyrgyzstan Unemployment rate, *Index Mundi*, [http://www.indexmundi.com/kyrgyzstan/unemployment\\_rate.html](http://www.indexmundi.com/kyrgyzstan/unemployment_rate.html) (accessed June 23, 2006).

<sup>7</sup> U.S. Department of State, "Country Reports on Human Rights Practices - 2005: Kyrgyz Republic."

<sup>8</sup> Rankings ranging from 146 to 177 indicate low human development and rankings from 58 to 145 indicate medium human development. UNDP, *Human Development Report 2005*, p. 221.

<sup>9</sup> *Ibid.*, p. 301.



mortality rates have decreased since the Soviet period and were at 59 deaths per 1,000 live births in 2003.<sup>10</sup>

Kyrgyzstan attained independence with the demise of the USSR in 1991. Aksar Akaev, a former scholar, was elected president and held that post until he was forced to resign following a popular revolution in March 2005. During the early years of his administration, Akaev committed his government to policy reform and greater promotion of human rights. Kyrgyzstan signed on to numerous international human rights instruments and joined the Organization for Security and Cooperation in Europe (OSCE), as well as other bodies aimed at regional cooperation.

During the later years of the Akaev presidency, government persecution of political rivals and civil society groups, including human rights organizations, marred the administration's human rights record.<sup>11</sup> Presidential and parliamentary elections were found to fall short of international standards.<sup>12</sup> Popular confidence in the Akaev administration waned in the late 1990s as government progress on human rights went into reverse and government institutions and officials were perceived as increasingly corrupt. It plummeted following a series of events in 2002 that began with revelations that the government had concluded a secret deal to hand over contested border land to China. The whistleblower on this scandal, opposition parliamentarian Azimbek Beknazarov, was detained on unrelated criminal charges. Thousands of people poured into the streets in his support, and police fired on demonstrators in the town of Aksy in Jalal Abad province, killing six people and injuring dozens.

The final catalyst for the widespread expression of disaffection with the administration was the 2005 parliamentary elections, which were widely criticized as

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<sup>10</sup> Ibid, p. 252.

<sup>11</sup> See, for example, Human Rights Watch, *Human Rights Watch World Report* (New York: Human Rights Watch, 2005), <http://hrw.org/english/docs/2005/01/13/kyrgyz9894.htm>; U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices - 2003: Kyrgyz Republic," February 25, 2004, <http://www.state.gov/g/drl/rls/hrrpt/2003/27846.htm> (accessed August 11, 2006); and OSCE press release, "OSCE Chairperson-in-Office expresses serious concern about recent developments in Kyrgyzstan," April 5, 2000, <http://www.osce.org/item/4509.html> (accessed August 11, 2006).

<sup>12</sup> See, for example, OSCE Office for Democratic Institutions and Human Rights (ODIHR), "Final report on the presidential election in Kyrgyzstan, 29 October 2000," [http://www.osce.org/documents/odihr/2001/01/1383\\_en.pdf](http://www.osce.org/documents/odihr/2001/01/1383_en.pdf), and OSCE/ODIHR, "Final report on the parliamentary elections in Kyrgyzstan, 20 February and 12 March 2000," [http://www.osce.org/documents/odihr/2000/04/1384\\_en.pdf](http://www.osce.org/documents/odihr/2000/04/1384_en.pdf) (both accessed April 26, 2006).

neither free nor fair.<sup>13</sup> In response to the marred vote, people in the south of Kyrgyzstan and later in the north took to the streets. A host of popular complaints ranging from manipulation of the media to election fraud was narrowed into one call: Akaev's resignation. Akaev fled the country and later resigned.

Opposition leader Kurmanbek Bakiev, a former prime minister, became interim president of Kyrgyzstan and was confirmed in this post in an election held on July 10, 2005. A number of opposition leaders and rights activists, including former political prisoner Feliks Kulov, were invited to join his administration. As of this writing, close to 18 months after the change of government, civil society groups have expressed disappointment in the pace of reform by the Bakiev administration.

### *Women's status in society and the family in Kyrgyzstan*

Society in Kyrgyzstan is highly patriarchal, with women's roles in public and private life circumscribed. This has negative consequences for the exercise of their rights.

In 2004 the United Nations Committee on the Elimination of Discrimination against Women (CEDAW Committee) expressed concern about the status of women in Kyrgyzstan, growing rates of poverty among women, rising female unemployment, and women's low status in the labor market.<sup>14</sup> The committee found that "[u]nemployment among women is rising steadily, and some 53.3 per cent of the total number of unemployed are women."<sup>15</sup>

The CEDAW Committee stated it was concerned also that discrimination interfered with women's ability to assert their rights to land. The government of Kyrgyzstan's own report to the committee acknowledged that barriers to the achievement of women's equality in the country included "the growth of poverty and unemployment,

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<sup>13</sup> OSCE/ODIHR, "Statement of preliminary findings and conclusions by the OSCE/ODIHR election observation mission on the parliamentary elections held in Kyrgyzstan on 27 February 2005," [http://www.osce.org/documents/odihr/2005/02/4334\\_en.pdf](http://www.osce.org/documents/odihr/2005/02/4334_en.pdf) (accessed April 26, 2006).

<sup>14</sup> The committee monitors states parties' implementation of the convention and issues comments guiding states in interpretation of the convention.

<sup>15</sup> Committee on the Elimination of Discrimination against Women, press release, WOM/1424, January 14, 2004, <http://www.un.org/News/Press/docs/2004/wom1424.doc.htm> (accessed April 26, 2006). A report by Radio Free Europe/Radio Liberty (RFE/RL) cites information provided by Kyrgyzstan's National Statistics Office in February 2002, stating that more than half the unemployed were women. See, "Registered Unemployment on Rise in Kyrgyzstan," RFE/RL Newline, July 26, 2002, vol. 6, no. 139, <http://www.rferl.org/newsline/2002/07/2-TCA/tca-260702.asp> (accessed April 26, 2006).

a low level of social protection, the low participation of women in decision-making, and the persistence of gender stereotypes and traditions....”<sup>16</sup> With respect to the latter point, the committee said, “While noting the efforts of the State party to eliminate gender role stereotyping, especially in the media, the committee is concerned about the persistence of discriminatory cultural practices and stereotypes relating to the roles and responsibilities of women and men in all areas of life, and the deep-rooted patriarchal attitudes, which undermine women’s social status and are an obstacle to the full implementation of the Convention.” The committee urged the government of Kyrgyzstan “to monitor carefully the persistence of discriminatory cultural practices and stereotypes and intensify its efforts to eliminate them.” It further urged the government “[to] take action to change stereotypical attitudes and perceptions as to men’s and women’s roles and responsibilities.”<sup>17</sup>

### **The subordination of women in Kyrgyz society**

Notwithstanding the urging of the CEDAW Committee to take action against gender stereotypes and cultural attitudes about women’s inferiority and subordination, many in society, including government officials, still view male dominance as the order of things.<sup>18</sup> There is little enthusiasm in government circles to take on this issue or its consequences for women’s rights.

President Bakiev took an important step toward promoting the role of women in public life by signing a decree on March 22, 2006, to achieve greater gender parity in government by ensuring at least 30 percent female representation in central and local government, including in decision-making positions (the decree does not specify whether these are to be appointed or elected positions, nor whether these are to be new or existing positions). But overall, Bakiev’s administration holds the establishment of gender equality as a low priority compared to other problems it must address, including corruption, organized crime, and approval of a new constitution and government structure. The national plan of action that it inherited

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<sup>16</sup> The committee considered the second periodic report of Kyrgyzstan (CEDAW/C/KGZ/2 and Add.1) at its 632nd and 633rd meetings, on January 14, 2004 (see CEDAW/C/SR.632 and 633). Report of the Committee on the Elimination of Discrimination against Women, Thirtieth session (January 12-30, 2004), Thirty-first session (July 6-23, 2004), General Assembly Official Records, Fifty-ninth Session, Supplement No. 38 (A/59/38), United Nations, New York, 2004.

<sup>17</sup> Ibid.

<sup>18</sup> See interviews cited in passim in this report.

from the previous government for achieving gender equality (for the period 2002-2006) appears to have gone largely unfulfilled.

Government officials who spoke with Human Rights Watch displayed little willingness to promote women's equality in society. One government official charged with monitoring human rights expressed his view that the subordination of women is inevitable: "In my opinion we can't change relationships between men and women. The domination of men is not revocable; it will stay for ever. We just need to admit this."<sup>19</sup> Another senior government official also acknowledged that Kyrgyzstan continues to have a patriarchal society: "Kyrgyz men consider themselves to be higher than women. This is from the past. We haven't gotten away from this."<sup>20</sup>

The effect of Bakiev's recent decree remains to be seen, but a manifestation of the subordination of women in society that was often pointed out to Human Rights Watch researchers was the absence of women in positions of power. As of this writing, for example, there are no female members of parliament. In its report to the CEDAW Committee in 2004, the previous government acknowledged the "under representation of women in legislative and executive bodies" and "indicated that women were not considered a political force and were under represented in political parties."<sup>21</sup> The Committee expressed concern "about the under representation of women in elected and appointed bodies, particularly at high levels...State executive and administrative organs and the diplomatic service."

## Family life

The vast majority of women move directly from living with their parents in homes dominated by their fathers, to living with their husbands, who similarly dominate family life. As discussed in some detail below, when they are new brides young women occupy the position of least power among the adults in a family. Many

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<sup>19</sup> Human Rights Watch interview with Embek Tarajanov, Ombudsman's Office, Bishkek, November 14, 2005. The Office of the Ombudsman was created in 2002 as a government human rights institution. The ombudsman's duties include monitoring the government's observance of human rights standards.

<sup>20</sup> Human Rights Watch interview with Tursunbek Akun, chairman, Presidential Commission for Human Rights, Bishkek, November 14, 2005.

<sup>21</sup> Report of the Committee on the Elimination of Discrimination against Women, Thirtieth session (January 12-30, 2004), Thirty-first session (July 6-23, 2004), General Assembly Official Records, Fifty-ninth Session, Supplement No. 38 (A/59/38), United Nations, New York, 2004.

women work without pay in the home, maintaining the household, participating in agriculture, caring for livestock or contributing to other family business, and raising children. The majority of women in Kyrgyzstan do not work outside the household. Women and girls have little authority in the family, except over more junior female members, and little autonomy.

Many of the women who spoke to Human Rights Watch told us that their daily lives in the family are controlled by their mothers-in-law. Women told us that new brides are expected to give their in-laws, and particularly their mothers-in-law, complete obedience and service. The newest bride takes over the bulk of household duties once undertaken by the mother-in-law and other female members of the household. As the adult with the least power in the family, the new bride is easily exploited.

Mothers-in-law can also be extremely physically and psychologically abusive toward new brides. In some cases, the new bride is beaten and insulted relentlessly by her mother-in-law and sisters-in-law (themselves once the “new brides” in the family), reinforcing her position of powerlessness in the family. They attempt to exert extensive control over her, including over her daily schedule, her work around the house, whether she can leave the house, her contact with others (including her natal family), and decisions related to sex, reproduction, and child-rearing.

Ainura A., who was kidnapped for forced marriage and thrown out of the house 10 years later, said of her mother-in-law, “[S]he tormented me psychologically. One year went by after my marriage and she made a big deal about the fact that I wasn’t pregnant. Then when I got pregnant with my second child she said I was ‘like a dog.’”<sup>22</sup> Dimira D. was forced to give away one of her three children: “I gave [my brother- and sister-in-law] the child because my sister-in-law could not have children; my mother-in-law ordered me to do it.”<sup>23</sup> Gulzat G., who became pregnant before she was married, recalled that her mother-in-law forced her to go to a doctor for an abortion. The doctor refused to carry out the procedure because Gulzat G. was seven

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<sup>22</sup> Human Rights Watch interview with Ainura A., November 2005. All names of women victims of domestic violence and bride-kidnapping interviewed for this report have been replaced with pseudonyms, for the interviewees’ protection.

<sup>23</sup> Human Rights Watch interview with Dimira D., November 2005.

months pregnant and he said it would be too risky. After Gulzat G. gave birth, she said, her mother-in-law expressed a desire to sell the baby.<sup>24</sup>

Aisulu A. described the abuse she suffered as a new bride at the hands of her in-laws after she was kidnapped and joined a family previously unknown to her:

My sister-in-law beat me. I didn't say anything and I agreed to stay. They brought me back to the house [after I ran away]. Every day there were scandals. My sister-in-law insulted me every day.... Then [one time] my husband's sister insulted me and told me to leave, that no one liked me.... Then my mother-in-law and sister-in-law beat me and kicked me out of the house and onto the street. I wrote a complaint to the police against my sister-in-law. They opened a case, but then closed it.... I have no medical report of the beatings. It will be hard for me to prove it.<sup>25</sup>

Dimira D., who suffered years of violence at the hands of her husband, said that her brother-in-law also beat her: "One time my husband's brother lost one of his suits. He blamed me and then he beat me up. My husband watched this and didn't say anything. His brother... beat me on the head and blood came out of my nose. He spit on me."<sup>26</sup>

### **Increased prevalence of polygyny**

Although it is illegal, polygyny (men having multiple wives) continues to be practiced in Kyrgyzstan. Men's marriages to second or subsequent wives are not registered with the state, but are often marked by Muslim ceremonies. First and second/subsequent wives tend to live in separate households, and in some cases men keep their wives a secret from one another.

Recent research conducted by the Soros Foundation-Kyrgyzstan found that polygyny has been on the increase in Kyrgyzstan since the country attained independence.<sup>27</sup> Researchers attribute this among other things to a rise in adherence to patriarchal

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<sup>24</sup> Human Rights Watch interview with Gulzat G., November 2005.

<sup>25</sup> Human Rights Watch interview with Aisulu A., November 2005.

<sup>26</sup> Human Rights Watch interview with Dimira D., November 2005.

<sup>27</sup> Anara Moldosheva, expert, Soros Foundation-Kyrgyzstan, "Polygamy in Modern Kyrgyzstan," Women's Program information memo for the Gender Montage Project, 2005.

values and the deterioration of the country's economic infrastructure.<sup>28</sup> The report pointed out that, although polygyny is illegal, there are no known cases of prosecution for it in Kyrgyzstan. The report stated that up to 40 percent of women who have appealed to women's crisis centers for assistance complained of problems associated with their having been in unregistered, polygynous marriages, such as asserting their property and child custody rights.<sup>29</sup>

### *Women's rights NGOs, crisis centers and shelters*

There are more than a dozen active women's rights groups, located all over Kyrgyzstan, that are engaged in a variety of ways with the problem of domestic violence. Some operate primarily as research and advocacy groups, while others provide direct services to women victims of violence. Organizations that operate crisis centers typically maintain a hotline (in some cases available 24 hours a day, every day) and offer women victims of violence psychological counseling and consultations with a lawyer. These groups also help women access medical care, including gynecological services.

Some groups also maintain shelters, though there are few such facilities. Human Rights Watch found that major cities in Kyrgyzstan each have one NGO shelter, while in smaller towns the only option for women seeking a shelter is often the home of the leader of the local women's NGO, or nothing at all. Shelters in major cities typically have eight beds or fewer. Those rights advocates who manage shelters point out that though many women need a place to stay for several weeks or months, the law regulating such facilities allows NGOs to offer women and their minor children safe haven free of charge only for a maximum 10 days.<sup>30</sup>

Women's NGOs receive little budgetary support from the government of Kyrgyzstan, though in some cases rent or utilities for NGO offices and shelter facilities are subsidized by the state. In the absence of a strong local base for charitable giving in

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<sup>28</sup> Among the other reasons cited for men's inclination to marry more than one woman is heightened social status, as well as increasing religiosity among Kyrgyz Muslims and the belief that polygyny is in keeping with Shari'a (Islamic law).

<sup>29</sup> Soros Foundation-Kyrgyzstan, "Polygamy in Modern Kyrgyzstan," p. 2.

<sup>30</sup> Law on Social-Legal Protection from Domestic Violence, art. 17, 2003.

the country, many Kyrgyz NGOs rely on foreign sources of funding, such as foundations and other international donor organizations, to finance their operations.

The work of women's rights activists involved in the support of victims of domestic violence and abduction can be dangerous. A number of staff members at women's rights NGOs reported retaliatory violence against them by abusive husbands for giving shelter to women seeking to flee violent situations. Svetlana Sayakbayeva, head of the NGO Tendesh in Naryn province, southeast of the capital, said that she was badly beaten in one such incident in 2000. She said the son of a woman who had sought shelter with Tendesh told the woman's husband where she was. The man arrived, found his wife and began to beat her right there in the shelter. He also began to beat participants of a seminar that was taking place in the NGO's offices. Sayakbayeva herself was injured: "I was covered with bruises," she said.<sup>31</sup>

Due to the danger posed by male abusers to the women seeking help from these NGOs and their staff, most women's NGOs keep their address confidential and give it out on a selective basis only.<sup>32</sup>

### *Kyrgyzstan's international legal obligations*

#### **Rights protections against violence against women**

Domestic violence and abduction for forced marriage are acts of violence against women and are violations of women's fundamental human rights.

The government of Kyrgyzstan has committed itself to taking action to stop violence against women. To its credit, Kyrgyzstan has ratified many of the key international instruments guaranteeing women's equality and right to live free of violence. Under the International Covenant on Civil and Political Rights (ICCPR, ratified by Kyrgyzstan in 1994<sup>33</sup>), the government is obligated to ensure each person's right to life, security, and physical integrity (articles 6, 7 and 9)—all of which can be violated in domestic

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<sup>31</sup> Human Rights Watch interview with Svetlana Sayakbayeva, Tendesh, Naryn, November 5, 2005.

<sup>32</sup> Human Rights Watch interviews with Svetlana Sayakbayeva and Erkin Asanaliev, Tendesh, Naryn, November 5; and Bubusara Ryskulova, Sezim, Bishkek, October 28, 2005.

<sup>33</sup> There is some discrepancy among sources regarding the date of Kyrgyzstan's ratification of the ICCPR. 1994 is the date given by the Office of the United Nations High Commissioner for Human Rights, <http://www.ohchr.org/english/law/ccpr-ratify.htm> (accessed August 14, 2006).



violence—and “to ensure” the rights recognized in the treaty and provide effective remedy to those whose rights are violated (article 2).<sup>34</sup> Regrettably, however, the record of failure to prevent, investigate, and prosecute violence against women, discussed in this report, means that the government is in violation of its obligations under this and other instruments of international law.<sup>35</sup> Kyrgyzstan has developed progressive national laws on the protection of women from domestic violence, but is falling down in their effective enforcement.

Over the past 20 years, the protection of women from domestic violence became an international priority that found expression in international law. In 1985 the United Nations General Assembly adopted a resolution on domestic violence based on a recommendation from the United Nations Economic and Social Council (ECOSOC).<sup>36</sup> ECOSOC in 1986 recognized “violence in the family” as a “grave violation of the rights of women.”<sup>37</sup> The 1993 United Nations Declaration on the Elimination of Violence against Women, which articulates the international standard for protection of women from violence, affirms “that violence against women constitutes a violation of the rights and fundamental freedoms of women...”<sup>38</sup> Article 1 of the declaration specifically states that “the term ‘violence against women’ means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”<sup>39</sup> Article 2 asserts that “Violence against women shall be understood to encompass,

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<sup>34</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 999 U.N.T.S. 171 (entered into force March 23, 1976).

<sup>35</sup> In interpreting a nearly identical provision in the Inter-American Convention on Human Rights, the Inter-American Court on Human Rights in the late 1980s explained that the duty “to ensure” requires a state to prevent or respond actively to violations of rights recognized in the treaty. Specifically, the decision stated that a government must “take reasonable steps to prevent human rights violations and to use the means at its disposal to carry out a serious investigation of violations committed within its jurisdiction, to identify those responsible, to impose the appropriate punishment and to ensure the victim adequate compensation.” The decision went on to say that a state “has failed to comply with [this] duty... when the State allows private persons or groups to act freely and with impunity to the detriment of the rights recognized by the Convention.” *Velázquez Rodríguez v. Honduras* (July 29, 1988), Inter-American Court of Human Rights (series C), No. 4, paras. 174 and 176.

<sup>36</sup> U.N. General Assembly resolution 40/36, A/RES/40/36, November 29, 1985.

<sup>37</sup> ECOSOC resolution 1986/18, May 23, 1986, para 2.

<sup>38</sup> Declaration on the Elimination of Violence against Women, February 23, 1994 (New York: United Nations, 1994) A/Res/48/104. This declaration reaffirms the rights guaranteed women under the International Covenant on Civil and Political Rights and other human rights instruments. The declaration is a non-binding resolution that establishes an international standard.

<sup>39</sup> *Ibid.*

but not be limited to, the following: (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”<sup>40</sup>

### **State responsibility for private acts of violence**

Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, ratified by Kyrgyzstan in 1997) spells out the obligation of states to provide remedy for violation of women’s rights and to exercise due diligence in investigating and prosecuting such abuses.<sup>41</sup> Elaborating on the principle of due diligence, the Committee on the Elimination of Discrimination against Women stated that “States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.”<sup>42</sup>

Article 4 of the Declaration on the Elimination of Violence against Women states that, “States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination.” Article 4 (c) instructs states to “Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.” Paragraph (d) provides that states should “Develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence; women who are subjected to violence should be provided with access to the mechanisms of justice and, as

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<sup>40</sup> Ibid.

<sup>41</sup> CEDAW, art. 2.

<sup>42</sup> Committee on the Elimination of Discrimination against Women, General Recommendation 19, Violence against Women, (Eleventh session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI\GEN\1\Rev.1 at 84 (1994).

provided for by national legislation, to just and effective remedies for the harm that they have suffered; States should also inform women of their rights in seeking redress through such mechanisms.” The instrument spells out further measures that states should undertake to prevent violence against women.<sup>43</sup>

In sum, the government of Kyrgyzstan is obligated under international law to protect women from violence perpetrated by state agents and private actors.

The former UN special rapporteur on violence against women, its causes and consequences, Radhika Coomaraswamy, stated in her first report on the subject, “In the context of norms recently established by the international community, a State that does not act against crimes of violence against women is as guilty as the perpetrators. States are under a positive duty to prevent, investigate and punish crimes associated with violence against women.”<sup>44</sup> As regards domestic violence in particular, Coomaraswamy stated in 1996 that “the role of State inaction in the perpetuation of the violence combined with the gender-specific nature of domestic violence require that domestic violence be classified and treated as a human rights concern rather than as a mere domestic criminal justice concern.”<sup>45</sup>

### **Other rights violations**

The United Nations Committee on the Elimination of Discrimination Against Women has stated that “[g]ender-based violence is a form of discrimination which seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men.”<sup>46</sup> The ICCPR prohibits discrimination on the basis of sex and establishes the duty of states to provide everyone equal protection of the law.<sup>47</sup> State parties to the

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<sup>43</sup> Declaration on the Elimination of Violence against Women, February 23, 1994.

<sup>44</sup> Preliminary Report Submitted by the Special Rapporteur on Violence Against Women, Its Causes and Consequences, U.N. Document E/CN.4/1995/42, November 22, 1994, p. 18.

<sup>45</sup> Report Submitted by the Special Rapporteur on Violence Against Women, Its Causes and Consequences, U.N. Doc. E/CN.4/1996/53, February 5, 1996, p. 9.

<sup>46</sup> Committee on the Elimination of Discrimination against Women, “Violence Against Women,” General Recommendation No. 19 (Eleventh session, 1992), (New York: United Nations), CEDAW/C 1992/L.1/Add.15, para. 1.

<sup>47</sup> ICCPR, arts. 2, 3, and 26.

CEDAW are required under article 2 to “to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.”<sup>48</sup>

Women victims of domestic violence and bride-kidnapping in Kyrgyzstan are sometimes also deprived of other fundamental rights during the course of violent marriages, including freedom of movement (guaranteed under article 12 of the ICCPR), the right to education (stipulated in article 13 of the International Covenant on Economic, Social and Cultural Rights, ICESCR, ratified by Kyrgyzstan in 1994), the right to work and to enjoy fair labor conditions (articulated in articles 6 and 7 of the ICESCR), and the right not to be held in servitude or to be “required to perform forced or compulsory labour” (article 8, ICCPR). Abductions also violate women’s rights to liberty and security of person (article 9, ICCPR) and can involve violations of women’s rights to life and physical integrity (articles 6 and 7, ICCPR).

International law dictates that marriages should take place only with the clear consent of both people. Article 10 (1) of the ICESCR provides, in part, that “Marriage must be entered into with the free consent of the intending spouses.” Article 16 (1) of the CEDAW provides that “States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women... the same right freely to choose a spouse and to enter into marriage only with their free and full consent.”

Article 1 (1) of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (ratified by Kyrgyzstan in 1997) states that “No marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses, as prescribed by law.”<sup>49</sup>

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<sup>48</sup> CEDAW, art. 1 defines discrimination against women as “any distinction, exclusion or restriction made on the basis of sex which has the purpose of impairing or nullifying the recognition, enjoyment or exercise by women... on a basis of equality of men and women, of human rights and fundamental freedoms...”

<sup>49</sup> Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 521 U.N.T.S. 231, entered into force December 9, 1964.

As this report documents, not only young adult women but also teenage girls are targeted for kidnapping for forced marriage in Kyrgyzstan. The preamble to the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages states that the parties to it “[Reaffirm] that all States.... should take all appropriate measures with a view to abolishing such customs, ancient laws and practices by ensuring, inter alia, complete freedom in the choice of a spouse, eliminating completely child marriages and the betrothal of young girls before the age of puberty, establishing appropriate penalties where necessary and establishing a civil or other register in which all marriages will be recorded...” Article 16(2) of the CEDAW states that “The betrothal and the marriage of a child shall have no legal effect and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.” The minimum age for marriage in Kyrgyzstan is set at 18, but the law provides for girls as young as 16 to be legally married in some cases.<sup>50</sup>

The abduction of children for forced marriage—indeed for any reason—is a violation of the International Convention on the Rights of the Child (CRC, ratified by Kyrgyzstan in 1994): article 35 states that “States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction, the sale of or traffic in children for any purpose or in any form.” The Convention also provides for states’ obligation to protect a child from “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”<sup>51</sup> Article 37(a) further states that “No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment,” while paragraph (b) states that “No child shall be deprived of his or her liberty unlawfully or arbitrarily...” The abduction of children for forced marriage inhibits their ability to enjoy other rights guaranteed to them under international law, including the rights to

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<sup>50</sup> Article 14 of the Family Code of the Kyrgyz Republic stipulates that 18 is the minimum age for marriage. However, the law allows for girls who are at least 16 years old to be married if local government authorities find that there is good reason for them to marry at a younger age. Family Code as amended and published on June 20, 2005.

<sup>51</sup> CRC, art. 19 (1). Article 34 also specifically states that parties to it “undertake to protect the child from all forms of sexual exploitation and abuse.”

education and freedom of movement, and protection from forced servitude and other exploitation.<sup>52</sup>

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<sup>52</sup> The right to education is provided under article 13 of the ICESCR and article 28 of the CRC. Freedom of movement, including the right to choose one's residence, is guaranteed under ICCPR article 12. Article 8 of the ICCPR prohibits holding any person in slavery, servitude or for forced labor. Article 10 (3) of the ICESCR states that "Children and young persons should be protected from economic and social exploitation." Articles 32 and 36 of the CRC similarly charge states with protection of children from exploitation.

## **Domestic Violence**

### **Overview: A Coordinated Response Needed, including Law Enforcement**

Over the past three decades, the response to domestic violence has dramatically evolved in countries around the world in terms of laws, policies, and programs. Now domestic violence interventions involve police, prosecutors, judges, parole officers, health care providers, social service providers, employers, the media, the clergy, traditional leaders, child protection services, schools, hotlines, shelters, advocacy organizations, and others. Interventions encompass criminal justice responses, civil remedies, victims' services, and a wide range of prevention efforts, such as batterer treatment and various forms of community interventions. Yet empirical evidence of effectiveness of the various responses is uneven and sometimes contradictory, particularly in terms of preventing abuse or recidivism. In all countries, including Kyrgyzstan, greater efforts must be made to conduct research and evaluation on domestic violence interventions.

From what is known to date, interventions that involve a fully coordinated community response rooted in a strong law enforcement response are most promising. These typically use the full extent of the community's legal and social systems to protect and empower victims, hold batterers accountable, and reinforce the community's intolerance of domestic violence.

While the criminal justice system does not hold all the answers in terms of responding to domestic violence, it is a critical part of efforts to stop the abuse and hold offenders accountable. As the front line of the criminal justice system, police play a particularly important role in receiving and responding to domestic violence reports, making arrests, conducting investigations, referring cases for prosecution, and referring victims to services and protection measures.

But in Kyrgyzstan the police are failing in this role, and the government overall is failing to address the problem. In 2003 Kyrgyzstan adopted a progressive law to address the problem of domestic violence, a significant step toward preventing

further violence and providing women with options to obtain safety and justice for violations of their rights. Unfortunately, law enforcement and government officials have failed to integrate this promising law into the everyday fulfillment of their duties.

As discussed below, officials remain unsympathetic to the problems of victims of domestic violence. The issue is of low priority for police and other government officials. Police do not view domestic violence as a law enforcement issue, and often blame women for the violence against them. Police do not effect orders of protection, one of the main innovations of the 2003 law, they discourage women from seeking investigations into domestic violence, and take other measures to ensure that perpetrators of domestic violence are not prosecuted. In the rare cases that are investigated, the lightest penalties are applied. Police and other local officials pressure women to reconcile with their abusers. As a result, women who are abused by their husbands are left with nowhere to turn for help to stop the violence, and no access to justice. They are expected to endure physical and sexual assault and other forms of abuse and the lasting injury and psychological trauma that result from it.

Women also encounter significant barriers to leaving violent marriages, including physical isolation, fear of retaliation, poverty, and social pressure not to divorce. Abused women who pursue divorce must observe waiting periods that put them at further risk of violence. They face difficulties asserting their rights to property, alimony, and custody of children.

### *Absence of empirical data on scope of domestic violence in Kyrgyzstan*

As of this writing, there are no official government statistics regarding the scope of domestic violence in Kyrgyzstan. Experts who work with victims of domestic violence agree, however, that domestic violence is pervasive in Kyrgyzstan and that it affects women in every social stratum and in all regions of the country. After considerable pressure and grassroots lobbying from local women's rights groups and criticism from authoritative international bodies, the government in 2002 recognized the need to gather and use statistics on specific forms of violence against women, including domestic violence, and a government plan was made to begin to collect and analyze such data: according to officials, the government committed to gathering statistics in



a unified format from NGOs and government and law enforcement agencies.<sup>53</sup> Unfortunately, as of May 2006 this data was not yet available. Taalaygul Isakunova of the Presidential Council on Women, Family, and Gender Development told Human Rights Watch, “We do not have statistics on these issues; the government has not followed these things with such attention. We have some statistics on crimes, but not on the numbers of victims. Statistics track the criminals but not their victims; those statistics we have even on this are old.”<sup>54</sup>

When Human Rights Watch asked several police officials for current statistics on reports regarding domestic violence, which law enforcement agencies are required to compile in accordance with the 2003 Law on Social-Legal Protection from Domestic Violence (the domestic violence law), we were told such figures were unavailable.<sup>55</sup> An international expert on police reform offered a blunt explanation for this: “Complaints on domestic violence? Police don’t keep this statistic officially because it makes them look bad.”<sup>56</sup>

Local experts who have closely tracked the problem for years say that domestic violence in Kyrgyzstan is on the rise. Isakunova said, “As an expert on these issues, I can say that the situation of violence against women is getting worse,”<sup>57</sup> and NGO activists, including one medical professional, shared the view that the prevalence of domestic violence in the country is increasing.<sup>58</sup>

## Attitudes about Domestic Violence

Attitudes about domestic violence described or expressed directly to Human Rights Watch indicated that some people interpret as “normal,” or blamed the victims for,

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<sup>53</sup> Human Rights Watch interview with Taalaygul Isakunova, expert, the National Council under the President of the Kyrgyz Republic on Women, Family, and Gender Development, Bishkek, October 31, 2005. Hereinafter, Presidential Council on Women, Family, and Gender Development. Isakunova subsequently left her position at the council.

<sup>54</sup> Ibid.

<sup>55</sup> Human Rights Watch interviews with a senior police officer, name withheld, Osh Province Police Department, Osh, November 10; and a senior police officer, name withheld, Jalal Abad City Police Department, Jalal Abad, November 11, 2005.

<sup>56</sup> Police Colonel Salishybek Mamyrov, OSCE national professional employee (Ministry of Internal Affairs liaison), Bishkek, November 17, 2005.

<sup>57</sup> Human Rights Watch interview with Taalaygul Isakunova, expert, the Presidential Council on Women, Family, and Gender Development, Bishkek, October 31, 2005.

<sup>58</sup> Human Rights Watch interview with Batia Tolobaeva, a doctor who frequently treats battered women in the hospital and a member of the Kyrgyz Committee for Human Rights (KCHR), Bishkek, November 15, 2005.

behavior that in other contexts might be described as assault, battery, or worse. NGO activists and some government officials stated that government and law enforcement authorities generally believe that domestic violence is a “private matter” rather than a law enforcement matter.<sup>59</sup> Some government and law enforcement officials blame women for violence done to them by their husbands. Others say that women provoke men to violence by failing to fulfill men’s expectations and displaying “excessive” independence. In response to a question from Human Rights Watch about steps the Kyrgyz government could take to stop domestic violence, one official offered: “Women should be more obedient and pay more attention to men and then domestic violence would decrease.”<sup>60</sup>

These attitudes reinforce the dehumanization of women and the cycle of social acceptance of domestic violence. Girls in Kyrgyzstan are raised to accept domestic violence as “normal” and “acceptable,” and to put up with violence against them. Many witness violence against their own mothers at home. When they confront violence by their husbands as adults, women are told by relatives, community members, and government and law enforcement authorities that they should tolerate domestic violence.

