#### **ORIGINAL ARTICLE**



# "All the System is Simply a Soap Bubble": Legal Help-Seeking for Domestic Violence Among Women in Kyrgyzstan

Saltanat Childress<sup>1</sup> • Darald Hanusa<sup>2</sup>

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#### Abstract

This paper examines limitations in how law enforcement and public health systems respond to domestic violence in Kyrgyzstan. Findings from interviews with domestic violence victims show that these women are subject to ineffectual practices and negative attitudes that tend to minimize domestic abuse and disempower victims. The findings reveal several problematic issues: inconsistencies in the implementation of the law, impunity for abusers because of both personal attitudes and social affinities between the police and abusers, ineffective enforcement of protective orders, and superficial processing of domestic violence cases by the legal system. Additional barriers to help-seeking include a lack of institutional support and guidelines for offering mental health services for victims as well as a scarcity of housing, childcare, and employment opportunities for women seeking to break the cycle of abuse. The findings underscore the need for society-wide changes in attitudes toward domestic violence, stricter mechanisms for enforcing the law, and mandatory training for service providers to facilitate the provision of more accessible and affirmative support to victims.

Keywords Help-seeking · Domestic violence · Kyrgyzstan · Central Asia · Legal and institutional barriers

# **Background**

Domestic violence against women (VAW) occurs in all societies and across all economic, social, and age groups (Garcia-Moreno et al. 2005). In Kyrgyz society, VAW is pervasive (Human Rights Watch 2006, 2015). Since the country's independence from the Soviet Union, there has been a tremendous rise in the number of officially reported violent incidents committed against women, particularly married women or wives living with their in-laws (Alternative Report Kyrgyzstan 2015). Over the past two decades, the women's movement in Kyrgyzstan has reacted strongly to this increase in VAW by demanding legislative action. These efforts to shift the issue of VAW out of the shadows

of the home and into the public policy discussion have been spearheaded by a group of women's non-governmental organizations (NGOs). These NGOs were instrumental in the drafting of legislation and succeeded in their efforts to ensure its passage in Parliament. Taking advantage of a new constitutional provision that allows public participation in the legislative process, a small group of women's NGOs and crisis centers drafted a law and collected the 30,000 public signatures needed to submit the draft bill to Parliament (Kangeldieva et al. 2005).

In 2003, in the face of these lobbying efforts, the Kyrgyz parliament adopted the *Law on Social-Legal Protection from Domestic Violence* (LSLPDV 2003) (Human Rights Watch 2006). The law prohibits physical, psychological, and sexual violence (including marital rape) among family members and includes provisions for restraining orders and other protective measures. The law defines domestic violence 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" (Human Rights Watch 2006, p. 37).

dhanusa@wisc.edu



Saltanat Childress schildress@wisc.edu; saltanatdc@gmail.comDarald Hanusa

University of Wisconsin-Madison, 2458 Sewell Social Sciences, 1180 Observatory Drive, Madison WI 53706-1393, USA

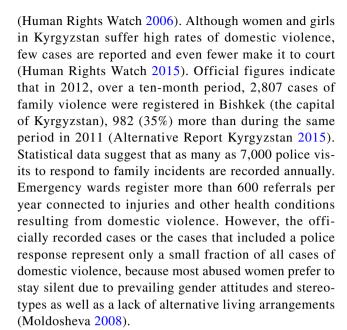
University of Wisconsin-Madison, 203 School of Social Work, 1350 University Ave, Madison WI 53706, USA

Indeed, in the past 25 years, Kyrgyzstan has developed progressive national domestic violence laws and has ratified many of the key international instruments guaranteeing women's equality and right to live free of violence, including the International Covenant on Civil and Political Rights (in 1994) and the Convention on the Elimination of All Forms of Discrimination against Women (in 1997) (Human Rights Watch 2006, p. 14). However, in many cases, these measures have been implemented and enforced in a superficial manner due to the courts' recategorization of domestic violence as a minor offense (Somach and Rubin 2010), inconsistencies in other related laws (e.g., criminal and civil codes), and a failure to incorporate concrete mechanisms to enforce protection orders stipulated by the new laws (Ilibezova et al. 2003). Further obstacles to ensuring an effective governmental response to domestic violence include a lack of resources, little awareness of existing services to protect victims' rights (Asian Development Bank 2011), and social and cultural barriers that women face in seeking protection from domestic violence (Childress 2017).

As a result of worldwide efforts to improve crime prevention and strengthen criminal justice responses to VAW (UN General Assembly 2010), the Kyrgyz government has launched several initiatives to train police officers to respond to domestic violence cases (OSCE 2014) and has developed a manual on the role of police in preventing and addressing domestic violence (Eliferenko et al. 2012; Isakunova et al. 2010). However, reports from international NGOs indicate that these initiatives have been hampered by a scarcity of neighborhood police (especially female and minority officers) to meet the needs of the diverse population (BTI 2012; UN Peacebuilding Support Office 2014), high turnover among police officers due to poor pay and benefits<sup>1</sup>, minimal or inconsistent training, and a lack of political will on the part of the government (Human Rights Watch 2015).

# Prevalence, Risk Factors, and Attitudes Toward VAW in Kyrgyzstan

To date, there are no reliable governmental estimates of the magnitude of domestic violence in Kyrgyzstan because this type of violence has been considered a "private family matter" and thus has been largely overlooked



Prior research has shown that attitudes can affect the prevalence of and response to domestic violence. A woman's decision to seek help (e.g., report an incident to the police, seek help from a women's group) is a function of three primary factors: her own attitudes; her beliefs about the likely consequences of seeking help (e.g., the fear of losing face); and subjective norms, that is, her perceptions of the attitudes of others who are important to her (Joshi and Childress 2017). In a national survey of married women in Central Asia, researchers found widespread acceptance of intimate partner violence among women in Kyrgyzstan—fully 45.3% of respondents found such violence acceptable (Joshi and Childress 2017). These cultural norms can make it difficult for women to step out of the strictly prescribed roles that tend to justify and perpetuate violence and abuse (Childress 2017).

