



**Division for Gender Equality  
Office of the Director-General**

**WORKING PAPER**

**Briefing Note on the Situation of Women in Central  
Asia**

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This briefing note was prepared to highlight the progress that has been made and the challenges that remain in achieving gender equality across the countries of Central Asia.

Uzbekistan, Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan are unique and face individual challenges in advancing human rights, principally women's rights, however, there are commonalities and shared experiences which link the region. The transition to market based economies and towards parliamentary democracies has impacted enormously on the lives of all in the region and women in particular. The situation of women inside each country is difficult. The changes to social services provisions especially concerning health and education impact upon gender relations and women's economic positioning and their social contributions which will carry on into the next generations. Women face negative social stereotyping and widespread discrimination, though such difficulties are not confined to Central Asia, they are found across the globe.

The historical backdrop of Soviet rule and the moves each nation has since made from the communist era have provided both opportunities and hindrances for women as they try to assert their rights and partake in society as equals. The governments of Central Asia have taken positive steps to enhance the legal status of women and provide for the prospect of gender equality. However, the momentum gained through legislative reform can be juxtaposed with a revival in each nation of 'traditional' values which degrade women. Implementation of social policies and regulatory transformations aimed at securing gender parity has been difficult in all national settings.

Women in the region are poorly informed or not educated about their rights. Further when women do strive to assert their rights, their access to legal and social assistance is often very limited and sometimes restricted. In trying to understand the situation of women in Central Asia one of the most glaring gaps is the lack of empirical data or evidence based research. Sustainable and substantive progress towards gender equality cannot be made without such information.

This note is by no means an exhaustive list of the obstacles which have been overcome or the ones which lie ahead but rather presents an overview of the situation of women in Central Asia directing focus to particular areas of concern such as violence against women and family relation difficulties.

## Kazakhstan

Kazakhstan dominates Central Asia geographically and economically.<sup>1</sup> International interests, involvement and investments in the country have increased alongside discoveries of major oil and gas reserves.<sup>2</sup> Also owing to its economic leadership Kazakhstan receives high numbers of migrant workers, some asylum seekers and other individuals who enter the country undocumented.<sup>3</sup> There are approximately 130 different ethnic groups living inside Kazakhstan,<sup>4</sup> as throughout its history Kazakhstan has received large influxes of different groups who have been forcibly resettled inside its borders, making it one of the most ethnically diverse nations.

The current president, Nursultan Nazarbayev, came to power prior to independence in 1989, as first secretary of the Communist Party of Kazakhstan. He was then elected President in 1990 and re-elected the following year after the breakup of the Soviet Union. In February 2011, President Nazarbayev cancelled a referendum which would have sought to extend his term in office until 2020.<sup>5</sup> He also declared that early elections would be held on 3 April 2011. Elections were not due to be held until 2012. However, the last elections which took place in 2007 were criticised for failing to comply with international standards.<sup>6</sup>

In 2010, Kazakhstan held the Organisation for Security and Co-operation in Europe Chair having taken some formative and legislative measures to promote and protect human rights. Prior to taking up the Chair new laws concerning domestic violence, rape and gender equality were passed and a National Plan for Action on Human Rights along with a Strategy for Gender Equality developed.<sup>7</sup> Kazakhstan also issued an open invitation to all United Nations Special Rapporteurs and Independent Experts creating room for international dialogue on human rights. Despite these positive moves however, change in the practicalities of daily life in

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<sup>1</sup>Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and the right to non-discrimination in this context, Raquel Rolnik, "Report on the Mission to Kazakhstan", submitted to the Human Rights Council during the 16<sup>th</sup> session, 19 January 2011 5A/HRC/16/42/Add.3) and International Crisis Group, "Central Asia: Decay and Decline, Asia Report No 201", New York, 3 February 2011.

<sup>2</sup> Federal Research Division of USA Congress Library, "Kazakhstan Country Profile", December 2006. The profile can be accessed electronically at <http://memory.loc.gov/frd/cs/profiles/Kazakhstan.pdf>.

<sup>3</sup> Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and the right to non-discrimination in this context, Raquel Rolnik, "Report on the Mission to Kazakhstan", submitted to the Human Rights Council during the 16<sup>th</sup> session, 19 January 2011 5A/HRC/16/42/Add.3). International Organisation for Migration, "Country Overview", February 2011 and World Bank, "Migration and Remittances in Kazakhstan," September 2007. Kazakhstan also has significant outward migration particularly towards Russia.

<sup>4</sup> UN Independent Expert on Minority Issues, Gay McDougall, "Report on Mission to Kazakhstan 6-15 July 2009", submitted to the UN Human Rights Council during the 13<sup>th</sup> Session, 1 Feb 2010 (A/HRC/13/23/Add.1).

<sup>5</sup> Statement by the EU High Representative Catherine Ashton on the referendum on Kazakhstan 3 February 2011, can be viewed at

[http://eeas.europa.eu/delegations/kazakhstan/press\\_corner/all\\_news/news/2011/20110201\\_01\\_en.htm](http://eeas.europa.eu/delegations/kazakhstan/press_corner/all_news/news/2011/20110201_01_en.htm).

<sup>6</sup> Organisation for Security and Co-operation in Europe, "Republic of Kazakhstan Parliamentary Elections 18 August 2007: Election Observation Mission Report", 30 October 2007.

<sup>7</sup> Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Kazakhstan", 23 March 2010 (A/HRC/14/10).

Kazakhstan has not been forthcoming. Serious human right concerns remain specifically regarding:

- The ability of the citizenry to impact upon government;<sup>8</sup>
- Highly restrictive laws over mass media and internet;<sup>9</sup>
- Concentration of power in the Presidency;<sup>10</sup>
- Systematic use of torture and other degrading treatment, awful detention conditions;<sup>11</sup>
- Trafficking in persons;<sup>12</sup>
- Lack of religious freedoms for those not of 'traditional' faiths;<sup>13</sup>
- Systemic corruption including inside the judiciary;<sup>14</sup>
- Poor treatment of refugees;<sup>15</sup>
- High levels of discrimination against migrant workers and their families;<sup>16</sup>
- Extremely high levels of violence and discrimination against women.<sup>17</sup>

Owing to the concerning human rights situation inside Kazakhstan human rights organisations heavily criticised giving Kazakhstan the OSCE Chair.

### **The Situation of Women**

It is difficult to get a detailed and comprehensive picture of the situation of women in Kazakhstan, as only anecdotal evidence is readily available. However, on the evidence available a number of disturbing issues emerge:

- Violence against women appears to be prolific and pervasive;<sup>18</sup>
- Even where formative advancements have been made, such as the enactment of the Strategy for Gender Equality 2006-2016, implementation has been erratic and substantive change negligible;<sup>19</sup>

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<sup>8</sup> United States of America Department of State, "Human Rights Reports Kazakhstan 2009", 11 March 2010.

<sup>9</sup> Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Kazakhstan", 23 March 2010 (A/HRC/14/10).

<sup>10</sup> United States of America Department of State, "Human Rights Reports Kazakhstan 2009", 11 March 2010.

<sup>11</sup> Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Kazakhstan", 23 March 2010 (A/HRC/14/10).

<sup>12</sup> Committee on the Elimination of Discrimination against Women, "Concluding Comments on Kazakhstan", 2 February 2007.

<sup>13</sup> UN Independent Expert on Minority Issues, Gay McDougall, "Report on Mission to Kazakhstan 6-15 July 2009", submitted to the UN Human Rights Council during the 13<sup>th</sup> Session, 1 Feb 2010 (A/HRC/13/23/Add.1).

<sup>14</sup> International Crisis Group, "Central Asia: Decay and Decline, Asia Report No 201", New York, 3 February 2011.

<sup>15</sup> Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Kazakhstan", 23 March 2010 (A/HRC/14/10).

<sup>16</sup> Human Rights Watch, "Hellish Work: Exploitation of migrant tobacco workers", July 2010.