One woman interviewed by Human Rights Watch talked about the response she had from her mother when she went to her for help with domestic violence by her husband. Keres K. said, “When I told my mother that he beat me, she told me that this is normal, everyone is beaten. My mother said, ‘What, you don’t think that your father beat me?’ Because of that I thought I had to just live with it. She said, ‘Put up with it.’ She said, ‘What if you leave and come home, what will our neighbors and relatives say?’”<sup>61</sup> Reflecting on the effect that these messages had on her life and experience of further abuse at the hands of her husband, Keres K. said, “I put up with it and took it all on myself and for what? Now my health is ruined.”<sup>62</sup>

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<sup>59</sup> Human Rights Watch interviews with Taalaygul Isakunova, expert, the Presidential Council on Women, Family, and Gender Development, Bishkek, October 31; officials from the ombudsman’s office, Bishkek, November 14; and Nargiza Eshtaeva, Ailzat, Osh, November 8, 2005.

<sup>60</sup> Human Rights Watch interview with Embek Tarajanov, ombudsman’s office, Bishkek, November 14, 2005.

<sup>61</sup> Human Rights Watch interview with Keres K., November 2005.

<sup>62</sup> Ibid.

### *Domestic violence and women's rights a low priority for the government*

There is near-universal acknowledgment that the Kyrgyz government ranks women's rights a low priority. The attention of the government has centered on national security, fighting organized crime and corruption, and constitutional reform during President Bakiev's first 18 months in power.

Taalaygul Isakunova from the Presidential Council on Women, Family, and Gender Development said bluntly, "Big politics take priority with the government now. Gender is not a priority. We have a declarative commitment, but not in action."<sup>63</sup> She noted, however, that this was not unique to the Bakiev government, but a continuation of the policy of the previous government and years of neglect of women's rights issues. She said the Presidential Council, for instance, has been impaired by the "systematic ignoring of women's issues and development. The budget [for women's programs] comes to about \$10,000, for seminars etc. That is not much."<sup>64</sup>

When asked about how the government prioritizes domestic violence specifically, one senior government official said, "Society is not up to it yet. Not up for [discussing] violence against women. It is not a priority. To stop violence against women: We aren't up to this."<sup>65</sup> President Bakiev's human rights advisor said that more action needs to be taken to raise awareness about domestic violence and stop the pattern of abuse. He said, "We need to teach our children to respect each other, to not use violence, to treat each other humanely... so we don't leave children fatherless.... We need to use the mass media and roundtables and conferences and give authoritative people access to broadcast media."<sup>66</sup>

### **Views on Factors Contributing to Domestic Violence**

There are a wide variety of views about the causes of domestic violence by husbands against their wives. However, the most commonly held views in Kyrgyzstan regarding

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<sup>63</sup> Human Rights Watch interview with Taalaygul Isakunova, expert, the Presidential Council on Women, Family, and Gender Development, Bishkek, October 31, 2005.

<sup>64</sup> Ibid.

<sup>65</sup> Human Rights Watch interview with a senior government official, name withheld, Bishkek, November 2005.

<sup>66</sup> Human Rights Watch interview with Tursunbek Akun, chairman, Presidential Commission for Human Rights, Bishkek, November 14, 2005.

the root causes of domestic violence have ramifications for the solutions that are developed by victims, activists, and government and law enforcement officials. Kyrgyz officials and members of civil society told Human Rights Watch that they felt the root causes are alcoholism, poverty, and the subordinate status of women in Kyrgyz households and society.

A number of experts on gender issues and activists who deliver direct services to women victims of violence see husbands' violence against their wives as rooted in the subordination of women, and men's compulsion to assert dominance at home. Women's rights activist Bubusara Ryskulova stated, "Domestic violence is about control. It's partly cultural—men think women need to stay in their 'place.'"<sup>67</sup> A government human rights official said, "In traditional Kyrgyz families, men were always dominating women, so men expect women to be tolerant. The head of the family is always considered right."<sup>68</sup> One of the official's colleagues agreed, citing a proverb reinforcing male supremacy: "The head of the family is the man. There is this principle: Men have more rights in the family. 'Right is the person who has more rights.'"<sup>69</sup>

Shoira S., a young woman who witnessed abuse in her aunt and uncle's home, told Human Rights Watch, "I live with my aunt. She is 33 years old.... She and her husband fight.... If she doesn't listen, he will just beat her. This is widespread. The husband feels he has the right to beat his wife."<sup>70</sup> She added, "There is this mentality here. Women must listen to husbands. Women must be subservient."<sup>71</sup> A government official echoed this assessment, saying, "When a woman starts to be independent, then that is the point at which men resort to violence. Men here often don't accept women having their own point of view."<sup>72</sup>

The vast majority of NGO leaders and government officials in Kyrgyzstan interviewed by Human Rights Watch cited alcoholism and financial difficulties as causes of

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<sup>67</sup> Human Rights Watch interview with Bubusara Ryskulova, Sezim, Bishkek, November 1, 2005.

<sup>68</sup> Human Rights Watch interview with Embek Tarajanov, ombudsman's office, Bishkek, November 14, 2005.

<sup>69</sup> Human Rights Watch interview with officials of the ombudsman's office, Bishkek, November 14, 2005.

<sup>70</sup> Human Rights Watch interview with Shoira S., November 2005.

<sup>71</sup> Ibid.

<sup>72</sup> Human Rights Watch interview with Embek Tarajanov, ombudsman's office, Bishkek, November 14, 2005.

men's violence toward their wives. As a result, many approaches to stopping domestic violence focus on helping men to overcome alcohol addiction or attain financial stability. There is a danger that those who emphasize these theories may fail to take into account other factors that contribute to domestic violence.

An official from the Ministry of Foreign Affairs asserted, "Economic reasons are a very important cause of domestic violence. We can do something about domestic violence by fighting poverty."<sup>73</sup> An official from the Ombudsman's office, charged with monitoring and advocating for citizens' human rights, also cited increasing employment of men as the key to addressing domestic abuse. He said, "We need to give men more work, a higher salary, and then there won't be any violence because they will have everything they dream of. All the woman cares about is that the children are dressed and go to school. If men earn the salary then everything is OK. In this way we can decrease instances of domestic violence, but not eliminate them."<sup>74</sup> His colleagues concurred, with one laying the blame on women in the workforce: "If women have more money [than their husbands], then there are conflicts."<sup>75</sup> Another said, "The government needs to give social support. If a family has all it needs, it could reduce domestic violence in the family."<sup>76</sup>

Women victims of domestic abuse by their husbands also point to alcoholism and economic concerns as being among the principal triggers of violence in the home. Mother-of-four Aida A., who had suffered multiple head traumas from beatings by her husband, said, "He beats me whenever he drinks and he drinks all the time."<sup>77</sup> Farida F. said, "Every time he would get drunk he would go around and look for me to beat me up. He would beat me just for nothing. He would just approach me and hit me, without saying a word."<sup>78</sup> Lydia L. recalled, "My husband would drink about two times per week and then would always beat me. He would get work for two or three days and then earn some money and then get drunk. He would come home so angry

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<sup>73</sup> Human Rights Watch interview with Zamira Tokhtohojaeva, UN Department, Ministry of Foreign Affairs, Bishkek, November 14, 2005.

<sup>74</sup> Human Rights Watch interview with Embek Tarajanov, ombudsman's office, Bishkek, November 14, 2005.

<sup>75</sup> Human Rights Watch interview with Mamat Momunov, ombudsman's office, Bishkek, November 14, 2005.

<sup>76</sup> Human Rights Watch interview with Ermamat Siuita, ombudsman's office, Bishkek, November 14, 2005.

<sup>77</sup> Human Rights Watch interview with Aida A., November 2005.

<sup>78</sup> Human Rights Watch interview with Farida F., November 2005.

and then pound me.”<sup>79</sup> Elmira E. said, “I had a son and after that my husband started to beat me. He drank almost every day and beat me when he was drunk.... I remember one time that I accused him of not working and then he beat me. There were constant conflicts over money.”<sup>80</sup>

## The Experience of Domestic Violence

### *Beatings and psychological abuse*

Human Rights Watch interviewed 25 women who experienced physical domestic violence. They described how their husbands and other family members often punched, kicked, or beat them with household objects. They also reported having suffered years of relentless psychological abuse by their husbands, resulting in emotional distress, fear, and often a loss of self-esteem. Many of these women said their husbands swore at them, shouted at them, and insulted them on a regular basis.

Farida F. told Human Rights Watch, “You have no idea what he did to me. He wouldn’t hit me with an object in his hands. He was such a strong man that he would hit me just with his bare hands. And he never paid any mind to the degree of physical force he applied during the beatings. He never cared when he would beat me up real bad either. He would just beat me with all his fury and strength.”<sup>81</sup>

Tursunai T. said her husband beat her every day for 15 years: “He beat me with his fists and kicked me with his boots on. I had bruises all the time...”<sup>82</sup> Elmira E. recalled, “He would use dishes to beat [me and the kids]. He would use whatever ended up in his hands.”<sup>83</sup> Keres K., a mother of two children, said of her husband, “He threatens us with knives.... We are all afraid. He beat me with his fists and kicked me; I’ve had a number of concussions. When I cover my head to protect myself, my hands are covered with bruises.”<sup>84</sup>

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<sup>79</sup> Human Rights Watch interview with Lydia L., November 2005.

<sup>80</sup> Human Rights Watch interview with Elmira E., November 2005.

<sup>81</sup> Human Rights Watch interview with Farida F., November 2005.

<sup>82</sup> Human Rights Watch interview with Tursunai T., November 2005.

<sup>83</sup> Human Rights Watch interview with Elmira E., November 2005.

<sup>84</sup> Human Rights Watch interview with Keres K., November 2005.

Some women are beaten by their husbands so often and for so many years that they begin to view this kind of violence as “normal.” Mirgul M., who continued to live with her husband at the time she spoke to Human Rights Watch, said, “He hits me with his fists or with anything at hand; with a teapot, cups... anything...One time I had a head wound and head trauma but I took care of it myself. I didn’t go to the hospital. I put creams on the wound.... A lot of times I had black eyes, but I don’t think of that as anything.”<sup>85</sup>

Some women described feeling intense fear while living with their abusive spouses. Keres K., for example, described the anxiety she felt trying to anticipate her husband’s behavior, “After I leave work, I think, Will he be drunk or sober? What waits for me?”<sup>86</sup> Another woman said this anxiety was what finally led her to flee a violent home, “My husband beat me and I finally decided to leave when I realized that I feared him. I started fearing the moment when he would come home because he would start beating me.”<sup>87</sup> Mirgul M. echoed these feelings, saying, “I used to put up with it, but now I can’t stand it anymore.... [W]hen he comes home drunk, I shake. I can’t get a hold of myself.”<sup>88</sup>

Several women described being beaten when they were pregnant. Gulzat G., age 20, said, “One day [my husband] came home and I was standing on a table painting a wall in the house. He said, ‘When are you going to get out of my life?’ And I didn’t answer and he hit me on the legs and pushed me. I fell off the table and fell to the ground. I started bleeding and I was very afraid that something had happened to my baby.”<sup>89</sup> Farida F., who was repeatedly beaten by her husband, said, “When my husband found out that I was pregnant, he changed his behavior a little bit. He became sort of quieter for some time. After a bit of a break he beat me up again when I was three months pregnant. After that he resumed his regular beatings of me.”<sup>90</sup> Farida F. also said her husband beat her after she gave birth, by cesarean section: “Once, two months after I left the hospital, he beat me up so bad that my

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<sup>85</sup> Human Rights Watch interview with Mirgul M., November 2005.

<sup>86</sup> Human Rights Watch interview with Keres K., November 2005.

<sup>87</sup> Human Rights Watch interview with Elmira E., November 2005.

<sup>88</sup> Human Rights Watch interview with Mirgul M., November 2005.

<sup>89</sup> Human Rights Watch interview with Gulzat G., November 2005.

<sup>90</sup> Human Rights Watch interview with Farida F., November 2005.

nose started constantly bleeding. All my linen, my entire bed, was covered with blood.”

Dimira D. said that her husband came close to killing her and one of her children during one of his particularly violent bouts. She said, “At that time I was working at the market. My husband came and grabbed me and my child and took us home. He put a cord around my neck and threatened to strangle me. He dragged me into the house and poured gas on me and threatened to set the house on fire with me in it. My neighbors saw this and stopped him from going through with it.”<sup>91</sup> Dimira D. also described some of the psychological abuse she was subjected to by her husband and his family. “My mother-in-law and husband always insult me. He always says that I am having affairs or I’m a prostitute, without any basis.... One time, before I was ill, my son and I sold *kefir*. We would go to the city and purchase it and then sell it. My husband beat me and accused me of having syphilis.”<sup>92</sup>

A women’s rights activist in Jalal Abad recalled the story of a woman whose husband arranged for her to be gang raped. Zhanna Saralaeva said that the man had beaten and psychologically abused his wife for about 20 years. She said, “She told him to stop calling her a prostitute. He went out and bribed three men with alcohol and they went to his home and the three men raped the wife in front of the family.”<sup>93</sup> Saralaeva saw the woman following this incident. “She was covered in bruises and wounds,” she said.<sup>94</sup>

### *Isolation and restricted movement*

Abusive husbands restrict their wives’ movements in order to isolate and control them, which also prevents women from being able to escape an abusive home.<sup>95</sup> Several women’s rights activists say it is common for abusive husbands to prevent women even from leaving the house,<sup>96</sup> a scenario corroborated by one young woman

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<sup>91</sup> Human Rights Watch interview with Dimira D., November 2005.

<sup>92</sup> Ibid.

<sup>93</sup> Human Rights Watch interview with Zhanna Saralaeva, Association of Women Leaders of Jalal Abad and Kaniet Crisis Center, Jalal Abad, November 10, 2005.

<sup>94</sup> Ibid.

<sup>95</sup> See below, “Obstacles to leaving a violent home.”

<sup>96</sup> Human Rights Watch interviews with Bubusara Ryskulova, Sezim, Bishkek, November 1; and Zhanna Saralaeva, Association of Women Leaders of Jalal Abad and Kaniet Crisis Center, Jalal Abad, November 10, 2005.



interviewed by Human Rights Watch who had been kidnapped for forced marriage and then raped and beaten by her husband for more than a year. She told us that her husband, and his relatives who lived in the same household, kept her locked up and “never let me out of the house.”<sup>97</sup> One activist said that some women are locked up for years.<sup>98</sup>

Abusive husbands also attempt to control women by monitoring their movements. Dinara D. told Human Rights Watch, “He locks up my clothes.... He controls me.... He always follows me.”<sup>99</sup> In other cases, abusers will cut off the telephone or lock women out of the room where it is located in order to limit their contact with others.<sup>100</sup>

### *Deprivation of food*

Abusive husbands also control women by controlling their access to basic necessities, including food. Deprivation of food was a common complaint of the women we interviewed. Several said that their husbands closely monitored the amount they and their children ate. Keres K., the mother of two children, said, “My husband accuses my son of eating too much; he doesn’t even let him eat. We’re all afraid to eat too much in front of him.”<sup>101</sup> Another woman said of her husband, “He’s angry that the girls live there and eat ‘his’ food.”<sup>102</sup>

The husband’s relatives, in particular his mother, often also control a wife’s access to food. Gulzat G. described how her mother-in-law deprived her and her baby of food: “She didn’t give me much food to eat. She would lock up the bread so I could only eat the portion that she allotted to me. She would refer to me and my daughter and say, ‘They eat too much and don’t bring any money to the family.’ My baby was always crying because she was hungry. My breast milk dried up because I wasn’t eating enough food.” She described her emotional despair over not being able to provide for her baby, “I even had this awful feeling one day when I came home and I

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<sup>97</sup> Human Rights Watch interview with Feruza F., November 2005.

<sup>98</sup> Human Rights Watch interview with Burul Sopieva, KCHR, Bishkek, November 2, 2005.

<sup>99</sup> Human Rights Watch interview with Dinara D., November 2005.

<sup>100</sup> Human Rights Watch interviews with Burul Sopieva, KCHR, Bishkek, November 2; and Gulzat G., November 2005.

<sup>101</sup> Human Rights Watch interview with Keres K., November 2005.

<sup>102</sup> Human Rights Watch interview with Altinai A., November 2005.

just even thought I would want to kill my daughter because I saw how much she suffered because I could not feed her.”<sup>103</sup>

## Consequences of Domestic Violence

### *Physical abuse leading to serious injury*

Abusive husbands cause their wives serious and, in some cases, lasting injury. Women reported that they suffered cuts, stab wounds, broken bones, difficulties during pregnancy and childbirth, loss of hearing, and other injuries as a result of physical assault by their husbands. The majority of women interviewed by Human Rights Watch had experienced multiple concussions as a result of blows to the head. Some women attempted to treat even these serious injuries themselves, but others sought professional medical treatment and were hospitalized.

Nurzat N. told us that she continued to suffer the after-effects of an incident during which her husband beat her on the head and body with a metal pipe, causing her a concussion and other injuries.<sup>104</sup> Other women also talked about the lasting damage done to them when their husbands beat them on the head. Asel A. said, “My second husband used to beat me on the head and my head would spin. My head still aches.”<sup>105</sup> Dimira D., who was married in 1991 and beaten throughout her marriage, said, “He beat me with a rock. He refused to let me go to the hospital, I had to go to a neighbor to get treatment. After being hit with the rock, I have problems with my hearing. Now he teases me that I’m deaf.”<sup>106</sup> Batia Tolobaeva, a doctor in Bishkek, commented on the frequency of head injuries among women victims of domestic violence: “Contusions and concussions are most common, they can even leave a woman disabled, and most live with headaches for the rest of their lives.”<sup>107</sup> A doctor in the south reported seeing women patients with similar problems.<sup>108</sup>

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<sup>103</sup> Human Rights Watch interview with Gulzat G., November 2005.

<sup>104</sup> Human Rights Watch interview with Nurzat N., November 2005.

<sup>105</sup> Human Rights Watch interview with Asel A., November 2005.

<sup>106</sup> Human Rights Watch interview with Dimira D., November 2005.

<sup>107</sup> Human Rights Watch interview with Batia Tolobaeva, a doctor and member of the KCHR, Bishkek, November 15, 2005.

<sup>108</sup> Human Rights Watch interview with Gulnara Mataeva, Mirzake, Uzgen, November 12, 2005.

Dr. Tolobaeva said, “Every day I see women victims of domestic violence. Out of seven women who come to the hospital on a given night, there are at least three women who’ve been beaten by their husbands.” She added that some women are hospitalized multiple times: “There are some women who come to us so often that the hospital is practically their home.”<sup>109</sup>

Cholpon Ch., who was beaten for years by her husband, recalled a particularly brutal incident that led to her being hospitalized: “[H]e came in one time and was drunk. He asked me, ‘Why are you sitting doing nothing?’ I just sat silent and tried not to fight with him. He hit me in the head with a brick. I lost consciousness. I was at home for three days in bed. When I wasn’t getting any better I went to the [name of city withheld] hospital and for 12 days I was in the hospital there.... Three times he’s beaten me so badly that I lost consciousness. The most recent time was this year, on April 20 [2005]. He punched me in the face and I fell down. Then he kicked me in the mouth and in the back of the head. I spent 10 days in the [city] hospital.”<sup>110</sup>

Elmira E., who said her husband beat her frequently over a period of six years, described some of the injuries she sustained: “I was in intensive care for 10 days. My husband stabbed me with a knife in my back. In another instance, before that, he kicked me in the head and I had a concussion. I still have after-effects from this.... I ended up in the hospital two times, once for the stabbing in the shoulder and once for a concussion when he kicked me in the head. Now every year, once a year, I go to the hospital for treatment for the head trauma I suffered.”<sup>111</sup>

### *Physical abuse causing death*

In some cases, domestic violence can result directly in the wife’s death.

Uliana Aitbaeva, an activist from the northeastern town of Tiup (Issyk-Kul province), has followed closely incidents of women being killed by their husbands, ever since her own daughter was murdered. Aitbaeva’s daughter, Iskra Aldoiarova, was shot dead by her husband, Nurbek Estebesov, in July 2002. Age 25 at her death, Iskra had

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<sup>109</sup> Human Rights Watch interview with Batia Tolobaeva, a doctor and member of the KCHR, Bishkek, November 15, 2005.

<sup>110</sup> Human Rights Watch interview with Cholpon Ch., November 2005.

<sup>111</sup> Human Rights Watch interview with Elmira E., November 2005.

been beaten by her husband, a police officer, repeatedly during the years prior to the murder. After a prolonged legal battle, the husband was eventually convicted and imprisoned.<sup>112</sup> Aitbaeva also recounted that in 2003 a 65-year-old man in Tiup district who routinely beat his wife, a 14-year-old girl, one day allegedly beat her to death. The man was not convicted for the crime.<sup>113</sup>

Iskra Aldoiarova's case and other cases of death from domestic violence, some resulting in criminal penalty for the perpetrator and others not, are further discussed below (see, "Prosecutions in cases of death").

### *Psychological damage and emotional impact*

Nearly all the women interviewed by Human Rights Watch told us that they experienced sleeplessness, chronic fatigue, flashbacks of the violence, impaired memory and concentration, wariness or hypervigilance (akin to feelings of paranoia), panic attacks, phobias about their daily routine, as well as emotional numbness, depression, shame, fear, and guilt.<sup>114</sup> Women also reported to Human Rights Watch that they suffered humiliation, anxiety, loss of self-esteem, and despair. NGO activists confirmed also that women who came to them for help were often experiencing psychological distress.

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<sup>112</sup> Human Rights Watch interview with Uliana Aitbaeva, Tiup, November 18, 2005.

<sup>113</sup> *Ibid.*, and email from Human Rights Watch consultant, Sardar Bagishbekov, based on his telephone interview with Anna Makarova, Accent, Tiup, April 26, 2005.

<sup>114</sup> These experiences are all indicative of post-traumatic stress disorder (PTSD), but Human Rights Watch is not competent to evaluate the women medically. There is considerable published documentation of the experience of PTSD among women victims of domestic violence. According to the U.S. government's National Center for Post-Traumatic Stress Disorder (PTSD), victims of domestic violence are among those who suffer from PTSD. Michelle Rice, "Domestic Violence: The National Center for PTSD Fact Sheet," The National Center for PTSD, [http://www.ncptsd.va.gov/facts/specific/fs\\_domestic\\_violence.html](http://www.ncptsd.va.gov/facts/specific/fs_domestic_violence.html) (accessed April 26, 2006). According to the American Psychiatric Association, individuals suffering from PTSD may re-experience the traumatic event in one of the following ways: "recurrent and intrusive stressing recollections of the event, including images, thought, or perceptions, recurrent distressing dreams of the event." Individuals with PTSD persistently try "to avoid thoughts, feelings, conversations, activities, places or people associated with trauma." They also "suffer from markedly diminished interest or participation in significant activities, feeling of detachment or estrangement from others, sense of foreshortened future (e.g. does not expect to have a career, marriage, children, or a normal life span)." Individuals with PTSD also experience "difficulty falling or staying asleep, irritability or outbursts of anger, difficulty concentrating, hypervigilance, exaggerated startle response." The characteristic symptoms of PTSD that domestic violence victims may experience include feelings of ineffectiveness, shame, despair, or hopelessness, being permanently damaged, constantly threatened, a loss of previously sustained beliefs, hostility, social withdrawal, impaired relationships with others, or a change from the individual's previous personality characteristics. American Psychiatric Association: *Diagnostic and Statistical Manual of Mental Disorders* (Washington, DC: American Psychiatric Association, 2000, Fourth Edition, Text Edition), pp. 463-468.

Keres K., who had just days earlier fled her marriage after years of physical and psychological abuse by her husband, told Human Rights Watch about the toll that her experience and fear of further abuse was having on her: “I can’t sleep at night, I can’t watch TV, can’t read.... I’m very afraid. If anyone walks up to me, I’m afraid. For days I have not been able to sleep.” She described being gripped by anxiety when out in public, “I can’t get out of the depression now. When I’m riding in a minibus sometimes I have to get out and rest. When people yell on the bus or on the street or speak loudly, I’m filled with fear and feel bad.”<sup>115</sup> Another woman who left her abusive husband after more than 10 years in a violent marriage said almost two years later, “I’m afraid that at any time he will come and find me and beat me. I can’t sleep at night.”<sup>116</sup>

A number of women interviewed by Human Rights Watch expressed their feelings of exhaustion after years of abuse and said they were unable to withstand any more violence, and in some cases said they experienced suicidal thoughts following abuse by their husbands. Keres K. said she “didn’t even want to live” after her husband was released from a mandatory alcohol rehabilitation program. He came home and began beating her even more severely than he had before the treatment, and threatened to kill her. She said she also had violent fantasies: “When he sleeps, I think of killing him...”<sup>117</sup> Elmira E., age 38, said, “The situation was so bad that I thought it would be better if he killed me.”<sup>118</sup>

At around the age of 20, Farida F. attempted suicide in an act of desperation to escape repeated beatings by her husband. She told Human Rights Watch:

It is even scary to remember now. He kept hitting my head and his blows were very strong. Then my patience ran thin. You know, when one is being beaten up all the time, day by day, then her patience finally ends one day, and if there is nobody to protect her, then this person starts thinking of the most horrible things for protection... I couldn’t handle it any more and I grabbed a knife. I didn’t see any

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<sup>115</sup> Human Rights Watch interview with Keres K., November 2005.

<sup>116</sup> Human Rights Watch interview with Dimira D., November 2005.

<sup>117</sup> Human Rights Watch interview with Keres K., November 2005.

<sup>118</sup> Human Rights Watch interview with Elmira E., November 2005.

other way out. I couldn't stop him. I used to tell him all the time: "Do not touch me, please do not hit me."... I begged him not to touch me, but nothing could stop him. I didn't know what to do. I couldn't even run out on the street because the door was locked. Besides, he wouldn't let me run out. So, I had to grab a knife and I wanted to cut my veins.... At that point he [had been] beating me for half an hour. He was hitting me not just on my head, but also on my chest, my hands and legs. I felt like my bones were cracking, I was afraid that he had already broken some of my bones. For instance, my legs went numb. I didn't even feel any pain any more. It was very painful at first, but as he kept hitting me aiming at the very same spot, it became numb and I didn't feel the pain. It felt like my legs turned into a piece of wood. I did it to stop the beating somehow. I thought that if I didn't stop him, my entire body would just give up. Or that he would finally strike me so bad, I would become an invalid or that he even could kill me right there. That was the situation. As for the knife, I didn't even think about it. It all happened suddenly, like I was in some kind of shock. I don't even remember how I grabbed the knife. When I grabbed the knife I wanted to cut myself here [shows the place], and I missed. Instead, I cut myself here [shows the place]. So, I cut myself twice before he managed to grab me. Here, at this spot on my body, everything opened up and in the very same place I did manage to cut a vein. I started bleeding.<sup>119</sup>

### *Effect of domestic violence on children*

Children who witness domestic violence perpetrated against their mothers also show signs of trauma, and can experience serious psychological problems. Some of the women we interviewed told us that their children complain of headaches and sleeplessness and experience depression and anxiety. They worry about their mothers and fear their fathers. Some women said their children would scream or try to intervene to stop the beatings.<sup>120</sup> Nurzat N. said, "My daughter saw all of our fights, the scandal. She's now sick. She's very weak and she often has headaches. She

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<sup>119</sup> Human Rights Watch interview with Farida F., November 2005.

<sup>120</sup> Human Rights Watch interviews with Mirgul M. and Keres K., November 2005.

comes home from school... she'll go run around a bit and then complain of headaches.”<sup>121</sup> Keres K. told us, “My daughter cries at night, saying ‘don’t hurt my mama.’ She needs a psychologist.”<sup>122</sup>

A medical doctor told Human Rights Watch about a case in which a man hit his wife over the head with an axe, splitting her head open. The children who witnessed the incident included the couple’s three-year-old daughter, who went into shock afterwards and stopped speaking. The woman died of her injuries.<sup>123</sup>

Farida F. described the trauma her son suffered when, at one-and-a-half years old, he witnessed his father beating her so badly he broke one of her ribs and caused her to fall down. She said, “After this incident my baby became really afraid of his own father. My son has been so afraid, that even when I just simply lift my hands above my head, he becomes hysterical. He has been suffering from bed-wetting. Doctors told me that he keeps wetting his bed because of the neurological stress.”<sup>124</sup>

Concern for the psychological and emotional well-being of children has led some government officials to look more favorably on divorce than they might have otherwise and to abandon talk of reconciliation to “save the family.” One official from the Presidential Council on Women, Family, and Gender Development said, “Regarding saving the family versus pursuing divorce, you have to look at each case. Many times it really seems better that they divorce, especially often for the children, to save them the trauma of witnessing such violence and to prevent the sons from repeating the same patterns later.”<sup>125</sup>

A number of women reported that their children were also beaten by their husbands during bouts of violence. Keres K. said her husband beat their children and threatened the life of their 17-year-old daughter by attempting to throw the girl off the

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<sup>121</sup> Human Rights Watch interview with Nurzat N., November 2005.

<sup>122</sup> Human Rights Watch interview with Keres K., November 2005.

<sup>123</sup> Human Rights Watch interview with Batia Tolobaeva, a doctor and member of the KCHR, Bishkek, November 15, 2005.

<sup>124</sup> Human Rights Watch interview with Farida F., November 2005.

<sup>125</sup> Human Rights Watch interview with Taalaygul Isakunova, expert, the Presidential Council on Women, Family, and Gender Development, Bishkek, October 31, 2005. Government officials’ emphasis on saving the family and pressuring women to reconcile with their abusers is discussed at length below.

balcony of their house.<sup>126</sup> Women reported that children were particularly vulnerable to violence when they tried to protect their mothers from abuse. Salima S., for example, said of her husband, “He fights with my son, who tries to protect me.”<sup>127</sup> Nurzat N. down-played the harm to her 11-year-old daughter, who was beaten when she tried to protect her mother, saying, “He usually didn’t touch her when we fought. He never beat her that badly. He would push her, but he wouldn’t beat her badly. When he pushed her, she would fall. But he never beat her badly. He would yell at her, get angry with her. My daughter tried to defend me from my husband. She would cry.”<sup>128</sup>

Other women say that they were beaten when they tried to protect their children from abuse. Elmira E., for example, said, “My husband also beat our children. Sometimes I would try to defend them against him. I thought it was better that he beat me than them....”<sup>129</sup>

## Redress

Women victims of domestic violence face significant obstacles to assistance and to obtaining justice. When women seek help to stop domestic violence, obtain protection from further abuse, and punish the perpetrators, law enforcement officers and other officials often treat the women with scorn, side with their abusers, facilitate men’s retaliation against their wives, and fail to prosecute men for the crimes they have committed. Police and other government officials—as well as *aksakals*, or community elders—also pressure women to reconcile with their violent husbands.

### *The laws on domestic violence*

Kyrgyzstan has one of the most progressive laws on domestic violence in the region. In 2003 the government adopted the Law on Social-Legal Protection from Domestic Violence, the result of years of lobbying by local women’s rights groups, which contributed significantly to drafting the law. Domestic violence is defined under the

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<sup>126</sup> Human Rights Watch interview with Keres K., November 2005.

<sup>127</sup> Human Rights Watch interview with Salima S., November 2005.

<sup>128</sup> Human Rights Watch interview with Nurzat N., November 2005.

<sup>129</sup> Human Rights Watch interview with Elmira E., November 2005.



law as “any intentional act by one family member directed towards another family member if such act limits [the] victim’s legal rights and freedoms, inflicts physical or mental suffering and causes moral harm; or contains a threat to the physical or mental development of a minor member of the family.”<sup>130</sup>

This law represents a significant step forward in the potential protection of women from violence by their husbands. While various aspects of the law will be discussed below, of particular significance is its provision on orders of protection. An order of protection is defined in the 2003 law as “a legal document granting a victim of domestic violence protection by the state. It contains a warning to the individual who committed or attempted to commit an act of domestic violence by the means described in this Law.”<sup>131</sup>

The law envisions two types of protection orders: temporary restraining orders issued by law enforcement agencies, and protective court orders. According to the law, a temporary restraining order can be issued by a law enforcement official from the moment a woman files a complaint about domestic violence. The order entitles a woman to police protection to ensure that her abuser does not harm her during the term of the order—up to 15 days. A temporary restraining order may specify that the accused abuser is to avoid direct or indirect contact with the victim, and it may also regulate access to dependent minors. In issuing the order, police also assume the obligation to investigate a woman’s complaint and to monitor the behavior of her husband, to ensure that he is not violating the terms of the restraining order and has not hurt her again. Judges also are authorized to issue protection orders, in their case for terms of one to six months. As of this writing, however, implementing

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<sup>130</sup> Law on Social-Legal Protection from Domestic Violence, 2003. The law breaks down domestic violence into further categories. It defines “physical domestic violence” as “an intentional torture by beating, damaging health, intentional deprivation of the freedom of movement, housing, food, clothing and other normal living conditions, forcing hard labor by one family member to another; as well as deviation by the parents or guardians of minors from their responsibilities towards the minor, such as carrying out their responsibilities regarding health and security of the minor that may result in infliction of harm to his physical or mental wellbeing, damage to his honor and dignity as well as physical and mental development of an affected child; or may lead to death of the member of the family.” “Psychological family abuse” is defined as “an intentional humiliation of one family member by another; coercion by one family member of another to commit an illegal act by threats, humiliation or blackmail that causes danger to one’s life or health, including offenses that lead to disruption of mental or physical development of a family member.” The definition of “sexual domestic violence” is given as “an act by one family member that infringes sexual inviolability of another family member; as well as acts of a sexual character involving a minor.”

