

# Gender Equality and International Human Rights Law in Kyrgyzstan



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## 1 Introduction

Gender inequality is one of the main issues in Central Asia due to the inherited patriarchal culture, the low prioritization of the problem at the country level, and poor representation of women in decision-making processes. In the case of Kyrgyzstan, in the last couple of years, the news headlines have been filled with sad stories of women suffering from domestic and gender-based violence and discrimination. It appears that women's rights and interests are not protected, not monitored, and not considered as a part of the state's agenda. The surprising element is that Kyrgyzstan was the pioneer in the region when it came to adopting laws that promote human rights. Kyrgyzstan ratified the following international human rights treaties to protect women's rights: the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1994 (UN 1966b), the International Covenant on Civil and Political Rights (ICCPR) in 1994 (UN 1966a), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1997 (UN 1979), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) in 1997 (UN 1966c), the Forced Labour Convention (ILO 1930) and Equal Remuneration Convention (ILO 1951), both ratified in 1992, the Abolition of Forced Labour Convention in 1999 (ILO 1957), the Discrimination (Employment and Occupation) Convention (ILO 1958) and the Employment Policy Convention (ILO 1964), both ratified in 1992, and many other human rights treaties.

In addition to the ratification of international human rights instruments and cooperation with international human rights structures, the Kyrgyz government has made commitments regarding the achievement of the Sustainable Development Goals (SDGs) (National Statistical Committee 2020), especially SDG 5, which aims to

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“achieve gender equality and empower all women and girls”, but also the rest of the SDGs, since gender-related issues are intersectional, and each SDG includes a gender component (Sustainable Development Report 2021).

Since the referendum on 5 May 2021, the Constitution of the Kyrgyz Republic states: “No one may be discriminated against based on sex, race, language, disability, ethnicity, religion, age, political or any other opinion, education, origin, property or any other status, or other circumstances” (Sect. 2, Chap. [Human Rights in Central Asia—Between Internationalization and Nation-Building](#), Article 24.1) and “In the Kyrgyz Republic, men and women have equal rights and freedoms and equal opportunities for their implementation” (Sect. 2, Chap. [Human Rights in Central Asia—Between Internationalization and Nation-Building](#), Article 24.3). Moreover, Sect. 2 of the Constitution sets out Personal Rights and Freedoms (Chap. [Human Rights in Central Asia: Challenges and Perspectives](#), Articles 25–36), Political Rights (Chap. [Human Rights Education and Human Rights in Central Asia](#), Articles 37–39), Economic and Social Rights (Chap. [Human Rights as a Concept of Public Law: Challenges for Central Asian Higher Education Systems](#), Articles 40–50), Rights and Responsibilities of Citizens (Chap. [Transnational Higher Education—The Case of Kazakhstan](#), Articles 41–54), and Guarantees of Human and Civil Rights and Freedoms (Chap. [Redesigning the Law Curriculum in Uzbekistan](#), Articles 55–65) (Constitution of the Kyrgyz Republic 2021). Hence, the Law of the Kyrgyz Republic On State Guarantees of Equal Rights and Equal Opportunities for Men and Women (of 4 August 2008, No. 184) ensures gender equality and the effective implementation of the constitutional norms, but largely fails to do so in practice (Law on Equal Rights and Opportunities 2008). Irrespective of these recent changes in the constitution, the government’s first long-term National Gender Strategy (NGS) on Achieving Gender Equality by (2020) was adopted in 2012 in compliance with CEDAW (Asian Development Bank 2019; National Strategy on Gender Equality 2015), and a National Action Plan for 2022–2024 was developed and implemented. Furthermore, it launched a long-term National Development Strategy until 2040 (National Development Strategy 2018) and is currently updating the National Strategy for Achieving Gender Equality until 2030. In addition, the government ratified more than 50 international covenants and has a strong legal base to protect women’s rights. Despite all this, however, violence and discrimination against women and girls remain high (International Alert 2021; UN Women 2020, 2022; CEDAW 2022).