The international domestic violence literature has shown that multiple risk factors, including low selfesteem, low education, low socioeconomic status, a history of abuse during childhood, depression, and belief in strict gender roles, are associated with women being abused by their partners (Heise and Garcia-Moreno 2002; Xu et al. 2005). Cross-country comparisons of the former Soviet Union region have also identified multiple risk and protective factors for spousal violence in different sociocultural contexts (Barrett et al. 2012; Habibov et al. 2017; Ismayilova 2015; Peterman et al. 2017). These studies underscore the importance of the simultaneous examination of individual-level and community-level factors associated with spousal violence (Ismayilova 2015), including partner's behavioral problems (Barrett et al. 2012), women's access to income and economic empowerment, gender beliefs and education, and historical and communal acceptance of violence and abuse, and conclude that



<sup>&</sup>lt;sup>1</sup> According to the National Statistical Committee (2017b) and the Ministry of Internal Affairs (Eurasia Information Analytical Center 2013), the average salary for neighborhood police officers is approximately 15,000 Kyrgyz Soms (KGS) or about \$218 per month. According to the World Bank Indicators (2016), gross national income per capita is \$1,100 per year, or approximately \$90 per month.

the relationship between protective factors such as higher socio-economic status, resource settings, and women's empowerment outcomes is highly contextualized, complicated, and even paradoxical at times (Habibov et al. 2017; Peterman et al. 2017).

There is some evidence to suggest that women in Kyrgyzstan are becoming increasingly vulnerable to domestic violence as they bear the brunt of unprecedented social economic upheaval following the collapse of the Soviet Union, resulting in negative consequences for women. The rising level of poverty among women, a widening urban and rural divide, deterioration in women's access to public services, and resurgence of patriarchal and traditional values (Somach and Rubin 2010) have resulted in growing prevalence rates and new manifestations of VAW, particularly trafficking-in-persons (U.S. Department of State 2010), unregistered, forced marriages (UN Human Rights Office of the High Commissioner 2015), and bride-kidnapping<sup>2</sup> (Eurasianet.org 2012). The implications of these societal changes for women and their help-seeking for domestic violence and other forms of abuse in Kyrgyzstan are "complex and vary widely across the region according to historical or ethnic differences" (Asian Development Bank 2006, p. 3). Overall, societal sanctions, intense emotional pressure, and the psychological distress experienced as a result of forced marriages and bride-kidnapping make it very difficult, if not impossible, for women to escape family violence and seek help. Many recognize these practices, including polygamy, bride-kidnapping, and payment of kalym (bride price), as a means of maintaining women's inequality and preventing equal participation in decisionmaking, equal access to economic resources, and equal development during the transition process in Kyrgyzstan (Light 2005).

While prior reports have noted that the Kyrgyz criminal justice system has been unresponsive and ineffective, this study is the first to examine these issues qualitatively from the victims' perspectives and to develop a scholarly understanding of the motivation and behavioral basis for the lack of response by police. This article uses women's own experiences and words to shed light on the barriers to and motivations for seeking help from the criminal justice and public health systems, and to inform possible refinements to these systems' responses to domestic violence.

#### Method

This study is part of a larger study examining the barriers to help-seeking for domestic violence among women survivors of abuse. It focuses specifically on legal and institutional barriers to help-seeking among women who left violent home situations and sought assistance at a domestic violence shelter in Kyrgyzstan. To solicit women's perspectives, the study used a qualitative, grounded theory methodology developed by Glaser and Strauss (1967). Grounded theory allows for the emergence and development of substantive theory that addresses the limitations of quantitative approaches, and focuses on discovering the multiple meanings that can be derived from interactional events (Oktay 2014).

# **Research Setting and Procedure**

The study took place in a domestic violence shelter in a large city in Kyrgyzstan. The shelter is an NGO that implements legal, consultative, informational and educational programs related to women's rights, domestic violence and human trafficking. Interviews took place from November 2012 to December 2013 with 16 women, who have sought legal help and experienced police and public health institutional responses. The researcher (first author) volunteered for the shelter and worked closely with shelter staff to identify potential study participants. The counseling staff at the shelter described the study to the clients and asked for their consent to participate. After obtaining consent, the shelter staff informed the researcher of their interest in participating. The researcher screened the participants for eligibility and provided a detailed explanation of the purpose of the research, what would be done with the data, and other pertinent information. Pseudonyms are used throughout the article. The Institutional Review Board of a large University in the United States and the Ministry of Health of the Kyrgyz Republic approved the study.

#### **Data Collection**

Interviews were conducted by the primary author<sup>3</sup> at the shelter, in an area that was private and quiet, at a time suitable to the participants. The interviews lasted from one to four hours. Questions focused on their experiences with help-seeking from the criminal justice and public health systems, including their treatment by the police and criminal justice personnel, the expediency and effectiveness of police intervention and restraining orders, the role of public health

<sup>&</sup>lt;sup>3</sup> The primary author is fluent in all three languages used in the shelter and in this study (Kyrgyz, Russian, and English), and Kyrgyz is her native language.