<sup>131</sup> Law on Social-Legal Protection from Domestic Violence, 2003.

mechanisms were lacking for this element of the law and it had consequently rarely been put into practice.<sup>132</sup>

The Administrative Code of the Kyrgyz Republic provides a penalty for violation of a protection order of five to 15 times the “calculation indices [a fixed monetary value set by parliament]”<sup>133</sup> or 10 days’ administrative arrest, and a fine of 10 to 20 times the calculation indices or 10 to 15 days’ administrative arrest if the protection order was issued by a court.<sup>134</sup>

Therefore, the sanctions that flow from the Law on Social-Legal Protection from Domestic Violence are primarily administrative not criminal sanctions. Kyrgyz criminal law does not make specific reference to spousal violence. The Kyrgyz justice system deals with domestic violence through penalties for crimes involving the infliction of suffering through violence that are provided in the Criminal Code of the Kyrgyz Republic and the Administrative Code.<sup>135</sup> Criminal Code article 111 sets out punishment of up to three years in prison for “inflicting physical or psychological suffering through systematic beatings or through other violent means.” Aggravating circumstances that carry a heavier penalty—up to seven years in prison—include committing such violence against a “person who is materially or otherwise dependent upon the perpetrator, as well as against a person who had been abducted or taken hostage.”

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<sup>132</sup> Email communication from Human Rights Watch consultant, Sardar Bagishbekov, based on his interview with Bermet Tolubaeva, lawyer, Family Support Act NGO, Bishkek, April 2005. According to articles 23 and 24 of the Law on Social-Legal Protection from Domestic Violence, restraining orders are to be issued by a law enforcement officer in cases when a person’s health or life are threatened by domestic violence. The order “must be filed within 24 hours of the act or a threat of domestic violence or within 24 hours of filing a domestic violence report.” Police should exercise control over the accused abuser’s compliance with the order. A temporary restraining order instructs that the accused assailant is informed that there will be consequences for violation of the restraining order. Article 24 also spells out the requirement of law enforcement and judicial officials to inform the victim of his/her rights. It says that a court order will inform the complainant of the right to bring a case to court, and to file for divorce, division of property, child support, and other compensation, despite the existence of the temporary restraining order. A victim of domestic violence also has the right to file for a protective court order, in which event the temporary restraining order is suspended. Violation of the protective court order leads to civil or criminal liability. Local law enforcement agencies and court bailiffs are responsible for monitoring the execution of conditions mandated by the protective court order. Article 27 of the law provides additional information about the conditions of a protective court order..

<sup>133</sup> The amount of the calculation index for 2006 was set at 100 som (around \$2.50).

<sup>134</sup> Administrative Code of the Kyrgyz Republic, art. 66-4 and 66-5. Administrative penalties may be assigned by a number of authorities, including courts and, in some cases, police.

<sup>135</sup> Amended on January 5 and February 13, 2006, respectively.

Criminal Code article 112 assigns lighter penalties for “[p]urposeful infliction of light damage to health having resulted in a short-term health disorder or in a minor permanent loss of the ability to work.” The perpetrator of such violence stands to be punished with up to six months’ arrest or up to one year in prison. However, if the violence is deemed not to have caused a health disorder or loss of ability to work, then authorities can levy a fine of up to 30 times the minimum monthly wage, or place the perpetrator under arrest for up to three months.

Threatening to murder someone carries a penalty of arrest for up to six months or two years in prison, in accordance with article 113 of the Criminal Code. Criminal Code article 129, outlawing rape, prescribes imprisonment of five to eight years for “regular rape,” and from eight to 25 years for acts of rape committed under aggravating circumstances, and provides the death penalty as the maximum punishment in cases of rape of a minor (a child under age 14) that entails particularly serious consequences for the victim.

While marital rape is not specifically mentioned as a criminal offense under article 129, the 2003 law on domestic violence lists sexual domestic violence as a type of abuse forbidden under the law. Sexual domestic violence is defined in the 2003 law as “an act by one family member that infringes the sexual inviolability of another family member; as well as acts of a sexual character involving a minor.”<sup>136</sup>

The Kyrgyz Administrative Code contains an article specifically about domestic violence, though it does not specify spousal abuse. Article 66-3 states that administrative penalty is to be applied against the perpetrator of domestic violence, including physical, psychological, and sexual abuse, when that abuse does not justify criminal proceedings. It states that in cases where the action of one family member against another violates the person’s constitutional or other rights, results in light damage to a person’s health, causes physical or psychological suffering, or damages a person’s physical or psychological development—regardless of age or sex—and that action does not qualify for criminal liability, an administrative fine should be levied against the perpetrator of five to 10 times the calculated indices.

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<sup>136</sup> Law on Social-Legal Protection from Domestic Violence, art. 1, 2003.

According to people who spoke with Human Rights Watch, when the authorities punished violent husbands at all, they did so most frequently by applying short detention periods and fines. Human Rights Watch was unable to ascertain, however, whether these sanctions were applied under the Criminal or Administrative Code.

### **Law not enforced**

Close observers of the problem of domestic violence in Kyrgyzstan say the Law on Social-Legal Protection from Domestic Violence and the Criminal Code are not implemented and therefore do not function to punish domestic violence. “The laws are good, but they aren’t functioning,” commented Aleksandra Eliferenko, head of the women’s NGO Chance, in Bishkek.<sup>137</sup> In 2004 the UN Committee on the Elimination of All Forms of Discrimination Against Women expressed concern that despite the 2003 domestic violence law, domestic violence in Kyrgyzstan remained “hidden” and the police response to victims’ reports was “inadequate.”<sup>138</sup>

In particular, observers point to a lack of implementation of the provisions in the Law on Social-Legal Protection from Domestic Violence, such as orders of protection. A lawyer with Chance in Bishkek commented, “It is most important that the government carries out the law. If a person commits a crime, he should be punished. [But] they enact a law, and put it on the shelf.”<sup>139</sup> When asked about this disconnect between the law and practice, a government official conceded there was much to be done. She stated, “We need to continue to work on legal protections and we have to ensure mechanisms to carry it out, we need internal instructions in the MVD [Ministry of Internal Affairs] and elsewhere.”<sup>140</sup>

In its 2003-2004 report entitled “Domestic Violence in Kyrgyzstan: Causes, Scale, Effectiveness of Actions,” the group El Pikir (Public Opinion), a public opinion research center, found that the absence of guidelines for implementing the Law on Social-Legal Protection from Domestic Violence was one of the main explanations for

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<sup>137</sup> Human Rights Watch interview with Aleksandra Eliferenko, Chance, Bishkek, October 28, 2005.

<sup>138</sup> Report of the Committee on the Elimination of Discrimination against Women, Thirtieth session (January 12-30, 2004), Thirty-first session (July 6-23, 2004), General Assembly Official Records, Fifty-ninth Session, Supplement No. 38 (A/59/38), United Nations, New York, 2004.

<sup>139</sup> Human Rights Watch interview with Olga Klementieva, lawyer, Chance, Bishkek, October 29, 2005.

<sup>140</sup> Human Rights Watch interview with Taalaygul Isakunova, expert, the Presidential Council on Women, Family, and Gender Development, Bishkek, October 31, 2005.

its ineffectiveness thus far. While there are no strict legal obstacles to implementing the law, the report charges that “at present the law has [only] a declarative character” and that “most of its articles are not practically applicable.” The group pointed specifically to the failure to amend other corresponding laws, such as the criminal and civil procedure codes, to incorporate the new provision on protection orders issued by courts. The report indicated other practical obstacles as well, such as the fact that the protection order forms had not been drafted and distributed so authorities could issue the orders, and that instructions on how protection orders are to be used have yet to be developed.<sup>141</sup> The concerns in the El Pikir findings remained relevant at the time of Human Rights Watch’s research for this report.

Those responsible for executing the law exhibit little interest in familiarizing themselves with it so long as the government fails to issue implementing guidelines. One court expert said, “I know that such a law was adopted. But why should I study it?...[W]hen they will develop instructions on its application, give it to me for execution, then I will study it.”<sup>142</sup>

The non-application of protection orders is explored further in the sub-section below, “Police failure to register and investigate complaints and issue protection orders.”

### *Reasons why women do not turn to the police*

While as of this writing no statistics were available to Human Rights Watch on the number of domestic violence complaints filed by women in Kyrgyzstan, experts we interviewed said the numbers were low and attributed this to several factors. First, people in Kyrgyzstan are generally reluctant to turn to police for help or to report a crime. Studies, including a survey by the Organization for Security and Cooperation in Europe (OSCE) in 2004, reveal that sizeable numbers of people view police with suspicion and have little faith that they will be fair or that it is worthwhile to turn to them for help.<sup>143</sup> In 2005 the OSCE pointed out the need to build public trust in the

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<sup>141</sup> E. Ilibezova, L. Ilibezova, and R. Toktosunov, “Domestic violence in Kyrgyzstan: causes, scale, effectiveness of actions” (“Semeinoe nasilie v Kyrgyzstane: prichiny, masshtaby, effektivnost deistvii”), El Pikir (Public Opinion) center of public opinion research, Bishkek, 2003-2004, p. 54.

<sup>142</sup> Ibid.

<sup>143</sup> About 27 percent of the residents of the Pervomaisky district in Bishkek said they viewed corruption as among the main causes for shortcomings in police work. About 50 percent said police give preferential treatment to friends or those who offer them money. About 29 percent doubted the honesty of police officers. Executive summary of the report on social research

police, perceived by some as “a corrupt and undemocratic institution that protects only the interests of the state authority.”<sup>144</sup> OSCE experts on Kyrgyzstan’s law enforcement agencies say there continues to be widespread disapproval of police.<sup>145</sup>

Second, many women victims of domestic violence do not turn to the police to register a complaint or issue a restraining order. Few have faith that, if called upon, police will act on their behalf.<sup>146</sup> “I never went to the police, it’s pointless,” said Aida A., grandmother of two, who has lived in a violent marriage for 25 years and has been hospitalized for head trauma due to beatings by her husband.<sup>147</sup> Elmira E., whose parents were unsupportive when she left a violent marriage that had begun with her abduction, said, “I didn’t go to the police or anywhere for help. I just thought no one would help me.”<sup>148</sup>

Third, some women fear that their abusive spouses will retaliate against them with further violence if they go to the police. Keres K., who suffered years of abuse in a violent marriage, said that past experiences with police failure to protect her had left her fearful. She said that once her husband had come home in a rage after being briefly detained by police (for assaulting her) and threatened to kill her. After she fled her husband, Keres K. said she would pursue a divorce but would not file a criminal case. “I’m afraid to go to the police about the threats on my life, because after he was arrested last time, he beat me so badly,” she said.<sup>149</sup> Another woman, who was beaten repeatedly by her husband of 30 years, explained why she would

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results of public opinion in Pervomaisky district and the staff of Pervomaisky district police organization (ROVD) of Bishkek city, OSCE, 2004. On file with Human Rights Watch. Despite the lack of trust in police that these statistics reveal, the OSCE analysis states that the residents polled have a generally positive assessment of the district police.

<sup>144</sup> OSCE Centre in Bishkek, Concept Paper, Kyrgyz Republic: Police Reform Strategy, [http://www.osce.org/documents/cib/2005/04/13866\\_en.pdf](http://www.osce.org/documents/cib/2005/04/13866_en.pdf) (accessed August 7, 2006).

<sup>145</sup> Human Rights Watch interview with Police Colonel Salishybek Mamyrov, OSCE national professional employee (MVD liaison), Bishkek, November 17, 2005.

<sup>146</sup> Two experts on women’s rights in Kyrgyzstan told Human Rights Watch that victims of domestic violence do not believe that police will treat them as victims of criminal abuse. Taalaygul Isakunova stated bluntly, “The reasons why women don’t report to police: they don’t have faith that the man will be punished...” Human Rights Watch interview with Taalaygul Isakunova, expert, the Presidential Council on Women, Family, and Gender Development, Bishkek, October 31, 2005. An expert from Diamond, a women’s rights group, said, “Women fear that they themselves will be tried and not their abusers.” Human Rights Watch interview with Maya Kaparova, Diamond, Bishkek, October 31, 2005.

<sup>147</sup> Human Rights Watch interview with Aida A., November 2005.

<sup>148</sup> Human Rights Watch interview with Elmira E., November 2005.

<sup>149</sup> Human Rights Watch interview with Keres K., November 2005.

not consider going to the police: “Even if the police did come to [a woman’s] defense, the husband would punish his wife [for having called them].”<sup>150</sup>

Fourth, women may fear being stigmatized by their community for turning to law enforcement authorities. One lawyer for a women’s rights group told Human Rights Watch, “[W]omen don’t go to the police... because they consider it shameful... It brings shame on the family.”<sup>151</sup> Another attorney who works with women victims of violence explained that women are denounced as “home-wreckers” if they turn to the police for help. He said, “There’s this mentality, if a woman has written a petition then she’s trying to destroy her family, undermine her husband.”<sup>152</sup>

Finally, after they leave violent marriages, some women find the prospect of pursuing a criminal case against their husbands daunting and too emotionally painful, and see themselves as facing a choice between pursuing legal action or being allowed by their former abuser to live in peace. Nurzat N. explained that she did not go to the police after leaving her abusive husband because she did not want to be re-traumatized: “I didn’t go to the police. I didn’t go to anyone. You know, I didn’t want this to start again. I just want him to leave me alone. I don’t want to face him again at some police station. I just want to live.”<sup>153</sup>

### *Police failure to act to stop domestic violence*

Article 10 of the 2003 domestic violence law specifies measures police must take in response to domestic violence. If implemented, these would be effective in protecting women from abuse and in leading to the prosecution of their abusers. They include:

accept and register each domestic violence report; ensure appearance of their representative to the place of family conflict; interview both parties; give necessary counseling to the victim of domestic violence; explain the logistics of filing for a protective order; or explain the

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<sup>150</sup> Human Rights Watch interview with Zarina Z., November 2005.

<sup>151</sup> Human Rights Watch interview with Olga Klementieva, lawyer, Chance, Bishkek, October 29, 2005.

<sup>152</sup> Human Rights Watch interview with Svetlana Sayakbayeva and Erkin Asanaliev, Tendesh, Naryn, November 5, 2005.

<sup>153</sup> Human Rights Watch interview with Nurzat N., November 2005.

procedure of calling an assailant to account for civil or criminal liability; in case of necessity provide a victim of domestic violence with transportation to healthcare facility, safe place or a social services institution; take measures in preventing domestic violence; take all means necessary to charge an assailant; prepare documents necessary for a temporary restraining order, as well as all necessary court documents; collaborate with local social service institutions working with unsuccessful families.<sup>154</sup>

Article 19 of the law states: “Upon receiving oral or written information about domestic violence, law enforcement agencies or a local prosecutor’s office must take immediate measures directed to the prevention of domestic violence.”<sup>155</sup>

However, police consistently fail to fulfill the responsibilities that are so clearly spelled out in this law. As detailed below, in those cases when women do come forward, police often do not register their complaints, issue protection orders, or seriously investigate the case with a view to prosecution. Instead, they often encourage women to reconcile with their abusers. Women’s lack of confidence that police will act to stop domestic violence, mentioned above, is well-founded.

### **Police attitudes**

Underpinning police inaction on domestic violence are attitudes indicating that they do not take domestic violence seriously. Often police do not view violence by men against their wives as a law enforcement issue, and many view family arguments that involve violence as normal and a private matter.<sup>156</sup> NGOs that work with victims of domestic abuse told Human Rights Watch that police routinely side with male abusers in cases of domestic violence: women who turn to the police to register a complaint and obtain a protection order find police often blame them for causing domestic violence. An ombudsman’s office official commented that many neighborhood police officers “don’t try to settle the problem, but try to cover for the

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<sup>154</sup> Law on Social-Legal Protection from Domestic Violence, 2003.

<sup>155</sup> *Ibid.*

<sup>156</sup> Human Rights Watch interviews with Taalaygul Isakunova, expert, the Presidential Council on Women, Family, and Gender Development, Bishkek, October 31, and Zamira Tokhtohojaeva, UN Department, Ministry of Foreign Affairs, Bishkek, November 14, 2005.



person who committed the abuse.”<sup>157</sup> A rights defender recalled, “A husband in our communal courtyard [dvor] came home drunk and got into a fight with his wife and hit her, and his nine-year-old son stood up for the mother and both the son and mother ended up in the hospital. The neighborhood police officer did nothing, they see it as just normal.”<sup>158</sup>

Some officers, including senior police officials, also hold women responsible for bringing about the law enforcement consequences of male abuse—stating, for instance, that they are opposed to women “sending their husbands to jail” for domestic violence and therefore breaking up the family.<sup>159</sup> Interviews with NGO staff, victims of domestic violence, and several police officers indicated that police see the women’s complaint, not the men’s violent behavior, as the “reason” men are at risk of prosecution and imprisonment, and they often seek to prevent this outcome. In fact, few men are successfully prosecuted or go to prison for acts of domestic violence against their wives. One senior officer we interviewed was left at a loss for words when asked about convictions of men for domestic violence, but said, “Sentencing of husbands is very rare. It happens maybe only once per year.”<sup>160</sup> Perhaps unsurprisingly, the same officer noted that there had not been a single conviction of a man for domestic violence during his nine months on the job, “Since I’ve been here, since March, we haven’t had a single case of a husband convicted.”<sup>161</sup> NGO statistics confirm the trend: the lawyer for one women’s crisis group said that in the four years he had been working with women victims of domestic violence, since 2002, he had only seen “seven or eight cases in which a husband was sentenced.”<sup>162</sup>

Police often cast their failure to hold men accountable for their crimes as a “favor” to the women who are being abused. One senior law enforcement officer said, “You can turn a man into a criminal quickly, try him and put him in jail and that’s it for him and

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<sup>157</sup> Human Rights Watch interview with Embek Tarajanov, ombudsman’s office, Bishkek, November 14, 2005.

<sup>158</sup> Human Rights Watch interview with Burul Sopiaeva, KCHR, Bishkek, November 15, 2005.

<sup>159</sup> For example, one senior police officer in Jalal Abad told us, “For a woman to jail her husband is inconsistent with our religion, it’s better to resolve problems. There have been no cases when women have sent their husbands to jail.” Human Rights Watch interview with a senior police officer, name withheld, Jalal Abad City Police Department, Jalal Abad, November 11, 2005.

<sup>160</sup> Ibid.

<sup>161</sup> Ibid.

<sup>162</sup> Human Rights Watch interview with Erkin Asanaliev, Tendesh, Naryn, November 5, 2005.

the family. Then they get divorced. So we try to deal with this in the community. We do prevention work with the husband so as not to break up the family. Above all we try to save the family.... If a woman complains, then we can arrest her husband, convict him, and then put him in prison. It's very easy to make a criminal out of him. But if a woman is left without work and without income, then how can she raise the children? This is what happens if there are criminal cases. We try not to let it get to that point."<sup>163</sup> A procuracy<sup>164</sup> official echoed this: "If you put the man in jail, who will feed the children?"<sup>165</sup>

Law enforcement officers encourage women to reconcile with their abusers and down-play the cost to her of the ongoing violence that she will therefore be consigned to endure. These officials see it as the job of the local neighborhood police officer to facilitate a woman's remaining in or returning to an abusive home. One procuracy official, for example, told Human Rights Watch, "If she has children... In these cases it may be better for the police to reconcile the man and woman. The neighborhood police officer sometimes reconciles the man and woman. A good officer will do this. Maybe the husband just came home in a bad mood and his wife hadn't cooked dinner, and they had a fight."<sup>166</sup> "It's not good for there to be a lot of divorces," said another senior law enforcement officer during a discussion about protection orders and options for ensuring women's safety.<sup>167</sup> Also, as described below, police sometimes facilitate the return of a woman to an abusive home out of solidarity with, or in exchange for payment by, the husband.

Even when officers recognize that domestic violence is a crime, they give it low priority as compared to responding to other crimes. An attorney who works with women victims of domestic abuse summed up the situation: "If a woman calls about beatings, the police often don't come, because there are so many such cases and by the time they get there the conflict is often over. They don't want to waste the time or

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<sup>163</sup> Human Rights Watch interview with a senior police officer, name withheld, Osh Province Police Department, Osh, November 10, 2005.

<sup>164</sup> State agency responsible for both criminal investigation and prosecution, and for the protection of due process rights.

<sup>165</sup> Human Rights Watch interview with a senior official, name withheld, Osh Province Prosecutor's Office, Osh, November 8, 2005.

<sup>166</sup> Human Rights Watch interview with a senior official, name withheld, Osh Province Prosecutor's Office, Osh, November 8, 2005.

<sup>167</sup> Human Rights Watch interview with a senior police officer, name withheld, Osh Province Police Department, Osh, November 10, 2005.

gas [responding to such calls].” The attitude of police to domestic violence cases, she said, is often simply “why bother?”<sup>168</sup> Police who reach a home where violence has been reported but is no longer in progress may consider the conflict to be “over” and the work of the police to be no longer necessary. They may also believe the woman will withdraw the complaint and view the effort expended as wasted. Officers generally do not see it as their role to ensure that men are brought to justice for the beating that has taken place, nor do they see it as important to ensure that the men in such cases do not harm their wives again.

Other experts state that in addition to police perception that it is not their responsibility to respond to domestic violence, entrenched problems such as corruption and incompetence also are reasons for police indifference.<sup>169</sup>

### **Police failure to register and investigate complaints and issue protection orders**

Bubusara Ryskulova, a long-time activist who works with women victims of violence, said, “If a woman goes [to the station] on her own, the police don’t always register it.”<sup>170</sup> An official from the government’s Office of the Ombudsman said, “Many women come to us with cases of physical and psychological abuse by their husbands. Many say that the police refuse to take their complaints and say it’s just a family matter.”<sup>171</sup> Some point to officers’ bias in favor of reconciliation of the couple, regardless of the violent nature of the marriage, as part of the explanation for this.<sup>172</sup> Another women’s rights expert pointed out that police use threats to prevent women from filing complaints, “Police don’t register complaints, [they] try to dissuade women [from filing complaints]. They say: ‘We’ll put him in jail for three days and then let him go and it will be worse for you.’ They scare women into not complaining.”<sup>173</sup>

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<sup>168</sup> Human Rights Watch interview with Olga Klementieva, lawyer, Chance, Bishkek, October 29, 2005.

<sup>169</sup> Human Rights Watch interview with Nurgul Asylbekova, Soros Foundation-Kyrgyzstan, Bishkek, November 15, 2005.

<sup>170</sup> Human Rights Watch interview with Bubusara Ryskulova, Sezim, Bishkek, November 1, 2005.

<sup>171</sup> Human Rights Watch interview with officials from the ombudsman’s office, Bishkek, November 14, 2005.

<sup>172</sup> Human Rights Watch interview with organization psychologist, Association of Women Leaders of Jalal Abad and Kaniet Crisis Center, Jalal Abad crisis center, November 10, 2005.

<sup>173</sup> Human Rights Watch interview with Aleksandra Eliferenko, Chance, Bishkek, October 28, 2005.

Farida F., who was subjected to repeated brutal beatings by her husband, turned to the police after her husband beat her at a busstop one day in front of other people. She said when none of the eyewitnesses helped her, she decided to go to the police. Convincing officers to register her complaint was extremely difficult, she recalls: “You know in cases like mine, our police do not accept complaints. They consider such things as just a family affair, which is truly terrible. So, in order for my complaint to be accepted by the police I had to behave in the most inappropriate way. And it was the only way for me, because I came there for help and they refused to help me. I became hysterical and made a scene asking them: ‘Then who would help me but you?!’ I had to cry and yell at them. Only then they realized that I was truly in trouble.”<sup>174</sup>

In addition to preventing women from seeking justice in cases of abuse, police also fail to take positive action to protect women from further violence. Accounts by victims of domestic violence and NGOs that provide services to them, as well as by several police officials, indicate that they do not issue orders of protection, or temporary restraining orders designed to help women in just such situations. Farida F. said,

Although the police did accept my complaint, they failed to undertake any meaningful measures.... After my husband came over to my apartment and threatened to hurt me, I wrote my second complaint to the police. When I came to the police station I had to raise my voice again. I demanded that they undertake measures against my husband, I asked them to respect my rights, including my right to live without constant fear of being hurt. But they tried to refuse to accept the complaint again. So, I had to raise my voice.... They told me that supposedly they spoke to my husband concerning my complaint. That was all they did or at least they told me that they did. When I came over to file my complaint, the police told me: “Lady, this is your family business. We do not have the laws to deal with these situations.”<sup>175</sup>

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<sup>174</sup> Human Rights Watch interview with Farida F, November 2005.

<sup>175</sup> *Ibid.*

As one NGO leader told Human Rights Watch, “We tell women to go to the police to get restraining orders, and then the police say ‘What restraining order? I’ve never heard of it.’”<sup>176</sup> Law enforcement officials say a lack of knowledge about the mechanism among police is to blame for the low number of protection orders issued. A procuracy official from one province told Human Rights Watch that his office had noticed that a district police station in the province had failed to issue even a single protection order since the law went into effect. He said that there had been complaints of domestic abuse registered at that station, but no protection orders issued. When his office investigated, he said, it found that the police did not know about the mechanism. “At this time there are very few protection orders issued,” he said, “The police don’t know about it and the investigators don’t know about it.”<sup>177</sup>

Even with a protection order in place, the police may take no further action. This inaction can be devastating to a woman who has received an order of protection and is counting on the police to protect her from further abuse. For example, police had issued a protection order for Dimira D., but she continued to suffer brutal attacks by her husband. She said, “The police warned my husband not to harass me, but the restraining order didn’t really function.”<sup>178</sup>

One action some police resort to is to put men who beat their wives on the *uchet*, or police registry. One police official said that thousands of people were on this preventative list in his area for a variety of reasons. If a man has had complaints lodged against him and is put on the list, he is monitored: “This means that the neighborhood police officer knows the man is on the list and will investigate how things are with him. He’ll talk with the neighbors and his wife and the aksakals and maybe also with the man and will warn him that he’s on the list.” However the official also noted, “It’s not hard to get off and on the list.”<sup>179</sup>

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<sup>176</sup> Human Rights Watch interview with Aleksandra Eliferenko, Chance, Bishkek, October 28, 2005.

<sup>177</sup> Human Rights Watch interview with a senior official, name withheld, Osh Province Prosecutor’s Office, Osh, November 8, 2005. Human Rights Watch researchers interviewed half a dozen victims of domestic violence in that district.

<sup>178</sup> Human Rights Watch interview with Dimira D., November 2005.

<sup>179</sup> Human Rights Watch interview with a senior police officer, name withheld, Osh Province Police Department, Osh, November 10, 2005.

## *Failure to prosecute*

### **Investigations halted when women are pressured**

As noted above, many police justify their failure to take meaningful steps to investigate domestic violence complaints by blaming women for withdrawing their statements. As one activist put it, “Police do know that domestic violence is a problem, but they don’t work very hard at it. They know that very often women will write a petition but then refuse to go through with the case.”<sup>180</sup>

There are many reasons why a domestic violence victim might not want a prosecution to go forward. She may no longer see prosecution as necessary if the arrest put a stop (at least temporarily) to the abuse. She may fear that the costs of prosecution, such as violent retaliation, outweigh the benefits. She might not see prosecution as an effective remedy, for example if she believes the violence results from a substance abuse or emotional problem for which treatment or counseling might be effective. She may fear financial repercussions for the family if the abuser goes to jail or has to pay a fine. She may feel otherwise dependent on the abuser and afraid of his long-term absence, particularly if the abuser has isolated the victim and cut her off from social support systems. Or she may just want to move on with her life, and not have to confront her abuser in court.

Police view it as normal and even rational for an abusive husband to intimidate his wife to drop the charges against him. As one official from the prosecutor’s office put it, “There are often such instances: the police start to investigate and want to conduct a full criminal investigation. The wife comes and decides that she wants to withdraw her petition. Her husband often pressures her to do this. The wife will go back to him because she’s thinking: ‘who’s going to raise the children,’ since the woman is likely not working.”<sup>181</sup>

Nurzat N. told her own story of being convinced by her husband and his family not to bring charges, despite the serious injury that her husband had caused her. She described the beating that landed her in the hospital with a concussion in 1997 or

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<sup>180</sup> Human Rights Watch interview with Erkin Asanaliev, Tendesh, Naryn, November 5, 2005.

<sup>181</sup> Human Rights Watch interview with a senior official, name withheld, Osh Province Prosecutor’s Office, Osh, November 8, 2005.

1998: “He beat me. He said, ‘You came home late.’ He beat me really badly.... He had something metal in his hands, it was a pipe, but not too thick. He beat me all over my body and my head. He then beat me with his fists. But I lost consciousness while he was beating me.” She later called her parents and they took her to the hospital. She said, “While I was in the hospital, the police came and talked to me and asked me to write a complaint. But then my husband’s mother and grandmother came and pressured me not to write it. I felt sorry for them, so I didn’t write it. They cried and they begged me not to write it.... I was in the hospital for two weeks and then for one month after that I also underwent treatment. While I was in the hospital my husband came, took care of me, asked that I not write a complaint to the police.... I regret it now. I should have written the complaint then and handed him over to the police.”<sup>182</sup>

Even considering the many reasons why a woman may fear going forward with a prosecution, this is not a reason to presume domestic violence victims will not cooperate with a prosecution. Instead, police and prosecutors should fulfill their duties in ways designed to ensure not just accountability for the abuse, but also empowerment for the victim. This would include avoiding blaming the victim for the violence, giving her information about the court process and her role as a witness, referring her to social services, informing her about civil remedies like protection orders, and involving her in decisions about her case.

The present reality, however, is that police are at times party to the pressure on women to withdraw complaints. One senior government official said, “The police don’t block a woman [from getting an official medical exam], but they might try to close the case before it goes higher; they might try to resolve the situation or ask her, ‘Why do you need such shame?’ and try to convince her to drop the case.”<sup>183</sup>

## **Corruption**

Women’s rights advocates and government officials told Human Rights Watch that police corruption is an impediment to investigations and prosecutions. One former

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<sup>182</sup> Human Rights Watch interview with Nurzat N., November 2005.

<sup>183</sup> Human Rights Watch interview with Taalaygul Isakunova, expert, the Presidential Council on Women, Family, and Gender Development, Bishkek, October 31, 2005.

police officer now working as a government official with responsibility for human rights monitoring said, “[In cases of domestic violence], the man just pays money to the local police officer to get the matter closed. People pay different amounts, about 500 som [about \$12] and up.”<sup>184</sup>

President Bakiev’s advisor on human rights confirmed that he too was aware of the problem of police corruption as an obstacle to justice in such cases. Speaking of complaints about domestic violence that have come to his office, he said, “Lots of people come to me after having gone to the police or the procuracy and failed to receive results. Often the husband or his relatives give money, give bribes, so that the police and procuracy don’t review cases.”<sup>185</sup> OSCE law enforcement experts said there is often an “agreement” between police officers and abusive men, in which the officers accept bribes to close a case.<sup>186</sup>

One doctor who works at a hospital that has a full-time police duty officer (not all do), said that much police corruption is right out in the open. She said, “If a woman gives a statement to the police in the hospital, the man may be right there and can pay the officer off right there and the statement is torn up and that’s that.”<sup>187</sup>

Women’s own stories describe how police corruption works to frustrate their access to justice. One woman who had left her husband described what happened when she was again beaten by him and went to the police. Chinara Ch. hired a driver and returned home to retrieve her clothes. Her husband beat her and broke the driver’s car window. He was forced to pay the driver compensation for the broken window, but he was not punished for beating his wife. According to Chinara Ch., her husband bribed the local police to side with him and they blamed the incident on her.<sup>188</sup> She said, “I went to the police; to the colonel. The neighborhood officer said he would not go to the house, that it was my own fault. The neighborhood officer was given

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<sup>184</sup> Human Rights Watch interview with Embek Tarajanov, ombudsman’s office, Bishkek, November 14, 2005.

<sup>185</sup> Human Rights Watch interview with Tursunbek Akun, chairman, Presidential Commission for Human Rights, Bishkek, November 14, 2005.

<sup>186</sup> Human Rights Watch interview with Police Colonel Salishybek Mamyrov, OSCE national professional employee (Ministry of Internal Affairs liaison), Bishkek, November 17, 2005. Another expert also pointed to police corruption as a “huge problem” with respect to domestic violence cases: Human Rights Watch interview with Nurgul Asylbekova, Soros Foundation-Kyrgyzstan, Bishkek, November 15, 2005.

<sup>187</sup> Human Rights Watch interview with Batia Tolobaeva, a doctor and member of the KCHR, Bishkek, November 15, 2005.

<sup>188</sup> Human Rights Watch interview with Chinara Ch., November 2005.



two bags of potatoes by my husband, after I wrote the complaint—so that the officer would open a case against me instead. Then the police decided it was my fault and refused to open a [criminal] case.”<sup>189</sup>

When women try to flee to safety, police sometimes return women to abusive households in exchange for payment. Dinara D., who had been physically and psychologically abused by her husband, said that police accepted a bribe in exchange for forcing her to return home when she tried to leave. She said, “I’ve tried to run away 26 times. He gives the neighborhood police officer money and the police find me and take me back home. They scare me and say that they will put me in jail for two or three years if I don’t go back.... My husband told the local police officer that I had stolen money from him and that’s what the officer threatened to charge me with.”<sup>190</sup>

Even when a woman is seriously injured by her husband and it is clear that he has hurt her repeatedly and may continue to do so, police have sided with the man in exchange for money. One woman said that a relative of hers had separated from her husband and was unable to get police to act on her reports of ongoing violence by him. The relative said, “She wrote lots of complaints to the police, but each time her husband would just bribe the policeman. Her husband would come to her house and beat her. He broke her ribs four times and gave her a concussion five times.”<sup>191</sup>

### **Administrative penalties and light penalties instead of prosecutions**

When women are successful in getting their husbands investigated for abuse, they still may not see justice done. Instead of passing on to the procuracy and the courts domestic violence cases that warrant criminal prosecution, police instead pursue administrative fines or three- to 15-day periods of detention, usually under the Administrative Code.