<sup>17</sup> Committee on the Elimination of Discrimination against Women, "Concluding Comments on Kazakhstan", 2 February 2007.

<sup>18</sup> Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Kazakhstan", 23 March 2010 (A/HRC/14/10) and United States of America Department of State, "Human Rights Reports Kazakhstan 2009", 11 March 2010.

- Trafficking of persons, particularly of young women continues to be a serious problem;<sup>20</sup>
- Women face distinct economic hardship and employment discrimination;<sup>21</sup> and
- There is a lack of female representation in public life and decision making bodies, in spite of a 30 per cent quota being legally required in political institutions.<sup>22</sup>

## **Violence against Women**

Women are subjected to high levels of violence, particularly in rural areas, where the levels of violence are considered to be higher.<sup>23</sup> Health services are centralised and difficult to access outside of the main city centres compounding the vulnerability of rural women. Also an increasing number of rural women and girls are being internally trafficked for the sex trade.<sup>24</sup>

Prostitution and the sex trade are serious problems in Kazakhstan.<sup>25</sup> Prostitution is not a criminal offence, though operating a brothel is a crime. Organized crime is heavily involved in prostitution and it is alleged that law enforcement officials are also implicated. In 2009, 164 individuals were convicted for prostitution related crimes.<sup>26</sup> None were law enforcement officials or other authorities.<sup>27</sup>

### *Domestic violence*

The legislative changes implemented are aimed at improving protection and providing a means of redress for victims of domestic violence, for example in 2009 the Law on the Prevention of Domestic Violence was adopted.<sup>28</sup> The Law provides the first legal definition in Kazakh law of domestic violence. Included in the definition are physical, psychological, sexual and economic forms of abuse, making the definition law highly progressive. Furthermore the law also outlines the necessary provision of assistance for victims of domestic violence by police and other services. Unfortunately, the law has failed to be implemented, due in part to the prevailing

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<sup>19</sup> Committee on the Elimination of Discrimination against Women, "Concluding Comments on Kazakhstan", 2 February 2007 and United States of America Department of State, "Human Rights Reports Kazakhstan 2009", 11 March 2010.

<sup>20</sup> Ibid.

<sup>21</sup> Committee on the Convention on the Elimination of Discrimination against Women, "Concluding Comments on Kazakhstan", 2 February 2007 and United Nation Country Team Kazakhstan, "Country Analysis", 2008.

<sup>22</sup> Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Kazakhstan", 23 March 2010 (A/HRC/14/10).

<sup>23</sup> Asian Development Bank, "Kazakhstan Country Gender Assessment", 2006; Committee on the Elimination of Discrimination Against Women, "Concluding Comments on Kazakhstan", 2 February 2007 and United States of America Department of State, "Human Rights Reports Kazakhstan 2009", 11 March 2010.

<sup>24</sup> Ibid.

<sup>25</sup> Committee on the Elimination of Discrimination Against Women, "Concluding Comments on Kazakhstan", 2 February 2007 and United States of America Department of State, "Human Rights Reports Kazakhstan 2009", 11 March 2010.

<sup>26</sup> United States of America Department of State, "Human Rights Reports Kazakhstan 2009", 11 March 2010.

<sup>27</sup> Ibid.

<sup>28</sup> Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Kazakhstan", 23 March 2010 (A/HRC/14/10).

social attitude that violence against women is acceptable.<sup>29</sup> Aside from enacting the law the government has not engaged in widespread and substantive dialogue and training so as to provoke attitude and behavioural change. During the Universal Periodic Review a number of nations made recommendations calling for the further strengthening of training and awareness measures to end impunity for perpetrators of violence against women.<sup>30</sup>

Currently, law enforcement officers only intervene in domestic violence matters when they believe the situation is life threatening. Local NGOs estimate one-in-four families experience domestic violence and that about ten per cent of domestic violence cases can be classified as life threatening.<sup>31</sup>

The new law allows for restraining and administrative detention orders. There is no data available about the implementation of any such orders.

The Government asserts that there are 20 crisis centres in the country for women and two centres to help men.<sup>32</sup>

### *Trafficking of Women and Girls*

Notwithstanding the enactment of laws and programs to assist victims of trafficking and to prosecute its perpetrators, Kazakhstan continues to be used as both a source and destination country for the trafficking of human beings. The International Organisation for Migration (IOM) estimated 76,000 women and girls were trafficked internally in 2009.<sup>33</sup>

The Committee on the Elimination of Discrimination against Women expressed concern over the continuing vulnerability of Kazak women and girls to trafficking. The Committee was also concerned over the lack of detailed data available and dearth of adequate analysis of the materials which are available about women and girls entering and exiting Kazakhstan.<sup>34</sup> Both the OSCE and the Asian Development Bank are funding projects to enable better tracking of border crossings.

### **Employment and Economic Opportunities**

It has been difficult for women in Kazakhstan to enter the workforce, especially to enter into fields not traditionally deemed suitable for women. Women have conventionally worked in the health and education sectors, as well as taking up unpaid work at home and on the family

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<sup>29</sup> United States of America Department of State, "Human Rights Reports Kazakhstan 2009", 11 March 2010.

<sup>30</sup> Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Kazakhstan", 23 March 2010 (A/HRC/14/10).

<sup>31</sup> United States of America Department of State, "Human Rights Reports Kazakhstan 2009", 11 March 2010.

<sup>32</sup> Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Kazakhstan", 23 March 2010 (A/HRC/14/10).

<sup>33</sup> United States of America Department of State, "Human Rights Reports Kazakhstan 2009", 11 March 2010.

<sup>34</sup> Committee on the Elimination of Discrimination against Women, "Concluding Comments on Kazakhstan", 2 February 2007.

farms. The unequal opportunities are a major constraint to the right to work, they hamper women's ability to assert their right and hinder poverty reduction. In her report to the Human Rights Council, the Special Rapporteur on adequate housing, Ms. Raquel Rolnik, noted that the economically marginalised are far more likely to be evicted from their homes, placing many unemployed or self-employed women in a highly vulnerable situation.<sup>35</sup> Once a woman manages to become a part of the workforce she will generally encounter sexual discrimination and/or harassment.<sup>36</sup> She will also almost certainly receive lower wages than a man for her work. The United Nations Country Team found that women receive 62.3 per cent of the wage that a man would receive for the same work.<sup>37</sup>

It is believed that more women lost their jobs owing to ramifications of the global financial crisis yet, again empirical data is lacking. The CEDAW Committee commented in 2007, on the lack of options and supports available to women who wish to obtain some level of financial independence.<sup>38</sup> Women are further marginalised by having inadequate access to the production process, and as a result, to income distribution.<sup>39</sup>

Many women turn to self-employment in an attempt to add to the family income. The UN Country Team found that "poverty and vulnerability are heavily concentrated among the self-employed, in both rural household production and the informal urban economy, all characterized by low productivity. The share of self-employed people in the informal sector as a part of the economically active population remains high, at some 35 to 40 percent overall; self-employment is twice as high in rural as in urban areas (59.2 percent rural women vs. 25.3 percent urban women, 51.5 percent rural men vs. 22.8 percent urban men). At the same time, self-employment is more specific for women, who work mainly in such sectors as trading at commodity and food markets, catering, household services, and processing of agricultural products."<sup>40</sup>

### **Decision Making Positions and Representation in Public Life**

Women in Kazakhstan continue to be hindered in their social promotion by negative stereotypes which cast women into roles of obedience and subservience.<sup>41</sup> The low level of female involvement in decision-making pertains to both public and private institutions despite women on average achieving a higher level of education and the existence of quotas in the

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<sup>35</sup> Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and the right to non-discrimination in this context, "Report on the Mission to Kazakhstan", submitted to the Human Rights Council during the 16<sup>th</sup> session, 19 January 2011 (A/HRC/16/42/Add.3)

<sup>36</sup> United States of America Department of State, "Human Rights Reports Kazakhstan 2009", 11 March 2010.