<sup>&</sup>lt;sup>2</sup> In this study, the term "bride-kidnapping" refers to non-consensual abduction for marriage (Kleinbach et al. 2005). Kyrgyzstan's Criminal Code's (1997) articles on abduction (Art.123) and illegal deprivation of liberty (Art. 125) forbids forced marriage of any kind, whether or not it includes abduction. In response to public pressure to take action against bride-kidnapping, in 2013 the government increased Criminal Code penalties for bride-kidnapping up to seven years of imprisonment, and up to 10 years when the abductee is under age 17.

and public advocacy professionals in helping the women obtain justice and support, and women's perspectives on how these systems could be improved. The interviews were conducted in Kyrgyz (8) and Russian (8), audio-recorded, transcribed verbatim, and translated into English. Transcripts were imported into NVivo qualitative data analysis Software (QSR International Pty Ltd. Version 10 2012) for subsequent analysis and coding.

The inclusion criteria<sup>4</sup> for the sample were: (1) being married, (2) being age 18<sup>5</sup> to 49 at the time of data collection, and (3) having a history of domestic violence and residing at the shelter. Exclusion criteria<sup>6</sup> were: (1) having cognitive impairment or a disability, (2) being incarcerated, and (3) having a female partner. There was a relatively high degree of homogeneity among the women in the sample, who had similar backgrounds in terms of socio-economic status and ethnic background. The high degree of homogeneity did not allow for a maximization of diversity, particularly because the sampling criteria were restricted to include only women residing in the shelter. However, the homogeneity did lead to a quick emergence of patterns in the data, in other words, large similarities in qualitative coding categories within the group.

## **Data Analysis**

The data management and analysis were an on-going process throughout the data collection stage. NVivo assisted the researcher in structuring and patterning the interrelationships in the data and facilitated a complex coding and theory building process. Its note-making and conceptual mapping functions were also utilized for simultaneous data analysis and memo-writing processes.

<sup>&</sup>lt;sup>6</sup> Excluded participants were considered distinct populations which this study did not intend to address, and therefore, were considered outside of the scope of this study. Although domestic violence among different groups may share many commonalities, the issues and interpersonal dynamics that are unique to social realities of these groups may affect coping and help-seeking behaviors of the women (Yick 2008).



The constant comparative method of analysis advocated by Glaser and Strauss (1967) was used. The researcher began by "open coding" the data to capture key thematic content in narration of the participants and interpreted evidence. The researcher analyzed the transcripts line by line to identify common elements of patterns and break down large amounts of data into smaller, more manageable groups of ideas and concepts. Axial coding was used to further explore the relationship between concepts and reassemble the data fractured during initial coding to give coherence to the emerging analysis. Following axial coding, the analysis involved theoretical coding and developing themes grounded in the data (Oktay 2014).

#### **Trustworthiness**

The trustworthiness of qualitative data analysis was enhanced through analytic triangulation, "thick description" (Geertz 1973), prolonged engagement in the field (two and a half years), and the use of computer-assisted constant comparative analysis techniques. To ensure dependability, this study employed the "inquiry audit" technique to capture the clarity and the internal coherence of the findings (Lincoln and Guba 1985, p. 316). Confirmability of the findings was established through an audit trail, peer-debriefing, reflexivity, and by providing samples of raw data in the presentation of findings. Passages from the transcripts were quoted extensively to ensure inclusion of the participants' perspectives. The external audit conducted after the completion of the study confirmed that the participants' perceptions and views were recorded neutrally and analyzed without the bias of the researcher (Bowen 2005). By employing the "thick description" method, the external audit members were able to ascertain whether the findings were grounded in the data, and whether inferences based on the data were logical, appropriate, and exhaustive (Lincoln and Guba 1985). Throughout the project, the researcher kept a reflective journal, recording ideas, problems, and the progress of the study. The journal and the record of the themes developed in the NVivo10 qualitative data analysis computer program made it possible to trace the emergence and development of ideas, creating what is called an "audit trail" (Oktay 2014).

# **Findings**

The final sample included 16 adult women between the ages of 20 and 49. Table 1 shows the demographic breakdown of the sample. Some participants had been with the partner involved in domestic violence for many years, while others had shorter relationships. All participants had children and were employed in low-income jobs (e.g., cleaners, seamstresses, waitresses, cooks, news-stall keepers), with

<sup>&</sup>lt;sup>4</sup> The inclusion criteria were based on the assumption that women in a shelter setting were likely to have more intensive and direct experience with domestic violence, which would make it more convenient for them to reveal and reflect on the meaning of the experiences to them.

<sup>&</sup>lt;sup>5</sup> According to the National Statistical Committee (2017a), the minimum age for marriage stipulated by the Family Code of the Kyrgyz Republic is 18 years old. The average age at first marriage among Kyrgyz women is 23.6 (National Statistical Committee 2016); however, in some regions, women tend to marry at a younger age, which could be associated with bride-kidnapping and the practice of unregistered underage customary marriages ("nikah") in rural areas, especially in the south of the country (ADB 2005, p. 48).

**Table 1** Sample demographics (N = 16)

Variable	Value
Age (years)	
Range (M)	20-49 (33.4)
Ethnicity (n)	
Kyrgyz	14
Russian	1
Kazakh	1
Children (n)	
Yes	16
Number of children, range	1–4
Ages of children (years), range	1 month – 18 years old
Marital characteristics	
Legally registered marriages	9
Common-law marriage (no legal registration) <sup>a</sup>	7
Kidnapped or forced into marriage	5
Victims of sold arranged marriage	2
Victims of human trafficking	2

<sup>&</sup>lt;sup>a</sup>In Kyrgyzstan, the term "common-law marriage" is used to describe a situation where a man and woman live together as husband and wife but have not legally registered their marriage. In some cases, the couple may have been married according to the religious ceremony called *nikah* (Muslim marriage ceremony which does not involve legal registration); in other cases, the couple cohabits, and considered themselves as married.