## 2 Gender-Related Socioeconomic Rights in Kyrgyzstan

Kyrgyzstan is a lower-middle-income country with a GDP per capita of 1,276 US Dollars in 2021 (World Bank 2021). The country’s economy heavily depends on the mining sector (mostly gold production), remittances, and resale. Kyrgyzstan is ranked fourth among those economies whose GDP depends on remittances. According to the data for 2021, the share of remittances in GDP was 33% (Migration Data Portal 2022a, b). The total number of emigrants reached 774,400 people by 2020, and more

than half of them (59.6%) were women (*ibid.*). The main destination countries are Russia, Kazakhstan, Turkey, and South Korea, where migrant women are mostly employed in the service sector, retail, catering, cleaning, beauty services, domestic work, and textile sector. One of the main reasons for the feminization of migration is the socioeconomic situation in the country and the existing gender inequality in the labor market.

In 2020, the male labor force participation rate was 74.4%, while the female labor force participation rate was 46.1%, illustrating that women are less represented in the local labor market. Women work predominantly in so-called female-dominated sectors, such as education (78.8% women), public health and social security (78.2% women), and in real estate (95.8% women). One of the main reasons for women's low participation in the labor market is the inherited patriarchal culture and associated gender stereotypes and discrimination (National Statistical Committee 2021).

Within the family, the roles of men and women tend to be strictly divided, with the man as the breadwinner and the woman as the keeper of the hearth. Once they are married, most women are not willing, nor do they have an opportunity to pursue a career because they would have to balance work and household chores (Kleinbach & Salimjanova 2007, 217–233; Ibraeva et al. 2011). According to a time-use survey, household work in Kyrgyzstan is largely considered a woman's responsibility, since women devoted an average of 4 h 33 min a day to household chores, spending 18.1% of their time on them; while men spent less than an hour (55 min) per day on household chores, which corresponds to approximately 3.9% of their daily time budget. As a result, compared to men, women spend almost five times more time on housework and 2.3 times more time on raising children (Kleinbach & Salimjanova 2007, 245–55). Therefore, when making a career choice, women sought out those occupations where they can combine their primary job outside the home with a “second shift” (Hochschild and Machung 2012) at home (UNECE 2021; UN Women Kyrgyzstan Country Office 2018a; Kolpashnikova and Kan 2020).

In Kyrgyzstan, much like the other countries in Central Asia, gender stereotypes also influence the upbringing and education of girls. According to the Global Gender Gap Index (GGGI), Kyrgyzstan received 0.996 for educational attainment (literacy rate of 0.998, enrollment in primary education 0.993, enrollment in secondary education 1, enrollment in tertiary education 1) in 2022 (WEF 2022). This indicates that women and girls have equal access to education, and the number of women with higher education exceeds that of men. The problem, however, is the prevailing stereotypes regarding the traditionally female and traditionally male degree subjects.

These stereotypes remain in children's and people's minds from when adults give dolls and tea sets to girls and cars and toy tools to boys. These seemingly harmless actions affected the women's and men's choices regarding their future professions. The census shows that in the academic year 2020–2021, the top three areas selected by female students were education (about 86% of the total number of students), humanities (more than 73%), service provision (more than 63%), while male students mainly chose professions related to architecture and construction (about 82%), agriculture (about 75%), technical sciences (over 69%) (Kleinbach and Salimjanova 2007, 144–60).

Not only do women participate less in the labor market, but they are also paid less than men. Thus, according to the data, the average monthly salary of men was 19,992 Kyrgystani som in 2020,<sup>1</sup> while the average monthly salary of women in 2020 did not even reach men's 2016 level (15,592 Kyrgystani som<sup>2</sup>) and in fact only earned a monthly average of 15,072 Kyrgystani som.<sup>3</sup> Women were not only paid less than men but also worked in all the lowest paid sectors (listed above), while men mostly worked in the higher paid sectors, such as finance and insurance (61.9% of employees in this sector are men), information and communication (59.2%), and mining (95.6%) (Kleinbach and Salimjanova 2007, 80–103).