<sup>37</sup> United Nation Country Team Kazakhstan, "Country Analysis", 2008.

<sup>38</sup> Committee on the Elimination of Discrimination Against Women, "Concluding Comments on Kazakhstan", 2 February 2007.

<sup>39</sup> United Nation Country Team Kazakhstan, "Country Analysis", 2008.

<sup>40</sup> Ibid.

<sup>41</sup> Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Kazakhstan", 23 March 2010 (A/HRC/14/10) and Committee on the Elimination of Discrimination Against Women, "Concluding Comments on Kazakhstan", 2 February 2007.

public sphere.<sup>42</sup> In parliament women constitute a mere 14 per cent and only 10.3 per cent of the total number of Government officials.<sup>43</sup> Further, few females have been given a high-level public decision making position. There are currently only three female ambassadors and one female representative to any international organisation.<sup>44</sup> The political participation of women as representative across government institutions has been slowly improving but, still falls below the 30 per cent quota established by Kazak law.<sup>45</sup>

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<sup>42</sup> United Nation Country Team Kazakhstan, "Country Analysis", 2008.

<sup>43</sup> Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Kazakhstan", 23 March 2010 (A/HRC/14/10).

<sup>44</sup> Women in Politics, "Country Feature: Kazakhstan", 2010 can be accessed at <http://www.onlinewomeninpolitics.org/kz/kzmain.htm>.

<sup>45</sup> Committee on the Elimination of Discrimination Against Women, "Concluding Comments on Kazakhstan", 2 February 2007 and United Nation Country Team Kazakhstan, "Country Analysis", 2008.



## Kyrgyzstan

Kyrgyzstan is a predominately mountainous country with a history of nomadic traditional living. Poverty is widespread and the majority of the population live in rural areas.

In 2010 Kyrgyzstan underwent profound political and social turmoil to emerge closer to a truly parliamentary republic. The former president Kurmanbek Bakiyev was ousted in April and parliament dissolved amid violent protests. A provisional government led by the first female President in any Central Asian nation, Roza Otunbaeva was formed. In June fresh violence broke out in southern Kyrgyzstan which fell along ethnic divisions with segments of Kyrgyzstan's large Uzbek community becoming involved. However, a referendum, which established a new Constitution transforming Kyrgyzstan into a multiparty parliamentary democracy, curtailed the violence.<sup>46</sup> Elections held in October were conducted in a peaceful manner which strove to respect and uphold international standards. Though some shortcomings were noted by international observers the general assessment of the October elections was that authorities had acted with a genuine desire to achieve free and fair elections.<sup>47</sup>

Ms Otunbaeva and her party, the Social Democratic Party entered into a three-way coalition to form government. The political situation remains tense but stable with the next elections scheduled for October 2011. Ms Otunbaeva will not be contesting the election.

Alongside the tentative steps and progress being made in Kyrgyzstan considerable human rights challenges remain such as;

- Ethnic and religious violence and discrimination;<sup>48</sup>
- The continued dismantling of controls that were previously placed on freedom of assembly, political parties and civil society;<sup>49</sup>
- Ending impunity for law enforcement officials who violate human rights obligations and redressing the embedded societal distrust of the police;<sup>50</sup>
- Building a free media;<sup>51</sup>
- Stopping corruption;<sup>52</sup> and

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<sup>46</sup> Human Rights Watch, "Country Report on Kyrgyzstan", 2011.

<sup>47</sup> OSCE, "International election observation: statement of Preliminary Findings and Conclusions ", 11 October 2010.

<sup>48</sup> Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Kyrgyzstan", 16 June 2010 (A/HRC/16/02).

<sup>49</sup> Ibid.

<sup>50</sup> Special Rapporteur on the independence of judges and lawyers Leandro Despouy, "Report on Mission to Kyrgyzstan", submitted to the UN Human Rights Commission during the 62<sup>nd</sup> Session, "à December 2005 (E/CN.4/2006/52/Add.3).

<sup>51</sup> Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Kyrgyzstan", 16 June 2010 (A/HRC/16/02).

<sup>52</sup> Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Kyrgyzstan", 16 June 2010 (A/HRC/16/02) and United States of America Department of State, "Human Rights Reports Kyrgyzstan 2009", 11 March 2010.

- Advancing substantive gender equality by addressing gender discrimination and violence against women.<sup>53</sup>

## **The Situation of Women**

The international community has been allowed to access and assess the situation of women in Kyrgyzstan to a greater extent than the other Republics of Central Asia. Nevertheless, there is still little empirical data available. In 2010 the UN Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, visited Kyrgyzstan shedding light on a number of concerns. In relation to violence against women her report dealt with:<sup>54</sup>

- Domestic violence;
- Bride kidnappings;
- Trafficking and exploitation;
- Conditions of detention and violence against women in detention;
- Gender relations – Lesbian, bisexual women and transgender men prejudices; and
- Sexual harassment and sexual violence.

Outside of the scope of violence against women issues such as:

- Employment discrimination and economic disadvantage;
- Religious freedoms; and
- Lack of representation in decision-making and political organs;

remain a problem.

## **Violence against Women**

There is little empirical data available on the situation of violence against women in Kyrgyzstan.<sup>55</sup> However, the prevalence of both domestic violence and kidnapping of young women for marriage is high and of notable concern.<sup>56</sup> There are 12 dedicated women's NGOs

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<sup>53</sup> Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, "Mission to Kyrgyzstan", submitted to the Human Rights Council during the 14<sup>th</sup> Session, 28 May 2010 (A/HRC/14/22/Add.2).

<sup>54</sup> Ibid.

<sup>55</sup> Human Rights Watch (HRW) has conducted two reports on violence against women. Human Rights Watch, "Reconciled to Violence State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan", September 2006, and Human Rights Watch, "These Everyday Humiliations Violence Against Lesbians, Bisexual Women, and Transgender Men in Kyrgyzstan", October 2008.

<sup>56</sup> Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, "Mission to Kyrgyzstan", submitted to the Human Rights Council during the 14<sup>th</sup> Session, 28 May 2010 (A/HRC/14/22/Add.2) and Committee on the Elimination of Discrimination Against Women, "Concluding Comments on Kyrgyzstan", 6 March 2008.

spread throughout the country. The majority belief is that violence against women has increased in the post-Soviet era.<sup>57</sup>

Kyrgyzstan is also being used as a source country in human trafficking of girls and women for the sex trade (though this is not as prevalent as in Eastern European countries). Prostitution is not criminalised. It is prevalent and women working in the industry are extremely vulnerable. There are local NGOs working to build awareness of the dangers for women in being trafficked and in sex work.<sup>58</sup>

A large proportion of the population are in polygamous relationships, though such relationships are illegal. It is also believed that cases of polygamy have increased since independence, further marginalising women. Initial research found that 40 per cent of the women were or had been involved in polygamous marriages.<sup>59</sup>

Violence against women who show interest in other women or who are transgender men is high. Social prejudices are entrenched and supported by the dominant religious institutions.<sup>60</sup>

### *Domestic Violence*

Domestic violence in Kyrgyzstan is pervasive and accepted. In 2008, in a UN survey of women in Kyrgyzstan, 80 per cent of respondents had experienced domestic violence.<sup>61</sup> The violence is predominately committed by spouses however; other family members such as mother-in-laws also perpetrate abuse. In 2008, the government committed to sponsoring a national campaign against domestic violence to coincide with the global November end violence against women campaigns.<sup>62</sup>

Kyrgyzstan's legislation on domestic violence came into force in 2003. The laws have the potential for ensuring the protection of women against all forms of violence. One of the strongest points is that the law does not require any spousal relationship and can therefore apply to acts of violence or physiological abuse by any member of a woman's family including

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<sup>57</sup> Committee on the Elimination of Discrimination Against Women, "Concluding Comments on Kyrgyzstan", 6 March 2008 and Human Rights Watch (HRW) has conducted two reports on violence against women. Human Rights Watch, "Reconciled to Violence State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan", September 2006.