**Fig. 1** Types and effects of domestic violence against women in Kyrgyzstan

abuse (see Fig. 1). All participants had experienced physical abuse. They suffered severe and unrelenting beatings, including hitting, kicking, hair-pulling, smashing heavy objects against the woman's head, stabbing with forks or knives, whipping with a rolling pin, and burning the woman's hands or face by pushing her on a hot stove or throwing hot food or liquid on her face. Abusers attacked their wives with a wide variety of weapons including guns (two cases); knives, spoons, and forks (five cases); an axe (two cases); a chair (one case), and glass objects thrown at or past the victim (three cases).

In addition to experiencing physical abuse, five women had experienced bride-kidnapping, which they did not identify as an act of violence, but rather described as part of their marital backgrounds. These five women described being kidnapped by a group of strangers and then physically forced and psychologically pressured to stay in the man's house until dawn, at which point the woman was considered "not pure" and unmarriageable, and had to marry the kidnapper because of the shame the event could bring to her birth family. Asem related her harrowing experience of being kidnapped:

They brought me to their house....They started laying the table and preparing curtains<sup>7</sup> in the other room. Two people held my hands, put the headscarf on me and started saying, "You became our bride." I took the headscarf off and starting screaming, "Stop! I am not

#### Types and Effects of Domestic Violence



two exceptions, one woman who owned an individual farm and one woman who worked as a social worker at the time of interview. A more detailed description of participants' characteristics and types of abused experienced is provided in Childress (2017) and Childress et al. (2017).

Respondents reported undergoing many forms of abuse including physical, emotional, verbal, and economic

getting married!"... They prepared the bed and left me with my husband... that's how I first met my husband.

Almakan explained that her own mother arranged her bride-kidnapping:

<sup>&</sup>lt;sup>7</sup> Bridal curtains hung across the room, where women must stay for several days before they can go out of the house.



I didn't know...that they [her mother and mother-in-law] negotiated it beforehand... I was 16... I thought I came to the party to help...In the evening I was already put behind the curtain... I started protesting... My future husband came in and said, "If you marry me, I will take care of you and your siblings".... I didn't see any other options and stayed.

The interviews also contained descriptions of two cases of trafficking. Zarina reported being sold by a pimp to a man in a neighboring country at the age of 22. Mairash was taken by her mother to work in the neighboring country at the age of six. As a child, she was forced to work in the tobacco fields, never went to school, and could not write her name at the age of 18. When her mother died, she was brought back to her homeland by the Kyrgyz Consulate and was placed in an orphanage. Soon after her return, a woman who worked at the orphanage offered to take Mairash to the market to buy shoes, but instead brought Mairash to her house to introduce her to her future husband and in-laws.

I was happy to go and buy new shoes with her. When we came, she started introducing me, "This is my daughter-in-law. This is my younger brother, sister-in-law, my future brothers in law..." That's how I met with my husband. I thought to myself, "I was abused till I was eighteen and suffered. I had no family of my own, so maybe I would be better off having them [in-laws] as my family." It turns out I had a wrong understanding... I was beaten up there.

## **Legal Barriers to Help-Seeking**

Several important legal barriers to help-seeking emerged in the women's narratives. The most prominent barrier was the ineffectuality of the legal system and police intervention to respond to abuse. Women became involved in the criminal justice system because they viewed the system as the logical external resource for obtaining assistance with their domestic violence situations. However, they believed that there was very little support when they needed it the most, particularly during their initial contact with the police. The women perceived the system as a corrupt "soap bubble," (i.e., a thin surface with no substance) which exists only superficially for "appearances' sake" and which seems to be at best selective, and at worst part of the problem. Ainura voiced her disappointment with law enforcement:

My experience with law-enforcement structures is that in general, they are nothing. They are simply walking soap bubbles (*khodyachie mylnye puzyri*). All the system is simply a soap bubble. They are simply for the appearances' sake ... I called the district policemen. It turns out that in their view all that [violence] taking

place in the family is normal... After all, they closed the case. It was a complete mess.

The view that law enforcement was unhelpful and superficial was based on women's experiences. Respondents explained that police considered domestic violence a part of normal family life that was not worthy of a police intervention, and often did not register their complaints, issue protection orders, or seriously investigate the case with a view toward prosecution. Zarina described how the police discounted her complaints: "I called the police when I was afraid that my husband would beat my son...but the police said that they wouldn't intervene in a family issue." The women reported that instead of protecting the women, police made them feel more trapped. Natasha observed,

I've seen how our police work. Basically, instead of protecting us they do everything possible to drown us... If this continues the same way, women's suicides will rise... Because the poor woman is pinned in the corner, she just doesn't know where to go, and she just ends her life.

The women described several specific mechanisms that prevented the legal system from effectively addressing domestic violence, including: mutual protection and solidarity among law enforcement officials; police failure to enforce temporary restraining orders; an emphasis on reconciliation; corruption and negligence among police; fear of retribution; pro forma attitudes among the police; police attitudes toward retractions among women, and officers' beliefs that some injuries were not serious enough to merit any action.

Mutual Protection and Solidarity Among Law Enforcement Officials Natasha's experience provides a striking illustration of how mutual protection among law enforcement officials prevented abused women from escaping from their violent partners. Her abuser was a retired lieutenant colonel, a former law enforcement official. She reported that other law enforcement officials protected and supported him even during the worst abuse and violence:

According to law, you write complaints and give them to the police; they conduct investigation, and send him to jail, right? But no! .... There is a mutual protection, "esprit de corps" [krugovaya poruka], whereby wolves don't betray a wolf.... My recent case proved so. A young investigator was working on my child support case ... (tears in her voice)... and after everyone from different channels started calling him, he was pressured to close the case.