As noted above, the law prescribes fines as a penalty only for violence that is properly categorized as “purposeful infliction of light damage to health” that does

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<sup>189</sup> *Ibid.*

<sup>190</sup> Human Rights Watch interview with Dinara D., November 2005.

<sup>191</sup> Human Rights Watch interview with a person close to the case, name withheld, November 2005.

not result in even “a short-term health disorder” or “minor permanent loss of the ability to work.” Article 66-3 of the Administrative Code envisions a fine as the proper penalty for domestic violence only when the degree of damage to the victim could not justify criminal liability. It is the lightest of all possible penalties for acts of domestic violence.<sup>192</sup> In the cases researched by Human Rights Watch, it was unclear whether the fines and brief detention periods were assigned by police or an administrative court. In some cases involving brief detention periods it was unclear whether the sanction was applied under the Criminal or Administrative Code. Our research suggested that police did not forward cases for criminal prosecution because they had a biased assessment of what constitutes “serious injury” to a woman.

Rights defender and Bishkek doctor Batia Tolobaeva recalled a case in which police assigned a man three days of detention after his threats and abuse caused his wife to be hospitalized and apparently drove her to suicide. Tolobaeva said, “One year ago, a woman... was beaten and taken to the hospital. The husband left her, but would come back periodically and beat her. She wrote a complaint to the police, but after that he came even more often. He came every day and threatened her saying, ‘I’ll kill you.’ And she really believed this. She believed she had no way out. So she prepared herself for death. She saved some money and left a note for her 14-year-old daughter. She got dressed, put on makeup, and then jumped from the fourth floor and killed herself. The police detained him for only three days.”<sup>193</sup>

An elderly woman, Nadira N., who said she was seriously injured by a man living with her—he had suffocated her and tried to kill her—said, “I went to the police several times. They detained him for 15 days and then beat him and then let him go.”<sup>194</sup> Jamila J. said her ex-husband stalked her and continued to assault her after their

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<sup>192</sup> Fines for domestic violence in particular were reported as having a damaging effect on the well-being of women victims rather than male abusers, because the men pass on the costs to the women. One rights defender reported, “If men are fined for acts of domestic violence, then they make the woman pay, if they have no job or money. They say, ‘You called, so you pay.’” Human Rights Watch interview with rights defender Aziza Abdurasulova, Bishkek, October 30, 2005. Another researcher said, “When there’s a fine, it’s also bad for the family because then less money is available for the family, or else the man will take the money from the family budget.” Human Rights Watch interview with Bektur Davletov, intern, Diamond, Bishkek, October 31, 2005.

<sup>193</sup> Human Rights Watch interview with Batia Tolobaeva, a doctor and member of the KCHR, Bishkek, November 15, 2005. Article 103 of Kyrgyzstan’s Criminal Code specifies that driving a person to suicide can be punished by up to five years in prison.

<sup>194</sup> Human Rights Watch interview with Nadira N., November 2005.

divorce. He would break into her house, hit her, yank her by the hair, threaten her with a knife and threaten to kill her. She went to the police to ask them to help put a stop to the violence. She said, “I demanded that they do something urgently. They detained him, but held him for only three days and then released him.”<sup>195</sup> Following the police failure to act, Jamila J.’s ex-husband attacked her again and she eventually resorted to using violence to defend herself.<sup>196</sup>

One expert on women’s rights, Nurgul Asylbekova of Soros Foundation-Kyrgyzstan, asserted that in instances of “lighter injuries,” such as broken bones, the lightest possible sanction is often applied. “The only exceptions are when a woman is killed or there are very serious physical injuries. If a woman gets a broken arm or ribs, the police just give the man three days of detention, then he gets out and beats her again.”<sup>197</sup> A procuracy official acknowledged the phenomenon to some extent, but presented a deliberately minimal hypothetical example to justify the resort to lighter penalties through the administrative, rather than criminal, justice system. He told Human Rights Watch, “The sentence for domestic violence depends on the seriousness of the physical injury. If she has a black eye, they won’t give him 10 years, you know.”<sup>198</sup>

### *Consequences of police failure to act*

While police intervention is no guarantee that violence will stop, when police fail to act they deprive women of any possibility for protection and justice. As a result, the abuse can continue, sometimes for decades, and in some cases the violence can escalate over time. In these cases, the increased frequency or brutality of the violence leads to serious injury to women, and sometimes to a woman’s death.

Local rights groups also point out that when police fail to respond to domestic violence, women sometimes take action, including violent action, in self-defense. Jamila J. described the consequences of the accumulated failure of local police to protect her. Unsuccessful in her attempts to convince the police to protect her from

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<sup>195</sup> Human Rights Watch interview with Jamila J., November 2005.

<sup>196</sup> See below, “Consequences of police failure to act.”

<sup>197</sup> Human Rights Watch interview with Nurgul Asylbekova, Soros Foundation-Kyrgyzstan, Bishkek, November 15, 2005.

<sup>198</sup> Human Rights Watch interview with a senior official, name withheld, Osh Province Prosecutor’s Office, Osh, November 8, 2005.

repeated assault by her ex-husband, which resulted in a concussion and other injuries, she eventually resorted to violence to defend herself in May 2004:

He came one day to our house, he was very drunk. He broke down the door to get in. That time he attacked me and hit me with his fists and I suffered a concussion. I went to the police and asked them to take action. But they didn't do anything in time. He then came back at 2 a.m. He came with a metal pipe in his hand, he was drunk and high.... I feared for myself and my children and could only think that I had to defend them. He started to come into the house and I came out and met him. He tried to hit me. I knocked him down. The next thing I know I had the pipe in my hands and I had been hitting him. He had two broken legs. Then my [current] husband came out and pulled me off of my ex-husband. I was in shock.... The case against me was investigated for four months and then the court process went [on] for four months. They sent me to the psychological hospital to determine my sanity at the time of the attack. They determined that at the moment of the attack I was changed, that I was consumed by stress and fear and did not understand what I was doing. They gave me a one-year suspended sentence that expires in December. I have to go to the police once a month to check in.

The incident finally sparked police and judicial action to address her ex-husband's violent behavior; a former convict, he was sent to prison on an eight-year sentence for beating her.<sup>199</sup> But even after her husband was sent to prison, Jamila J. was skeptical that the police would protect her, "My ex-husband is in prison now, but I still fear him. I fear what he will do when he gets out. The police clearly can't protect me."<sup>200</sup>

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<sup>199</sup> Human Rights Watch interview with Jamila J., November 2005.

<sup>200</sup> *Ibid.*

### *Prosecutions in cases of death*

When a woman is killed by her husband, there is a greater chance that the man will be successfully prosecuted.<sup>201</sup> Even so, there are cases where it appears that investigation and prosecution were not diligently pursued. In the case of Iskra Aldoiarova, the daughter of women’s rights activist Uliana Aitbaeva, police initially took the position that she was responsible for her own death. Aldoiarova was found shot to death, lying in a pool of blood inside her home on July 26, 2002.

“As far as what happened that night,” Aitbaeva told Human Rights Watch, “... [H]er husband came home drunk... He started to fight with her and she argued back. Then he started to beat her. She locked herself in a room but then he tried to get through the window. He got in through the window and he took her outside and pushed her down. He shot her in the throat and killed her. He then dragged her body back into the house.”<sup>202</sup>

Only after years of struggle by Aitbaeva—who demanded that her daughter’s body be exhumed so that new forensic tests could be conducted, insisted on a change of venue for the court hearing, and persistently pushed for justice in the case—did the authorities successfully prosecute Aldoiarova’s husband, Nurbek Estebesov, for murdering her. Estebesov is now serving a 14-year prison term. Iskra Aldoiarova’s case illustrates how particularly challenging it can be to hold a man accountable for violence against his wife, even in a case of murder, when he is a police officer or has relatives in law enforcement. Estebesov was both a police officer and the son of a law enforcement officer.

From the first moments after Aldoiarova’s death, police appear to have been engaged in a cover-up. Aitbaeva said Aldoiarova’s father and father-in-law went to the house to try to find her, and “Her husband came out of the house and said that she was lying in a pool of blood...” When police officers arrived at the scene, they pronounced her death a suicide. Authorities opened a criminal case to investigate

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<sup>201</sup> There were indications that the possibility of severe or fatal consequences can also spur police to action. One officer told Human Rights Watch, “If a woman writes a petition, then we take the husband in. We cannot refuse a petition or fail to act because if the husband then kills his wife, then it will be our own fault.” Human Rights Watch interview with a senior police officer, name withheld, Osh Province Police Department, Osh, November 10, 2005.

<sup>202</sup> Human Rights Watch interview with Uliana Aitbaeva, Tiup, November 18, 2005.

the suicide and illegal possession of firearms. Aitbaeva said, “We thought at first that the police were working [on it].... [A year later] the investigator... told me, ‘My personal conviction is that there was no murder here.’ I became convinced he was hiding something, that he wasn’t doing his job.” Aitbaeva began to push for further action on the case. “We went to court and asked for an additional investigation. I didn’t believe that the procuracy was doing a proper job because he [Aldoiarova’s husband] worked for the police.” She succeeded in getting the case transferred to the military procuracy.<sup>203</sup> As a result of this investigation, Aldoiarova’s husband was charged with murder and the case went to court. Aitbaeva said, “We demanded a lot of expert analyses: ballistics, forensics, etc. The civilian procuracy’s expert had determined ‘She had possibly shot herself,’ when this is not at all what had happened. He appeared in court drunk. We believe that he must have been paid by her husband’s family.” By contrast, she said, the military investigator was very professional, “He checked everything and determined that she had been shot and murdered 24 hours earlier [before the family had found the body]. He found a lot of shortcomings and mistakes in the civilian prosecutor’s work.” Nonetheless, the first military court acquitted Aldoiarova’s husband. “The judge was drunk. We were shocked,” Aitbaeva recalled.<sup>204</sup>

The family appealed the case to the Supreme Court, which convicted Nurbek Estebesov of murder, assault, and illegal possession of weapons and sentenced him to 14 years in prison on June 17, 2004.<sup>205</sup>

Aitbaeva speculated that not only did police “solidarity” inhibit a genuine police investigation and accountability, but that bribery also played a significant role in the extraordinarily shoddy police work and ill-founded first court decision regarding the shooting death of her daughter. She conjectured about the officials responsible for the early stages of the case, “I think his family paid them. Paid all of them. Of course I don’t have any evidence. But why else would the expert and the judge appear in

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<sup>203</sup> In cases such as the case related to the death of Iskra Aldoiarova, when there are grounds to believe that the procuracy cannot be objective, the plaintiff has the right to request transfer of the case to the military procuracy, as Aitbaeva did.

<sup>204</sup> Human Rights Watch interview with Uliana Aitbaeva, Tiup, November 18, 2005.

<sup>205</sup> *Ibid.*, Aitbaeva said that the investigative work of the military procuracy was crucial to getting a conviction in the case: “They determined... that if she had shot herself there would have been blood and matter spray on the wall, but there wasn’t. They also analyzed the trajectory of the shot and determined that she could not have shot herself. [The defense] experts tried to say that she had shot herself using her foot.”

court drunk? And why would they commit a crime like giving false testimony or falsely acquitting someone?”<sup>206</sup>

Aitbaeva has since become an activist on violence against women and follows other cases in northeastern Kyrgyzstan when violence has led to a woman’s death. She recounted another case from Tiup in which a young woman had been murdered by her husband, also a police officer, sometime between 2002 and 2004. The husband had tried to avoid punishment also by claiming his wife had committed suicide by hanging herself. In the end he was found guilty and was convicted.<sup>207</sup>

Anecdotal accounts like this second Tiup case were generally the only other information Human Rights Watch obtained about cases in the past few years in which domestic violence had led to the death of the woman. This is due in part to the lack of disaggregated statistics on violence against women. Aitbaeva stated that her daughter’s case and the Tiup case, both of which resulted in prosecution, stand out as exceptions.<sup>208</sup> We received from her and from other activists accounts of what appear to be unpunished murders that lend support to this view, including the following:

- In 2003, in the village of Spari-Dobe in Tiup district, 65-year-old Nurdin Risaliev allegedly beat his 14-year-old wife, Gulzat Momunova, to death. NGO activist Anna Makarova said that Momunova’s mother reported that the girl was pregnant at the time of her death.<sup>209</sup> The girl’s mother reportedly appealed to police following her daughter’s death, but officers at the Tiup Police Department refused to open a criminal investigation on the grounds that there was insufficient evidence.<sup>210</sup> Risaliev was not charged with responsibility for his wife’s death.<sup>211</sup>

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<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

<sup>208</sup> Activist Nargiza Eshtaeva also recounted to us sketchy details of a case in which a man had argued with his wife, reportedly about the paternity of their daughter, and had then killed both wife and daughter with a knife. The case was prosecuted and the man sent to prison. Human Rights Watch interview with Nargiza Eshtaeva, Ailzat, Osh, November 8, 2005.

<sup>209</sup> Email communication from Human Rights Watch consultant, Sardar Bagishbekov, based on his telephone interview with Anna Makarova, Accent, Tiup, April 26, 2006.

<sup>210</sup> Ibid.

<sup>211</sup> Ibid., and Human Rights Watch interview with Uliana Aitbaeva, Tiup, November 18, 2005.

- Law enforcement and judicial authorities failed to hold anyone accountable for the alleged rape and murder of a woman in the town of Dolon, in Tiup district, in 2004. In that case the woman died of exposure after allegedly being beaten and raped by her husband and his friends and then left outside in the cold. The men were acquitted and no one was punished for her death.<sup>212</sup> Tiup district police said that forensic analysis found that the woman had been drunk and that is why she had died of exposure on the street. The charges of rape were also not confirmed by police.<sup>213</sup>

### *Police perceived as perpetrators of domestic violence*

An expert from the Presidential Council on Women, Family, and Gender Development asserted the prevalence of domestic violence in police homes. She said, “The majority of domestic violence cases are in homes of police officers. We don’t have exact data on this, but the wealth of anecdotal evidence points to this.”<sup>214</sup> Leading women’s rights groups throughout Kyrgyzstan told Human Rights Watch that domestic violence by police officers against their wives is common and widespread.<sup>215</sup> An OSCE law enforcement expert said that police “tend towards violence at home” as well as at work.<sup>216</sup> Police officers’ own culpability in acts of violence against their wives may contribute to their unwillingness and failure to act to protect women victims and hold male abusers accountable for their crimes. Several women victims of violence by husbands who are police officers told Human Rights Watch of particular challenges they faced to obtaining justice and protection from law enforcement agencies. They are also more likely to feel constrained from escaping from a violent home.

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<sup>212</sup> Human Rights Watch interview with Uliana Aitbaeva, Tiup, November 18, 2005.

<sup>213</sup> Email communication from Human Rights Watch consultant, Sardar Bagishbekov, based on his telephone interview with Anna Makarova, Accent, Tiup, April 26, 2006.

<sup>214</sup> Human Rights Watch interview with Taalaygul Isakunova, expert, the Presidential Council on Women, Family, and Gender Development, Bishkek, October 31, 2005.

<sup>215</sup> Human Rights Watch interviews with Zhanna Saralaeva, Association of Women Leaders of Jalal Abad and Kaniet Crisis Center, Jalal Abad, November 10; Nargiza Eshtaeva, Ailzat, Osh, November 8; Maya Kaparova, Diamond, Bishkek, October 31; Jamila Kaparova, affiliated with Diamond, Osh, November 8, 2005; Aleksandra Eliferenko, Chance, Bishkek, October 28; Olga Klimentieva, lawyer, Chance, Bishkek, October 29; and Bubusara Ryskulova, Sezim, Bishkek, November 1, 2005.

<sup>216</sup> Human Rights Watch interview with Police Colonel Salishybek Mamyrov, OSCE national professional employee (Ministry of Internal Affairs liaison), Bishkek, November 17, 2005.



Asel A. recalled the beatings she endured during her marriage to her first husband: “He was a police officer. He was beaten at work and became ill.... He began to drink, he sold our house and sold my things, he just sold everything. When there was nothing left, he began beating me. He would scare me, run at me with a knife. He threatened to kill me.”<sup>217</sup> Asel A.’s descriptions of the way her husband beat her suggested he was using techniques common to police practice to hide evidence of abuse: “... he beat me with his fists and kicked me. He beat me only on the body, never on the face.”<sup>218</sup>

Experts attribute the disproportionately high rate of police violence against their wives to a variety of factors. The OSCE police experts cited alcoholism and financial concerns; many other officials and NGO leaders view the culture of violence and prevalence of violence in the police force as the major factors contributing to domestic violence by officers.<sup>219</sup> The director of the NGO Chance, which has followed this issue closely, said, “Many women—wives or girlfriends—whose husbands are government workers, especially police officers, put up with violence. Violence is especially common in households of police officers, because this is the environment they’re in and the way they’re used to relating [to others]. [The officers] take out their work aggression and frustrations on the women at home.”<sup>220</sup>

According to NGO activists, police officers themselves claim that the nature of their work makes it inevitable that they will use violence at home. As one NGO leader recalled, “We had a seminar, the gender secretariat under the president invited representatives of all law enforcement agencies. [A senior law enforcement official] was there. He said, ‘They say that police beat their wives. Once a woman came to me and said her husband beat her and I took her to the detention facilities and showed her and she watched the work of the police—how they have to deal with drunks... I said, ‘Have you seen the work of a police officer? You should go home and thank

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<sup>217</sup> Human Rights Watch interview with Asel A., November 2005.

<sup>218</sup> *Ibid.*

<sup>219</sup> Human Rights Watch interviews with Police Colonel Salishybek Mamyrov, OSCE national professional employee (Ministry of Internal Affairs liaison), Bishkek, November 17, 2005, and with Taalaygul Isakunova, expert, the Presidential Council on Women, Family, and Gender Development, Bishkek, October 31, 2005.

<sup>220</sup> Human Rights Watch interview with Aleksandra Eliferenko, Chance, Bishkek, October 28, 2005.

your husband for doing such hard work. How could he not beat you after [going through] that?”<sup>221</sup>

Women whose abusive husbands are police officers are often constrained from leaving abusive marriages and are afraid to go to the police for help. Asel A. said, “I never went to the police because he himself is an officer and his brother is too, so I couldn’t go to the police.”<sup>222</sup> According to Nargiza Eshtaeva of the NGO Ailzat in Osh, Elena E., who was beaten by her husband, said that because he was a police officer and many of his relatives were also on the police force, she could not leave him. Eshtaeva said that when Elena E. came to Ailzat for counseling she was afraid even to speak to the group’s lawyer because she feared the lawyer might also know her husband and would tell him what she said.<sup>223</sup> NGO activists say women’s perceptions that their options are constrained by the fact that their abusive husbands are police officers are well-founded, and that police regard themselves as above the law. Leading women’s rights advocate Bubusara Ryskulova asserted that when a woman’s abusive husband is a police officer, “she can’t do anything, because he says, ‘I am the police, you can’t go anywhere.’”<sup>224</sup> “Policemen with contacts can do what they want,” said another activist.<sup>225</sup>

Wives of abusive police officers also may not have access to police protection orders. Activist Nargiza Eshtaeva told Human Rights Watch, “A woman came to us and she was covered in bruises. She didn’t know how to get a restraining order. Her husband was a police colonel.”<sup>226</sup> In that case, although the woman had been hospitalized several times due to injuries caused by beatings by her husband and she had her doctors’ documentation of the injuries, the presence of her husband and all of his brothers on the police force convinced her that she could not turn to the police herself.<sup>227</sup>

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<sup>221</sup> Human Rights Watch interview with Zhanna Saralaeva, Association of Women Leaders of Jalal Abad and Kaniet Crisis Center, Jalal Abad, November 10, 2005.

<sup>222</sup> Human Rights Watch interview with Asel A., November 2005.

<sup>223</sup> Human Rights Watch interview with Nargiza Eshtaeva, Ailzat, Osh, November 8, 2005.

<sup>224</sup> Human Rights Watch interview with Bubusara Ryskulova, Sezim, Bishkek, November 1, 2005.

<sup>225</sup> Human Rights Watch interview with Nargiza Eshtaeva, Ailzat, Osh, November 8, 2005.

<sup>226</sup> *Ibid.*

<sup>227</sup> According to Nargiza Eshtaeva, the woman’s husband had managed, through his connections with local authorities, to obtain a divorce from her without her consent and this contributed to her belief that law enforcement authorities would not help her.

### *Police and the aksakal courts*

Rather than treat cases of domestic violence as law enforcement issues, police often dismiss them as community matters and pass them off to the aksakals, or community elders. While Kyrgyz law envisions that some domestic violence cases will be handled by the aksakal courts, police appear to resort excessively and inappropriately to this option in order to get rid of such cases, which they deem unworthy of their time and attention. As will be discussed below, in dealing with family matters, including domestic violence, aksakals promote reconciliation, often at the expense of a woman's safety.

The term aksakal itself translates into "white beard" and refers to a respected elder of the community. Aksakals have long been looked to in Kyrgyzstan for advice and leadership, particularly to resolve disputes among community members. In 2002 the role of the aksakals was codified in the Law on Aksakal Courts. Aksakal courts, local government structures that operate on the neighborhood or district level, now work in tandem with other government agencies and arbitrating bodies to deal with certain community matters. Members of the aksakal courts are nominated by area residents and local government institutions or agencies, and are elected by residents for terms of three years. Only a handful of members of the aksakal courts are women.<sup>228</sup>

### *Aksakals and the law*

Kyrgyz law envisions a role for the aksakals in responding to cases of domestic violence. Article 6 of the 2003 Law on Social-Legal Protection from Domestic Violence lists among a victim's rights, the right to "address the issue to the local court of elders." It states that, "The goal is a public reprimand of the assailant."<sup>229</sup>

In accordance with article 4 of the Law on Aksakal Courts, the elders can hear and resolve civil cases and cases that have been forwarded by courts and the procuracy in order to apply measures of social influence, in accordance with the Criminal

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<sup>228</sup> Human Rights Watch interview with Aleksandra Eliferenko, Chance, Bishkek, October 28, 2005. Official statistics on the number of female members of the aksakal courts was not available at the time of this writing. Email communication from Human Rights Watch consultant, Sardar Bagishbekov, based on his telephone interview with Toktokan Borombaeva, Presidential Council on Women, Family, and Gender Development, Bishkek, April 24, 2006.

<sup>229</sup> Law on Social-Legal Protection from Domestic Violence, 2003.

Procedure Code. They may also hear cases forwarded by police, but only if police have received sanction to do so by the procuracy. The aksakals can also hear cases addressed to it directly by individuals, with the aim of achieving the reconciliation of the parties.<sup>230</sup> Article 15 of the Law on Aksakal Courts grants the elders jurisdiction to hear cases related to family conflicts, including matters of “national (ethnic) marital relations and traditions related to marital and family relations.” The range of penalties aksakals may impose to resolve family conflicts include warnings, requiring the perpetrator to offer a public apology to the victim, making a public reproach, requiring the guilty party to compensate for material damage caused, or fining the perpetrator up to three times the minimum monthly wage.<sup>231</sup>

In accordance with article 240 of the Criminal Procedure Code, criminal matters should be sent to the district court for a hearing, not to the aksakal courts, which have no jurisdiction over criminal matters and cannot impose criminal penalties. The only time when the law permits review of criminal cases by the aksakal courts is when the procuracy has already closed the case, and, rather than pursuing criminal prosecution, forwards it on for the aksakals to apply “measures of social influence.”<sup>232</sup> The law dictates that when an act of domestic violence is potentially a criminal matter, it should be taken up and investigated by the police. Only cases of family conflict that would not qualify as criminal cases—for example, where there are no grounds for charges under Criminal Code articles 111 and 112—should be forwarded to the aksakal courts. A human rights lawyer claimed that the division of labor between police and aksakals in domestic violence cases indeed falls along the lines of Criminal Code articles 111 and 112, with the “light” cases going to the aksakals. He said, “If there is severe bodily injury in a case of domestic violence, then the police need to refer the case to the court. If it is a case of light harm, then it goes to the aksakals.”<sup>233</sup>

In practice, however, it appears that police often disregard the law’s prescription for aksakals to play a limited role in addressing domestic violence cases and forward cases to the aksakals long before they reach the procuracy, even when they should

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<sup>230</sup> Law on Aksakal Court, art.4.

<sup>231</sup> Law on Aksakal Court, art. 28.

<sup>232</sup> Law on Aksakal Court, art. 4.

<sup>233</sup> Human Rights Watch interview with Makhamadjan Abduzhaparov, attorney, Spravedlivost, Jalal Abad, November 11, 2005.

have been sent to the procuracy in the first place for criminal prosecution. One senior police officer spoke plainly about police referrals to the aksakal courts when women complain about domestic violence, “When they appeal to us, we react: we go to the aksakal courts and try to sort this out. There are usually five or six people, they invite the husband, and we talk it through.”<sup>234</sup>

### *Consequences of police passing cases to the aksakals*

There are serious consequences to women’s prospects for justice and protection when police pass responsibility for domestic violence cases off to the aksakals instead of treating these as law enforcement matters. The failure of law enforcement personnel to register, investigate and prosecute cases that have criminal content robs women of their access to justice and the full range of options for protection envisioned under the law. Aksakals, unlike police and courts, cannot issue orders of protection for women at risk of continued violence. Nor can they detain or imprison abusers. Once police pass on cases that would rightly be prosecuted under the Criminal Code to the aksakals, the case is no longer considered a criminal matter, but a social problem.

Few women know that they have the right to appeal decisions of aksakal courts to a district court, which does have jurisdiction over criminal cases. According to the law, a woman can appeal an akasakal court decision, but one lawyer told Human Rights Watch that “women don’t actually do this. Many probably don’t even know about it.”<sup>235</sup> It appears that the only cases in which women avail themselves of this right are those in which the aksakals themselves decide that they cannot resolve a matter—that is they cannot reconcile a couple—and they refer the case onward.

One officer used a de minimus case to explain the circumstances under which officers refer cases to the aksakal courts, “We send small matters to the aksakals and they warn people or fine them. Sometimes we forward family problems to the aksakals. If a man hits a woman once and asks for forgiveness, this is the kind of case that would go to the aksakals. People are concerned about their reputation in

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<sup>234</sup> Human Rights Watch interview with a senior police officer, name withheld, Osh Province Police Department, Osh, November 10, 2005.

<sup>235</sup> Human Rights Watch interview with Makhamadjan Abduzhaparov, attorney, Spravedlivost, Jalal Abad, November 11, 2005.

the society. The [Criminal Procedure Code] dictates which cases go to the aksakals. Is it better to give a case to the aksakals to decide or better to put someone in prison for 15 days? If you have a completely normal person, who drank once and then hit his wife, then you don't need to punish him too hard. It's better for the aksakals to handle this case, to fine him. The neighborhood police officer will help to enforce payment of the fine."<sup>236</sup>

Police without doubt know that sending a domestic violence case to the aksakals means that the man will not face detention and that the aksakal court will most likely encourage the woman to remain in a marriage that may be characterized by violence. As noted above, however, some officers view this outcome as preferable to administrative or criminal penalties for the abusive husband and therefore block the woman's ability to exercise her right to bring criminal charges or push for administrative arrest. One officer told Human Rights Watch, "We work with the aksakal courts, we have them go to the location and address the situation. We are working with them to encourage reconciliation so that there aren't divorces."<sup>237</sup>

### *Aksakals view reconciliation as the best solution to domestic violence*

Another consequence women face when police send cases to the aksakals or when women themselves go to aksakals for help, is that the elders encourage women to remain with their abusers, or facilitate their return to violent marriages. Aksakals view it as their role to "reconcile" women and their abusive husbands—one female member of an aksakal court said, "When husbands and wives fight we try to reconcile them."<sup>238</sup> In practice, abusive men face few consequences other than public exposure, while the woman is asked not only to reconcile with her abuser but in fact to reconcile herself to continuing to live with the abuse.

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<sup>236</sup> Human Rights Watch interview with a senior police officer, name withheld, Jalal Abad City Police Department, Jalal Abad, November 11, 2005.

<sup>237</sup> Human Rights Watch interview with a senior police officer, name withheld, Osh Province Police Department, Osh, November 10, 2005.

<sup>238</sup> Human Rights Watch interview with members of an aksakal court, place withheld, November 2005. Another former aksakal, now a senior government official, said, "A lot of people continue to use [domestic] violence in the villages. I worked as an aksakal. We usually helped people reconcile." Human Rights Watch interview with a senior government official, name withheld, Bishkek, November 2005.

An aksakal court member from a southern village explained how the reconciliation process works: “When we get the women’s complaints about fights, we summon the men—if he doesn’t come, we get the police to bring him or else we go to his house ourselves. The husband and wife will be here. We discuss the matter and then we reconcile them.”<sup>239</sup> He said that in his village, “Six women appealed to us in 2005.... Three of the women who came to us had fights with their husbands. Two of these reconciled [with their husbands], one went to court.”<sup>240</sup>

The same aksakal court member added, “When the parents of the couple don’t want them to be reconciled, we give the couple a three- to six-month period to continue to try to live together. Usually they reconcile in this period.”<sup>241</sup> Human rights activists confirm the use of “waiting periods” by aksakal courts as a means of facilitating women’s return to abusive homes. Said one rights defender, “The aksakal courts try to reconcile people when there are conflicts in the family. Their first priority is to ‘save the family.’ They don’t have the authority to grant permission for a divorce, but they try to give people [seeking divorce] three to six months [waiting period] and tell them to reconcile.”<sup>242</sup>

Government officials recognize that aksakals are actively encouraging women to remain in abusive households. One official told Human Rights Watch, “Aksakal courts have a more traditional view, they try to keep families together. They are very conservative and try to save the family and subscribe to a lot of stereotypes and blame women or tell men [the violence is taking place] because they need a job.”<sup>243</sup>

Some members of aksakal courts acknowledge that reconciliation can fail to be a lasting “solution” to domestic violence and that abuse often continues after the aksakals’ intervention. In these cases, the aksakals may refer a case to local judicial authorities. As one aksakal put it, “[If there are conflicts in a home and a man is summoned] we give them a specific period to continue to live together and to try to

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<sup>239</sup> Human Rights Watch interview with members of an aksakal court, place withheld, November 2005.

<sup>240</sup> Ibid. For the most part, the aksakal members with whom Human Rights Watch spoke responded to questions about domestic violence by referring to “scandals” and “arguments,” and in this way downplayed the seriousness of these conflicts.

<sup>241</sup> Ibid.

<sup>242</sup> Human Rights Watch interview with rights defender Aziza Abdurasulova, Bishkek, October 30, 2005.

<sup>243</sup> Human Rights Watch interview with Taalaygul Isakunova, expert, the Presidential Council on Women, Family, and Gender Development, Bishkek, October 31, 2005.

sort it out. We maintain control over the situation, we observe the situation. If there are repeated incidents then we hand over the case to the district court. If we can't reconcile the couple, then we forward the case to the court. If abuse is happening for a second, third, or fourth time then we give up."<sup>244</sup> In some cases, aksakals can be callous in the face of women's complaints about violence or refuse to help them at all. One activist charged, "Aksakal courts can help. It depends on the person. Sometimes the aksakals just say, 'Girl, that's the way things are. Go back home and reconcile with your husband.'"<sup>245</sup>

One woman, Dimira D., who had suffered years of violence at the hands of her husband—including being hit in the head with a rock, being strangled, beaten, and threatened with death—said the aksakals refused to help her: "I went to the aksakal court, I asked them to warn my husband that if it happened again he could be taken to court. I asked, if I paid for gas [to cover the cost of the car trip to her house], would the aksakals go to warn him? The aksakal said, 'No, I know your relatives and that they can just accuse me of something [in retaliation].'"<sup>246</sup>

Some women choose not to appeal to the aksakal courts for help in cases of domestic violence because they view the aksakals as biased in favor of male abusers.<sup>247</sup> One expert on domestic violence and gender issues stated, "When a woman goes to the aksakal court with a domestic violence problem, the men side with the men."<sup>248</sup> "We need women on the court," she added.<sup>249</sup>

NGO leaders generally agree that the extremely small number of women members of the aksakal courts makes them an unwelcoming place for women to go. One said, "Aksakal courts are mostly men. They don't pay attention to women's issues. Young women would never go to them."<sup>250</sup>

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<sup>244</sup> Human Rights Watch interview with members of an aksakal court, place withheld, November 2005.

<sup>245</sup> Human Rights Watch interview with Nargiza Eshtaeva, Ailzat, Osh, November 8, 2005.

<sup>246</sup> Human Rights Watch interview with Dimira D., November 2005.

<sup>247</sup> Human Rights Watch interview with Nargiza Eshtaeva, Ailzat NGO, Osh, November 8, 2005.

<sup>248</sup> Human Rights Watch interview with Jamila Kaparova, affiliated with Diamond, Osh, November 8, 2005.

<sup>249</sup> Ibid.

<sup>250</sup> Human Rights Watch interview with Aleksandra Eliferenko, Bishkek, Chance, October 28, 2005.