The main reason for the disparity between women's and men's wage levels is occupational segregation. As mentioned above, women were mostly employed in lower-paid sectors, especially in Kyrgyzstan, where salaries for education, healthcare, and social security sectors are based on the state budget and are far from market levels. However, the sector factor is not the only reason for the gender pay gap because even within one sector, men and women usually do not earn the same (UN Women 2018; Ribeiro 2011; Akbulaev and Aliyeva 2020; Urbaeva et al. 2019).

Let's compare women and men with the same level of education working in the same sector. Women always have less experience and fewer opportunities for career growth due to the time spent on child-rearing, which as a result, affects women's earnings. If we look at the employment of women and men disaggregated by age group, we can see that, in general, the employment level of men is higher than women in all age groups. However, the gap within the 25–34 year age group is the highest at about 40%. This is the age at which women tend to leave their jobs to have children (Kleinbach and Salimjanova 2007, 217–33).

The last reason behind wage differences is stereotypes and discrimination. According to the conservative gender norms in Kyrgyz society, women are mostly portrayed as mothers and wives rather than experts in any field. Although they contribute to the family budget, work with their husbands, and sometimes alone, women still face and indeed accept the societal belief that their primary role is at home, raising children, and doing household work (Kolpashnikova and Kan 2020). These stereotypes mostly lead to employers perceiving women as higher risk than men because they often unexpectedly leave their jobs to get married or have children, even if they stay, they are less dedicated and hardworking. Thus, employers discriminate against women when recruiting and setting wage levels as they feel they need to compensate for the abovementioned costs by proposing lower wages.

According to the Women and Migration Study and Gender in Society Perception Study conducted by the UN Women Country Office in Bishkek, women emigrated not only with their male partners or relatives but also independently to improve the

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<sup>1</sup> Approximately equal to 240.15 US dollars, calculated according to the exchange rate of the National Bank as of 29 October 2022. URL: <https://www.nbkr.kg/getservice.jsp?lang=ENG>.

<sup>2</sup> Approximately equal to 187.30 US dollars, calculated according to the exchange rate of the National Bank as of 29 October 2022. URL: <https://www.nbkr.kg/getservice.jsp?lang=ENG>.

<sup>3</sup> Approximately equal to 181.05 US dollars, calculated according to the exchange rate of the National Bank as of 29 October 2022. URL: <https://www.nbkr.kg/getservice.jsp?lang=ENG>.

financial welfare of their families. The main destinations for women emigrating from Kyrgyzstan were Russia, the Arabian Peninsula, and Europe. Moreover, the study revealed a new cohort of migrant women who are younger, more educated, mostly from urban areas, and have higher socioeconomic status. These women primarily emigrated for personal reasons. Women emigrate for personal reasons, mostly to avoid the local constraints frustrating their goals. Some emigrate for new professional, social, and personal opportunities, but personal reasons are often related to security concerns (UN Women 2019).

Personal and human security is another reason women emigrate. The issues include a range from physical and verbal abuse to health and economic security. The reasons women suffer at home and are driven to try to escape this situation can vary from family to family. However, the roots of the problem remain patriarchal norms and traditions. While married women mostly tried to escape from domestic violence, abusive relationships, psychological abuse from husbands and in-laws, unmarried women usually tried to escape from family pressure, arranged marriages, and harmful practices or so-called bride kidnapping. These patriarchal norms have taken root in our society and thus affected every woman regardless of her age, marital status, education, or background (ibid.).