Even though Natasha filed numerous complaints, the police always released her husband:



Usually, when the police come, they lock the hands behind the back and take the guy, right? But no! Here it happened like this: they had a handshake, "Almaz bro, can you please come with us to the police office?" (sarcastic voice). And so it was! In short, they 'persuaded' him... Persuaded, yeah? That would be the right word. They took him to the local police office, and let him go.

Natasha became hopeless about the possibility of her husband ever being prosecuted for the abuse. She lamented, "This [mutual protection] is going to be infinite.... The Prosecutor General writes to the City Prosecutor, the City Prosecutor writes to the District Police, the District Police close the case. That's it." She continued to fear her husband, and many of those who were supposed to help her also feared him or sided with him. She concluded that his connections and the camaraderie among those in the law enforcement system blocked her access to justice: "With his connections, with his threats, with his money... he [the abuser] can do whatever he wants. He knows he's got a good cover and that no one will sue him, or consider complaints against him. Everyone is afraid of him." Damira described a similar situation, emphasizing the personal connections of her husband, a member of the military who was protected by his friends in the organization: "He is a military colonel... I turned to the police, hired a lawyer to stop it [the abuse]. He still does it because of impunity... He negotiated with them [the police]. He has friends... at the prosecutor's office. They help him."

Police Failure to Enforce Temporary Restraining Orders The success of restraining orders depends on the commitment of the police and judiciary in enforcing them. This means an immediate response once police are notified of a violation. However, the survivors consistently documented a lack of legal recourse in cases when a restraining order was issued. They described such orders as "a meaningless piece of paper" that did not serve as even a minimal deterrent, because the police consistently ignored the warnings and mocked the victim, without even going to the trouble of informing the abuser of the issuance of the restraining order against him. Natasha observed that having a restraining order had offered her no protection whatsoever:

But these protective orders do not have any effect. These protective orders are just like a... piece of paper. He kept coming the same way he used to, kept calling the same way he used to, kept threatening me... I informed the police so many times that the protective order was being violated. Useless! ... They responded to me, "He hasn't killed you so far, has he?"

In Salamat's case, her husband was informed about the issuance of a protective order and received the duplicate but it did not prevent him from continuing the abuse: "The policeman put the original of the restraining order into the file and gave the duplicate to me. My husband took and burned that duplicate... That is how it ended."

Emphasis on Reconciliation as the Primary Solution to Domestic Violence Many participants described concerns that the law enforcement system was biased in favor of an abuser, and that the police ridiculed victims and told them to reconcile with their husbands. When Asem filed a complaint against her abuser after he beat her so badly he almost killed her, the police mocked her, saying, "Which one is your husband? Oh, that...He seems to be a nice guy, doesn't he? Well, then if you sue him, later on aren't you going to have trouble finding another husband?" In Natasha's case, the police recommended that she reconcile with her husband, and then laughed when she said that he might kill her:

[The] chief of the district's police department said to me (angrily), "Why are you pulling my leg? Go and make peace with him for the [sake of the] child!" I said, "For what? To let him finish me off? When are you going to take measures, when he kills me?!" He laughed and said, "Yes, when he kills you, then come to me."

Gulbara was also encouraged to make peace with her husband and remain silent about his abuse. She explained, "They answered me all upside down, 'Then why don't you reconcile with your husband and live? If you keep silent, probably you are going to live fine, in peace... Go, live both of you!"

The police often urged the women to stay with their abusers for the sake of their children. Keremet recalled the instructions she received when she sought help from the police: "They tried to convince me, "Two of you should live together, you have a daughter." But they did not care about how I was going to live, and what my life would be like.... They convince you to live together, and offer no support."

Corruption and Negligence The interviews show that abusers often go free because of police corruption. If a woman's in-laws could not convince a woman to rescind her complaint, they often used bribes to get the abuser released from jail. Asem recounted, "After two days, my two sisters-in-law came and begged me to withdraw my complaint. I refused, and so they freed him [by] paying a bribe... If you give them [the police] three thousand KGS [≈\$43], they would just let him free." Abusers also bribed the police themselves to secure their release.



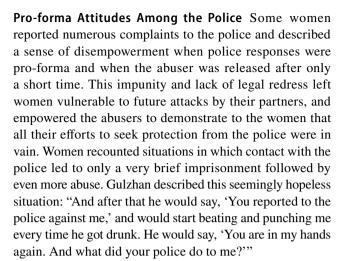
Ainura's husband was able to leave jail after offering the police a bribe. She explained, "I did not understand what had occurred. I only remember my husband yelling, 'Well what did these police do? And how did they help you? I gave them ten liters of gas [as a bribe].' And for ten liters of gas they sold themselves."

Sometimes husbands were released not due to corruption, but rather because of simple negligence on the part of police. Police often locked up an abuser for two days or less, essentially a slap on the wrist, and then provided no follow up or further punishment. Zarina endured a seemingly endless cycle of her husband being arrested and then released after only a few days, and then resuming the abuse shortly afterward: "Every time they arrested him, he would start behaving normally, but later he would start his old habits again.... He is released early and returns home in two days. So, this all repeats every time." Gulbara also described her husband being released from police custody after only a short time; she attributed this pattern to a lack of resources: "Nothing useful happened from that [police intervention] ... They couldn't initiate a court case... they couldn't hold [the abuser] for fifteen days... they couldn't bother [have no funds] to feed him for fifteen days."

Fear of Retribution In most cases, fear of retribution from the abuser was a major consideration in whether or not the women decided to seek help from the police. Reporting the abuse to the police led to more harm and abuse, because the abuser was not effectively prevented from repeating the violence. For example, Asem explained that her husband threatened her as a result of earlier contact with the police: "Since then my entire life he blamed me, 'Your Dad turned me [in] to the police.' He was arguing that I am guilty for turning him to the police."