### *Government and NGO views and aksakals' influence in domestic violence cases*

Very little empirical research exists worldwide on the effectiveness of community, rather than criminal justice, responses to stop domestic violence. While Human Rights Watch is not aware of any such studies on Kyrgyzstan, interviews with victims of domestic violence and the NGOs that provide services to them indicate that government and law enforcement authorities may overestimate the power of reprimanding men as a means of solving the problem of domestic violence. Officials who spoke with Human Rights Watch presented the authority of the aksakals, and the threat of public shaming that they wield, as sufficiently powerful to stop men from committing acts of violence against their wives. Some women's rights NGOs and victims of violence emphasized, however, that scoldings by community elders often have no effect on abusive men. They charge that while the aksakals and state authorities congratulate themselves on having "solved" the problem, women reconciled with their abusive husbands often experience a continuation of violence in their marriages.

One government official responsible for monitoring and reporting on human rights matters in the country claimed that the effectiveness of the aksakals was the reason so few victims had come to his office for help. He said, "Women don't come to [this office] because they often resolve the matter right at the scene. Aksakals know everyone and when there's a fight they come and then they can get an agreement [from the parties] or else they forward the matter to the police. We have respect for elders."<sup>251</sup> A police officer asserted, "Young men respect the aksakals and listen to them."<sup>252</sup> Some NGO activists also view the aksakal courts as an effective mechanism for stopping domestic violence. For example, a volunteer at a women's NGO cited the fines imposed by aksakals as evidence of resolution of the problem: "If a woman goes to the aksakals, they help resolve the problem and even fine the guilty party. There are some cases like this, when the men have had to pay a fine. They resolve it immediately, they don't pass it on to the law enforcement organs."<sup>253</sup>

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<sup>251</sup> Human Rights Watch interview with Mamat Momunov, ombudsman's office, Bishkek, November 14, 2005.

<sup>252</sup> Human Rights Watch interview with a senior police officer, name withheld, Osh Province Police Department, Osh, November 10, 2005.

<sup>253</sup> Human Rights Watch interview with a volunteer, name not available, Alai district in Jalal Abad province, November 9, 2005.

Another activist expressed her faith in the power of the aksakals' influence and their potential as advocates for women: "Women do go to the aksakals. When the aksakals give warnings and fine men or meet with their relatives about domestic violence, it really helps, because in the villages people really respect them and listen to what they say. Also, people don't like the police... so they feel it's better to go to the aksakals... It's very important to do trainings with them, because if they have respect for women then the community will."<sup>254</sup>

While others acknowledge the importance of social standing and reputation, especially in smaller communities, they say the effectiveness of community elders is not reliable. Said one gender expert, "Aksakal courts... can use moral pressure. In the villages this moral pressure is severe. The aksakal courts can sit a man down and tell him to stop behaving this way. They can even exile a person from the village, saying, 'Don't bring shame on the village.' But of course aksakals are also human and have faults, it doesn't always work and they don't always have an effect."<sup>255</sup>

Some of those who work directly with women victims of domestic violence assert that the aksakals' approach fails to have a lasting effect on abusive spouses. One psychologist suggested that the effect of reprimands by elders is typically short-lived: "In response to an intervention by the aksakals, the husband may be quiet for a few months because he's ashamed."<sup>256</sup> Significantly, women victims expressed sharp skepticism about aksakals' ability to change their husbands' abusive behavior. Dinara D., whose husband is 76 years old, said, "[My husband] wouldn't pay attention to the aksakals."<sup>257</sup> Nurzat N. also rejected the idea that the aksakals could stop her husband from beating her: "I never went to the aksakals.... My husband wouldn't have listened to the aksakals anyway. We have this tradition of respect for elders, but my husband doesn't respect his elders."<sup>258</sup>

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<sup>254</sup> Human Rights Watch interview with Zhanna Saralaeva, Association of Women Leaders of Jalal Abad and Kaniet Crisis Center, Jalal Abad, November 10, 2005.

<sup>255</sup> Human Rights Watch interview with Jamila Kaparova, affiliated with Diamond, Osh, November 8, 2005.

<sup>256</sup> Human Rights Watch interview with organization psychologist, Association of Women Leaders of Jalal Abad and Kaniet Crisis Center, Jalal Abad, November 10, 2005.

<sup>257</sup> Human Rights Watch interview with Dinara D., November 2005.

<sup>258</sup> Human Rights Watch interview with Nurzat N., November 2005.

One police official shared his view that local women's councils (local government agencies responsible for engaging community members on issues related to women) also have considerable authority and influence over male behavior: "In instances in which violence is repeated, the aksakals and the women's committees will control this so that this doesn't happen. They're very strong and can conduct good prevention. If five or six people come to a man's home, it'll be very embarrassing for him."<sup>259</sup> But NGO activists say that women's councils actually have limited capacity: "We work with the women's committees in the regions. This is basically one person who has an office in a government building and women can go to her for consultations."<sup>260</sup>

### *Emphasis on reconciliation as the primary solution to domestic violence*

As noted above, police and aksakals press women to reconcile with their abusive husbands. Other government officials and some NGOs also emphasize reconciliation, even though this can have serious consequences for the woman's safety. A human rights official told Human Rights Watch:

[When a woman comes to me about domestic violence] I invite her husband here right away. These are mostly [ethnic] Kyrgyz. I invite the husband here and I talk to him and find out if he has children. I will say to the man, "You drink and beat your wife, and you have children, and what will you do if you just drink yourself silly and your children are orphaned." I encourage them to reconcile. I make the husband afraid, so he thinks twice about it next time. I talk to him the same way parents talk to a child. Men apologize, explain that they can't stop drinking. They complain about themselves, that it is their habit to beat their wives, and they can't stop. I threaten to publicize the case so that

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<sup>259</sup> Human Rights Watch interview with a senior police officer, name withheld, Osh Province Police Department, Osh, November 10, 2005. Women's councils were established in Central Asia and elsewhere during the Soviet period to instill communist ideas among women. They continue to operate in some countries, including Kyrgyzstan. See, Human Rights Watch, *The Human Rights Watch Global Report on Women's Human Rights*, (New York: Human Rights Watch, 1995), "Discrimination against Women Workers in Russia," footnote 120.

<sup>260</sup> Human Rights Watch interview with organization psychologist, Association of Women Leaders of Jalal Abad and Kaniet Crisis Center, Jalal Abad crisis center, November 10, 2005.

there will be shame on the family. I don't send them to the police, it would be an extreme case.<sup>261</sup>

The leader of one women's NGO said, "We try to do the maximum to keep families together."<sup>262</sup> Another said, "Women stay with us at the crisis center for only 15 days. We help them stay with relatives or to reconcile with their husband..."<sup>263</sup> The head of another crisis center described the consultation process her group employs: "Women can stay in the shelter for about one week. Then [our group] holds a consultation with a woman and her husband and family to resolve the problem. He signs a paper. If a woman doesn't want to go back, she gets a divorce, but that is hard [for her]."<sup>264</sup>

Lydia L. told Human Rights Watch that she appealed to a crisis center for help and said she was able to reconcile with her husband following the consultation, and that the abuse had stopped. She said, "He hasn't stopped drinking, but for now he has stopped beating me."<sup>265</sup> She described the method of counseling used at the crisis center she went to for help to stop the abuse by her husband, "When the women from the organization spoke to him, they explained to him that he is not allowed to beat me, that I have rights and that they will protect me. They said, 'What will you do if she leaves you? You'll drink yourself silly and then no one will need you.' This had an effect on him. They spoke to him one-on-one, without me."<sup>266</sup> One NGO activist expressed her satisfaction regarding this kind of process, "It is so satisfying when a woman says that her husband has stopped beating her and now knows the law is on her side."<sup>267</sup>

However, some NGO activists say that, having witnessed the experiences of women who continue to endure violence after returning to their spouses, they are beginning to question the benefit to women of reconciliation strategies. Said the leader of one

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<sup>261</sup> Human Rights Watch interview with a government human rights official, name withheld, Bishkek, November 2005.

<sup>262</sup> Human Rights Watch interview with Aleksandra Eliferenko, Bishkek, October 28, 2005.

<sup>263</sup> Human Rights Watch interview with Nargiza Eshtaeva, Ailzat, Osh, November 8, 2005.

<sup>264</sup> Human Rights Watch interview with Bubusara Ryskulova, Sezim, Bishkek, October 28, 2005.

<sup>265</sup> Human Rights Watch interview with Lydia L., November 2005.

<sup>266</sup> Ibid.

<sup>267</sup> Human Rights Watch interview with Nargiza Eshtaeva, Ailzat, Osh, November 8, 2005.

NGO, “We used to work with women to save the family and help them go home. But now we realize: why should she go home to such a place?!<sup>268</sup> Another activist voiced her own frustrations with the reconciliation approach she has been using to counsel women: “Sometimes we want to tell a woman to leave, especially when she stays just so society doesn’t say she’s a woman without a husband.”<sup>269</sup>

One young woman recalled her friend’s experience after she was apparently encouraged by an NGO to reconcile with her abusive husband:

My friend’s husband beat her often. She went to [a local shelter] just to talk. They warned her that she’d now be alone with two kids and would be seen as a bad woman [if she left her husband], so she went home. This year, her husband hit her again and she blacked out, she doesn’t remember what happened. There was a medical exam done and it seems he kicked her [while she was unconscious]. I spoke with her again three days ago, the problems continue.<sup>270</sup>

## Leaving a Violent Home

### *Women’s escape stories*

In addition to, or instead of, seeking legal remedies, some women attempt to stop the violence being committed against them by ending relationships with violent spouses, typically by leaving the home. Most NGO leaders agree that the women who manage to escape violent households are in the extreme minority: one group said that 99 percent of the women who come to its crisis center about problems with domestic violence continue to live with their husbands, and 1 percent get divorced.<sup>271</sup> Despite all the obstacles, some women whom Human Rights Watch interviewed for this report had successfully fled their abusive homes.<sup>272</sup> These women told their stories about how and why they eventually escaped the violence.

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<sup>268</sup> Human Rights Watch interview with Zhanna Saralaeva, Association of Women Leaders of Jalal Abad and Kaniet Crisis Center, Jalal Abad, November 10, 2005.

<sup>269</sup> Human Rights Watch interview with Nargiza Eshtaeva, Ailzat, Osh, November 8, 2005.

<sup>270</sup> Human Rights Watch interview with a person close to the case, name withheld, October 2005.

<sup>271</sup> Human Rights Watch interview with Nargiza Eshtaeva, Ailzat, Osh, November 8, 2005.

<sup>272</sup> Others remained in violent marriages at the time the research was conducted.

Elmira E. described how, after being beaten repeatedly by her husband, she fled with her children, including one son who was just an infant at the time: “I borrowed money. First we had to walk 10 kilometers, and I was covered in blood.” She finally convinced the driver of a passing car to pick them up, took the children to her parents’ house, and then got herself to the hospital.<sup>273</sup> Keres K. also fled with her children in tow, walking for hours and going days without sleeping before finally reaching a shelter. “Our legs shook,” she said.<sup>274</sup>

Some women said their husbands or in-laws tried to convince them to stay. Tursunai T. said, “I tried to leave. I ran away four or five times and they followed me and promised it [the beatings] wouldn’t happen again and they took me back. The fifth time I didn’t go back.”<sup>275</sup>

Dimira D., who had suffered more than a decade of abuse by her husband, and who had been hospitalized after he hit her in the head with a brick, described what happened the day she left: “On that day he threw me out of the house. He had beaten me for a whole month straight. He threw me and the children out. We sat outside all night because we had no place to go. I was so ashamed. All the neighbors saw this. This was the hundredth time he had done this to me. So I decided to go to court for a divorce.”<sup>276</sup>

Gulzat G., age 20, recalled the planning she had to do in order to execute her escape, “I went to the Russian woman who sold the milk who knew everything about what was happening to me and I asked this woman for money to pay for a taxi to get out of Bishkek. And this woman agreed. So I washed and gathered my things and at 3 a.m. I snuck out and left the family and came to [another city far from Bishkek]. That was [gives exact date]. Before I left I had found a way to call my parents so that they could give me permission to come home. My in-laws had cut off the phone in the house. This was another way to control me, to isolate me. I went to the *sklad*

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<sup>273</sup> Human Rights Watch interview with Elmira E., November 2005.

<sup>274</sup> Human Rights Watch interview with Keres K., November 2005.

<sup>275</sup> Human Rights Watch interview with Tursunai T., November 2005.

<sup>276</sup> Human Rights Watch interview with Dimira D., November 2005.

[warehouse or storehouse] and found an old telephone and was able to make the call.”<sup>277</sup>

Women face particular obstacles when they attempt to escape an abusive marriage that has started with abduction, because of isolation imposed on them by their in-laws.

Feruz F., who was kidnapped at age 17 and then beaten and raped by her husband, said that she finally was able to convince her parents to help her escape and take her back after a year-and-a-half in the abusive home. Forbidden by her abductors to leave the house, she was permitted to see her parents only twice during the time she was with her husband. She described the process of convincing her parents to help her to escape the abusive home, where she was being raped and beaten on a regular basis:

I told them I was unhappy and that he was treating me badly and was not a good man. My mother said she wanted to take me home, but my mother-in-law promised to tell my husband not to beat me. My mother believed them and left me there. Later, I told my parents I would die from it. Then my father said to wait a few more months and he would write a letter and ask me to come home for an urgent visit. [When the letter came] I told my mother-in-law, so they let me go and I got home.... When my mother-in-law came for me, they refused to give me to her.<sup>278</sup>

Other aspects of Feruz F.’s case are discussed below in the chapter on bride-kidnapping.

### *Obstacles to leaving a violent home*

In some cases, real and perceived obstacles can make it very difficult for a woman to leave a violent home in order to end an abusive relationship. Abusive men use

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<sup>277</sup> Human Rights Watch interview with Gulzat G., November 2005.

<sup>278</sup> Human Rights Watch interview with Feruz F., November 2005.

different means to physically isolate and prevent women from escaping. In some cases, men capture women who have fled and force them to return. Many women, lacking financial support, simply have nowhere to go. They may also fear retaliation by their spouses and stigma from their communities and natal families.

### **Physical constraints**

Rights activists report that there are many cases when women cannot escape abuse because men prevent them from leaving the home. They report that it is common for women to be confined to the house for extended periods. One rights defender said that a woman had sought help on behalf of her sister, who was being beaten by her husband. The woman wanted to leave and get a divorce, but her husband had not permitted her to leave the house for several years and had cut off the telephone.<sup>279</sup>

Gulzat G. described being locked up by her husband and his family: “One evening my mother-in-law and my husband and I all got into a fight and I said, ‘I just want to go.’ I started packing my things, but my mother-in-law forbade me to leave. She forced me to stay.... My in-laws would lock me in the yard of the house. I could only speak to my parents from behind the fence when they came to visit.”<sup>280</sup> She described being kept in a small room off the kitchen, locked out of the main house on the one hand and prevented from leaving on the other. She said, “During the day, when everyone else would leave the house, I would be locked in the courtyard. I could not go out of the house. I could only enter my room and the kitchen. The main house was also locked.”<sup>281</sup>

Farida F. described how her husband put a stop to her work outside the home as a way of exerting his control over her. She said, “I got a job as a dishwasher. The place where I worked was opened until the last client was served, so I had to work late, until midnight or 1:00 in the morning. My husband did not like it at all. He would come over there, right into the café and... he would make a scene. He would even

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<sup>279</sup> Human Rights Watch interview with Burul Sopieva, KCHR, Bishkek, November 2, 2005.

<sup>280</sup> Human Rights Watch interview with Gulzat G., November 2005.

<sup>281</sup> *Ibid.*



take me away from the job during my working hours. It happened several times and as a result I had to quit this job.”<sup>282</sup>

Nurzat N. had experienced being forcibly returned to her violent home. Speaking to Human Rights Watch at a shelter she said, “This is the fifth time that I’ve left him. In the past he would use force to make me go back home with him. If he saw me on the street, he’d violently force me into a car and take me home. I’m afraid to go out on the street now. I don’t want to leave the shelter.”<sup>283</sup> Dimira D., who was repeatedly beaten by her husband for years recalled, “I ran away and went to some acquaintances. When my mother-in-law and sister-in-law found out they forced me to go back home.”<sup>284</sup>

### **Economic constraints; limited shelter capacity**

Physical and material constraints often deter women from leaving violent situations. Some women are prevented from leaving because they have nowhere to go.

Crisis centers and shelters run by Kyrgyz NGOs and funded by international donor organizations provide a life-saving service offering a temporary home to women who have fled domestic violence or kidnapping. However, these shelters often have only four to eight beds and cannot offer women long-term residence. In most towns and villages there is no NGO or other shelter operating at all.

If women do not have friends, neighbors, or relatives who will take them in, many are left with nowhere to go. This, together with the pressure to reconcile, contributes to the high number of women who return to abusive homes after seeking help. As noted above, some NGOs estimate that 90 to 99 percent of the women who flee violence and appeal to them about domestic abuse return to their abusers. One local expert on women’s issues observed, “Women don’t have a place to go if they want to leave their husbands.”<sup>285</sup> Asel A., who lived in a village that did not have a women’s shelter

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<sup>282</sup> Human Rights Watch interview with Farida F., November 2005.

<sup>283</sup> Human Rights Watch interview with Nurzat N., November 2005.

<sup>284</sup> Human Rights Watch interview with Dimira D., November 2005.

<sup>285</sup> Human Rights Watch interview with Nurgul Asylbekova, Soros Foundation-Kyrgyzstan, Bishkek, November 15, 2005.

and who remained with her abusive second husband, put it bleakly, saying, “I think I’ll put up with him and even will die with him, because I have nowhere to go.”<sup>286</sup>

Keres K. fled her husband after many years of abuse and went with her children to a shelter in a major city. She said, “We’re looking for an apartment. My salary is 2,000 som [about \$50] and an apartment is \$100 [per month]; I don’t know what to do.”<sup>287</sup> When asked what might make the situation better, she said, “It would be good if the government at least helped us with a place to live or something at least for a little while. If it hadn’t been for this place [the shelter], I don’t know where the kids and I would have gone. They could have a dormitory where people could live for a little while.”<sup>288</sup>

NGO activists and international experts say that women often remain in abusive situations or are forced to return to violent marriages because they are economically dependent on their husbands.<sup>289</sup> Elmira E., age 38, who eventually left her husband, said, “I wanted to leave even earlier than I did, but without money, what could I do? Where could I go without money?”<sup>290</sup> Female unemployment is high in Kyrgyzstan. One law enforcement official observed that there were more jobs for women before independence and that he thought women therefore had greater opportunity to escape abusive husbands during the Soviet era. He said, “There used to be factories where women and men could work, now they’re closed. In the USSR, before, if a woman left her husband, she would be able to support herself and could get a job and there would be social support for the children.”<sup>291</sup>

Even when women work, however, abusive husbands will sometimes claim control over all family income. “My husband demands that he gets all my salary and controls all the money,” said Asel A.<sup>292</sup> Men’s tight control on money can mean that women in

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<sup>286</sup> Human Rights Watch interview with Asel A., November 2005.

<sup>287</sup> Human Rights Watch interview with Keres K., November 2005.

<sup>288</sup> *Ibid.*

<sup>289</sup> Human Rights Watch interviews with Gulnara Baimambetova, United Nations Development Fund for Women (UNIFEM), Bishkek, November 17; and Nargiza Eshtaeva, Ailzat, Osh, November 8, 2005.

<sup>290</sup> Human Rights Watch interview with Elmira E., November 2005.

<sup>291</sup> Human Rights Watch interview with a senior official, name withheld, Osh Province Prosecutor’s Office, Osh, November 8, 2005.

<sup>292</sup> Human Rights Watch interview with Asel A., November 2005.

villages sometimes literally cannot afford the cost of transportation to leave home and seek help from one of the NGOs in the cities. As one activist put it, “Women can’t come to the city to see us for help, a woman needs to ask her husband for permission and for money for the trip...”<sup>293</sup> Gulzat G.’s story of borrowing money from a woman in the neighborhood in order to hire a car to take her to her parents’ home also speaks to the significance of even small amounts of money in determining whether a woman is able to flee a violent situation.<sup>294</sup>

Two women said their husbands locked up their clothes, often women’s only personal property of value, to prevent them from leaving.<sup>295</sup>

NGO activists say that about 80 percent of women are granted alimony upon divorce,<sup>296</sup> but that the amounts can be very low and there can be problems with execution of the court order. As one activist put it, “The law guarantees the right to alimony, but the law is not implemented. The husband is never punished for not paying alimony. Those responsible for implementing court decisions do not track down the husband and force him to pay.”<sup>297</sup> This failure to enforce alimony orders may deter women from seeking divorce. The same activist said that the amount can be as low as 20 som (about 50¢) per child per month if a man is unemployed, or can be paid out in goods such as food. In cases when the ex-husband works, the authorities should arrange for payments to be deducted directly from his salary.<sup>298</sup>

### **Fear of retaliatory violence**

In some cases, women remain in abusive homes because they fear that their husbands will cause them even worse harm if they leave. Some abusers threaten wives with retaliatory violence and even death if they were to leave the marriage.

Keres K., who endured 17 years of violence by her husband, said that threats against her and her children kept her from leaving earlier: “He threatened to kill me. I

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<sup>293</sup> Human Rights Watch interview with Nargiza Eshtaeva, Ailzat, Osh, November 8, 2005.

<sup>294</sup> See above, “Women’s escape stories.” Human Rights Watch interview with Gulzat G., November 2005.

<sup>295</sup> Human Rights Watch interviews with Dinara D. and Nurzat N., November 2005.

<sup>296</sup> Human Rights Watch interview with Svetlana Sayakbayeva and Erkin Asanaliev, Tendesh, Naryn, November 5, 2005.

<sup>297</sup> Ibid.

<sup>298</sup> Ibid.

suggested a divorce and he said, ‘No I’d kill you and the children.’”<sup>299</sup> Tursunai T., who was repeatedly beaten by her husband, who had kidnapped her, said he threatened her with further violence if she left: “He threatened me with a knife and said that if I wouldn’t live with him, he’d kill me. He chased me around the house. He kicked me and beat me with his fists.”<sup>300</sup>

In some cases abusive men effectively hold children hostage in order to force their wives to remain in, or return to, abusive homes. Elmira E. faced such a situation. Her husband regularly and severely beat her and their children. When Elmira E. left her husband, he refused to allow her to take the children away, so she went back to live with him out of concern for her children.<sup>301</sup>

### **Fear of social stigmatization**

Sometimes the most powerful constraint on a woman’s ability to leave a violent situation is her fear of being disgraced by her community. Many women in Kyrgyzstan fear that they, their children, or their parents and extended families will be shamed and stigmatized if they leave their abusive husbands. In Kyrgyz society great emphasis is placed on social standing, and an entire family’s reputation can be damaged by the behavior of one family member. For a woman to be part of a “failed marriage” is considered enough to bring shame on the whole family.

Many women are told by their families that it is shameful to seek divorce, even in cases when the woman is living in a violent marriage. Elmira E., who was kidnapped by strangers at age 17 and beaten for years by her husband, described the reaction of her parents when she fled the abuse: “When I did decide to leave, my husband agreed to the divorce and gave me the children. I went to my parents and lived with them for six months and lived. They were unhappy. They were ashamed and accused me of doing something very wrong. They said, ‘Why did you divorce your husband? None of our [other] daughters have divorced.’”<sup>302</sup>

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<sup>299</sup> Human Rights Watch interview with Keres K., November 2005.

<sup>300</sup> Human Rights Watch interview with Tursunai T., November 2005.

<sup>301</sup> Human Rights Watch interview with Elmira E., November 2005.

<sup>302</sup> Ibid.

Another woman, Tursunai T., said she had reunited with her abusive husband and felt she had to stay with him in order to avoid hurting her grown daughter's reputation: "My daughter got married. If I divorce my husband because he keeps beating me, then my daughter's parents-in-law would consider it a shame in our family."<sup>303</sup>

The social stigma attached to a child growing up without a father is often viewed as worse than a woman being beaten by her husband for years on end. In many cases, children raised by single mothers are referred to as "orphans." Dimira D. said, "I suffered for so many years because I didn't want my children to grow up without a father. Society humiliates those who don't have a husband or a father."<sup>304</sup> Nurzat N., who was frequently beaten by her husband for more than 10 years, said her parents encouraged her to stay: "They forgave my husband and wanted me to live with him so our child didn't end up without a father."<sup>305</sup> Elmira E. blamed her son's suicide on the social stigma and rejection he incurred after she left her abusive husband: "I had two children but one died last year. He hanged himself because he was tormented by his friends over the fact that he didn't have a father. He was 17."<sup>306</sup>

### *Imposition of waiting periods hindering access to divorce*

Article 23 of the Family Code of the Kyrgyz Republic<sup>307</sup> states that in cases when one party objects to divorce, judges may, at their discretion, impose a waiting period of up to three months, during which time the couple is supposed to attempt to reconcile. Even in cases when both the husband and wife agree to the divorce, the courts may impose a waiting period of up to one month. Often in cases of domestic violence, the husband will object to the wife's request for divorce.<sup>308</sup> Even though the longer waiting period is not mandatory, it is used at the discretion of the judge, and according to women who have sought divorce, lawyers, and NGO activists, it is almost universally imposed. The one-month waiting period in cases of mutual agreement to the divorce may be imposed regardless of the circumstances. Dimira D.

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<sup>303</sup> Human Rights Watch interview with Tursunai T., November 2005.

<sup>304</sup> Human Rights Watch interview with Dimira D., November 2005.

<sup>305</sup> Human Rights Watch interview with Nurzat N., November 2005.

<sup>306</sup> Human Rights Watch interview with Elmira E., November 2005.

<sup>307</sup> The Family Code of the Kyrgyz Republic was adopted on August 30, 2003, and last amended on June 20, 2005.

<sup>308</sup> Human Rights Watch interview with Olga Klementieva, lawyer, Chance, Bishkek, October 29, 2005.

left her husband after more than a decade of abuse. She said, “Now we’re divorcing. The court gave us one month to reconcile before the divorce goes through.”<sup>309</sup>

Though it is not provided for under the law, sometimes judges insist that a woman wait six months for the divorce to be granted, or impose an initial waiting period and when the woman returns to the court to say that reconciliation was not possible, the judge imposes yet another delay. Keres K., whose husband beat her for 17 years, threatened her life and the lives of their children, and caused her multiple head concussions, spoke of her difficulties in getting a divorce: “I applied for a divorce. They gave me six months to reconcile. They said it was the law.”<sup>310</sup>

In addition to delaying legal separation for women who actively seek divorce, the mandatory waiting period for divorce may also sometimes act as a deterrent for women contemplating leaving their abusive spouses.

### *Difficulties asserting women’s rights to property, alimony, and child custody*

Often marriages are not registered with the state civil registry, ZAGS (*Zapis’ Aktov Grazhdanskogo Sostoianiia*), despite a requirement under law that a marriage be registered in order to be recognized as legal.<sup>311</sup> Couples are often married through a Muslim ceremony without separately taking steps to officially register the marriage; in cases of bride-kidnapping, discussed below, marriages and women’s property are seldom registered with the state.

In some cases, couples view the cost of registration as prohibitive.<sup>312</sup> One activist noted, however, that while many couples fail to register marriages, the families incur considerable wedding expenses. She said, “They have a big party at a fancy restaurant and with fancy cars, but they don’t go to ZAGS.”<sup>313</sup> She and other women’s rights activists say that when a marriage is unregistered, a wife is left with

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<sup>309</sup> Human Rights Watch interview with Dimira D., November 2005.

<sup>310</sup> Human Rights Watch interview with Keres K., November 2005.

<sup>311</sup> Article 11 of the Family Code says that spouses’ rights and obligations are recognized only following registration of a marriage with the state registry (ZAGS). The implication is that unregistered marriages are not recognized as legal by the state. Unregistered marriages are particularly common when men marry second wives.

<sup>312</sup> Some NGO activists point out that it costs 350 som [about \$9] to register a marriage. Human Rights Watch interview with Svetlana Sayakbayeva and Erkin Asanaliev, Tendesh, Naryn, November 5, 2005.

<sup>313</sup> Human Rights Watch interview with Nargiza Eshtaeva, Ailzat, Osh, November 8, 2005.

nothing upon divorce.<sup>314</sup> Courts will often refuse to recognize women's rights to custody of children, alimony, or property if the marriage was not registered.<sup>315</sup>

Nurzat N., who was with her husband for 12 years and had two children with him, said that she has no legal basis on which to claim the common property accumulated during their marriage. "We didn't register our marriage. He didn't want to register. He told me even then, that he didn't want to have to share the property with me. We had a home and a car, and he didn't want to share that. It doesn't even matter that we built our house together. Everything stays with him," she said.<sup>316</sup>

Nazgul N., a 73-year-old whose husband left her after 37 years of marriage, described a similar scenario: she was left with no money and no property because the marriage had not been registered.<sup>317</sup> She spoke of her devastation at being left with nothing: "My husband left me for another woman. When he left me he sold everything... I wanted to sell the house, but it turns out that the house is in his name."<sup>318</sup> Other women also reported being left homeless after they divorced.<sup>319</sup>

Traditions and, until recently, laws favoring male inheritance of property have meant that land is usually held in the husband's name or ownership is divided among members of his family. As a result, even when marriages have been registered, women seeking divorce have no land in their own name and are often deprived of their right to a share of the joint property. An attorney working with a women's rights group in eastern Kyrgyzstan commented, "It's hardest with land, it's very hard to divide this.... The family owns the land as a group. A woman can't sell her portion of the land without permission from other people in the family. A woman doesn't have anything at all in her name—all the land, the animals, they're registered under the husband's name or under the husband's father's name."<sup>320</sup>

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<sup>314</sup> *Ibid.*, and Human Rights Watch interview with Bubusara Ryskulova, Sezim, Bishkek, November 1, 2005.

<sup>315</sup> Email from Human Rights Watch consultant, Sardar Bagishbekov, based on his telephone interview with Bubusara Ryskulova, Sezim, Bishkek, June 29, 2006; and Human Rights Watch interview with Gulnara Baimambetova, UNIFEM, Bishkek, November 17, 2005.

<sup>316</sup> Human Rights Watch interview with Nurzat N., November 2005.

<sup>317</sup> Human Rights Watch interview with Nazgul N., November 2005.

<sup>318</sup> *Ibid.*

<sup>319</sup> Human Rights Watch interviews with Dinara D. and Altinai A., November 2005.

<sup>320</sup> Human Rights Watch interview with Svetlana Sayakbayeva and Erkin Asanaliev, Tendesh, Naryn, November 5, 2005.

The husband's extended family often holds on to personal property when a woman leaves the household. Ainura A., who was kidnapped and then evicted from the house by her mother-in-law 10 years later, said she was left with nothing:

I lived with her for 10 years. She sold all my things. When I left I wanted to take my things, and she said "over my dead body," so I left with my two children and just some clothes. She sold the television, the refrigerator, everything.... Why should I end up like this, with nothing? I lived with that family for 10 years and now there's nothing for my children. My brother-in-law sold the house and gave me no money [from the sale].<sup>321</sup>

Another young woman, Shoira S., who was kidnapped and pressured to stay with her abductor, found herself unable to retrieve any personal property after she left him. She said, "All of our marital property stayed with my husband: furniture, household items. My mom went—I went with my mom—to try to get it. But my father-in-law doesn't allow me to have anything."<sup>322</sup>

Many women see their options in absolute terms: they can choose to either exercise their right to property or remain safe from further harassment. Fearing that their husbands will retaliate against them if they pursue their property rights, or worried that the experience of pressing for legal division of property will be excessively traumatic, women forego asserting their rights. Zarina Z., who left her abusive husband of 30 years, said, "Now I think it is too late to sue for property; I don't want to mess with that, I just want peace."<sup>323</sup> Nurzat N. said that her husband had possession of all the property, even the house they had built together. She expressed a reticence to fight for her portion of the property because, she said, "All I want now is for him to leave us alone, me and the children, and not touch us."<sup>324</sup> One young woman who left the home of the man who abducted her and then raped and

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<sup>321</sup> Human Rights Watch interview with Ainura A., November 2005.

<sup>322</sup> Human Rights Watch interview with Shoira S., November 2005.

<sup>323</sup> Human Rights Watch interview with Zarina Z., November 2005.

<sup>324</sup> Human Rights Watch interview with Nurzat N., November 2005.



beat her for more than a year said, “I didn’t even go back to that house for my clothes. I just want as much distance between myself and that place as possible.”<sup>325</sup>

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<sup>325</sup> Human Rights Watch interview with Feruza F., November 2005.

## Bride-kidnapping

Bride-kidnapping is a crime in Kyrgyzstan, but it goes unpunished in practice. It causes women physical and psychological harm.

Many law enforcement and other government officials view kidnapping for forced marriage as a useful tradition and not a serious crime. Yet as this chapter illustrates, the kidnapping itself is an act of physical assault, often perpetrated by groups, and frequently involves rape. Kidnappers, including the intended groom's female relatives, isolate the woman to prevent her from escaping. Overwhelming psychological pressure is brought to bear—chiefly by the kidnapper's female relatives but also by the woman's natal family—to coerce her to submit to the marriage and remain with her abductor. The government's failure to respond adequately to stop abduction for forced marriage constitutes a breach of its obligations under various international human rights instruments.

### A Note on Terminology

In this report, the terms abduction, kidnapping, or bride-kidnapping are used to refer to the act of taking a woman or girl against her will through deception or force and using physical or psychological coercion to force her to marry one of her abductors. The terms kidnapping, bride-kidnapping, or abduction as used in this report indicate that the abduction is non-consensual—that is, that the woman who is kidnapped was not part of the planning of the kidnapping and had not given her consent to the kidnapping or the subsequent marriage free of psychological or physical coercion. We do not, therefore, apply such terminology in this report to cases of “consensual kidnapping,” such as so-called mock kidnappings in which the woman has agreed in advance to participate in imitating an abduction, or elopements carried out by the man and woman jointly, with the woman's prior and explicit consent.<sup>326</sup>

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<sup>326</sup> The Kyrgyz language word *ala kachuu* refers to bride-stealing and can refer to consensual as well as non-consensual acts of taking a woman away from her natal family for the purposes of marriage. Thus, this term incorporates the idea of elopement or a mock abduction to which a woman consents, as well as abduction through deception and force. Human Rights Watch was told that these forms of consensual “abduction” do sometimes take place, but this report discusses only the non-consensual forms of *ala kachuu*.