<sup>58</sup> Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, "Mission to Kyrgyzstan", submitted to the Human Rights Council during the 14<sup>th</sup> Session, 28 May 2010 (A/HRC/14/22/Add.2) and Committee on the Elimination of Discrimination Against Women, "Concluding Comments on Kyrgyzstan", 6 March 2008

<sup>59</sup> Human Rights Watch, "Reconciled to Violence State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan", September 2006 and Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, "Mission to Kyrgyzstan", submitted to the Human Rights Council during the 14<sup>th</sup> Session, 28 May 2010 (A/HRC/14/22/Add.2).

<sup>60</sup> Human Rights Watch, "These Everyday Humiliations Violence Against Lesbians, Bisexual Women, and Transgender Men in Kyrgyzstan", October 2008.

<sup>61</sup> Anara Moldoshev, « Violence against Women in Kyrgyzstan: Baseline Assessment", 2008.

<sup>62</sup> United States of America Department of State, "Human Rights Reports Kyrgyzstan 2009", 11 March 2010.

the extended family and applies equally to registered and unregistered marriages. The law is also gender neutral.<sup>63</sup>

In spite of having such progressive legislative protections, implementation is not occurring. The Special Rapporteur, (along with other experts) found a number of contributing factors that are hindering the effective implementation of the laws. Those factors include;

- A high social acceptance of violence against women;
- Under reporting of domestic violence;
- Extremely poor police attitudes – acts of domestic violence are not viewed as serious crimes;
- A lack of prosecution where cases are reported and/or inappropriate prosecution is pursued;<sup>64</sup> and
- A general focus on reunion of the spouses.

The laws allow for both administrative and criminal punishment of offences depending on the nature of the offence. Police and prosecutors will often down grade offences ensuring that only administrative sanctions can be imposed, such as fines. Matters which make it to prosecution are often referred to aksakals (community courts run by elders). Aksakals have few female members and perpetuate the societal belief that women trying to leave violent relationships should return to the spousal home regardless of the offence committed.<sup>65</sup>

Domestic violence protection orders are available both on immediate temporary issue (by police) and on a more permanent basis (through the courts). They can be in place for 15 days. A breach of a protection order can only result in a fine. The limited statistics available are disturbing. In 2008 the Forum of Women's NGOs of Kyrgyzstan reported that:

- Only 18 protection orders were issued since 2003 when the Law came to effect, whilst according to the National Statistics Committee, 4,651 women sought assistance from shelters, court of elders and other organizations and 4,135 cases of violence against women were registered.
- Only 63 domestic violence cases reached the court in 2005-2006 resulting in issue of 18 court orders;
- Of the 18 court orders, in 16 cases the court only issued warning of administrative arrest or criminal proceedings;

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<sup>63</sup> Human Rights Watch, "Reconciled to Violence State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan", September 2006 and United States of America Department of State, "Human Rights Reports Kyrgyzstan 2009", 11 March 2010.

<sup>64</sup> Human Rights Watch, "Reconciled to Violence State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan", September 2006, p36.

<sup>65</sup> Ibid.

- In 2006, in Kochkor district of Naryn province, 150 domestic violence complaints were filed with only 19 cases reaching the court and 4 protection orders issued whilst 74 complaints were rejected for lack of “crime”.<sup>66</sup>

### *Bride Kidnapping and Forced Marriage*

The practice of bride kidnapping occurs frequently in Kyrgyzstan where it is practised more than in any other Central Asian nation. It is most prominent amongst the ethnic-Kyrgyz community. It occurs throughout the country, though it is more well-known in rural areas. Women are targeted by a group of men and usually abducted when alone. The kidnapped woman is then completely forcibly kept and completely isolated from outside contacts. Female members of the intended grooms family usually use physically and physiologically pressure the woman to marry.<sup>67</sup>

It is estimated generally that 35-45 per cent of all marriages occur through kidnapping, with 25-30 per cent of those being conducted by complete strangers. Normally the women targeted are under 25 years-old, with some minors being kidnapped on occasion. Many people view kidnapping as a “traditional practice” which asserts Kyrgyz identity. It is also generally believed that bride kidnapping is on the increase.<sup>68</sup>

The motivations of bride kidnappings generally are;

- Extreme pressure on men to marry by society and family members (particularly mothers as a daughter-in-law becomes subservient to the mother);
- Assertion of “rights” by impatient boyfriends or rejected suitors;
- Desire to gain a new wife;
- Viewed as a strong option for men who have poor suitability (mental and physical disability, criminal record, reputation of gambling or severe drinking);
- Viewed as a positive assertion of Kyrgyz identity; and
- No bride price.<sup>69</sup>

It is uncommon for there to be a prosecution for bride kidnapping. If a case is pursued and a form of redress is sought generally, only a fine is imposed.<sup>70</sup>

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<sup>66</sup> The Forum of Women's NGOs of Kyrgyzstan, Shadow Report to the Third Periodic Review of CEDAW”, 2008.

<sup>67</sup> Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, “Mission to Kyrgyzstan”, submitted to the Human Rights Council during the 14<sup>th</sup> Session, 28 May 2010 (A/HRC/14/22/Add.2) and Human Rights Watch, “Reconciled to Violence State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan”, September 2006.

<sup>68</sup> Ibid.

<sup>69</sup> Human Rights Watch, “Reconciled to Violence State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan”, September 2006.

<sup>70</sup> Ibid.

The marriage ceremony which takes place in such situations is often a traditional Islamic ceremony and consent, though required by law (and the Holy Quran) is overlooked. A number of these marriages are polygamous, though statistics are not available. As a result the marriage goes unregistered, the wife therefore holds no entitlements or rights over finances, property or children.

### *Divorce laws*

Divorce is not socially accepted. The majority of women in violent relationships stay for a number of factors, including social stigma of divorcees. When applying for a divorce courts regularly impose a waiting time upon the couple, even when both parties agree, so as to encourage reconciliation. Legally this time can be up to three months but regularly it exceeds that and runs around six months.<sup>71</sup>

## **Employment and Economic Opportunities**

### *General Socioeconomic Issues*

The majority of people in Kyrgyzstan live in poverty. Women are further marginalised by societal stereotypes which place them at the bottom of a patriarchal structure, subjugating them in all areas of social life. Women are rarely paid for the work that they do in family businesses or on farms. Men usually control the family finances allowing little access by women to money or property rights. It is difficult for women to assert land or proprietary rights. The feminization of poverty and gender inequality in economic opportunity is of serious concern, especially in rural areas.<sup>72</sup>

In March 2010, amendments to the law were made requiring state registration of all marriages, specifically ones conducted in Islamic rites in an attempt to protect the property rights of women. It is vital that such measures be publicly proclaimed with focus on ensuring women are made aware of their rights and informed on how to access support.<sup>73</sup>

### *Discrimination in Employment*

Women are not encouraged to enter the labour market and have difficulties when they gain entry into the workforce. Sexual harassment laws are in place but fail to be implemented. Local NGOs state that sexual harassment at the work place and inside educational institutions is

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<sup>71</sup> Human Rights Watch, "Reconciled to Violence State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan", September 2006.

<sup>72</sup> Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, "Mission to Kyrgyzstan", submitted to the Human Rights Council during the 14<sup>th</sup> Session, 28 May 2010 (A/HRC/14/22/Add.2).

<sup>73</sup> United States of America Department of State, "Human Rights Reports Kyrgyzstan 2009", 11 March 2010.

high.<sup>74</sup> Fines and imprisonment are sanctioned under the laws, but no notable prosecutions have occurred.