Gulzinat had second thoughts about reporting her abuser to the police, because she knew he would be quickly released, and the abuse would worsen. She rescinded her original complaint and never contacted the police again: "But I perfectly knew that even though they locked him up for three days, he would quickly get out, and everything would get worse for me... And so I was afraid. I recalled my complaint and never went there again." In Salamat's case, the police were unable to help her escape abuse for even a few minutes:

When he beat me up the first time, I called the police.... They locked him up in the back [of the vehicle], but he, it turns out, opened the back and ran away! They came to the police station, but he was no longer there! He was in the house beating me up already, [asking] "Why did you turn me in to the police?!"



Salamat reported that her husband used her repeated police complaints to justify ever-more abuse:

I turned him in to the police; he would give [them] money and get out. I would write a complaint again; he would ask for forgiveness, and I would say, "OK".... [N]ow he was also blaming me for turning him in to the police, "What did I do to you? I just beat you up, did you die? Nothing is wrong with you!"

Police Attitudes Toward Retraction of Complaints According to the women, the police claimed that arresting abusers was a waste of time because wives would always come to plead for their husbands to be set free. Gulbara heard these excuses from the police when she tried to file a case against her abuser. She explained that the investigating officer complained that women often rescinded their complaints; the officer told her, "Right before court is about to start, the woman comes moaning, 'No, I made peace with my husband, he is the father of my children... I will not let anything happen to him." Despite Gulbara's repeated requests, the officer refused to initiate a court case. Natasha was met with a similar response from the police when she filed complaints against her husband. She explained, "I called the police, I cried, 'My husband is bashing me up!' They would come, look, and say, 'Why are you calling the police? You are going to withdraw your complaints anyways. Today you wrote this complaint, tomorrow you are going to take it back!""

Inflicting "Serious Versus Non-serious Injury"<sup>8</sup> The victims described situations where the police viewed the victims as undeserving of receiving proper attention to



<sup>&</sup>lt;sup>8</sup> Unlike other assaults, criminal penalties are usually not applied in cases of domestic violence unless the woman is killed or near death. Only serious injuries, defined as "suffering through systematic beatings or through violent means" fall within the application of the criminal code (Human Rights Watch 2006).

their cases and did not consider the injuries inflicted on the victim serious enough to intervene. The police justified their inaction by saying that "there are beatings that entail consequences and there are those that don't." The police based their decisions regarding arrest not on the act of assault, but rather the extent of injury inflicted. They exercised significant discretion in deciding whether to use such interventions as arresting the abuser, initiating a court case against him, or providing with information or referral to social services. Gulbara shared that the police told her that her injuries were not significant enough to justify bringing a case against her husband. She recounted,

The police told me, "If it were a different case, say if he [the abuser] beat you and did something to you that you needed to stay in bed for fifteen days, then within the boundaries of the law we would have initiated a case in the court. But if he just gave you few bruises here and there, we couldn't do it." Instead, they threatened to fine me if I wrote a complaint.

Mehrigul was also rebuffed by the police because they felt that her injuries (bruises) were not serious enough to merit punishing her husband: "I had bruises, but they punish only if something breaks... The police gave me a paper that basically concluded, 'We cannot punish him. If one more time it repeats, we can take some measures.""

Lack of Institutional Support in Help-Seeking Women often felt frustrated in their efforts to obtain help from other formal institutions such as public mental health and medical institutions. Within the state mental health system, there were no professional counseling services for victims of violence, and mental health professionals avoided the topic of domestic violence, believing they had no institutional backup or guidelines in offering such assistance. Such negative institutional responses further eroded women's sense of control over their lives. Almost all women stated that seeking help from formal institutions was not feasible, and they often feared that this option could be counterproductive. This was the case for Natasha, who found that the difficulties she faced increased rather than decreased after she turned to three different formal institutions. First, she described the negative reaction she received at a public mental health center:

After the alleged child sexual abuse by the abuser, I went to the Republican Center for Mental Health [RCMH] and met with child psychologists, psychiatrists.... However, when I mentioned that her father was [a] lieutenant colonel in the police, they were

immediately frightened. They would not counsel me; they would not do anything, absolutely nothing.

She continued, explaining that the school expelled her child and showed no concern for her wellbeing after her husband attacked the staff:

The principal called and asked me to take my child out of the kindergarten.... Before I could even say a word, she yelled at me, "How can you not understand?! Our lives are in danger! He is a crazy man! We have families! We want to stay alive, and we don't want to risk because of you!"

Finally, Natasha recounted her experience at the Ombudsman's office, whose staff also refused to help: "After he [the abuser] visited them and when these lecherous actions [child sexual abuse] emerged, they categorically refused to help me and go to the court... 'This evidence' they said, 'is not conclusive enough to prove."

The women did not discuss using health services or health-related support programs to help them leave abusive relationships. The only time the women described using health services such as hospitals and outpatient clinics was in the context of obtaining help for injuries or physical ailments. For example, Damira recalled, "The hospitals did nothing [to stop the violence]. I went to the hospital to obtain medical treatment and went back home again. After my fourth concussion my doctor warned me that if such things [violence] continued, I would go crazy."