However, emigration is not only a chance for women to escape from the physical and psychological violence or an opportunity for emancipation. It can also lead to economic violence. According to the Alternative Report on the Implementation of CEDAW, daughters are more industrious and forbearing and are more willing to sacrifice their interests for the good of the family. Consequently, women are seen as the more attractive target for emigration. Many young unmarried women (approximately 60%, according to the International Organization for Migration, IOM) emigrate to another country because of parental debt. Their parents send them out to work or allow them to leave to earn money to save the family from poverty (UN CEDAW et al. 2019). Many women spent all their time, wasted their youth, and sacrificed their health and their careers to earn money and send remittances home. The women themselves usually do not even have access to the money they earn, since their parents, in-laws, and husbands decide how the money is to be allocated. They are asked to organize and pay for celebratory events, buy toys for the family's children, build houses, finish renovations, and at the end of the day, still have no access to savings or any savings.

There is a plethora of case studies and stories about a woman being abused in many ways by their families. In Jala-Abad, a major city in central Kyrgyzstan, one woman returned home, having worked three years as a labor migrant in Russia, to find that her money had been used to renovate her father-in-law's house and buy ten bulls to add to the family's herd. She spent another year tending the house and the bulls, dreaming that when the cattle were sold, she and her husband would be able to invest in their daughter's education. But after a year her husband decided to fulfill his obligation as a good Muslim son, sending his parents on a Muslim pilgrimage or "haj" to Saudi Arabia, using the money received from selling the bulls instead of investing it into his daughter's education (IOM 2018).

### 3 Domestic and Gender-Based Violence

Domestic violence is one of the most challenging issues in Kyrgyzstan because women are a priori believed to be guilty with no opportunity to defend themselves. Even parents, children, and close relatives do not support women subjected to domestic violence, tending more to criticize them. During the 2020 lockdown and quarantine, all preexisting gender issues were exacerbated. The closure of social facilities and the spread of the virus led to a rise in unpaid domestic work. The reason for this was not only a lack of sufficient support or less protection from exploitation but also the aforementioned traditional norms and stereotypes which burden women with all care and domestic work.

The COVID-19 pandemic deepened the global recession and political developments resulted in an economic downturn that has further distanced women from access to opportunities and resources, making them fully financially dependent on male family members. This financial dependency, combined with the physical inability to escape, get help, and access justice, put women at risk of becoming victims of domestic violence, and the increase in reported cases supports this assumption. For instance, from the introduction of the state of emergency, the registered domestic violence cases were 65% higher than in the same period in 2019. The reported cases included physical, psychological, economic, and sexual violence and neglect; and 95% of victims were women in the 21–50 year age range (UN Women 2020).

However, this is the tip of the iceberg because it is assumed that most victims do not report their abuse to the police. The National Statistical Committee (NSC) estimates that, in 2020, the number of people convicted and sentenced for misdemeanors related to domestic violence following the code of the Kyrgyz Republics on misdeeds was only 290 (about 87% of whom were men). Many of the cases (approximately 76%) were related to domestic violence (Art. 75), about 21% were for inflicting minor injury (Art. 66), beating (Art. 65) less than 1%, and disorderly conduct (Art. 119) about 2%. In that same year, over 9,600 people applied to crisis centers and other specialized institutions providing socio-psychological assistance to the population due to domestic violence. Most of these (86%) were women (Kleinbach and Salimjanova 2007, 223–44).

According to the statistics provided by the NSC, only 798 women were treated for injuries resulting from violence in the family in 2020. If we look at the cases by types of violence, about 97% were treated as a result of physical violence, about 1% as a result of psychological violence, and about 2% as a result of sexual violence. When it comes to the use of forensic expertise, only 180 women requested a forensic examination, about 88% were cases of physical violence, 10% were cases of psychological violence, and only about 2% due to sexual violence (*ibid.*). From the statistics provided above it is clear that the majority of the cases are still hidden and only a small fraction of the victims of violence reported their abusers, tried to get a forensic examination, or treatment at a hospital (*ibid.*).