Women who work do so predominately in the educational, health care and social services; these are sectors where salaries are at least two times lower than salaries in traditional males sectors. Therefore, even when women do work it is unlikely that they will earn enough to be financially independent.<sup>75</sup>

### **Decision Making Positions and Representation in Public Life**

In the political setting gains are being made slowly. The election of President Roza Otunbayeva, is a highly visible gain for women across the region. Unfortunately, her success remains an important exception to the status quo.<sup>76</sup> Across all levels of government a 30 per cent gender quota has been established, though it is yet to be met. Women's involvement in politics is incrementally increasing, approximately 26 per cent of sitting members are female. In the October 2010 elections however, only three of the 29 registered parties positioned women at the top of their lists with only four having a woman as the chairperson.<sup>77</sup>

The re-emergence of religious traditional interpretations of gender roles as a reference point of identity also needs to be considered in the development of any implementation programs to increase women's involvement in public life. A number of Kyrgyz women are turning to religion as a means of finding a stable identity and earning respect amongst the community. Somewhat ironically embracing strict religious controls over personal actions is viewed as providing security and limited freedom. Religious women can interact amongst themselves free from scrutiny of male family members and also teach, which breaks the monotony of housework and being housebound. Young women also believe that being viewed as religious will help secure a better husband and earn respect of potential mothers-in-law reducing the chances of being abused by her. Currently there is limited space for women with these views in public life and no discussions occurring to challenge such stereotyping of women.<sup>78</sup>

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<sup>74</sup> Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, "Mission to Kyrgyzstan", submitted to the Human Rights Council during the 14<sup>th</sup> Session, 28 May 2010 (A/HRC/14/22/Add.2).

<sup>75</sup> Ibid.

<sup>76</sup> Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, "Mission to Kyrgyzstan", submitted to the Human Rights Council during the 14<sup>th</sup> Session, 28 May 2010 (A/HRC/14/22/Add.2).

<sup>77</sup> OSCE, "International election observation: statement of Preliminary Findings and Conclusions ", 11 October 2010.

<sup>78</sup> International Crisis Group, "Women and Radicalisation in Kyrgyzstan", 3 September 2009.

## Tajikistan

Tajikistan is a landlocked and mountainous country with a population of 7.2 million people. Shortly after independence was declared, a devastating civil war broke out lasting from 1992 until 1997. An estimated 60,000 people were killed and 600,000 displaced.<sup>79</sup> The years of war deepened the economic decline and drained funding from social services such as health and education. At the breakup of the Soviet Union Tajikistan was the poorest of the Central Asian nations and remains so today.<sup>80</sup> The pervasive nature of poverty in Tajikistan means a significant portion of the population are reliant upon subsistence farming and remittances from family members working abroad for survival.<sup>81</sup>

In 1994 President Emomali Rakhmonov came to power. He has remained in power since then and is eligible to continue as President until 2020, following amendments to the Constitution made in 2003.<sup>82</sup> Since the end of the civil war Tajikistan the political situation has remained stable however there are high level human rights concerns about;

- The ability of the citizenry to change and influence the composition of their government;<sup>83</sup>
- Restrictions imposed upon the freedom of expression, especially in the press;<sup>84</sup>
- Limitations upon religious freedoms;<sup>85</sup>
- Discrimination and violence against women;<sup>86</sup>
- Impunity for security forces and law enforcement officials;<sup>87</sup>
- The independence of the justice system;<sup>88</sup> and
- The conditions of detention.<sup>89</sup>

Elections held in February 2010, were heavily criticized for falling below international standards. The OSCE stated “serious irregularities took place on election day, including high

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<sup>79</sup> Amnesty International, “Violence is Not Just a Family Affair: Women face abuse in Tajikistan”, November 2009.

<sup>80</sup> Amnesty International, “Violence is Not Just a Family Affair: Women face abuse in Tajikistan”, November 2009 and The Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, “Mission to Tajikistan”, submitted to the Human Rights Council during the 11<sup>th</sup> Session, 29 April 2009, (A/HRC/11/6Add.2).

<sup>81</sup> Amnesty International, “Violence is Not Just a Family Affair: Women face abuse in Tajikistan”, November 2009.

<sup>82</sup> Ibid.

<sup>83</sup> United States of America Department of State, “Human Rights Reports Tajikistan 2009”, 11 March 2010.

<sup>84</sup> Human Rights Committee, “Concluding observations of the Human Rights Committee”, 18 July 2005.

<sup>85</sup> The Special Rapporteur on freedom of religion or belief, Asma Jahangir, “Mission to Tajikistan”, submitted to the Human Rights Council during the 7<sup>th</sup> Session 27 November 2007, (A/HRC/7/10/Add.2).

<sup>86</sup> The Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, “Mission to Tajikistan”, submitted to the Human Rights Council during the 11<sup>th</sup> Session, 29 April 2009, (A/HRC/11/6Add.2); Committee on the Elimination of Discrimination against Women, “Concluding Comments on Tajikistan”, 2 February 2007 and Human Rights Committee, “Concluding observations of the Human Rights Committee”, 18 July 2005.

<sup>87</sup> Human Rights Committee, “Concluding observations of the Human Rights Committee”, 18 July 2005.

<sup>88</sup> Ibid.

<sup>89</sup> Human Rights Committee, “Concluding observations of the Human Rights Committee”, 18 July 2005 and United States of America Department of State, “Human Rights Reports Tajikistan 2009”, 11 March 2010.



incidences of observed proxy and family voting”.<sup>90</sup> In September 2010, government soldiers came under attack from Islamist militants in the Rasht Valley. Violent clashes continued throughout October and mark the first major outbreaks of violence between government forces and militants in almost a decade. There is increasing concern that the war in neighboring Afghanistan could move to engulf Tajikistan again in a civil war.<sup>91</sup>

## **The Situation of Women**

The situation of women in Tajikistan has been extraordinarily difficult in recent years. Not alone did women have to deal with the violence and dangers of the war and its ramifications, but also the loss of social support services and policy initiatives aimed at enhancing women’s position in society that were provided under the Soviet regime. During soviet rule patriarchal attitudes which subjugated women were at least excluded from the public sphere. For example, under the Soviet system women were provided with significant maternity leave enabling a balancing or work and family life.<sup>92</sup> Furthermore, under Soviet rule traditional practices such as polygamy, payment of a bride price and marriage without consent were also banned. These measures perhaps did not change the private views and roles of women in Tajikistan but some freedoms and rights were protected and more life choice was available owing to the existence of public space where women could operate. However, with the brutality of the war and a worsening financial situation deeply-negative views about women emerged and violence against women became omnipresent.

It is against such a backdrop that women in Tajikistan fight for survival. The feminization of extreme poverty is restricting the life choices of women in Tajikistan with serious consequences. Issues of critical consideration are;<sup>93</sup>

- Violence against Women;
- Forced and early marriage of girls and young women;
- Increasing rates of suicide amongst women;
- Abandonment , eviction and loss of property rights;
- Limited participation in public life and decision making;
- Trafficking of girls and women; and

**Violence against Women** A falling education rate amongst girls.

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<sup>90</sup> OSCE – International election observation mission Republic of Tajikistan, “Statement of Preliminary Findings and Conclusions Parliamentary Elections 28 February 2010”, 1 March 2010.

<sup>91</sup> Human Rights Watch, Country Report 2011 Tajikistan”, 2010.

<sup>92</sup> The Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, “Mission to Tajikistan”, submitted to the Human Rights Council during the 11<sup>th</sup> Session, 29 April 2009, (A/HRC/11/6Add.2).

<sup>93</sup> The Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, “Mission to Tajikistan”, submitted to the Human Rights Council during the 11<sup>th</sup> Session, 29 April 2009, (A/HRC/11/6Add.2); Amnesty International, “Violence is Not Just a Family Affair: Women face abuse in Tajikistan”, November 2009; Committee on the Elimination of Discrimination against Women, “Concluding Comments on Tajikistan”, 2 February 2007 and Human Rights Committee, “Concluding observations of the Human Rights Committee”, 18 July 2005.