Several women reported that they were referred to the Office of Judicial Medical Expertise (OJME). <sup>10</sup> These cases are instructive because they illustrate the inherent difficulties victims of violence face if they wish to pursue legal action against the perpetrator with support from the OJME. In the first case involving the OJME, Keremet described being referred to the organization by the police and undergoing an examination at the OJME. She was then referred to a specialist for further medical tests but did not complete these tests because she could not afford them; thus, she did not receive a certification. Keremet lamented, "I did not have enough money to go through the whole process and it all remained

Women who experience domestic violence must first obtain a referral from the local police authorizing them to receive an official medical examination from the Office of Judicial Medical Expertise (forensic medical expertise). Following the medical examination by the OJME, the victim is issued a certificate authenticating the nature, severity, and cause of the injuries. Only medical evidence that has been certified by the OJME may be submitted as evidence in court. The OJME certificate is submitted to the local police who then register a legal complaint and begin legal proceedings against the alleged perpetrator (Ahart, 2006).



<sup>&</sup>lt;sup>9</sup> Public advocate, usually a government official who hears and investigates complaints by private citizens against other officials or government agencies.

as it was. At the hospital, if you have the money, you can be examined, if you don't, then you remain as you are."

In the second case, following the disclosure of violence, Zarina's doctor advised her to obtain an official medical examination and file charges against her husband. She did not follow his recommendation, however, because she did not have enough money, and her case was complicated by citizenship issues (she was ethnically Kyrgyz but was an Uzbek citizen). She recalled, "[The doctor] gave me the advice to bring him to the court and write a petition to the police. I did not go to the police. I thought that things would get worse since I was still a citizen of Uzbekistan."

In the third case, Salamat described being treated at the hospital for facial trauma due to abuse, and shared her experiences at the gynecological clinic where she had undergone 13 abortions. Her description illustrates the lack of education about abuse among the general public in Kyrgyzstan, as well as the low level of professional standards of care for women's reproductive health. She explained, "Every time I got pregnant I [had] an abortion so I didn't give birth. Abortion costs money, and I did it without the anesthetics [because of lack of money]." Despite knowing that she had had 13 abortions, the clinic staff never once informed her of possible birth control methods.

Lack of Housing, Childcare and Employment Opportunities In addition to facing legal barriers and inadequate institutional support, the women in the study also encountered systemic and financial barriers, such as a lack of housing (or money to pay for housing) and a scarcity of childcare and employment opportunities.

Lack of Housing Options One of the most common reasons for not being able to escape a violent home was that women had no other viable housing options and no money to rent an apartment or house. Kukush described being unable to leave because she had nowhere else to live, "The first reason is [lack of] housing. I had to endure these

According to the Law of the Kyrgyz Republic on Protection from Family Violence (2017) (the revised version of 2003 LSLPDV, dated April 27, 2017 No. 63), Art. 12, Item 2, public health professionals "shall inform agencies of internal affairs about the facts of seeking medical help by victims of domestic violence and the facts of providing medical assistance with the informed consent of the victims within 24 h of the moment of seeking such assistance. In case of violence inflicted upon under-age persons or persons who are admitted incapable, internal affair bodies shall be informed without the informed consent."



hardships because I had nowhere to go (crying)." Zarina recounted that previous attempts to escape her husband's violence were unsuccessful because she had no other place to stay, "Running away was always unsuccessful due to [a] shortage of money... I spend my salary on finding places where we could spend a night... it is very difficult for me." Keremet explained that a lack of money for housing was a major obstacle to escaping her husband, "Housing, at least temporary places to stay [are needed]. This is how I keep struggling... My husband beats me up, I go to the police, there is no help from them."

A lack of housing options was especially common among women who had no parents or relatives in the city, and women with many children were in a particularly difficult position. Sabina did not want to stay with her relatives because she was afraid they would consider her and her children a burden:

Where, whom do I go to? Do I go to my siblings by knocking at their doors? If I go there, my elder or younger sister's husband will also say, "Your insatiable sibling came again... Till what time is she going to rely on us? It's high time for her to get on her own feet!" They are also tired, I guess. They also have their own lives.

Zarina initially left her son with relatives because her housing situation was unstable and changed frequently, but this did not prove to be an acceptable long-term solution. She said, "My relative told me not to leave my child in their house because if he got in a fight with her grandchildren, she wouldn't know what to say to their mother."

#### Lack of Childcare and Employment Opportunities A

lack of childcare also emerged as an important barrier without childcare the women could not find or maintain employment and thus could not support themselves financially. Women described their attempts to protect their children and keep them away from the abuser while still struggling to work. Zarina took desperate measures to keep her son with her while she worked: "I worked in the health resort with my son for about a month. It was prohibited to take children there but I begged to keep him. Sometimes I would lock him up and continue working." Keremet described a similarly desperate situation in which a lack of childcare was incompatible with her work demands at a sewing factory, and thus it was almost impossible for her to support herself and her breastfed child, "I begged [the employer] to let me bring my daughter there but she would always make a mess. I don't know where to go. I wish there were a room for me to live in, a kindergarten, and a job."

# **Discussion**

This paper describes the legal and institutional barriers Kyrgyz women experience when seeking help from criminal justice and public health institutions, usually after their informal support systems have been exhausted. The results contribute new insights to the literature on the challenges of national justice systems responding adequately to domestic violence (Ditcher et al. 2011; Frias 2013; Ghosh and Choudhuri 2011; Gonzales-Mendez and Santana-Hernandez 2012; Gover et al. 2013; Hare 2010; Horwitz et al. 2011; Letourneau et al. 2012; Stewart et al. 2013). The paper expands the scholarly understanding of the reasons that the Kyrgyz system is not adequately responsive, and highlights the possible motivations and behavioral bases for this lack of responsiveness. The findings show that the police share a social affinity with abusers, which leads the police to perceive domestic violence as a private matter rather than a criminal one, and encourages them to blame women for the abuse. The results also reveal that police interventions apply the same patriarchal value system that legitimizes abuse, and thus further reify existing social barriers and re-victimize and re-stigmatize women. Even when police follow the necessary motions and procedures, the response tends to fall short because individual actors throughout the criminal justice system (who are almost always men in the Kyrgyz context) often fail to take abused women seriously. The prevailing patriarchal values influence the discretion of individual police officers, which enables corruption and judgmental attitudes toward victims, and thus perpetuates vulnerability to abuse.