## Background

Bride-kidnapping takes place for the most part within the ethnic Kyrgyz community in the country, which comprises the majority of the population.<sup>327</sup> Kidnappings take place in all parts of Kyrgyzstan—in major cities, in rural communities and mountain villages, in the south and in the north. The women who are taken are typically young, under the age of 25, and are sometimes minors.

There is substantial debate in Kyrgyzstan regarding whether bride-kidnapping is a “tradition.” Government officials and some aksakals are among the proponents of the view that abduction is a traditional practice; many experts on the topic say it is not. NGO leaders and sociologists who have carefully examined marriage practices common during the country’s history argue that arranged marriage is in fact the tradition in Kyrgyzstan and that, historically, abduction was rare.<sup>328</sup> They state that since independence, however, it has become increasingly common.<sup>329</sup> NGO leaders emphasize that not only is abduction not a tradition, it is a crime.

Perhaps the best-known work related to the problem of bride-kidnapping in Kyrgyzstan was conducted by American sociologist Russell Kleinbach of Philadelphia University, and Kyrgyz sociologists Mehrigiul Ablezova and Medina Aitieva from the American University-Central Asia in Bishkek. Conducted in 2004, the study found that the most popular reason offered for bride-kidnapping was that people regarded it as “a good tradition.”<sup>330</sup> According to Lori Handrahan, who conducted another study on men who participate in bride-kidnapping in Kyrgyzstan, the increase in

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<sup>327</sup> There have been some cases reported also of abductions among ethnic Uzbeks, but these appear to be rare. Lori Handrahan reports that her study found that 100 percent of those who kidnapped were ethnic Kyrgyz. Lori Handrahan, “Hunting for Women: Bride-kidnapping in Kyrgyzstan,” *International Feminist Journal of Politics*, 6:2, June 2004, p. 219.

<sup>328</sup> For example, sociologists Russell Kleinbach, Mehrigiul Ablezova, and Medina Aitieva state in their 2005 report on the subject: “At this time, the published literature, interviews with scholars, people in villages, and the evidence from our current research would suggest that prior to the 20th century the practice of bride-kidnapping was uncommon (both consensual and non-consensual), hence not a ‘tradition’. Our theory at the time of writing this paper is that in ‘ancient’ times when the Kyrgyz tribes were still primarily nomadic, it occasionally happened that men from one tribe would steal women from other tribes for wives (ala kachuu). However, this was not the normal or usual way for marriages to be established. The traditional marriage was arranged, or at least approved, by the parents, either within or between tribes. This was the predominant practice prior to the 20th century.” Russell Kleinbach, Mehrigiul Ablezova, and Medina Aitieva, “Kidnapping for marriage (ala kachuu) in a Kyrgyz village,” *Central Asian Survey*, vol. 24(2), June 2005, p. 192.

<sup>329</sup> *Ibid.*, pp. 191-202.

<sup>330</sup> *Ibid.*, p.197.

incidents of bride-kidnapping since the Soviet period can be explained by men's view of it as a positive expression of Kyrgyz identity.<sup>331</sup>

Several government officials who spoke to Human Rights Watch contend that bride-kidnapping is a tradition and that it is almost always consensual. With some exceptions, officials failed to acknowledge that abduction of women for forced marriage is a serious crime and that the state has an obligation to punish the perpetrators and prevent future incidents. Officials from the Office of the Ombudsman, the government agency responsible for advocating for the rights of Kyrgyzstan's citizens, defended the practice of bride-kidnapping, contending that it is a tradition, and that women therefore ultimately consent to it. "[Bride-kidnapping] is a tradition, that's why we've received no appeals. If it were by force, then maybe [people would complain]...."<sup>332</sup> A senior police officer was among people we interviewed who presented kidnapping as a useful institution that facilitates marriage, commenting, "Of course there is kidnapping, without this marriage doesn't happen."<sup>333</sup>

A government human rights official explained the role that he says abduction plays in ensuring that women get married: "I am a Kyrgyz man who grew up here and on the one hand I see it as a violation of the woman who then can't marry the man she loves, but also many women are very shy, their behavior is very different, especially in the villages. We advise women not to associate with men. Our girls don't know how to deal with men. When they grow up, they don't know what to do. Some women are grateful [to be kidnapped], otherwise they say they would never have gotten married. If there was not this tradition, then they would never get married and have children, so I also look at it from that angle. I don't support bride abduction myself."<sup>334</sup>

A consequence of regarding bride-kidnapping a tradition is that it becomes part of the unwritten social charter and is deemed above criticism. President Bakiev's

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<sup>331</sup> Handrahan, "Hunting for Women: Bride-kidnapping in Kyrgyzstan," p. 208.

<sup>332</sup> Human Rights Watch interview with Mamat Momunov, ombudsman's office, Bishkek, November 14, 2005.

<sup>333</sup> Human Rights Watch interview with a senior police officer, name withheld, Jalal Abad Police Department, Jalal Abad, November 11, 2005.

<sup>334</sup> Human Rights Watch interview with a government human rights official, name withheld, Bishkek, November 2005.

advisor on human rights policy talking about bride-kidnapping said, “Most problems are resolved by the ‘law of the people.’ So people regard the law of the people as higher than the written law.”<sup>335</sup>

The debate over whether bride-kidnapping is a tradition has significant ramifications for the rights of women. Although the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) clearly calls for governments to take action to eliminate discrimination rooted in customs and traditions, some government officials who embrace kidnapping and assume it to be a tradition or voluntary may not consider it a discriminatory practice, and may not be motivated to work to end it.

### **Abductions for Forced Marriage on the Rise**

There are no official statistics for the number of kidnappings that take place each year or for the percentage of marriages that have begun with kidnapping, but sociologists, NGO leaders, and government officials expert in this area agree that the phenomenon is on the rise.

Experts offer various estimates of bride-kidnapping rates in Kyrgyzstan. Some put the figure at about 30 percent of all marriages and others say that in some areas up to 80 percent of marriages take place through kidnapping. The experts agree that the practice is pervasive.<sup>336</sup> With some exceptions, government officials, on the other hand, deny that non-consensual bride-kidnapping is pervasive.

The 2004 American University-Central Asia study asserts that abductions for forced marriage have been on the rise not just since Kyrgyzstan attained independence from the Soviet Union in 1991, but have been steadily increasing during the past 40 to 50 years.<sup>337</sup> The scholars say that prior to the Soviet period, abductions for

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<sup>335</sup> Human Rights Watch interview with Tursunbek Akun, chairman, Presidential Commission for Human Rights, Bishkek, November 14, 2005.

<sup>336</sup> See, for example, Human Rights Watch interview with Aleksandra Eliferenko, Chance, Bishkek, October 28, 2005; Human Rights Watch interview with Zhanna Saralaeva, Association of Women Leaders of Jalal Abad and Kaniet Crisis Center, Jalal Abad, November 10, 2005; Human Rights Watch interview with Medina Aitieva, American University-Central Asia, Bishkek, October 31, 2005; and Human Rights Watch interview with Taalaygul Isakunova, expert, the Presidential Council on Women, Family, and Gender Development, Bishkek, October 31, 2005.

<sup>337</sup> Kleinbach, Ablezova and Aitieva, “Kidnapping for marriage (ala kachuu) in a Kyrgyz village,” pp. 191-202.

marriage were rare.<sup>338</sup> Their study differentiates between consensual and non-consensual kidnappings. It points out that both “consensual kidnappings” and non-consensual kidnappings have been increasing, and demonstrates the increase in non-consensual kidnappings with a shocking statistic from one village (exact location not disclosed): 63 percent of married women and girls ages 16 to 25 had been kidnapped without their consent, compared to 47 percent of married women ages 36 to 56, and only 27 percent of married women aged 76 or older.<sup>339</sup> Looking at all age groups, the study found that 80 percent of Kyrgyz marriages in the village were the result of kidnapping. The authors classified 57 percent of these as non-consensual,<sup>340</sup> and concluded that, overall “35-45 per cent of married ethnic Kyrgyz women are married against their will as a result of bride-kidnapping”<sup>341</sup> (the study refers only to ethnic Kyrgyz women and girls, as abductions for forced marriage are rare among other ethnic groups in Kyrgyzstan).

Several NGO leaders say that in fact in some areas the percentage of marriages that take place through kidnapping is even higher than what was found in the study by Kleinbach, Ablezova, and Aitieva. One long-time researcher of this phenomenon, who founded and runs an NGO to help victims of abduction for forced marriage, said, “We did research on how many women married by agreement and how many were kidnapped. I was surprised that some 40 percent of women in the city were kidnapped and in villages it was more like 60 percent, and that in some villages the percentage of women kidnapped was more than 80 percent.”<sup>342</sup>

All of the studies noted above consistently found bride-kidnapping to be more common in villages than in major cities, such as Bishkek and Osh, but abductions do take place in the cities as well, as evidenced by the experience of one young woman who spoke to Human Rights Watch. Shaira S. was kidnapped in Bishkek. She

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<sup>338</sup> Ibid.

<sup>339</sup> Ibid., pp. 191-202. The study states that 117 respondents to the survey in the village were women and girls ages 16 to 25. Eighty-five percent of the married women and girls had been kidnapped. Seventy-five percent of those women and girls who were kidnapped responded that it had been done without their consent, that is through deception or force. Thus, 63 percent of married women and girls in the village in this age group were designated as kidnapped without consent.

<sup>340</sup> Ibid. Elsewhere in the study, however, the researchers give women’s responses to the question about consent and 64 percent of the women say they did not give their consent to the kidnapping; 46 percent say they were kidnapped through deception and 18 percent say they were kidnapped by physical force.

<sup>341</sup> Ibid. The team came to this figure by analyzing their 2004 data along with data from similar surveys they had conducted in 1999 and 2001 to come up with a cumulative number and estimate for the nationwide rate of non-consensual abduction.

<sup>342</sup> Human Rights Watch interview with Turganbubu Orunbaeva, Bakubat, Naryn, November 4, 2005.

said, “People think that this doesn’t happen in the city, but it does.... Three years ago, in 2002, when I was 18 years old I was kidnapped. This is very widespread. Even in the city.”<sup>343</sup>

Several women interviewed by Human Rights Watch about their own experiences of being kidnapped reported that they were under the age of 18 when they were abducted for forced marriage. The Association of Women Leaders of Jalal Abad reported a case of kidnapping of a 12-year-old girl in that province in 1999. Another report about the abduction of girls for forced marriage stated that six girls, some of whom were legal minors, had been kidnapped in the town of Kerben, in the Aksy district of Jalal Abad province, during a one-week period in November 2005.<sup>344</sup>

### **Pattern of Abduction**

Kidnappings of women are carried out in several different ways, and each woman’s experience of a kidnapping is unique, but there are some elements that are common to most abductions for forced marriage. A young woman, below the age of 25, is typically taken through force or deception by a group of men, including the intended groom. Sometimes the men are people she has met prior to the incident; sometimes they are complete strangers. The men are usually drunk; she is usually alone. She is taken to the home of her principal abductor, the intended groom, and is put in a room and surrounded by his female relatives. These women use physical force and a variety of forms of psychological coercion to compel her to “agree” to the marriage and submit to having the marriage scarf placed on her head—the sign that she consents to marry her abductor.<sup>345</sup> If the kidnapped woman resists, this process can last for hours or days. She is often raped by her abductor, sometimes prior to her coerced consent to the marriage as a means of pressuring her to stay, and other times after a wedding ceremony has been conducted. The kidnapped woman or girl’s relatives are sometimes summoned, but not always, and typically join in attempting to convince her to stay (although in some cases parents will insist on or facilitate their daughters’ escape from their kidnappers). Marriages that take place following

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<sup>343</sup> Human Rights Watch interview with Shoiria S., November 2005.

<sup>344</sup> Adiljon Shamshiev, Kerben, Aksy, November 2005, as distributed by the KCHR.

<sup>345</sup> The scarf is called a *jooluk* in Kyrgyz. Handrahan, “Hunting for Women: Bride-kidnapping in Kyrgyzstan,” p. 209.

kidnappings are rarely registered with the state; instead a Muslim cleric typically conducts a ceremony and/or a wedding feast is held.

This is explored in detail below, in the section “Anatomy of an Abduction.”

## **Motivations for Abduction**

Studies on bride-kidnapping cite a variety of factors that motivate some men to carry out abductions of women and girls. The following section of this chapter describes several of these. It is not an exhaustive treatment, as abuses against women and the role of the state—not the motivations of abductors and their accomplices—are the primary subjects of this report. Moreover, inquiry into the explanations for men’s abuse of women should not be misconstrued as justifying the actions that abductors take against women in violation of women’s rights.

### *Men pressured to marry and to kidnap*

To be married is regarded as the norm in Kyrgyzstan. A man’s parents and close relatives are deeply interested in seeing him married. As discussed elsewhere in this report, a man’s mother in particular stands to benefit from his marriage, as the new bride is expected to assist her and in many cases take over the household duties.<sup>346</sup>

Sociologist Medina Aitieva, who co-authored the American University-Central Asia study on abduction for forced marriage, points out that parents’ own behavior, how they met and married, and pressure from family members can leave a lasting impression on male children and their ideas about marriage. As with the known phenomenon of generational repetition of domestic violence, many men are raised by mothers who were victims of kidnapping and fathers who committed kidnapping, and receive signals from their family and community that kidnapping is a “normal” and “acceptable” behavior. Aitieva said, “There’s a lot of pressure put on men by their families to marry.... Parents exert a lot of control over their children and how they form families.”<sup>347</sup>

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<sup>346</sup> See above, introduction to this report, “Women’s Status in the Family and Society.”

<sup>347</sup> Human Rights Watch interview with Medina Aitieva, American University-Central Asia, Bishkek, October 31, 2005.



Many families actively participate in planning and carrying out a kidnapping (indeed, in many cases the man's parents and close relatives are not only active and willing accomplices but its instigators): they may select or help select the woman who will be targeted, they invite female relatives to the home to put pressure on the woman when she is brought there, and they organize a huge wedding feast, which adds to the woman's sense that marriage to her abductor is a *fait accompli*. One woman who was kidnapped by a stranger talked about the man's parents having pressured him to kidnap her, saying, "He also was forced to marry me..."<sup>348</sup>

At stake for the men is not only the approval of their families, but society as well. To be married is part of being a successful man. Fear of being stigmatized as an unsuccessful man can influence a man's decision to "get" a bride through kidnapping. A man's concern about his own social status and reputation also influences the way a kidnapping is carried out, including the man's willingness to use force to bring about a "successful" outcome. As Turganbubu Orunbaeva, the head of Bakubat NGO in Naryn, points out, "Sometimes a girl manages to leave and the man is no longer considered a man."<sup>349</sup> Nargiza N., who was kidnapped by a classmate and a group of his friends, described the conversation the men had in the car, "I was kidnapped... I said I didn't agree to this, he became rude. He told his friends to stop the car because I didn't agree [to the abduction], but they refused, they said, 'We got her for you and now be quiet.'"<sup>350</sup>

Some activists have suggested that kidnapping is economically motivated. They say that men carry out kidnappings in order to avoid paying a bride price, or *kalym*, to the woman's family. One NGO leader suggested that if the typical bride price were reduced, that might help to prevent kidnappings.<sup>351</sup> However, the available data shows that concern over the *kalym* ranks low among motivations for bride-kidnapping. The Kleinbach-Ablezova-Aitieva study, for instance, shows that only 3

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<sup>348</sup> Human Rights Watch interview with Aisulu A., November 2005.

<sup>349</sup> Human Rights Watch interview with Turganbubu Orunbaeva, Bakubat, Naryn, November 4, 2005.

<sup>350</sup> Human Rights Watch interview with Nargiza N., October 2005.

<sup>351</sup> Human Rights Watch interview with Muratali Uchkempirov, Youth Citizenship Development Group, Jalal Abad, November 11, 2005.

percent of respondents said this was a factor in their decision to kidnap a woman for forced marriage.<sup>352</sup>

*Many men who kidnap not considered “good matches”*

Prejudice against the physically or mentally disabled is rampant in Kyrgyzstan and often goes unquestioned.<sup>353</sup> Mental illness also carries a great deal of stigma in Kyrgyz society. As a result, a man who is disabled or ill faces greater challenges in finding a spouse or convincing a woman’s parents to agree to allow him to marry their daughter. Men who are seen as socially tainted, such as men with criminal records, are similarly viewed as undesirable matches by many women and their families. Men who face such prejudice or social stigma, and their relatives, may opt to kidnap a woman and deceive her about the man in order to coerce her consent to the marriage, rather than pursue her through consensual means.

Aisulu A., who was kidnapped and raped by a stranger, said she was particularly anxious not to stay with him when she learned he had a criminal record. “I wanted to leave,” she said, “I heard my husband had been in jail for eight years and I understood that it was not a peaceful house.”<sup>354</sup>

An activist in the south recalled the case of a woman kidnapped at the age of 25, widely regarded in Kyrgyzstan as the upper limit for marriageable age for women. The activist said, “She didn’t want to stay, but his relatives told her she should stay because she was already ‘old’ and no one [else] would take her. But the man was an invalid without legs.”<sup>355</sup>

Elmira E. was kidnapped at the age of 17 and beaten for years by her husband. She said, “The relatives convinced me to stay by saying, ‘He’s good’.... I eventually

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<sup>352</sup> Kleinbach, Ablezova and Aitieva, “Kidnapping for marriage (ala kachuu) in a Kyrgyz village,” p.197.

<sup>353</sup> U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, “Country Reports on Human Rights Practices - 2005: Kyrgyz Republic,” March 8, 2006, <http://www.state.gov/g/drl/rls/hrrpt/2005/61657.htm> (accessed August 11, 2006); Human Rights Watch email correspondence with Maria Lisitsyna, director, Youth Human Rights Group, August 15, 2006.

<sup>354</sup> Human Rights Watch interview with Aisulu A., November 2005.

<sup>355</sup> Human Rights Watch interview with Zhanna Saralaeva, Association of Women Leaders of Jalal Abad and Kaniet Crisis Center, Jalal Abad, November 10, 2005.

learned that my husband had been diagnosed a schizophrenic. When I found this out was when I decided that I must leave him.”<sup>356</sup>

Shoira S., kidnapped at the age of 18, also said that her abductor’s family misrepresented him to her to convince her to agree to the marriage. She said, “They hid things from me. He was not a full man, in both physical and mental terms.”<sup>357</sup> The man’s family apparently plotted to kidnap her in order to compel her to join the family and in order to hide that their son was impotent; she also said she suspects he was mentally ill. She recalled:

My husband was not a real man. He was not able to have children. He would cry and threaten to kill himself. I didn’t understand that he was sick. Eventually I decided to leave him. His parents later admitted to me that they knew that he was not a real man and that he was incapable of having children. But his mother tried to convince me to stay—she said, “His father treats you very well. You are a good girl, obedient, loyal. You should stay with us.” I later realized that they wanted me to be there to live with my husband’s father, to have a child for them.<sup>358</sup>

### *Kidnapping as a violent expression of male power*

Abduction of a woman is a violent expression of men’s dominant position in Kyrgyz society. Some men view themselves as “entitled” to the women they have selected to marry, regardless of the women’s wishes. Lori Handrahan asserts that, for men, kidnapping is an act of violence against, and dominance of, women and an act that defines cultural identity and manhood. Handrahan says kidnapping reinforces “male hegemony,” that is, dominance of women.<sup>359</sup>

Men who kidnap do not want to let go of their power or authority over women in order to court a woman and win her acceptance to marry. Bubusara Ryskulova

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<sup>356</sup> Human Rights Watch interview with Elmira E., November 2005.

<sup>357</sup> Human Rights Watch interview with Shoira S., November 2005.

<sup>358</sup> Ibid.

<sup>359</sup> Handrahan, “Hunting for Women: Bride-kidnapping in Kyrgyzstan,” pp. 208, 210.

explains, “Men don’t know how to relate to women, they think it’s easier to just kidnap.”<sup>360</sup> Other experts like Aleksandra Eliferenko say that kidnapping is in part the result of Kyrgyz men’s objectification of women: “Men don’t give flowers, or follow other courtship rituals, they just take a woman like a thing and rape her and that’s it.”<sup>361</sup>

In many cases, kidnappings and the violence that accompanies them are carried out by men in retaliation against women who have rejected them romantically, women they fear would reject them, or women they may perceive as independent.<sup>362</sup> NGO leaders who follow the problem of bride-kidnapping shared with Human Rights Watch anecdotal evidence of kidnapping as retaliation against women. Turganbubu Orunbaeva observed that in many abductions “a man wants to show a woman who has rejected him who is boss.”<sup>363</sup> Maya Kaparova of the NGO Diamond said that in many cases the man is unwilling to risk rejection from a woman whom he fears may be “too good for him.” She said, “Men want to avoid spending money on courtship, etc.; the man doesn’t think she would choose him, so he doesn’t want to take the risk, or he thinks even so maybe he can win her over in the end.”<sup>364</sup>

Young women are the most frequent targets of kidnapping, and many of them are studying in school or university when they are kidnapped. After marriage, few are permitted to continue their education.<sup>365</sup> In most cases, women will be confined to the home and to household duties and child-rearing in the years immediately following marriage. The kidnapping therefore serves to keep women from achieving

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<sup>360</sup> Human Rights Watch interview with Bubusara Ryskulova, Sezim, Bishkek, November 1, 2005.

<sup>361</sup> Human Rights Watch interview with Aleksandra Eliferenko, Chance, Bishkek, October 28, 2005.

<sup>362</sup> Kleinbach, Ablezova and Aitieva, in “Kidnapping for marriage (ala kachuu) in a Kyrgyz village,” found that among the most predominant reasons given by respondents for why a woman was kidnapped were “woman might refuse a marriage proposal” (29 percent), “to prevent woman from marrying another” (28 percent), and “woman had refused a marriage proposal” (12 percent), p.197.

<sup>363</sup> Human Rights Watch interview with Turganbubu Orunbaeva, Bakubat, Naryn, November 4, 2005.

<sup>364</sup> Human Rights Watch interview with Maya Kaparova, Diamond, Bishkek, October 31, 2005.

<sup>365</sup> In an article on the subject published in early 2006, Zariya Pratova notes that in all 35 cases of bride-kidnapping documented during one study in one district in the south, the women who were targeted had completed their secondary education and had good prospects for pursuing higher education. Zariya Pratova, “Gender the Kyrgyz Way: Kidnapped brides get along poorly with their kidnapper husbands,” *Fergana.ru*, Jalal-Abad, February 15, 2006, reproduced at <http://centrasia.org/newsA.php4?st=1140002100> (accessed March 8, 2006). In their study, Kleinbach, Ablezova and Aitieva found that 38 percent of the women surveyed had some university or technical schooling, while 21 percent of the women had completed a university education as of the time they were kidnapped. Kleinbach, Ablezova, and Aitieva, “Kidnapping for marriage (ala kachuu) in a Kyrgyz village,” p. 195.

any economic independence and rising up the social ladder. It shuts them out of the public sphere and consigns them to the home.

### *Men who kidnap not held accountable*

In practice, despite the law against kidnapping, there are no negative social or legal consequences for men who kidnap. They are not prosecuted for the crime. Among most elements of society no stigma attaches to abducting a woman for marriage or serving as an accomplice to such a crime. On the contrary, men who abduct women for forced marriage are congratulated by their family and peers and embraced by the broader society as successful men. Observers point out that, in the eyes of the general public, the abductor has done nothing wrong. Turganbubu Orunbaeva summed up this view: “People don’t understand that kidnapping is a crime.”<sup>366</sup>

Those involved in an abduction are therefore often impervious to the effect of causing a woman pain and suffering. “If a girl attempts to leave and cries, some people will say that it is ‘fake crying’ or that the crying is just part of showing you are a proper girl,” said Medina Aitieva.<sup>367</sup> In Handrahan’s study, 42 percent of men interviewed said they felt “afraid, ashamed or upset about kidnapping a woman,” but when asked, “If the woman seemed upset, did this bother you?” 73 percent of the men said no.<sup>368</sup> Orunbaeva charged, “Men think often only about their own need to marry, not about the woman’s side and how she may suffer.”<sup>369</sup>

## **Anatomy of an Abduction**

### *Abductions are carried out by acquaintances or strangers*

Those who carry out abductions of women and girls for forced marriage are sometimes her friends or acquaintances. As noted above, at times a rejected suitor or impatient boyfriend will be the organizer.

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<sup>366</sup> Human Rights Watch interview with Turganbubu Orunbaeva, Bakubat, Naryn, November 4, 2005.

<sup>367</sup> Human Rights Watch interview with Medina Aitieva, American University-Central Asia, Bishkek, October 31, 2005.

<sup>368</sup> Handrahan, “Hunting for Women: Bride-kidnapping in Kyrgyzstan,” p.221.

<sup>369</sup> Human Rights Watch interview with Turganbubu Orunbaeva, Bakubat, Naryn, November 4, 2005.

Cases documented by local NGOs and the stories of kidnapped women reveal that abductors are also sometimes complete strangers to the woman targeted. A study conducted in the Aksy district of Jalal Abad province found that 26 of the 35 women whose cases of kidnapping were documented were abducted by complete strangers.<sup>370</sup> The 2004 Kleinbach-Ablezova-Aitieva study in a single Kyrgyz village found that 22 percent of the kidnapped women had been kidnapped by men they did not know.<sup>371</sup> Lori Handrahan states that in her study's interviews with 176 men who had kidnapped a woman or participated in a kidnapping, she found that 35 percent of them were involved in the kidnapping of a woman they did not know.<sup>372</sup>

Several women interviewed by Human Rights Watch said they were abducted by strangers. Elmira E. said she was taken by force by a group of men at the age of 17: "The men were all drunk. I didn't know a single one of them.... I only saw my husband on the fourth day after being kidnapped."<sup>373</sup> Tursunai T., who was kidnapped at the age of 18, also said, "The man who kidnapped me was a total stranger."<sup>374</sup> Aida A., who was kidnapped at the age of 18 and was subsequently subjected to 25 years of abuse in her marriage, recalled, "I didn't know my husband [before we married], he was a stranger and he kidnapped me. They forced me."<sup>375</sup>

Feruzha F. said that although she had seen the men who took her prior to the kidnapping, she did not know the groom in advance. She described herself as being in shock when she realized the men intended her to marry a complete stranger. She said:

The men who took me were acquaintances of my father... It was evening and the men had seen me earlier for a while and they went to my parents and said they wanted to marry me with someone. My parents said "No, she's still young." The men ignored that.... I was in

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<sup>370</sup> Zaripa Pratova, "Gender the Kyrgyz Way: Kidnapped brides get along poorly with their kidnapper husbands," *Fergana.ru*, Jalal-Abad, February 15, 2006, reproduced at <http://centrasia.org/newsA.php4?st=1140002100> (accessed March 8, 2006).

<sup>371</sup> Kleinbach, Ablezova and Aitieva, "Kidnapping for marriage (ala kachuu) in a Kyrgyz village," p.195. By contrast, according to the study, only 9 percent of the men did not know the woman they kidnapped.

<sup>372</sup> Handrahan, "Hunting for Women: Bride-kidnapping in Kyrgyzstan," p. 209.

<sup>373</sup> Human Rights Watch interview with Elmira E., November 2005.

<sup>374</sup> Human Rights Watch interview with Tursunai T., November 2005.

<sup>375</sup> Human Rights Watch interview with Aida A., November 2005.

shock, I had never seen this man before and I didn't want to marry him. I didn't like it and I said, "I don't want to live with you and I don't know you." They said, "No this is the way with all women. Everything will be normal." I didn't like the man they made me marry.<sup>376</sup>

Aisulu A. was lured to a party by a female friend and then kidnapped by men who were strangers to her. She said, "They put me in a car. I cried and tried to refuse. I didn't want to marry her [the friend's] brother... I'd never met him before."<sup>377</sup>

Women's rights activists point to the fact that many abductors are complete strangers to the woman involved to support their argument that bride-kidnapping is not a tradition. They take strong exception to the implication that as a "tradition," the practice is somehow benign. Bubusara Ryskulova said, "Kidnapping is not a tradition, it is a crime. It is not just 'imitation' of a crime, there are cases of strangers kidnapping women."<sup>378</sup> Activist Aleksandra Eliferenko concurs. She told Human Rights Watch, "Abduction is not just play-acting. It is still violence. If you write it off as 'tradition' then you have to tolerate all types of abduction."<sup>379</sup>

Despite the wealth of evidence, law enforcement officers with whom Human Rights Watch spoke denied that strangers and distant acquaintances carry out kidnappings. One senior police officer told Human Rights Watch, "I don't think [in some cases] they are complete strangers, in most cases he's at least seen her.... Abductions do of course take place, but rarely of completely unknown women."<sup>380</sup> As was typical of law enforcement officers Human Rights Watch spoke with, this police officer adopted the abductor's point of view, emphasizing that the woman was already someone known to the man prior to the kidnapping (saying the man usually has seen her beforehand), but ignoring the question of whether or not the man was someone known to the woman, and also apparently not reflecting on whether the man may

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<sup>376</sup> Human Rights Watch interview with Feruza F., November 2005.

<sup>377</sup> Human Rights Watch interview with Aisulu A., November 2005.

<sup>378</sup> Human Rights Watch interview with Bubusara Ryskulova, Sezim, Bishkek, November 1, 2005.

<sup>379</sup> Human Rights Watch interview with Aleksandra Eliferenko, Chance, Bishkek, October 28, 2005.

<sup>380</sup> Human Rights Watch interview with a senior police officer, name withheld, Jalal Abad City Police Department, Jalal Abad, November 11, 2005.

have been engaged in unacceptable behavior such as stalking the target prior to the kidnapping.

The fact remains that women are often captured by men hitherto completely unknown to them. As noted below, this has significant ramifications for the prospects for violence and aggravated trauma to the woman during the kidnapping.

### *Abductors may use physical force to capture a woman*

In a number of cases men use physical force to literally grab a woman and capture her.<sup>381</sup> In these cases the abductors are often strangers to the woman—they rely on force where acquaintances may rely on deception to get the woman into their car and take her away (see below).

Lori Handrahan makes the case that men participating in a kidnapping are more willing to use violence against women they do not know.<sup>382</sup> As she and others have pointed out, kidnappings are almost always carried out by a group of men rather than by an individual abductor, and Handrahan characterizes the entire group of abductors as invested in the project.<sup>383</sup> As a result, peer pressure is put on men to carry out and go through with a kidnapping. Handrahan says of her report’s findings, “Kyrgyz men said their friends would ensure that they would not back out...”<sup>384</sup>

One of the most significant consequences of pressure from those participating in the abduction is to encourage the principal abductor, the intended groom, to proceed with a kidnapping regardless of the pain and trauma it causes the woman and to counter her resistance with physical force.

One NGO expert pointed out that a number of accomplices are needed to carry out the kidnapping: “The men go in groups because they need physical force, they need

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<sup>381</sup> The American University-Central Asia report offers statistics for the rates of non-consensual kidnappings in one village, including those undertaken through force or deception. The report states that physical force was used against 18 percent of the women who did not give their consent to the kidnapping. Kleinbach, Ablezova and Aitieva, “Kidnapping for marriage (ala kachuu) in a Kyrgyz village,” pp. 195-196.

<sup>382</sup> Handrahan, “Hunting for Women: Bride-kidnapping in Kyrgyzstan,” p. 220.

<sup>383</sup> *Ibid.*, p. 222. Handrahan further asserts that kidnappings are an “ethnic fraternal act,” an expression of Kyrgyz male identity.

<sup>384</sup> *Ibid.*, p. 224.



to get her into the car, and to get her into the house.”<sup>385</sup> Regardless of the purpose, the result of kidnapers working in concert is that the men are able to physically overwhelm women, prevent them from escaping, and may deal with women harshly when they attempt to resist. The violence used during the initial phase of the kidnapping can also serve to intimidate the woman and convince her that she has no possibility of escape and no choice but to submit to marrying her abductor.

Elmira E. described the force that was used when she was kidnapped by a group of men unknown to her when she was 17 years old: “I was kidnapped from the *sovkhos* [collective farm] by a group of men. I was working in the shed, I was the guard. There were five or six men who grabbed me and forced me into a car.... I didn’t have a choice, there were so many of them and I didn’t have the strength to fight them off.”<sup>386</sup> Ainura A., who was kidnapped by her long-time boyfriend and his male accomplices, told Human Rights Watch, “In the car, I tried to fight them off, but the men were strong.”<sup>387</sup> Another young woman who was the victim of an attempted kidnapping told a journalist that the men grabbed her and forced her into their car. She resisted, she said, and in the struggle her hand broke through the window. She said that when the men saw all the blood they decided to leave her there and fled the scene.<sup>388</sup> Handrahan’s study cites several examples of men who said that they “dragged the woman down the street,” “dragged her into the car,” “broke her hands,” “beat her,” and “covered her mouth and head.”<sup>389</sup>

Elmira E. commented to Human Rights Watch that the group of men who kidnapped her were “all drunk.”<sup>390</sup> Handrahan’s report also shows that the men involved are often drunk during the abduction. She found that 51 percent of men who participated in a kidnapping drank as part of the process.<sup>391</sup> Handrahan posits that alcohol is part

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<sup>385</sup> Human Rights Watch interview with Maya Kaparova, Diamond NGO, Bishkek, October 31, 2005.

<sup>386</sup> Human Rights Watch interview with Elmira E., November 2005.