Positive measures have been taken by the government to address the systemic violence committed against women. Most recently in August 2010, five police stations were designated specialized stations being staffed by police trained by the OSCE to handle domestic violence matters.<sup>94</sup> However, the extent of the problem of violence being committed against women remains far-reaching and insidious.

Between one third to one half of women in Tajikistan will likely experience violence, be it physical, psychological or sexual. The abuse will most likely be perpetrated by husbands and family members, particularly in-laws.<sup>95</sup> In spite of this stark finding violence against women is not sufficiently acknowledged as a problem deserving of public attention.<sup>96</sup> Poor legal protections and entrenched social attitudes continue to degrade women and leave them exposed to further violence.

### *Domestic Violence*

While the law does prohibit rape, spousal rape is not mentioned. A draft law prohibiting all forms of domestic violence was prepared in the early 2000s, yet it is still to be enacted. Owing to both the social acceptance of violence against women and the poor legal protections, women who are abused will generally not report any incidents of domestic violence. The prosecutor's office cannot deal with cases of assault or torture unless there is very serious or life threatening injury or death. A prosecution can commence without a complaint being filed by the victim however such an action is rarely launched.<sup>97</sup> There is also no comprehensive law against domestic violence. Women also commit the domestic violence against women, with mothers-in-laws often physiologically abusing their daughters-in-laws and depriving them of liberty and food.

An influential characteristic in the likelihood of violence being perpetuated against a woman is age. A study conducted in the Khatlon region found<sup>98</sup> that incidents and experiences of physical abuse were more frequent among younger women. This finding becomes increasingly significant as one considers that women are marrying at a younger age and their marriages are not being registered.<sup>99</sup>

The Khatlon study also found 58 per cent of women reported that their husband had physically and/or sexually abused them.<sup>100</sup> Some sources partly attribute the high domestic violence rate,

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<sup>94</sup> OSCE, "International election observation: statement of Preliminary Findings and Conclusions ", 11 October 2010.

<sup>95</sup> Amnesty International, "Violence is Not Just a Family Affair: Women face abuse in Tajikistan", November 2009.

<sup>96</sup> The Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, "Mission to Tajikistan", submitted to the Human Rights Council during the 11<sup>th</sup> Session, 29 April 2009, (A/HRC/11/6Add.2).

<sup>97</sup> United States of America Department of State, "Human Rights Reports Kyrgyzstan 2009", 11 March 2010.

<sup>98</sup> Haarr, Robin N., *Violence against Women in Marriage: A General Population Study in Khatlon Oblast, Tajikistan*, Dushanbe: NGO Social Development Group, 2005.

<sup>99</sup> The Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, "Mission to Tajikistan", submitted to the Human Rights Council during the 11<sup>th</sup> Session, 29 April 2009, (A/HRC/11/6Add.2).

<sup>100</sup> Haarr, Robin N., *Violence against Women in Marriage: A General Population Study in Khatlon Oblast*,

particularly the high rates of physical and sexual violence, to the civil war and to the increase in the availability of pornography which made violence and sexual violence more acceptable.<sup>101</sup> A number of women reported to NGOs of being forced to have sex with their husbands in manners they were not comfortable with and which sometimes resulted in violence.<sup>102</sup>

There are 12 crisis centers which assist women across the country but only one shelter with 6-8 beds, for victims of domestic violence. Data compiled by crisis centers in cooperation with the State Committee on statistics revealed that 8,451 women had applied to NGO survivor support services in 2005 and 22.3 per cent applied due to physical violence, 0.8 per cent due to sexual violence, 56.5 due to psychological violence, and 20.4 due to economic violence.<sup>103</sup>

### *Suicide*

There is no comprehensive nationwide data available to provide a thorough understanding of the scope of the problem. The only evidence available is anecdotal however it appears that a steadily increasing number of young women are turning to suicide. Reasons for suicide include ending abuse by husbands and in-laws, polygamy, early or forced marriage, or problems related to husbands working abroad.<sup>104</sup> In her report the Sepical Rappateur stated that “there are reports of an alarming number of suicide attempts by women through pharmaceutical overdoses, self-immolation or drowning as a way out of an oppressive life. Social and health professionals see these attempts as cry for help more so than desire to die.”<sup>105</sup>

### *Trafficking in Women and Girls*

Tajikistan is predominately a source country for trafficking of women and girls into the sex trade and domestic servitude. In 2000, 300 Tajik women were found in the United Arab Emirates having been forcibly trafficked. Numbers as high as that have not been recorded since but the International Organisation of Migration in the United Arab Emirates has about 100 Tajik women come to it a year having been trafficked. There are two shelters in Tajikistan for victims of trafficking who cannot return to their family owing to the shame they are socially ostracized.<sup>106</sup>

## **Employment and Economic Opportunities**

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*Tajikistan*, Dushanbe: NGO Social Development Group, 2005.

<sup>101</sup> Amnesty International, “Violence is Not Just a Family Affair: Women face abuse in Tajikistan”, November 2009.

<sup>102</sup> Ibid.

<sup>103</sup> The Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, “Mission to Tajikistan”, submitted to the Human Rights Council during the 11<sup>th</sup> Session, 29 April 2009, (A/HRC/11/6Add.2).

<sup>104</sup> Ibid.

<sup>105</sup> The Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, “Mission to Tajikistan”, submitted to the Human Rights Council during the 11<sup>th</sup> Session, 29 April 2009, (A/HRC/11/6Add.2).

<sup>106</sup> Ibid.

Tajik society is dominated by men. In 2001, some legal reforms aimed at providing gender equality and economic protections for women were made. Unfortunately women are still subjugated and have a low status. It is difficult for women to assert any rights, particularly economic rights.

### *Abandoned and Evicted Women*

Over one million Tajik citizens migrate to work abroad and those who go are predominately men. Many men stop sending money back to their wives who are left living with their in-laws. These women are extremely vulnerable and almost completely dependent on the nature and generosity of their in-laws. Many are evicted and left abandoned without easy access to or means of redress. If their marriage was not registered (and an increasing number are not registered) then at law such women hold no rights to income or land. Even where the marriage is registered women find it difficult to assert their rights owing to fear of retribution by in-laws and social exclusion.<sup>107</sup>

### *Discrimination in Employment*

There is no legal definition of discrimination or harassment. Women predominately work in the lowest paid sector agriculture. Women make up 70 per cent of the agricultural workforce.<sup>108</sup> In the employment sphere experts noted a gender segregation with the vast majority of the working female population (86 per cent) working in the low-paid sectors, such as agriculture, public health services and education. Wages in these branches are approximately 4-7 times lower than in other spheres (as in industry, construction, transportation and communication).<sup>109</sup>

## **Decision Making Positions and Representation in Public Life**

The participation of women in public life and decision making is very low in Tajikistan. There are no female ministers or ambassadors.<sup>110</sup> Women constituted 17.5 percent in the lower chamber of parliament, 12.1 per cent in the upper chamber (*Majlisi Milli*) and 11.5 per cent in the local parliaments prior to the last election.<sup>111</sup>

In the 2010 elections 73 candidates were registered on political party lists, only fifteen were women. In the single-mandate constituencies women constituted a mere 12 per cent of those who competed.

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<sup>107</sup> Amnesty International, "Violence is Not Just a Family Affair: Women face abuse in Tajikistan", November 2009.

<sup>108</sup> The Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, "Mission to Tajikistan", submitted to the Human Rights Council during the 11<sup>th</sup> Session, 29 April 2009, (A/HRC/11/6Add.2).

<sup>109</sup> Ibid.

<sup>110</sup> Amnesty International, "Violence is Not Just a Family Affair: Women face abuse in Tajikistan", November 2009.

<sup>111</sup> OSCE – International election observation mission Republic of Tajikistan, "Statement of Preliminary Findings and Conclusions Parliamentary Elections 28 February 2010", 1 March 2010.