The participants' accounts reveal that when women seek help from public health institutions, they often perceive the resulting response as inadequate or weak. The use of formal institutions such as the healthcare system was virtually absent from their discussions, and was only mentioned in the context of obtaining emergency medical help. Other public entities, such as the Offices of Judicial Medical Expertise, the Office of Ombudsmen, and educational establishments, were not identified by study participants as practical or realistic sources of support for women in violent relationships, and in some cases were viewed as counterproductive. The study findings support other research that addresses women's reluctance to disclose abuse and seek help. Problems in accessing help for domestic violence are evident among migrant women from isolated rural areas or other disadvantaged backgrounds who cope with poverty, as well as a lack of social capital, housing, childcare, and employment (Krishnan et al. 2001; Ting and Panchanadeswaran 2009). Even when these services are available, abused women must carefully assess the potential costs of using them, including facing stigma, loss of "face" and privacy, and threats to the physical safety of their children and relatives made by abusive partners (Fleury et al. 1998).

This study emphasizes the importance of a systemic approach to understanding and addressing violence against women and underscores the need for multi-level interventions to empower and support women's needs. The results show that, despite the implementation of well-intentioned laws and institutions that are superficially designed to provide support, the legal and public health systems remain embedded within larger socio-cultural systems and values that influence the execution of public policies to the detriment of abused women.

Social barriers such as the fear of stigma and shame as well as structural barriers such as a lack of housing, childcare, and employment opportunities limit the ability of both victims and well-intentioned responders to affect change, as they must work with limited resources and are often invalidated or discredited by a system that conditions women to tolerate and rationalize violence. To avoid this "double victimization" (Kim and Motsei 2002), there must be sufficient resources to offer professional capacity-building opportunities and training that leads responders (i.e., police, lawyers, public health professionals) to overcome their cultural biases and take up the task of protecting domestic violence victims. Discretion in police officers' responses to domestic violence cases must be limited by making police accountable (via specific consequences) if they fail to carry out the protocol, and laws must be revised to clearly outline the technical mechanisms and options for punishment in the case of non-execution. Healthcare professionals must routinely evaluate patients for domestic violence within the context of screening the patient's physical and mental health. Basic evidence-based knowledge regarding the epidemiology and pathophysiology of interpersonal violence must be incorporated into the education of healthcare professionals.

Research has shown that police action (arrest and prosecution), in and of itself, does not empower victims to end violent relationships or avoid re-victimization (Leung 2014). Thus, a more effective intervention strategy should include the provision of comprehensive support services for women that can act as a counterweight to the isolation and lack of confidence that result from the controlling behaviors of their partners, which tend to erode women's sources of support and empowerment (Hoyle and Sanders 2000). Coordinated community services combined with restorative justice and victim empowerment models, including crisis support and counseling, advocacy, and extensive perpetrator rehabilitation programs, are necessary to address domestic violence as a social, legal, and structurally embedded phenomenon. In the context of an emerging social work profession in Kyrgyzstan (Childress and Ubaidillaeva 2015), developing coordinated community intervention is particularly relevant



to social work policy given the critical and effective role social workers play in case management, group work, and community organization (Cho and Wilke 2010).

One particularly important intervention is developing better protocols for police response to domestic violence in accordance with international standards, including but not limited to: (1) employing a survivor-centered approach that avoids victim-blaming or stigmatization, empowers survivors, and ensures their safety, confidentiality, and selfdetermination; (2) using more female officers and female advocates to help with domestic abuse cases; (3) informing survivors of their rights with regards to protection, prosecution, and legal redress; (4) connecting domestic violence survivors and their husbands to services to obtain help with their social, mental health, and behavioral problems; (5) following clear guidelines for the investigation of complaints and the enforcement of restraining orders; and (6) ensuring that neighborhood and district-level police have adequate resources. In addition, it may be valuable to focus on changing the behaviors of abusive men via individual and group treatment approaches that integrate (1) socio-psychological and cognitive-behavioral models aimed at re-socialization programming and changing men's behaviors and their attitudes about power, control, and entitlement; (2) accountability; and (3) the provision of communication and conflict resolution skills.

# **Study Limitations and Strengths**

While the findings from this study are based on a sample size that is acceptable for a qualitative study designed to generate rich data, and the researchers believe that saturation was met, the results cannot be generalized to a larger population (Lincoln and Guba 1985). A population-based study is needed to determine the extent to which the findings apply to the wider Kyrgyz population. In addition, the intentional and practical choice of the researcher to sample women from the shelter limited the examination of how women's helpseeking behaviors vary by demographic and socio-economic factors. The researchers focused their conclusions on the common themes and patterns that emerged rather than heterogeneity or variance in the sample, because the former were more salient and overshadowed the individual differences in the study sample. Future studies should address the question of how help-seeking differs by women's characteristics.

The major strength of this project is that, to the best of the researchers' knowledge, this is the first social work study to examine the topic of domestic violence in Kyrgyzstan using abused women's own words and grounded theory methods to understand victims' lived experiences and help-seeking mechanisms. The goal of the study was to analyze deeply personal detailed information from participants in order to provide credible and trustworthy results that expand the

understanding of the phenomenon. The authors assert that the value of hearing directly from Kyrgyz women who have made the difficult decision to seek the services of a domestic violence shelter outweighs any study limitations, and that the current findings will be both meaningful in practice and helpful in directing further research.

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