<sup>387</sup> Human Rights Watch interview with Ainura A., November 2005.

<sup>388</sup> Maksim Klimenko, “Grab and run,” (Ala kachuu), *Vesl*, September 23, 2005, <http://www.media.kg/ru/news/?news=17> (accessed March 7, 2006).

<sup>389</sup> Handrahan, “Hunting for Women: Bride-kidnapping in Kyrgyzstan,” p. 220.

<sup>390</sup> Human Rights Watch interview with Elmira E., November 2005.

<sup>391</sup> Thirty-two percent drank “moderately” (three or fewer one-liter bottles of vodka shared among the group), while 19 percent of kidnapers interviewed drank “excessively” (three to four men drinking three or more one-liter bottles of vodka) in preparation for the kidnapping. Handrahan, “Hunting for Women: Bride-kidnapping in Kyrgyzstan,” p. 220. Local activist Turganbubu Orunbaeva also assessed that many men involved in kidnappings are drunk. Human Rights Watch interview with Turganbubu Orunbaeva, Babukat, Naryn, November 4, 2005.

of the group activity and male confidence-building in preparation for abductions. Her report asserts a correlation between alcohol consumption and use of force, indicating it serves to rid men of inhibitions they may otherwise have about using violence against the woman and disregarding her pain and trauma.<sup>392</sup>

NGO activists point out that in some extreme cases the tactics men use to capture a woman result in her death. Several Jalal Abad women's rights defenders recalled the story of a young woman who was kidnapped in 1999 by a group of men who put her in the water tank on a truck, presumably in order to hide the abduction from police or witnesses. The men failed to open the hole for air on the water tank and the young woman had died by the time they arrived at the principal abductor's home.<sup>393</sup>

Upon arrival at the principal abductor's house, men appear to often physically overwhelm and compel the woman to go inside. Ainura A. said, "We went to the house and his grandmother came out with the scarf; she tried to put the scarf on my head and the men forced me out of the car and put me in the house and locked me in. I cried and screamed. In the car, I tried to fight them off, but the men were strong."<sup>394</sup> Elmira E. said, "They dragged me to the house and I sat in the corner—the traditional place where women are placed when they are kidnapped and brought to a home."<sup>395</sup>

Feruzha F. described how her abductors physically overwhelmed her when she was kidnapped, at the age of 17, "...it was already late at night and we came to a house and they said, 'Come in for tea.' I said 'No.' They forced me out of the car and I sat in the house. They brought the scarf. I fought them off. They used physical force and violently put it on me.... I was behind the curtain. They forced me behind it and they grabbed me by my wrists and ankles and forced me onto the floor. I cried, I was in shock. Later they forced me to write to my parents to say it was voluntary."<sup>396</sup>

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<sup>392</sup> Handrahan, "Hunting for Women: Bride-kidnapping in Kyrgyzstan," p. 220. Handrahan also reports that her study found that men with higher education were more likely to drink excessively and use force to kidnap, p. 224.

<sup>393</sup> Human Rights Watch interview with Zhanna Saralaeva, Association of Women Leaders of Jalal Abad and Kaniet Crisis Center, Jalal Abad, November 10, 2005.

<sup>394</sup> Human Rights Watch interview with Ainura A., November 2005.

<sup>395</sup> Human Rights Watch interview with Elmira E., November 2005.

<sup>396</sup> Human Rights Watch interview with Feruzha F., November 5, 2005.

### *Abductors may use deception to kidnap a woman*

In many cases, particularly when abductors are acquainted with the woman, they use deception in place of, or in addition to, physical force to carry out the kidnapping.

Deception is often employed in the first moments of an abduction, to capture the woman and take her to the home of the principal abductor, her intended groom. Men taking part in the kidnapping use false pretenses to lure the woman they have targeted into the car.

Feruz F. was lied to by men who said her parents had summoned her. She said, “The men who took me were acquaintances of my father.... They told me that my parents needed to see me and they’d take me to them, so I got in the car.”<sup>397</sup>

Keres K. was kidnapped by an acquaintance. She said, “I hadn’t thought of marrying him. He kidnapped me. He told me to get in a car and go to a birthday celebration.”<sup>398</sup> Nargiza N. had a similar story to tell, “I was kidnapped. A classmate invited me to a party, but it was a trick. He drove me home and then took another turn. When I asked why, he explained I was being kidnapped.... [Later] they called my parents, friends and told them that he ‘brought’ me, not that I was taken, so there would be social pressure if I spent the night, I’d be considered ruined.”<sup>399</sup>

Shoira S.’s kidnapper, whose physical and mental problems are mentioned above, was a rejected suitor who pretended that he respected her wishes. She told Human Rights Watch:

I went on one date with him, but I still didn’t like him. On the second date he proposed to me. I said no. He argued a bit, but then he seemed to give in and said, “OK. I won’t date you, I won’t try to convince you.” But he said that he wanted to give me a ride home. I

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<sup>397</sup> Ibid.

<sup>398</sup> Human Rights Watch interview with Keres K., November 2005.

<sup>399</sup> Human Rights Watch interview with Nargiza N., October 2005.

said no, but he insisted. So I got in his car but instead of taking me to my house he took me to his family's house.<sup>400</sup>

Female friends of the woman targeted for kidnapping sometimes act as accomplices to the abduction—they lull the woman into a sense of safety so that she does not suspect she is being set up for a kidnapping. Aisulu A. said, “In February 2005 a friend of mine invited me to her house for her son’s birthday. I agreed to go. I had been fired from work and said I couldn’t bring a gift, but she convinced me to come anyway. That night, they kidnapped me.”<sup>401</sup>

### *Abductors use psychological coercion*

The woman’s abductors and their accomplices use psychological coercion to force a woman to submit to marriage and prevent her from escaping her abductor’s home. Women members of the intended groom’s family take the lead in applying this pressure, which has been described as “extreme” and “severe” and appears designed to elicit her so-called consent to the marriage.<sup>402</sup> Young women raised, as many ethnic Kyrgyz are, to be agreeable, to respect their elders, and not to challenge those in authority are particularly vulnerable to the pressure put on them by their abductors and their accomplices.

One young woman described this pressure:

There were numerous female relatives from my husband’s family: his mother’s brothers’ wives, and his father’s best friends’ wives. They were all older, all around 55. They sat with me, trying to convince me. They said, “He’s a good boy, he doesn’t smoke, doesn’t drink, won’t beat you, he is very gentle. If you go now, you don’t know who you’ll eventually marry.”... There is a tradition that the bride should write a letter that she “willingly agrees” to the marriage and this letter will be

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<sup>400</sup> Human Rights Watch interview with Shoiria S., November 2005.

<sup>401</sup> Human Rights Watch interview with Aisulu A., November 2005.

<sup>402</sup> Human Rights Watch interviews with Bubusara Ryskulova, Sezim, Bishkek, November 1; and Aleksandra Eliferenko, Chance, Bishkek, October 28, 2005.

given to the bride's parents. They pressured me to do this. I didn't want to do it, but in the end, I did.<sup>403</sup>

Elmira E. recalled, "For two days I tried to escape. This is the tradition, that the older people in the family speak to you and try to force you, convince you that you should live there. The old women forced me to stay there. Women in the family, but also women in the village, the neighbors, the husband's relatives. I was 17 years old."<sup>404</sup>

Aisulu A. described the pressure put on her by the family that abducted her and the emotional power they exercised over her, even when conditions in the family deteriorated: "They forced me to stay, using force and psychological pressure. They tried to convince me to stay, so I agreed and tried to make the best of it. A month later... my father-in-law drank and tried to hit me.... I went to leave and my mother-in-law cried, 'What will the neighbors say?! Please don't leave!' She begged and I felt bad for her and I stayed."<sup>405</sup>

One government official recognized the power that psychological pressure can have to coerce a young woman to remain with their abductors, and noted that this contributes to the low rate of reporting on kidnappings.<sup>406</sup>

### *Absence of consent is ignored in the wedding ceremony*

When a marriage is registered with the state, at the civil-registry office (ZAGS), a woman is asked whether she consents to the union. In many cases of bride-kidnapping, the groom and his family forego any official ceremony or registration with the state and instead mark the occasion with a wedding feast and party. NGO leaders contend that few marriages that result from kidnapping are officially registered with the state<sup>407</sup> (indeed, registered marriages in general are reportedly less and less common in Kyrgyzstan).<sup>408</sup>

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<sup>403</sup> Human Rights Watch interview with Shoiria S., November 2005.

<sup>404</sup> Human Rights Watch interview with Elmira E., November 2005.

<sup>405</sup> Human Rights Watch interview with Aisulu A., November 2005.

<sup>406</sup> Human Rights Watch interview with Zamira Tokhtohoeva, UN Department, Ministry of Foreign Affairs, Bishkek, November 14, 2005.

<sup>407</sup> Human Rights Watch interviews with Nargiza Eshtaeva, Ailzat, Osh, November 8; and Burul Sopiaeva, KCHR, Bishkek, November 2, 2005.

<sup>408</sup> Human Rights Watch interview with Svetlana Sayakbayeva and Erkin Asanaliev, Tendesh, Naryn, November 5, 2005.

The man's family may also opt for a Muslim ceremony, an increasingly popular and common practice. Activist Turganbubu Orunbaeva told Human Rights Watch that according to Muslim practice, the local Muslim spiritual leader must officiate at a wedding.<sup>409</sup> In these cases a *moldo* (local Muslim cleric) is invited to perform the wedding rites. While the *moldo* or *mullah* is expected to ask the woman to express her consent, in practice he often accepts gestures that are short of her giving her explicit consent to the marriage, or he interprets her silence as an expression of consent.<sup>410</sup>

Women's rights activists say that the *moldo* has the potential to be a very effective advocate for women in cases of abduction.<sup>411</sup> Turganbubu Orunbaeva recalled one case in which a young woman refused to agree to the marriage and told the local Muslim cleric that she had been kidnapped. He refused to conduct the wedding rites and took her home.<sup>412</sup> But women who have been kidnapped say it does not always go this way. One NGO activist said, "The *moldo* gets money to consider the marriage legitimate and to act as if the girl has agreed."<sup>413</sup>

Rights defenders say the *moldo* should follow guidelines for ensuring that the marriage is consensual and that the authorities are informed in cases of kidnapping. "If a couple doesn't go to ZAGS, then they have to go to the *moldo*. We need to tell the *moldo* that he needs to inform the head of the local administration about all cases of kidnapping, so [the head] can speak with the girl," said Zhanna Saralaeva from Jalal Abad.<sup>414</sup>

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<sup>409</sup> Human Rights Watch interview with Turganbubu Orunbaeva, Bakubat, Naryn, November 4, 2005.

<sup>410</sup> Email communication with Human Rights Watch consultant, Sardar Bagishbekov, based on his telephone interview with Imam Muhammad Azam, Chui province, April 25, 2006. The imam added that if there is explicit refusal of consent, it would be considered a sin for the *moldo* to proceed with the wedding rites. See also, Human Rights Watch interview with Muratali Uchkempirov, Youth Citizenship Development Group, Jalal Abad, November 11, 2005.

<sup>411</sup> Human Rights Watch interview with Zhanna Saralaeva, Association of Women Leaders of Jalal Abad and Kaniet Crisis Center, Jalal Abad, November 10, 2005.

<sup>412</sup> Human Rights Watch interview with Turganbubu Orunbaeva, Bakubat, Naryn, November 4, 2005.

<sup>413</sup> Human Rights Watch interview with a human rights defender, name withheld, place withheld, November 2005.

<sup>414</sup> Human Rights Watch interview with Zhanna Saralaeva, Association of Women Leaders of Jalal Abad and Kaniet Crisis Center, Jalal Abad, November 10, 2005.

Muratali Uchkempirov, who works with a youth development NGO that aims to put an end to bride-kidnapping, charges that aksakals do not intervene on behalf of the kidnapped woman or advocate for her rights when they attend wedding ceremonies and feasts. He said, “Aksakals say that a girl should give her consent. They are invited to weddings; they are asked to convince the [girl’s] parents to agree [to the match], they don’t talk to the girl.”<sup>415</sup>

### *Abductors isolate women to prevent them from escaping*

The man (and his family if they have actively participated in planning the abduction), often selects a woman or girl from another town or village. As a result, women who contemplate escape are often prevented by their lack of familiarity with their surroundings—they are disoriented and often literally do not know which way to run. In addition, the unfamiliar surroundings add to a woman’s feelings of isolation and despair and help to convince her that attempting to escape would be futile. In some cases, men who kidnap live in very isolated areas, where there are few places women can turn for help if they flee the house.

As mentioned above, Aisulu A. was tricked into a situation that allowed her to be abducted by strangers. She ended up staying for nine months with her principal abductor. She said later, “I should have left immediately. I should have run off somewhere, but I was outside the city center and I didn’t even know exactly where I was.”<sup>416</sup>

Abductors also prevent opportunities for others to interrupt the woman’s isolation and potentially facilitate her escape. Typically abductors recognize that a woman’s family should be informed of the abduction and summoned, but sometimes abductors choose to first subject the woman to further isolation by refusing to allow her any contact with her natal family, or by lying about her ability to contact them. Women are thus deprived the opportunity to ask their close relatives for assistance to escape and experience feelings of abandonment and despair. For example, Elmira E.’s kidnappers refused to contact her parents and tell them where she was. She

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<sup>415</sup> Human Rights Watch interview with Muratali Uchkempirov, Youth Citizenship Development Group, Jalal Abad, November 11, 2005.

<sup>416</sup> Human Rights Watch interview with Aisulu A., November 2005.

recalled, “I didn’t know anyone in this village and I was two hours from my home.... For two days I waited for my relatives, for my parents to come. My husband’s parents didn’t inform my parents that they had kidnapped me.... My husband’s relatives really seriously tricked me. They said that they didn’t have money to contact my parents.”<sup>417</sup> Shoiria S. said of her abductors, “I begged them to give me the telephone so that I could call my parents but they wouldn’t let me call. They feared that my parents would come and take me.”<sup>418</sup>

The potential for the woman to be raped and subjected to other forms of physical harm and coercion are also heightened when abductors have ensured that no one close to the woman knows where she is. Aisulu A. said that after she was taken by a group of strangers, her principal abductor kept her isolated and raped her. She was allowed to contact her mother only a week later. At that point, her abductors gave her misinformation about her location to prevent her mother from coming. She said, “A week later I called my mom and she said she’d come [to see me] but they [the man’s family] had given me the wrong address, so my mother never came. She wanted to come to see if I was OK.”<sup>419</sup>

An NGO leader in southern Kyrgyzstan commented that it is typical also for abductors to invite the woman’s more distant relatives instead of her parents to give their approbation of the woman’s kidnapping and marriage. He said, “We try to insist that [the woman’s] parents are invited, so they see their daughter with their own eyes. But a lot of times they [the abductors] just invite more distant relatives.”<sup>420</sup>

In some cases, a woman’s family will object to the marriage when they are summoned following a kidnapping. In these cases, the parents can insist on removing the woman from the abductor’s home and calling off the marriage. In other cases, however, a woman’s parents approve the marriage through kidnapping and refuse to allow her to return to her natal home. In such instances, parents typically cite concerns that they or their daughter will be stigmatized by the community if she

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<sup>417</sup> Human Rights Watch interview with Elmira E., November 2005.

<sup>418</sup> Human Rights Watch interview with Shoiria S., November 2005.

<sup>419</sup> Human Rights Watch interview with Aisulu A., November 2005.

<sup>420</sup> Human Rights Watch interview with Muratali Uchkempirov, Youth Citizenship Development Group, Jalal Abad, November 11, 2005.



leaves. As discussed below, parents display particular concern over the loss of reputation that will occur if people assume their daughter is no longer a virgin following the abduction. Such concerns can take precedence over anxiety about the young woman's safety or well-being.

*Women are forced to stay with their kidnapers out of fear of social stigma*

### **Rape in abductions**

Experts hold a variety of views on the frequency of rape in cases of abduction for forced marriage. While there are virtually no statistics on this, some NGO leaders believe that rape occurs in all or most cases of abduction, whereas one expert said it was not widespread.<sup>421</sup> Several women victims of kidnapping interviewed by Human Rights Watch said that they were raped by their abductors.<sup>422</sup>

Rape causes women severe physical and emotional pain. It can result in physical injury and long-lasting psychological damage.<sup>423</sup> Aisulu A. described being raped on her first night in the home of her abductor (a stranger), her wedding night: "I didn't agree to have sex with him that night, but I was so tired of fighting. I thought I could

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<sup>421</sup> "Rape is always part of the kidnap," according to Bubusara Ryskulova, who has headed an NGO and crisis center for women victims of violence since 1998. Human Rights Watch interview with Bubusara Ryskulova, Sezim, Bishkek, November 1, 2005. Speaking of the American University-Central Asia study published in 2005, Medina Aitieva said, "In some small percentage of cases rape did take place." She added, "Of course, we don't know how many unreported cases there are." Human Rights Watch interview with Medina Aitieva, American University-Central Asia, Bishkek, October 31, 2005. The published study does not give statistics for the number of women who were raped during kidnapping. Aleksandra Elifrenko confirmed the tendency of women not to report crimes of sexual violence, including rape. Human Rights Watch interview with Aleksandra Elifrenko, Chance, Bishkek, October 28, 2005.

<sup>422</sup> In one reported case, a young student at a prestigious university went to visit her relatives in a village. She was kidnapped by a man in the village. She resisted her kidnapers and refused to consent to the marriage. Finally, the man's relatives instructed him to take her back home. On the way, the man and two of his male accomplices in the kidnapping raped the woman. Gulchehra Karimova and Azamat Kasybekov, "Silence of brides," (*Molchanie nevest*), *Vechernii Bishkek*, October 21, 2003, <http://www.vb.kg/2003/10/21/panorama/1.html> (accessed March 7, 2006).

<sup>423</sup> The World Health Organization's World Report on Violence and Health indicates that common consequences of rape include reproductive, mental, and social well-being problems. Reproductive complications include pregnancy and gynecological problems, such as vaginal bleeding, genital irritation, urinary tract infections, and sexually transmitted diseases. Mental health problems include a risk of depression and post-traumatic stress disorder, suicidal behavior, and sleep difficulties. The report also states that victims of sexual violence often also become targets of social ostracism. Etienne G. Krug, Linda L. Dahlberg, James A. Mercy, Anthony B. Zwi, and Rafael Lozano, eds., World Health Organization World Report on Violence and Health (2002), [http://www.who.int/violence\\_injury\\_prevention/violence/world\\_report/en/full\\_en.pdf](http://www.who.int/violence_injury_prevention/violence/world_report/en/full_en.pdf) (accessed April 27, 2006), pp. 162-164. The report also noted on pp. 163-164 the pressures on women in some societies to conceal rape: "In some societies, the cultural 'solution' to rape is that the woman should marry the rapist, thereby preserving the integrity of the woman and her family by legitimizing the union. Such a 'solution' is reflected in the laws of some countries, which allow a man who commits rape to be excused his crime if he marries the victim. Apart from marriage, families may put pressure on the woman not to report or pursue a case or else to concentrate on obtaining financial 'damages' from the rapist's family. Men may reject their wives if they have been raped and in some countries, as mentioned previously, restoring lost honour calls for the woman to be cast out—or in extreme cases, murdered."

convince him not to.”<sup>424</sup> Feruza F. described being raped her first night in her abductor’s home and for years afterward:

He forced me to have sex with him the first night. A woman came to say that they’d prepare my bed; I thought I’d be alone. I lay down to sleep, then he came in and he forced himself on me and raped me. I was saying no and he still did it. I cried and screamed. I still have psychological problems because of that incident. There were other times too when he raped me. I didn’t want to ever go to sleep. I’d fight him off and try to sleep and he’d fight with me and hit me and force me. He especially hit me at night. I didn’t want to have sex with him, but he forced me.<sup>425</sup>

Other family members, including particularly the intended groom’s mother, fail to protect women in cases of rape. Feruza F. said, “I told my mother-in-law that I didn’t want to live with him, but she just said I needed to stay, she said, ‘It happened to me also and I lived through it and so should you’.... She yelled at me for not wanting to sleep with her son.”<sup>426</sup>

### **Stigma associated with rape, or with leaving a marriage**

Rape has profound consequences on an abducted woman’s ability to escape her kidnapper. Women in Kyrgyzstan who have been raped by their abductors experience rape as a form of coercion: it functions to force a woman to submit to marriage, to prevent her from escaping, and to isolate her from her family and community.

When a kidnapped woman is raped in Kyrgyzstan, she is viewed as “ruined,” branded shameful, and is often rejected by her family and community if she seeks to leave her abductor. Many young women who are raped by their kidnappers experience despair and hopelessness and become convinced that they have no choice but to stay: one rights defender commented on cases of rape during

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<sup>424</sup> Human Rights Watch interview with Aisulu A., November 2005.

<sup>425</sup> Human Rights Watch interview with Feruza F., November 2005.

<sup>426</sup> Ibid.

kidnapping that “since she has lost her virginity [the girl] thinks she would never have a future if she left.”<sup>427</sup> The extended consequences of the rape on her prospects for escape are therefore both real and perceived—the woman sees herself as tainted and, anticipating being rejected by her family and community, feels compelled to remain with her kidnapper and rapist.

Bubusara Ryskulova points out that many women indeed have no place to go if their parents reject them after the rape: “[I]f she’s been raped, she thinks she’s ruined and there’s nowhere to go. If she’s poor, then there *is* nowhere to go.”<sup>428</sup>

Observers point out that if a woman spends one full night in the abductor’s home, she is considered no longer “pure,” regardless of whether she is still a virgin.<sup>429</sup> Turganbubu Orunbaeva, whose NGO in Naryn advocates for an end to bride-kidnapping, has worked on cases in which parents refused to help their daughters escape abduction because they, and their community, saw the young women as “ruined.” Orunbaeva said that in one case a young girl was kidnapped and “after three days was no longer a virgin and so her parents refused to let her leave the forced marriage.”<sup>430</sup>

Echoing this, one government official observed, “If a girl stays there [at the abductor’s home], it is considered shameful if she goes home. So many women decide rather than bear the insults, it’s better to stay there.”<sup>431</sup> Elmira E. said, “I was afraid of the new relatives, but when my own parents came to see me, they said, ‘Don’t come home to us, or no one will respect us anymore.’” Elmira E. stayed with her abductor and endured years of violence in her marriage until she finally escaped with her children in 1992.<sup>432</sup>

In some cases, the woman’s natal family strikes a deal with the abductors out of interest for their own social standing. Aisulu A., for example, was prevented by her

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<sup>427</sup> Human Rights Watch interview with Burul Sopieva, KCHR, Bishkek, November 2, 2005.

<sup>428</sup> Human Rights Watch interview with Bubusara Ryskulova, Sezim, Bishkek, November 1, 2005.

<sup>429</sup> Human Rights Watch interview with Burul Sopieva, KCHR, Bishkek, November 2, 2005.

<sup>430</sup> Human Rights Watch interview with Turganbubu Orunbaeva, Bakubat, Naryn, November 4, 2005.

<sup>431</sup> Human Rights Watch interview with Tursunbek Akun, chairman, Presidential Commission for Human Rights, Bishkek, November 14, 2005.

<sup>432</sup> Human Rights Watch interview with Elmira E., November 2005.

abductors from summoning her mother during the initial period of the abduction, only to find that “[l]ater, after the fact, my mother and mother-in-law agreed to the marriage.”<sup>433</sup> The parents of the kidnapped woman or girl are sometimes given money by the groom’s parents in the form of a *kalym*, a bride price, as a means of canceling out the damage done.<sup>434</sup> Such arrangements disregard the kidnapped woman’s safety and happiness and deny her any decision-making authority.

Even in cases when the woman’s natal family signals that it would not reject her after an abduction, she may still fear the consequences of leaving her kidnappers. Tursunai T. was kidnapped by strangers and prevented from escaping. She endured 15 years of abuse by her husband. When her daughter was grown up and was also kidnapped, Tursunai T. did not want her daughter to remain with her abductor. The daughter, however, feared the social consequences of leaving. Tursunai T. said, “My daughter was kidnapped. I went to her immediately when they informed me.... she decided to stay. ‘Otherwise it will be shameful and I don’t know what my future would be,’ she said. I wanted to take her away. I asked the parents-in-law. I then decided to do what my daughter wanted, so I left her there. I always worry about her future, if she’ll be happy.”<sup>435</sup> Similarly, Keres K., who was kidnapped by an acquaintance, said, “I agreed to stay, this is our tradition, and if a girl leaves it is shameful.”<sup>436</sup>

### **Women conditioned and taught to endure abduction**

Many young women and girls are taught by their families not to leave their abductor’s home if they are kidnapped. A set of popular proverbs are employed to deliver the message that women should submit to an abduction if kidnapped, that they should not seek to escape, and that leaving will bring them unhappiness for the rest of their lives. NGO leaders and government officials agree that these social messages can predispose women to submit to a kidnapping, regardless of their own wishes.

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<sup>433</sup> Human Rights Watch interview with Aisulu A., November 2005.

<sup>434</sup> Adiljon Shamshiev, Kerben, Aksy, November 2005, as distributed by the KCHR.

<sup>435</sup> Human Rights Watch interview with Tursunai T., November 2005.

<sup>436</sup> Human Rights Watch interview with Keres K., November 2005.

Two popular sayings along these lines, referenced by people Human Rights Watch interviewed, were: “When a stone is thrown, it stays where it lands” and, “once you’ve crossed the threshold, you can’t go back.” According to one official, “These sayings mean that if you exit the house, something bad will happen. Mothers and grandmothers tell the girl not to leave if she is kidnapped and they use these proverbs [as instruction]. [G]irls therefore stay, because they were told these messages and it affects them.”<sup>437</sup> Abductors, including female relatives of the intended groom who take part in the abduction, employ these sayings to coerce kidnapped women to stay and agree to marry their kidnapper.

Aida A., who was kidnapped by strangers at age 18, said, “If you are kidnapped, you must stay or they will curse you [with a bad life].” She remained with her abductor, who physically abused her for 25 years.<sup>438</sup> Tursunai T., who was kidnapped by strangers at the age of 18 and taken to a remote area, spoke of the psychological power of these curses, “They also put bread and salt across the doorway, so I could not leave, it would be a bad [omen] for me, [a curse].”<sup>439</sup> Shoiria S. recalled the influence that belief in these curses had on her: “My mom’s best friend came to the house to convince me to stay. We have this belief that once a girl has crossed the threshold, she can’t turn back, or else she will have trouble all of her life. She told me that everyone she knows who left a marriage after kidnapping was unhappy. She said that [if I left] I won’t be happy, I won’t get married, I won’t have children.”<sup>440</sup> Ainura A., recalling her abduction, said, “They brought the wedding clothes and I tried to fight them off. They tried to convince me. His grandmother lay over the threshold; if you cross over her, you’ll have a terrible life.”<sup>441</sup>

Farida F., kidnapped at age 19, described the pressure put on her by her abductors as intense, and said she gave in when she recalled the messages she had received growing up. She said:

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<sup>437</sup> Human Rights Watch interview with Tursunbek Akun, chairman, Presidential Commission for Human Rights, Bishkek, November 14, 2005.

<sup>438</sup> Human Rights Watch interview with Aida A., November 2005.

<sup>439</sup> Human Rights Watch interview with Tursunai T., November 2005.

<sup>440</sup> Human Rights Watch interview with Shoiria S., November 2005.

<sup>441</sup> Human Rights Watch interview with Ainura A., November 2005.

a lot of women of older age gathered around me. There is also another custom. If a girl does not want to marry a particular man and she disagrees, these women are asked to come over and to “prepare” the girl morally, either trying to convince her by putting moral pressure on her or sometimes even by hypnotizing her. So, you can probably imagine how that feels, when a girl is on her own and there are all these people around her, all saying, “You should agree, because this is right, it is according to our customs and traditions. God himself decided that it should be this way,” and so on and so forth. At that moment I remembered my grandmother’s words: “If it happens to you this way, just let it be. It means that it must be your destiny then, it must be the way of your happiness.” Of course, it was very difficult for me to put up with it, but I had to. Although later on I greatly regretted that I did it.<sup>442</sup>

One government official suggested it was the power of the social warnings, or curses, that left women unhappy after abduction and confirmed that young women often therefore fear the consequences of leaving. He said, “Modern girls are more likely to leave. But I have not seen a single girl who left and was then happy. These girls go back to their families and are not happy again. The parents of the man curse her and she cannot find happiness, so many girls are therefore afraid to leave.”<sup>443</sup>

## **Consequences of Abduction**

### *Physical and emotional pain and suffering*

In many cases, a woman who is abducted experiences a compounded trauma: the kidnapping and the years of abuse that follow. Some women feel insulted and angry at the loss of control they experience during a kidnapping. Nargiza N. was kidnapped by a classmate and managed to leave hours later when her parents were convinced to come and retrieve her. She said, “I felt really insulted that he had kidnapped me. I

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<sup>442</sup> Human Rights Watch interview with Farida F., November 2005.

<sup>443</sup> Human Rights Watch interview with a senior government official, name withheld, Bishkek, November 2005.

didn't like him using such violent means and lies. I was also angry that his family tried to force me to stay and used such force."<sup>444</sup>

Women become extremely agitated during the kidnapping. Shaira S. recalled the emotional pain she felt when she was kidnapped: "The night that my husband kidnapped me, he took me home to his house at about 6 p.m. They put me in a room in the corner with the curtain for the bride. I cried, I resisted, I asked them not to force me, because I was still so young. This resistance went on until 5 a.m. the next morning. And all that time they couldn't get me to calm down."<sup>445</sup> Abductions by the woman's acquaintance or friend can be no less brutal and emotionally damaging than abductions by strangers. Ainura A. was kidnapped by the man she had been dating for several years. She had declined to marry him in part because her mother objected to the match. She described her shock and terror when she was locked in his family's home and the scarf was forced on her. "I cried and screamed," she said. "I tried to fight them off."<sup>446</sup>

But resistance can give way to a sense of helplessness when the women are physically overpowered by their abductors, and emotionally overwhelmed by their situation. As in cases of domestic violence, women who were kidnapped told Human Rights Watch or local women's rights NGOs that they experienced anxiety, depression, sleeplessness, and fear and paranoia, which are all symptoms of post-traumatic stress disorder.<sup>447</sup>

Feruz F. described the lasting trauma she experienced after being abducted by a stranger and raped and beaten by him for a year-and-a-half. She said that when she managed to return home to her parents she was psychologically ill and had heart problems, "I wasn't able to sleep. My parents took me to the doctor, who gave me medicine."<sup>448</sup> She described the crippling trauma she continues to experience years

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<sup>444</sup> Human Rights Watch interview with Nargiza N., October 2005.

<sup>445</sup> Human Rights Watch interview with Shaira S., November 2005.

<sup>446</sup> Human Rights Watch interview with Ainura A., November 2005.

<sup>447</sup> See above, footnote 114.

<sup>448</sup> Human Rights Watch interview with Feruz F., November 2005.

later, “I’m still afraid; afraid that it will happen again. I won’t talk to any men. I’m afraid of everything now.”<sup>449</sup>

Some women feel such deep despair following an abduction that they attempt to take their own lives. One activist spoke of the emotional state of a young girl who was kidnapped at age 12 and able to return home to her mother a year later, “At that point, she should have been in the ninth grade, but she couldn’t go to school because of the shame. She wanted to kill herself, she tried several times...”<sup>450</sup>

Shoira S. suffered severe depression after her abduction and marriage to a man who was apparently mentally ill and impotent (see above). She said she was under pressure to become pregnant. Her depression eventually drove Shoira S. to attempt suicide at the age of 18. She said:

I was really stressed... I felt awful pressure from all sides.... I had horrible depression, and I decided to die. I felt that I was causing a lot of sadness to my parents and I didn’t have any other choice. I took 40 tablets of a relaxant, dimedrol [sleeping pills]....I started to fall down, my knees were weak, I was seeing spots.... I couldn’t speak normally. My friends... took me to the hospital and I was treated.... My parents took me home, although the doctors were concerned that I shouldn’t have any trauma.... I haven’t seen my husband since.<sup>451</sup>

A number of women interviewed by Human Rights Watch who were kidnapped by strangers expressed sympathy for their male abductors. In extreme cases, captured women came to identify with their abductor, to seek his approval. Reminiscent of what is commonly referred to as Stockholm Syndrome among hostages, this response appears to have been a coping mechanism. The women’s identification with their abductors and anxiety for approval of their abusers served to prevent them from taking opportunities to escape the abusive situation.

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<sup>449</sup> Ibid.

<sup>450</sup> Human Rights Watch interview with Zhanna Saralaeva, Association of Women Leaders of Jalal Abad and Kaniet Crisis Center, Jalal Abad, November 10, 2005.

<sup>451</sup> Human Rights Watch interview with Shoira S., November 2005.



Aisulu A. expressed such identification with her kidnapper, a stranger to her who had raped her on the first night at his home. When she became pregnant he told her to get an abortion. The man prevented her from fleeing and refused to protect her when her sister-in-law repeatedly beat her. Instead of holding her husband responsible for kidnapping her, she viewed him as equally a victim of the kidnapping. “We were both forced to marry,” she said.<sup>452</sup> With regard to beatings by her sister-in-law, Aisulu A. expressed a desperate desire for the approval of her abductor, “I wanted to talk to him and explain that it was not my fault, that I am good, that it was his sister.”<sup>453</sup>

### *Domestic violence*

As described above, for women and girls who are abducted for forced marriage their first encounter with their future husband is characterized by violence and psychological trauma. The physical and psychological abuse often continue in the marriage. Experts who work with victims of domestic violence observed that it is particularly prevalent in marriages that begin with kidnapping.<sup>454</sup> An intern with the NGO Diamond noted, “If a man uses violence to get a wife, it’s a signal that he will use violence in the future.”<sup>455</sup>

Others who work with women victims of kidnapping say that the nature of the violence they face in the home is often the same as that endured by women who marry through arranged marriages or who chose their spouse, but that violence starts earlier in marriages that take place through kidnapping.<sup>456</sup>

Many of the women victims of abduction for forced marriage who were interviewed by Human Rights Watch described in detail the abuse that they suffered at the hands of their husbands. This testimony is presented in the first section of this report, on domestic violence.