No women hold high profile posts in government or the private sector.

The reduction of any space in public and social life for women is also occurring in the religious sphere with the nation's leading Islamic authority issuing a decree prohibiting women from attending Friday prayers.<sup>112</sup>

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<sup>112</sup> The Special Rapporteur on freedom of religion or belief, Asma Jahangir, "Mission to Tajikistan", submitted to the Human Rights Council during the 7<sup>th</sup> Session 27 November 2007, (A/HRC/7/10/Add.2).

## Turkmenistan

Turkmenistan is a country rich in natural gas deposits. As a result, its economy is heavily dependent on the energy sector and energy exports. In spite of the wealth generated by natural resources the majority of Turkmenistan's population remain in poverty.

From 1985 until his death in 2006, Saparmurat Niyazov, who was named president for life in 1999, ruled Turkmenistan. Since Niyazov's death a number of changes have taken place inside Turkmenistan politics and society, though a reversion to the old style of isolation and closed government appears to be returning. The current President, Gurbanguly Berdimukhamedov elected in early 2007, quickly implemented a number of reforms to the education and pension systems to address growing social unrest and disapproval. In this initial period of reform a more open foreign policy approach was adopted and the government began to slowly engage with human rights bodies.<sup>113</sup> Unfortunately, these moderate reforms have not been maintained and the human rights situation in Turkmenistan remains precarious. International concern has been expressed about:

- Freedom of expression, suppression of political opposition activities;<sup>114</sup>
- Imposed restrictions on civil society and the media;<sup>115</sup>
- Politically motivated imprisonment and ill-treatment of human rights activists and political opponents;<sup>116</sup>
- Restrictions on freedom of movement;<sup>117</sup>
- Denial of due process and weak judiciary;<sup>118</sup>
- High rates of corruption;<sup>119</sup>
- Denial of rights to foreign nationals,<sup>120</sup> religious groups and minorities;<sup>121</sup> and
- Widespread discrimination and violence against women.<sup>122</sup>

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<sup>113</sup> United Nation Country Team Turkmenistan, "Country Analysis", 2008.

<sup>114</sup> Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Turkmenistan", 6 January 2009 (A/HRC/10/79).

<sup>115</sup> Ibid.

<sup>116</sup> Turkmenistan's Independent Lawyers Association and Turkmen Initiative for Human Rights, "Turkmenistan's Penitentiary Facilities", February 2010. Can be accessed at [http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/droi/dv/201/201010/20101025\\_8-7penitentiary\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/201/201010/20101025_8-7penitentiary_en.pdf)

<sup>117</sup> Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Turkmenistan", 6 January 2009 (A/HRC/10/79).

<sup>118</sup> Ibid.

<sup>119</sup> United Nation Country Team Turkmenistan, "Country Analysis", 2008 and Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Turkmenistan", 6 January 2009 (A/HRC/10/79).

<sup>120</sup> Committee on the Convention on the Elimination of All form of Discrimination Against Women, "Concluding Comments on Turkmenistan", 2 June 2006 and United States of America Department of State, "Human Rights Reports Turkmenistan 2009", 11 March 2010.

<sup>121</sup> Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Turkmenistan", 6 January 2009 (A/HRC/10/79) and Special Rapporteur on Freedom of Religion or Belief, "Mission to Turkmenistan", submitted to the Human Rights Council during the 10<sup>th</sup> Session, 12 January 2009 (A/HRC/10/8/Add.4).

In April 2010, United Nations Secretary-General Ban Ki-Moon during visit to Turkmenistan called on the Government to “to fulfil all obligations under international human rights law and the many treaties to which it is a signatory,” and highlighted the UN’s readiness to engage with and assist the Turkmen authorities to address “mutual human rights concerns”.<sup>123</sup> The Secretary-General’s comments came after only one of eleven requests made by United Nations Independent Experts to visit Turkmenistan was accepted. Only the Special Rapporteur on Religious Freedom has received an invitation. Furthermore, Turkmen authorities have not granted the International Committee of the Red Cross access to visit detention facilities.<sup>124</sup>

In December 2009, the last remaining international humanitarian organisation operating in Turkmenistan, Medecins Sans Frontieres, closed its office.<sup>125</sup> Recent moves by authorities have made independent operation in any humanitarian and/or monitoring of human rights capacities extremely difficult. Of the 89 registered non-governmental organisations inside Turkmenistan only eight are considered independent.<sup>126</sup> The combination of such events alongside continuing allegations of internal repression being raised by Turkmen citizens is a concern for the international community.<sup>127</sup>

### **The Situation of Women**

The closed attitude of authorities in Turkmenistan has repeatedly hindered an open and cooperative investigation or discussion of women’s rights. In fact, the CEDAW Committee repeatedly expressed its concern at the lack of data available on the situation of women in the Concluding Comments regarding the implementation of the Convention on the Elimination of Discrimination against Women in 2006.<sup>128</sup> The dearth of information concerning the practical obstacles faced by women in Turkmenistan regarding education, health, social advancement, family relationships, employment and economic opportunities, reiterates the undervaluing of women and the contributions women make to society by society at large.

Inside the limited dialogue which has been had concerning the situation of women the following issues have emerged as points of notable concern;

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<sup>122</sup> Committee on the Convention on the Elimination of All form of Discrimination Against Women, “Concluding Comments on Turkmenistan”, 2 June 2006 and Human Rights Council, “Report of the Working Group on the Universal Periodic Review: Turkmenistan”, 6 January 2009 (A/HRC/10/79).

<sup>123</sup> UN News Centre, “Ban stresses promotion of human rights on visit to Turkmenistan”, 2 April 2010. Can be accessed at <http://www.un.org/apps/news/story.asp?NewsID=34271&Cr=Central>.

<sup>124</sup> Turkmenistan’s Independent Lawyers Association and Turkmen Initiative for Human Rights, “Turkmenistan’s Penitentiary Facilities”, February 2010.

<sup>125</sup> Medecins Sans Frontieres, “MSF closes programmes in Turkmenistan after 10 years”, 23 December 2009.

<sup>126</sup> United States of America Department of State, “Human Rights Reports Turkmenistan 2009”, 11 March 2010.

<sup>127</sup> Human Rights Council, “Report of the Working Group on the Universal Periodic Review: Turkmenistan”, 6 January 2009 (A/HRC/10/79).

<sup>128</sup> Committee on the Convention on the Elimination of All form of Discrimination Against Women, “Concluding Comments on Turkmenistan”, 2 June 2006.

- Family relation difficulties particularly concerning forced marriage and discrimination against separated and divorced women;<sup>129</sup>
- Expulsion of women who are foreign nationals but married to Turkmen men;<sup>130</sup>
- High-levels of domestic violence including physical, physiological and sexual abuse and deprivation of freedoms;<sup>131</sup> and
- Trafficking in women and girls.<sup>132</sup>

## Violence against Women

The CEDAW Committee was unequivocal in its expression of concern about the lack of urgency given to redressing violence against women by Turkmenistan.<sup>133</sup> The legal status of women is ambiguous and undermined with Turkmen law having no definition of gender discrimination or sexual harassment.<sup>134</sup> Without legal definitions, women in Turkmenistan are left vulnerable and exposed to acts of discrimination and harassment without any opportunity for recourse. Rape is illegal, including spousal rape, and carries a 25 year maximum prison term.<sup>135</sup> However, it is believed that a strong cultural bias against reporting any acts of violence against women persists and that many women fail to report the incidents of violence they experience.<sup>136</sup>

Though prostitution is illegal it remains a large and growing problem along with trafficking.<sup>137</sup> Trafficking in women and girls, particularly from rural areas where poverty is pervasive, has come to be viewed by the international community as a serious issue which is in need of urgent attention. The true extent of trafficking is not known due again to the closed nature of Turkmen authorities inhibiting proper investigation. During the reforms of 2007, the government took positive steps in implementing laws against trafficking however, the effect and implementation of the laws has yet to be assessed. One of the recommendations voiced during the Universal

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<sup>129</sup> Committee on the Convention on the Elimination of All form of Discrimination Against Women, "Concluding Comments on Turkmenistan", 2 June 2006 and Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Turkmenistan", 6 January 2009 (A/HRC/10/79).