### **3.1 Gender Bias in the Legal System and Cultural Norms**

One of the main factors behind this problem is an ineffective legal system with legal loopholes that put female victims of domestic violence at risk because any protection orders that are issued are mostly not enforced and monitored. According to the article on domestic violence of the Code of Misdemeanors of the Kyrgyz Republic (Art. 70), there are only two types of punishment: 48 h of community service or arrest and being held in custody for a period of three to seven days. At first sight this may seem like a very effective system, which is not punitive and more focused on the correction. However, it demotivates female victims of violence from reporting abuse as they fear reprisal (Code of Misdemeanors 2021).

Another factor is the cultural norms and stereotypes that mean domestic violence is tolerated. Reporting domestic violence is mostly seen in a negative light, with society blaming the victim in the belief that women should keep the incidents behind closed doors. There are many cases of women withdrawing their complaints under pressure from parents, in-laws, relatives, and society. And as we can see from the data above, women mostly report physical violence, while psychological and sexual violence tends to be considered taboo or as less important. However, in most cases, physical violence goes hand in hand with sexual violence and nearly always psychological abuse (Childress 2017; Childress et al. 2017).

There is a common perception that women cannot be raped by their husbands. Forced sexual activity after bride kidnapping should be classified as rape but people use psychological pressure to try to legitimize the sexual violence through the “*nikah*” (marriage contract), parents’ approval, and the oft-heard “*el emne deyt*” (what people will say) to portray public expectations. According to the study by the United Nations Population Fund (UNFPA) and the NSC, “more than half of all respondents believe that kidnapped women who were forced to engage in sex with their kidnapers must report being raped to law enforcing bodies. However, only 30% of them expressed willingness to actually accept their own female relatives in such a situation back home. Sadly, a considerable percentage, 25% of women and nearly 30% of men, believe that victims of kidnapping must marry their rapists. This answer is twice as widespread among rural population” (UN Women 2018b).

## **4 Sexual Reproductive Health and Human Rights**

Sexual and reproductive health (SRH) is one of the least discussed topics in Kyrgyzstan. Stereotypes and prejudice related to the issue prevail and the majority of the population are not fully aware about SRH and preventive measures. In 2020, the average age at first marriage was 23.4 years for women and 27.2 years for men. Compared to 2016 year, the age of marriage for women decreased by 0.2 years, while for men, in contrast, it increased by 0.1 years (Kleinbach and Salimjanova 2007, 61). Women usually only have their first sexual health consultation with gynecologists

after they are married or even only during pregnancy, a problem that especially applies to women from rural areas.

One of the factors influencing such attitudes and behavior is the lack of specialists in remote regions (especially when it comes to health workers specialized in adolescent health). With the majority of hospitals and family medical centers located in the *rayon* (district) capitals, due to the distance, time spent, and costs associated with visits women mostly refuse to visit hospital. However, the affordability and accessibility of medical consultations are not the only reasons. There is also a “cult of virginity” that influences women’s decision-making regarding whether to attend a consultation, since there is a strong perception that unmarried women must be virgin or “pure” and there is therefore no need for a medical examination.

When it comes to family planning, almost 77% of women believed that they should have the final say in decisions regarding their own health, and 76.6% of women of reproductive age reported that they made their own SRH decisions (WHO 2021). However, in 2020, only 16.6% of women of reproductive age (WRA) used contraceptives (Kleinbach and Salimjanova 2007, 166). The most popular methods of contraception were intrauterine devices (IUDs) (52.6%), male condoms (34.9%), and the pill (7.7%) (ibid.). The popularity of IUDs can be explained by the financial factor since women can get this form of contraception for free. In contrast, the free distribution of male condoms was stopped due to a lack of funds from development organizations over the last couple of years. However, in addition to the financial factor, there is the perception among men that family planning and contraception are primarily the woman’s responsibility.

In contrast, the man should enjoy the process, and nothing should distract or restrict him, even condoms. Thus, according to the Multiple Indicator Cluster Survey (MICS) conducted by the United Nations Children’s Fund (UNICEF) in the Kyrgyz Republic, “the male condom turned out to be not the most popular method of protection—only 10.4% of men are prepared to ‘spoil the pleasure.’ But 22.4% of women are prepared to put in an intrauterine device to avoid unwanted pregnancy” (Skolisheva 2015; NSC et al. 2016).