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<sup>452</sup> Human Rights Watch interview with Aisulu A., November 2005.

<sup>453</sup> *Ibid.*

<sup>454</sup> For example, Human Rights Watch interview with Bubusara Ryskulova, Sezim, Bishkek, November 1, 2005.

<sup>455</sup> Human Rights Watch interview with Bektur Davletov, intern, Diamond, Bishkek, October 31, 2005.

<sup>456</sup> Human Rights Watch interview with Turganbubu Orunbaeva, Bakubat, Naryn, November 4, 2005.

### *New brides forced to work as unpaid servants for their in-laws*

As noted above in the background section of this report, new brides are often treated harshly by their in-laws and particularly are regarded as, and function much like, servants to their mothers-in-law. The new bride is expected to do the mother-in-law's bidding while often suffering physical and psychological abuse by her and other members of the family. In cases of abduction—especially abduction by strangers, when the woman's natal family has little or no connection to her marital family—she appears to be particularly vulnerable to abuse and exploitation by her mother-in-law and others in the extended family, as well as by her husband. This is especially true also in cases when the woman is kept in isolated circumstances or forbidden to leave the house.

Families in Kyrgyzstan generally exploit the labor of new brides as a way of adding to the resources and productivity of the household with little cost to the family. In such cases the abducted woman's situation is analogous to unpaid servitude. Farida F. recalled what it was like after her abduction, at age 19:

I was in somebody else's house and I put great effort into trying to adjust myself to the new place and its people. I did my best to make sure that my new relatives would be satisfied with me. I had to do practically everything in the house—all the possible housework, and nobody ever helped me.... The new family was large, very large. They had six children, the eldest one was my husband, and the youngest girl was only a year-and-a-half old. So, it is easy to imagine now how much of an effort it took for me to take care of and to clean everything for all these people.<sup>457</sup>

Feruz F., who was abducted at the age of 17, recounted her daily routine: "They never let me out of the house. I would milk the cows and then prepare the breakfast and then make the beds and clean the house and make bread and make the lunch and pick apples and then in the evening I'd make another meal for everyone. I did everything."<sup>458</sup> Elmira E. also said she was forced to work for her husband's family: "I

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<sup>457</sup> Human Rights Watch interview with Farida F., November 2005.

<sup>458</sup> Human Rights Watch interview with Feruz F., November 2005.

did everything around the house. I even took care of the cattle and the garden that was five hectares.”<sup>459</sup>

Tursunai T. was abducted by strangers who forced her to work every day herding their sheep. It was the family business, but she saw no profit from it and owned no share in it when she eventually fled. She observed, “It’s shameful that I worked for 15 years and I have nothing to show for it.”<sup>460</sup>

Many times the family members of a woman’s abductor treat her as though she is their property. Ainura A., who was kidnapped and then years later kicked out of the home by her mother-in-law, said, “Later she went to the mosque and said, ‘Return her to me’ and they refused. They said, ‘You didn’t ask for our advice when you kicked her out, why should she be your slave forever.’”<sup>461</sup>

Gulzat G. recounted the conditions she was forced to live under in her in-laws’ home, where her role was more like that of an unpaid servant than a member of the family:

For the whole time that I lived with my in-laws, I had a separate room.... I only ever entered the main house when my mother-in-law demanded that I clean the house. She would send one of her sons over to my room to tell me that I should go to the house and clean everything within two hours and then I would be forced out of the house again. My mother-in-law treated me like a slave.<sup>462</sup>

## **No Justice for Victims of Abduction**

### *The law against bride-kidnapping*

Bride-kidnapping is illegal in Kyrgyzstan. Article 155 of the Criminal Code outlaws non-consensual marriage by abduction. It says, “Forcing a woman to marry or to continue a marriage or kidnapping her in order to marry without her consent” will be punished under the law. The prescribed penalty is a fine in the amount of 100 to 200

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<sup>459</sup> Human Rights Watch interview with Elmira E., November 2005.

<sup>460</sup> Human Rights Watch interview with Tursunai T., November 2005.

<sup>461</sup> Human Rights Watch interview with Ainura A., November 2005.

<sup>462</sup> Human Rights Watch interview with Gulzat G., November 2005.

times the minimum monthly wage or up to five years in prison.<sup>463</sup> (The minimum monthly wage in Kyrgyzstan in 2005 was about 100 som, equivalent to about \$2.42).<sup>464</sup>

Women's rights advocates view the option of a fine for so serious a crime as outrageous. "It's crazy that there's only a 20,000 som fine for abduction. He takes her, rapes her, and throws her out and gets just a fine," said activist Zhanna Saralaeva.<sup>465</sup>

Sociologist Medina Aitieva agrees: "The penal code should be much clearer on the punishment [for kidnapping]. For most serious crimes you get a jail sentence, but for abduction they give the option of a fine. Accomplices and others complicit should also get jail time and people should be aware that they run a risk by being part of such an act."<sup>466</sup>

Other laws, in particular article 111 of the Criminal Code, can also be employed to hold kidnappers to account for the violence against women that often accompanies abductions. As noted in the previous chapter on domestic violence, article 111 criminalizes the infliction of physical or psychological suffering on a person through systematic beatings or other violence. The prescribed penalty of up to three years in prison is increased to up to seven years if the violence is committed against "a person who had been abducted or taken hostage." Other relevant aggravating circumstances include when the violence is committed by a group or by a group acting under a conspiracy. Criminal Code article 112, "Purposeful infliction of light damage to health," can also be relevant to some cases of kidnapping.

The 2003 Law on Social-Legal Protection from Domestic Violence is essentially silent on the issue. Article 4 states that one of the principles guiding this law is "protection from religious, cultural and other customs that may harm family relationships," but

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<sup>463</sup> Criminal Code of the Kyrgyz Republic.

<sup>464</sup> U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices - 2005: Kyrgyz Republic," March 8, 2006, <http://www.state.gov/g/drl/rls/hrrpt/2005/61657.htm> (accessed June 23, 2006).

<sup>465</sup> Human Rights Watch interview with Zhanna Saralaeva, Association of Women Leaders of Jalal Abad and Kaniet Crisis Center, Jalal Abad, November 10, 2005.

<sup>466</sup> Human Rights Watch interview with Medina Aitieva, American University-Central Asia, Bishkek, October 31, 2005.

makes no further references that could be construed as providing specific protection against the practice of bride-kidnapping.<sup>467</sup>

### *The law not enforced*

The CEDAW Committee has stated its concern about the continuing existence of bride abduction and polygyny in Kyrgyzstan, despite laws against these practices. It said, “The Committee recommends action without delay by the State party to enforce its laws penalizing these practices. The Committee also recommends that the State party take comprehensive and effective measures, including the training of the judiciary and law enforcement officials and public awareness raising campaigns, to eliminate these practices.”<sup>468</sup>

Those responsible for law enforcement do not regard the abduction of women and girls for forced marriage as a serious crime. Local law enforcement officials who spoke to Human Rights Watch did not view it as a law enforcement issue at all. One senior police officer said, “Abduction, it’s just called this. Ninety-nine percent of women agree to the kidnapping. I kidnapped my wife...”<sup>469</sup> A senior police official from another major city said, “Bride-kidnapping—oh, they only do this by agreement. This is following traditions. If there’s not agreement, then people will file a complaint.”<sup>470</sup>

Police officers interviewed by Human Rights Watch about abduction for forced marriage literally treated it as a laughing matter, giggling when the topic was brought up. Some made jokes about kidnapping or “offered” to kidnap Human Rights Watch’s researchers while they were in town. According to NGO leaders, these attitudes were typical, and police are generally indifferent to the problem of kidnapping or, if anything, express support for the abductors rather than their victims (the rarity of actual reporting by women abduction victims to the police, and

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<sup>467</sup> Law on Social-Legal Protection from Domestic Violence, 2003.

<sup>468</sup> Report of the Committee on the Elimination of Discrimination against Women, Thirtieth session (January 12-30, 2004), Thirty-first session (July 6-23, 2004), General Assembly Official Records, Fifty-ninth Session, Supplement No. 38 (A/59/38), United Nations, New York, 2004.

<sup>469</sup> Human Rights Watch interview with a senior police officer, name withheld, Jalal Abad City Police Department, Jalal Abad, November 11, 2005.

<sup>470</sup> Human Rights Watch interview with a senior police officer, name withheld, Osh Province Police Department, Osh, November 10, 2005.

police non-responsiveness to cases made known to them, are discussed below). Such attitudes perpetuate the cycle of crime, arbitrariness of the law, and impunity for violent crimes against women.

As with police failure to protect women in cases of domestic violence, the failure of police to act on behalf of victims of bride-kidnapping is closely connected with women's lack of trust in police and the problem of rampant police corruption. When asked what steps the police are taking to prevent bride-kidnapping, Orunbaeva said, "The police have no role in this so far."<sup>471</sup>

### **Investigations and prosecutions for bride-kidnapping extremely rare**

Prosecutions for the crime of bride-kidnapping are extremely rare, and experts were unable to name a single case of abduction that had gone to trial. "I've never heard of a criminal case being opened related to a kidnapping," said Zhanna Saralaeva, an NGO activist from Jalal Abad.<sup>472</sup> Medina Aitieva shared the same frustration:

I've never heard of a case where a woman sued for kidnapping as a crime if she was returned home. In one case, a family sued a man for kidnapping because the families had no connection to one another. There was financial compensation for the family, but no jail time for the kidnapers. There are almost no legal cases. Even the case in the film [by Petr Lom] where the girl died, that case hasn't gone anywhere.

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<sup>471</sup> Human Rights Watch interview with Turganbubu Orunbaeva, Bakubat, Naryn, November 4, 2005. Several NGOs reported that police take an interest only when they sense that their negligence has been noted and they are in danger of reprimand from the higher ranks for their failure to uphold the law. One activist in southern Kyrgyzstan told Human Rights Watch of a young girl who was kidnapped at the age of 12 by a man in his fifties, kept by him for a year, and then kicked out of his house because she had failed to have children. The young girl's mother turned to the authorities for help. "The mother wrote a statement to the police. They just failed to register it because the man was rich and well-respected," according to the activist. A year later the activist told a journalist about the story and it was published in a newspaper, without any names given. This finally sparked the authorities' interest, but their investigation did not focus on the perpetrator of the crime. Instead, the NGO that the mother had appealed to was the target of authorities' interest. An activist from that NGO said, "The city administration, province administration, and procuracy and neighborhood police all began to come to our office to scare us and insult us, and insisted that we tell them who the mother and daughter are.... Bishkek had probably called [after the newspaper article]." The police were most intent, it seems, on protecting themselves. The mother and daughter fared poorly. The activist told Human Rights Watch, "When we went to find the mother, she had died. The girl had been handed over to [a relative]." Human Rights Watch interview with Zhanna Saralaeva, Association of Women Leaders of Jalal Abad and Kaniet Crisis Center, Jalal Abad, November 10, 2005.

<sup>472</sup> Human Rights Watch interview with Zhanna Saralaeva, Association of Women Leaders of Jalal Abad and Kaniet Crisis Center, Jalal Abad, November 10, 2005.

It was too hard to prove. No autopsy was done. The other side [the abductor's family] said it was suicide.<sup>473</sup>

Women's rights advocates say that a successfully prosecuted case would go far to highlight the problem and prevent future kidnappings. "We need a judicial precedent in order to stop this [cycle]," said Bubusara Ryskulova.<sup>474</sup> First though, the authorities responsible for carrying out the law need to recognize its validity and relevance, advocates say: "The government must recognize that kidnapping is a crime. They need to carry out the laws that exist," declared Saralaeva.<sup>475</sup>

Few victims of kidnapping for forced marriage turn to the police.<sup>476</sup> The psychological pressure, fear of social stigma, and fear of retaliation that so effectively prevent a woman from fleeing a man's home after she is abducted also work to dissuade her from reporting the crime of kidnapping to the authorities.<sup>477</sup> As Aitieva observed, "Most women don't go to the police because they're afraid of the negative consequences and condemnation of their families; and many are dependent on others and can't risk upsetting them. If a woman's parents are willing to fight for her, then it can be pursued, but usually the parents are more concerned about how society views them than they are about fighting for their children."<sup>478</sup>

Even in the rare instances when a woman can overcome barriers and file a complaint, and when police register the woman's complaint, activists charge, the authorities fail to prosecute cases of abduction. Turganbubu Orunbaeva, for example, reports that women victims of bride-kidnapping confront the same attitude with which Human Rights Watch researchers were met by police: "If [women] go to the police, the police say, 'It's the tradition, everyone does it.'"<sup>479</sup> She also spoke about her research into

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<sup>473</sup> Human Rights Watch interview with Medina Aitieva, American University-Central Asia, Bishkek, October 31, 2005. The documentary referred to by Aitieva was made by filmmaker Petr Lom in 2004. It shows instances of bride-kidnapping and features interviews with some of the women and men involved. It has been used as an advocacy tool by groups in Kyrgyzstan that oppose bride-kidnapping.

<sup>474</sup> Human Rights Watch interview with Bubusara Ryskulova, Sezim, Bishkek, November 1, 2005.

<sup>475</sup> Human Rights Watch interview with Zhanna Saralaeva, Association of Women Leaders of Jalal Abad and Kaniet Crisis Center, Jalal Abad, November 10, 2005.

<sup>476</sup> Human Rights Watch interview with Olga Klementieva, lawyer, Chance, Bishkek, October 29, 2005.

<sup>477</sup> Human Rights Watch interview with Turganbubu Orunbaeva, Bakubat, Naryn, November 4, 2005.

<sup>478</sup> Human Rights Watch interview with Medina Aitieva, American University-Central Asia, Bishkek, October 31, 2005.

<sup>479</sup> Human Rights Watch interview with Turganbubu Orunbaeva, Bakubat, Naryn, November 4, 2005.

the issue, saying that out of 860 women interviewed about kidnapping, only three had brought criminal cases. In those three cases, she said, the men were not punished: “The women gave statements [to the police] and then the statements never went to the court; the parents found common agreement and the women remained without justice.”<sup>480</sup> Another activist on bride-kidnapping issues said, “Even when the neighborhood police officer finds out [about a kidnapping], he doesn’t consider it a crime.”<sup>481</sup> A third said, “When I was young, if a girl was taken by force, the police would interfere, but now they’ve gotten used to it and no longer respond.”<sup>482</sup>

One obstacle a woman faces when trying to pursue a criminal case against her abductors is the perception that if she succumbed to the pressure brought to bear on her and in the end submitted to the marriage and stayed at the home of her abductor, then she cannot hold her kidnappers accountable for their actions against her. She is seen as complicit in the kidnapping and is told she cannot bring a case against her abusers. For example, Aisulu A., who lived with her abductor for nine months, said that when she later consulted a lawyer about her options for bringing a case for the kidnapping and beatings by her sister-in-law, the lawyer advised that she had waited too long: “The lawyer [at the shelter] said that after nine months [of marriage] I can’t say that I was forced and kidnapped. [The lawyer] said I should have written a statement earlier and gotten a medical exam when [the sister-in-law] beat me.”<sup>483</sup>

The case of one woman with police connections came up repeatedly as the one example of police taking action regarding a case of kidnapping. Even in this situation, there are doubts that justice was done. The woman was kidnapped, but was able to flee. She went to a local NGO for help, and was encouraged to file a complaint with the police. The woman had connections to the police, as her brother was a local police officer. She was successful in registering her complaint. The woman’s

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<sup>480</sup> Ibid.

<sup>481</sup> Human Rights Watch interview with Muratali Uchkempirov, Youth Citizenship Development Group, Jalal Abad, November 11, 2005.

<sup>482</sup> Human Rights Watch interview with a human rights defender, name withheld, place withheld, November 2005.

<sup>483</sup> Human Rights Watch interview with Aisulu A., November 2005.



relatives came to an arrangement with the abductor, who gave the woman and her family money, and the matter was closed.<sup>484</sup>

### **Local and national government officials unresponsive to the kidnapping problem**

NGO leaders report that when they raise the problem of bride-kidnapping with local government officials, they are spurned and ignored. Turganbubu Orunbaeva, of Bakubat NGO in Naryn, said, “Even the people at the Akimiat [mayor’s office] who are responsible for gender issues say I should shut up. They all think I should shut up.”<sup>485</sup>

Government officials responsible for human rights on a national level also resist responsibility to stop bride-kidnapping, and instead put the burden on women victims to ensure that the law is followed. “Women should be the initiators of complaints, they should appeal. Not if girls are kidnapped and then agree to stay, but if she feels that there was a violation of her rights,” said one official from the ombudsman’s office, revealing at the same time his perception that women who agree to stay with their abductors have not experienced violation of their rights.<sup>486</sup>

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<sup>484</sup> Human Rights Watch interview with Zhanna Saralaeva, Association of Women Leaders of Jalal Abad and Kaniet Crisis Center, Jalal Abad, November 10, 2005. Although article 16 of the Kyrgyz Civil Code does recognize the right of victims of certain crimes to sue the perpetrator for compensation for damages, there was no civil suit pursued in this case and monies paid by the abductor were apparently the result of an arrangement reached between the abductor and the kidnapped woman’s family, rather than as the result of a court decision. Human Rights Watch is not aware of any case of a woman victim of abduction for forced marriage having brought a civil suit against her abductor for compensation under article 16.

<sup>485</sup> Human Rights Watch interview with Turganbubu Orunbaeva, Bakubat, Naryn, November 4, 2005.

<sup>486</sup> Human Rights Watch interview with officials from the ombudsman’s office, Bishkek, November 14, 2005.

## Recommendations

### To the Government of Kyrgyzstan

- Enforce existing criminal laws against assault and abduction and prosecute perpetrators of domestic violence and kidnapping to the fullest extent of the law.
- Compile and disseminate accurate and comprehensive national statistics on domestic violence and bride-kidnapping. This data should include information about the nature and degree of violence, the number of bride-kidnapping and domestic violence complaints filed with the police, the number of protection orders issued, the number of criminal cases opened, the number of convictions and the level of sentencing, the number and duration of arrests, and the number and average amount of fines levied, or other penalties. The relevant ministries should create and implement a coordinated system for collecting that information and should make those statistics publicly available in a timely manner.
- Institute mandatory counseling and treatment programs for perpetrators of domestic violence, in addition to penalties as prescribed under the Criminal Code and other relevant laws.

#### *With a view to improving legislation and implementation of the law:*

- In keeping with Kyrgyzstan's 2003 Law on Social-Legal Protection from Domestic Violence, which defines "sexual domestic violence" as "an act by one family member that infringes sexual inviolability of another family member...", amend Kyrgyzstan's Criminal Code article 129 on rape to explicitly criminalize marital rape.
- Strengthen the investigation of accomplices to abduction of women for forced marriage, including for those who actively participate in her capture, who confine her in a home, who plot the kidnapping, who physically or

psychologically coerce the woman during the course of the kidnapping, and those who fail to alert authorities that a kidnapping has taken place or who otherwise facilitate the execution of the crime, and hold them accountable for their crimes.

- Require that state registry officials who register marriages and religious clerics ascertain the woman's explicit and free consent prior to an official or religious ceremony. Require registry officials and clerics to report to the police any suspected case of bride-kidnapping. Ensure that state officials or clerics who fail to obtain a woman's consent prior to registering or performing a marriage and who fail to report suspected cases of abduction of women are investigated and penalized in a timely, effective, and appropriate manner.
- Amend the Family Code of the Kyrgyz Republic to abolish the mandatory waiting period for divorce, without vitiating the parties' rights to be informed of the proceedings and to assert their rights to property.
- Amend the law to provide for a presumption of spousal co-ownership of land, housing, and other major assets acquired during a marriage.
- Amend the law to recognize the rights of persons in common law marriages (those not registered with the state) to property, alimony, and child custody. Such amendment should not be used to legitimize polygamous marriages, prohibited under article 153 of Kyrgyzstan's Criminal Code.

*With a view to educating the public:*

The government has a positive obligation to promote respect for women's fundamental rights and actively discourage violence against women. Toward this end, the government should:

- Intensify extensive, nationwide public awareness campaigns against domestic violence and bride-kidnapping. Such a campaign should include public service announcements broadcast on television and radio, and should provide the public with hotline numbers of crisis centers and information

- about other victim services. Ensure proper funding for such campaigns to inform the public of its right to state protection against violence and places where one can seek further information and assistance. In keeping with recommendations made by the CEDAW Committee in 2004, such public awareness campaigns should specifically target women to enhance women's awareness of their rights and to ensure that women can avail themselves of procedures and remedies for violations of their rights.
- Specifically, launch a nationwide public education campaign to inform citizens about the Law on Social-Legal Protection from Domestic Violence, the Criminal Code prohibitions on assault and abduction, and the new law on temporary restraining orders. Distribute widely the Law on Social-Legal Protection from Domestic Violence in Kyrgyz and Russian.
  - As part of this campaign, the president of Kyrgyzstan should publicly denounce domestic violence and abduction of women for forced marriage as violations of human rights and crimes under Kyrgyzstan's domestic law.
- Encourage state media to cooperate with NGOs to develop public service announcements and other programs to publicize the problems of bride-kidnapping and domestic violence and inform the public about legal remedies and social services available for victims of abduction and domestic violence.
  - Cooperate with NGOs to include in all school curricula information on women's and girls' human rights, and distribute pledges to secondary school children and their parents agreeing that they will protect children from kidnapping and will help their daughters, friends, siblings, etc., avoid and escape from the crime of abduction.

*With a view to improving direct services for women:*

- The Ministry of Health should work with other agencies to ensure that public health providers integrate screening for domestic violence into their routine work.

- Extend from 10 days to 30 days the period during which women victims of violence can stay free of charge at shelters run by crisis centers.
- As a matter of priority, establish long-term shelters where women and their minor children can stay voluntarily for up to six months, paying rent on a sliding scale. Provide such facilities with necessary security to ensure women's safety during their stay. Ensure that such shelters provide mediation with a woman's abuser only if a woman requests it.
- Work towards establishing government and donor-funded legal aid and job training to women survivors of violence free of charge or on a sliding scale.

*With a view to educating law enforcement and judiciary about appropriate responses to domestic violence:*

- Implement clear and explicit guidelines for police intervention in cases of domestic violence, including standardized arrest policies for perpetrators, the separate categorization of domestic violence in police records, and protocols for referring victims of domestic violence to social, legal, and health services.
- Establish implementing guidelines for the issuance of protection orders by courts. Undertake training of police, procuracy, and court employees on the use and enforcement of this mechanism.
- The Ministry of Internal Affairs (MVD), in consultation with the procuracy and Ministry of Justice, should issue guidelines to the heads of all district, city, and province police stations explaining the law on temporary restraining orders and its implementation and directing police on the proper procedure for issuing such protection orders.
- Conduct conflict-resolution and anger-management training with law enforcement officers, with particular view to eliminating violence in police families.

- Issue clarifying guidelines regarding cases related to family conflicts that properly can be forwarded to the aksakal courts (legally recognized courts presided over by community elders without the authority to impose criminal penalties), and specifying the types of cases that must be processed by the police and procuracy and, when relevant, forwarded to a district court. All cases that involve violence against women should be investigated and prosecuted pursuant to the Criminal Procedure Code in order to guarantee women full access to justice. Require that aksakals inform women whose cases are heard by this body of the right to appeal aksakal court decisions to the district court.
- Undertake thorough training of all MVD and procuracy staff on the proper way to investigate cases of domestic violence and abduction for forced marriage.
- Train law enforcement and judicial personnel in recognizing, investigating, and prosecuting violence against women.
  - Specifically, require a training program on domestic violence for all existing and incoming police officers. The training program should include, at a minimum, procedures for efficient intake of all domestic violence complaints, legal training on laws against domestic violence, creation of a protocol for handling domestic violence complaints, and training on the dynamics of domestic violence. Training should be conducted in investigative methodology applicable to cases of domestic violence, including techniques for interviewing victims who have been traumatized, methods for protecting victims and witnesses from harassment, and methods for collecting and preserving evidence. Police academy courses on domestic violence should be strengthened.
- In accordance with recommendations made by the CEDAW Committee in 2004, introduce education and training programs on the Convention on the Elimination of All Forms of Discrimination against Women and domestic laws to promote gender equality, in particular for the judiciary, law enforcement personnel, and parliamentarians.

- Undertake training of members of government women’s committees, aksakal courts, and other local government officials on domestic violence and bride-kidnapping as violations of women’s fundamental rights and crimes under Kyrgyzstan’s domestic law. Inform these officials about the Law on Social-Legal Protection from Domestic Violence, Criminal Code articles outlawing assault and abduction, and the mechanism of protection orders.
- The Ministry of Health should ensure the training of medical personnel, including family doctors, to recognize and—with informed consent of victims—report instances of domestic battery and rape. Require a training program on domestic violence as part of the curriculum at medical schools and institutes. Such curricula should include training on how to document injuries related to battering and sexual violence and how best to serve patients who exhibit such injuries. Provide hospitals with 24-hour security trained in averting harassment of domestic violence victims by the perpetrators. Provide training for existing personnel responsible for hospital security.
- Undertake training of staff of reproductive health facilities to detect and address domestic violence cases. At a minimum, require reproductive health facilities to display information about domestic violence (including referral information) in the facility, and encourage health providers to expand services to offering on-site treatment for victims of domestic violence.

*With a view to improving performance of duties by police and aksakals:*

- Investigate and prosecute police corruption, misconduct, and negligence. In addition, appropriately discipline officers who reject complaints without cause, harass complainants or their families, attempt to discourage women victims of violence from pursuing their cases, or otherwise block investigations of domestic violence and abduction.
- Establish an independent mechanism to monitor and oversee police treatment of female victims of violence.

- Establish domestic violence units within police departments staffed with well-trained male and female officers with the participation of NGO volunteers.
- Encourage the employment and promotion of female police officers.
- Establish an oversight mechanism to monitor and ensure that the aksakal courts' work is carried out in accordance with national legislation.

## **To Donors**

- Increase financial and technical assistance to civil society organizations providing services to women and girls who have suffered violence, including domestic violence and abduction for forced marriage. Specifically, increase funding for direct services to women and girl victims of violence. This could include services such as shelters, legal services, counseling, medical assistance, and job training.
- Contribute to training law enforcement and judicial personnel, and support the establishment of long-term shelters.
- Sponsor an initiative to provide specialized training on domestic violence to psychologists and social workers working with civil society organizations and crisis centers and with public health providers working in clinics (including sexual and reproductive health care clinics) and hospitals. This could include funding for university courses for social workers and psychologists that would focus on domestic violence.
- Support programs that seek to review, reform, and implement existing laws.

## *To International Financial Institutions*

- The World Bank and the European Bank for Reconstruction and Development should include violence against women among the issues raised in their country strategies for Kyrgyzstan and encourage the Kyrgyz authorities to take adequate measures to address it.



## **To the United Nations**

- The special rapporteur on violence against women, its causes and consequences should request an invitation to visit Kyrgyzstan to examine the state response to domestic violence.

## **To the Organization for Security and Cooperation in Europe**

- Include human rights and, specifically, violence against women—including domestic violence and bride-kidnapping—among the components of the OSCE Police Assistance Program for Kyrgyzstan. Work with local and international human rights groups to integrate human rights and attention to the problem of violence against women into the eight projects already set out in the assistance program, including the projects on a police emergency call response center, improvement of police investigation, crime analysis, and community policing.

## **To the European Union**

- Raise the issue of violence against women in meetings with senior government officials, including in the context of the EU-Kyrgyzstan Cooperation Council meetings conducted in accordance with the EU-Kyrgyzstan Partnership and Cooperation Agreement (PCA). Encourage the government of Kyrgyzstan to enforce laws against domestic violence and bride-kidnapping.
- Increase TACIS funding for direct services—including legal and psychological counseling and housing and medical treatment—to women victims of violence. Continue funding civil society initiatives that conduct research and advocacy on women’s human rights.

## **To the United States Government**

- Increase USAID and other U.S. government funding for direct services—including legal and psychological counseling and housing and medical treatment—to women victims of violence. Continue funding civil society initiatives that conduct research and advocacy on women’s human rights.

- Raise the issue of violence against women in meetings with senior government officials. Encourage the government of Kyrgyzstan to enforce laws against domestic violence and bride-kidnapping.
- Increase reporting on domestic violence, bride-kidnapping and the government's willingness to hold perpetrators accountable in the State Department's Country Reports on Human Rights Practices.

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We are forever grateful to the women whose stories appear in this report. We are humbled by their trust in us to communicate their experiences and we share their

hope that this report will amount to one of the many steps needed to promote change and prevent future acts of violence against women in Kyrgyzstan.

Human Rights Watch sincerely thanks the Open Society Institute for its generous support of our work in Central Asia.

## Appendix

### Selected Articles of the Criminal Code <sup>487</sup>

#### Article 111. Torment

(1) Inflicting physical or psychological suffering through systematic beatings or through other violent means, having not resulted in the consequences as under Articles 104, 105 of this Code... [i]s punishable by imprisonment of up to three years.

(2) The same if committed

- 1) with regard to two or more persons;
- 2) with regard to a person performing his official or public duties, as well as with regard to the relatives of such person;
- 3) with regard to a woman known to be pregnant;
- 4) with regard to a known minor or helpless person or to a person who is materially or otherwise dependent upon the perpetrator, as well as to a person who had been abducted or taken hostage;
- 5) with the help of torture;
- 6) by a group of persons;
- 7) by a group of persons under conspiracy;
- 8) by an organized group of persons;
- 9) as a paid job

[i]s punishable by three to seven years of imprisonment.

#### Article 112. Purposeful infliction of light damage to health

(1) Purposeful infliction of light damage to health having resulted in a short-term health disorder or in a minor permanent loss of the ability to work [i]s punishable by arrest of up to six months or by imprisonment of up to one year.

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<sup>487</sup> Text as under the Law of the Kyrgyz Republic No. 36 of March 12, 2002.

(2) The same having not resulted in the consequences outlined in the first section of this Article [i]s punishable by a fine of up to 30 minimum monthly wages, or by arrest of up to three months.

### **Article 113. Threat of murder**

(1) Threat of murder when there are sufficient grounds to take it seriously [i]s punishable by arrest of up to six months or by imprisonment of up to two years.

(2) The same if committed

1) by a member of an organized group or in the interests of the latter;

2) with regard to a person performing his official or civic duties, as well as with regard to the close relatives of such person;

[i]s punishable by three to five years of imprisonment.

### **Article 129. Rape**

(1) Rape, i.e. sexual intercourse through the use of physical violence, threats of physical violence to the victim or her kinship, or taking advantage of the helpless state of the victim, [i]s punishable by five to eight years of imprisonment.

(2) Rape

1) if committed repeatedly or by a person who had been previously convicted under the articles of this Chapter;

2) if committed by a group of persons;

3) if committed by a group of persons under conspiracy;

4) if committed with threats of death or serious health injury, as well as with particular cruelty towards the victim or other persons;

5) if the victim has consequently contracted a sexually transmitted disease;

6) of a minor

[i]s punishable by eight to 15 years of imprisonment.

(3) Rape

- 1) if having resulted for the victim in an accidental death, HIV infection or other grave consequences;
  - 2) if committed by an organized group of persons;
  - 3) of a child
- [i]s punishable by 15 to 20 years of imprisonment.

(4) Rape of a child having caused extremely grave consequences [i]s punishable by 20 to 25 years of imprisonment or the death penalty.

**Note:** In cases where the perpetrator reasonably assumed the minor victim to be an adult he shall be prosecuted under part 1 of this article, unless there are the circumstances provided for in points 1-5 of the second part of this article.

In cases where the perpetrator reasonably assumed the child victim to be a minor he shall be prosecuted under point 6 of the second part of this article, unless there are the circumstances provided for in points 1 and 2 of the third part of this article.

Other grave consequences under point 1 of the third part of this article shall mean the following: suicide or suicidal attempt by the victim (both adult and minor), psychological disorder of the victim, any serious health injury of the victim (discontinuing pregnancy or causing abdominal pregnancy as a result of rape), including injuries that endanger life at the moment of infliction.

Extremely grave consequences under part 4 of this article shall mean the following: suicide or suicidal attempt by the child victim, psychological disorder of the child victim, any serious health injury of the child victim (causing extra-abdominal pregnancy, loss of the reproductive ability, loss of sexual intercourse ability as a result of rape), including injuries that endanger life at the moment of infliction, accidental death or HIV infection of the child victim.

A child victim shall be a girl under 14 years of age.

### **Article 155. Forcing a woman to marry or preventing a woman from marriage**

Forcing a woman to marry or to continue a marriage or kidnapping her in order to marry without her consent, as well as preventing a woman from marriage [i]s

punished by a fine in the amount of 100 to 200 times the minimum monthly wage or up to five years in prison.

## **Selected Articles of the Administrative Code<sup>488</sup>**

### **Article 66-3. Domestic Violence**

Domestic violence – any deliberate actions (physical, psychological and sexual) of one family member against another, if these actions violate the person’s constitutional or other rights, result in light damage to a person’s health, cause physical or psychological suffering, or damage a person’s physical or psychological development—regardless of age or sex—and these actions do not qualify for criminal liability, an administrative fine should be levied against the perpetrator of five to 10 times the calculated indices.

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<sup>488</sup> Text as under the Law of the Kyrgyz Republic No. 16 of January 27, 2006.