A total of 99.3% of births are attended by medical professionals (Kleinbach and Salimjanova 2007, 217–233). Almost all women receive antenatally. 99.8% attended the antenatal clinic at least once, and 94.3% attended at least four times and postnatal checkups. 96.1% received a postnatal checkup within the first two days of giving birth (Kleinbach and Salimjanova 2007, 166). Based on these results, it can be inferred that women are well-treated and that the population has a high awareness about pregnancy and childbirth. The perception that women are responsible for the sexual education and health of the child prevails in Kyrgyz communities. In addition, if women do not give birth to a boy, they are considered unsuccessful as a woman and wife and as failing in their primary duty of giving birth to an heir.

Most SRH issues could be addressed or prevented, however, cultural norms and stereotypes in Kyrgyz society mean this does not happen. Combined with a lack of knowledge about health issues and access to reliable information, this results in women often only consulting a medical professional once they have recovered or at



the final stages of their illness. At the same time, in some cases, the lack of sexual education led to discrimination and stigmatization.

## 5 Conclusion

Since independence, Kyrgyzstan has had a good track record in implementing international human rights treaties that promote and protect women's rights. The government has ratified more than 50 international human rights treaties, cooperated with international bodies, and adopted domestic legislation to comply with international standards. However, the *de facto* situation regarding the women's rights is quite challenging. Women of all ages and from different socioeconomic backgrounds still face discrimination in all spheres of life. The commitments to promote and protect women's economic rights under the ICESCR and CEDAW that have not been fulfilled include an agreement to provide: "full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual" (Part III, Art. 6.), to "pair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work" (Part III, Art.7), to provide social protection with an agreement that "special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period, working mothers should be accorded paid leave or leave with adequate social security benefits" (Part III, Art. 10.2) (UN 1966b). As a result, the reality is a low employment rate of women, poor working conditions without labor and social protection, a gender pay gap, a lack of maternity protection, and unequal division of household work (World Bank 2021).

Increased gender-based and domestic violence due to the "weak enforcement and monitoring of the implementation of the Act on Protection and Defense against Domestic Violence", failure to criminalize certain types of violence such as marital rape, "impunity for perpetrators, the limited enforcement of protection orders, the lack of victim support and the barriers to women's and girls' access to justice in cases of gender-based violence, including revictimization during criminal proceedings" (ibid.). Hence, limited access to sexual and reproductive health and rights there is a "low rate of condom use, high abortion rates among adolescent women", and overall "persistence of patriarchal attitudes and discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society, exacerbated by growing religious influence, and the lack of a comprehensive strategy to address such gender stereotypes" (ibid.).

There are several factors that have led to this situation. First, the country has an inherited patriarchal culture and norms that result in gender stereotypes, prejudice, and discrimination. Second, the country's socioeconomic situation limits the rights of women and creates obstacles such as a lack of knowledge, lack of education, and lack of information.

The third aspect is that most of the international human rights treaties were ratified by the government as a part of the terms and conditions to receive grants, soft loans, or preferential status (such as through the EU's generalized scheme of preferences, GSP + ). Therefore, donors need to review and reconsider their monitoring procedures for women's health in Kyrgyzstan. When it comes to holding the government to account, the focus must not only be on the ratification of the treaties but also the enforceability of the law as well as the legislative framework, its "legally undefined terms of morality, ethics and traditional family values in the context of the ongoing large-scale inventory of legislation, which can be used to undermine women's rights" (ibid.). Nowadays, a lot of work is being done by the development sector. However, the campaigns/programs should be conducted at the country level and should be focused not on resolving the issues but more on tackling the roots of the problems and preventing them from arising in the first place. Increasing access to education, information, and resources to reduce women's financial dependency and providing science and fact-based gender-related messages and education through social media.

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