<sup>130</sup> Committee on the Convention on the Elimination of All form of Discrimination Against Women, "Concluding Comments on Turkmenistan", 2 June 2006 and United States of America Department of State, "Human Rights Reports Turkmenistan 2009", 11 March 2010.

<sup>131</sup> Committee on the Convention on the Elimination of All form of Discrimination Against Women, "Concluding Comments on Turkmenistan", 2 June 2006 and Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Turkmenistan", 6 January 2009 (A/HRC/10/79).

<sup>132</sup> Ibid.

<sup>133</sup> Committee on the Convention on the Elimination of All form of Discrimination Against Women, "Concluding Comments on Turkmenistan", 2 June 2006.

<sup>134</sup> United States of America Department of State, "Human Rights Reports Turkmenistan 2009", 11 March 2010.

<sup>135</sup> Ibid.

<sup>136</sup> Committee on the Convention on the Elimination of All form of Discrimination Against Women, "Concluding Comments on Turkmenistan", 2 June 2006 and Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Turkmenistan", 6 January 2009 (A/HRC/10/79).

<sup>137</sup> Ibid.



Periodic Review of Turkmenistan in 2009, was to strengthen the legal and social policy protection measures available in regard to trafficking in persons.<sup>138</sup>

### *Domestic Violence*

Acts of domestic violence are prohibited at law but believed to be commonplace and again severely underreported. Penalties imposed upon perpetrators are based on the 'level' of severity of any physical injury sustained.<sup>139</sup> The Special Rapporteur on Violence against Women was one of the ten UN experts whose request to visit Turkmenistan has not been granted.

### *Family Relations*

The CEDAW Committee expressed deep concern about the persistence of patriarchal attitudes and deep-rooted stereotypes that are used to define gender roles in Turkmen society.<sup>140</sup> Such attitudes foster a view that females are equivalent to property which can be sold, taken or given. One particular practice sprouting from such beliefs which has re-emerged as a socially accepted means of marriage, is forced marriage, with the practice being considered an assertion of Turkmen identity. The data available is only anecdotal but suggests that forced marriage is a major issue for young women, particularly in rural areas and is on the rise.<sup>141</sup>

Mixed in with the negative stereotyping of women and the low value assigned to women is the disregard Turkmen officials have shown to women who are foreign nationals. In 2010, 30 female Uzbek nationals, who were married to Turkmenistan men, were forcibly expelled. Their children were also expelled despite being born and raised in Turkmenistan. It is believed there are about 9,000 undocumented stateless persons currently living in Turkmenistan in a vulnerable and precarious position.<sup>142</sup>

### *Women in Detention*

Conditions of detention generally in Turkmenistan are considered to be amongst the worst in the world. The International Committee of Red Cross initially stopped visits due to safety concerns and has since been unable to recommence visits.<sup>143</sup> Overcrowding is commonplace in the women's prison which is supposed to hold a maximum of 800 but is reported to have held 2,000 women during 2009.<sup>144</sup> There are regular outbreaks of infectious diseases and no medical

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<sup>138</sup> Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Turkmenistan", 6 January 2009 (A/HRC/10/79).

<sup>139</sup> United States of America Department of State, "Human Rights Reports Turkmenistan 2009", 11 March 2010.

<sup>140</sup> Committee on the Convention on the Elimination of All form of Discrimination Against Women, "Concluding Comments on Turkmenistan", 2 June 2006.

<sup>141</sup> Human Rights Watch, "Country Report 2011 Turkmenistan", January 2011 .

<sup>142</sup> Ibid.

<sup>143</sup> Turkmenistan's Independent Lawyers Association and Turkmen Initiative for Human Rights, "Turkmenistan's Penitentiary Facilities", February 2010 and the United Nations Secretary-General, "Situation of human rights in Turkmenistan", 3 October 2006.

<sup>144</sup> United States of America Department of State, "Human Rights Reports Turkmenistan 2009", 11 March 2010.

assistance. Violence inside detention facilities is also common place with women being particularly vulnerable to physical and sexual violence by detainees and detention officials. There is also concern over sexual extortion being systematic.<sup>145</sup>

### **Decision Making Positions and Representation in Public Life**

Undoubtedly the persistence of negative stereotyping of women contributes to the low visibility of women in public life in Turkmenistan. A prominent exception is Dr. Shirin Akhmedova who is the director of the Institute for Human Rights and Democracy under the President of Turkmenistan. Women currently make up just over 15 per cent of the Parliament and hold few prominent positions.<sup>146</sup> The government does not acknowledge there is a problem with the level of female involvement in decision making or representation levels.

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<sup>145</sup> Ibid.

<sup>146</sup> United States of America Department of State, "Human Rights Reports Turkmenistan 2009", 11 March 2010.

## Uzbekistan

Uzbekistan is strategically located in Central Asia at the crossroads of China and Europe.<sup>147</sup> Its population is dominated by young people, with individuals under 24 years making-up more than half of the total population.<sup>148</sup> The economy is based largely on cotton and natural resource exports, most notably gold and gas.<sup>149</sup>

President Islam Karimov rose to power during end of the Communist Soviet controlled era in Uzbekistan. He has remained President since independence and under his rule a strong concentration of power has been retained by the executive.<sup>150</sup> The last elections were held in December 2009, international observers criticized the elections for falling below international standards, though more candidates took part in the ballot than any previously held.<sup>151</sup>

It should be noted that some positive measures, such as the abolition of the death penalty and the passage of national human rights legislation, have been taken by Uzbek authorities. In 2008, the government also took measures to combat trafficking in human beings and to fight against child labour. However, securing implementation of the legislative measures and policy planning has been difficult.

In 2005, Uzbekistan came under heavy international scrutiny for events which occurred in Andijan on 13-14 May in which hundreds were killed.<sup>152</sup> Special measures were taken by the United Nations and a report conducted by the High Commissioner for Human Rights.<sup>153</sup> Since that process Uzbekistan has been perceived as disengaging from cooperative dialogue on human rights and pursuing a semi-isolationist approach. For example, in 2006, the Office of the United Nations High Commissioner for Refugees was requested to close its offices in the country and the OSCE had to renegotiate the terms of its presence, with the Project Coordinator no longer mandated to monitor human rights developments.<sup>154</sup> In March 2010, the internationally recognised non-governmental organisation Human Rights Watch was also forced to close its office in Tashkent due to the Justice Ministry taking liquidation proceedings

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<sup>147</sup> United Nations Country Team, "Uzbekistan Country Analysis", 2008.

<sup>148</sup> United Nations Children's Fund (UNICEF), State Statistical Committee of the Republic of Uzbekistan, "Uzbekistan Multiple Indicator Cluster Survey", 2006.

<sup>149</sup> United Nations Country Team, "Uzbekistan Country Analysis", 2008.

<sup>150</sup> Ibid.

<sup>151</sup> OSCE, "Republic of Uzbekistan Parliamentary Elections 27 December 2009 Final Report", April 2010.

<sup>152</sup> High Commissioner for Human Rights, "Report of the Mission to Kyrgyzstan by the office of the United Nations High Commissioner for Human Rights Concerning the Events in Andijan, Uzbekistan, 13-14 May", February 2006.

<sup>153</sup> The Human Rights Council mandated an Independent Expert on the situation of human rights in Uzbekistan during the 23<sup>rd</sup> Session see A/HRC/Dec1/102. The United Nations General Assembly also adopted Resolution 60/174, which requested the Secretary-General report on the situation of human rights in Uzbekistan. High Commissioner for Human Rights, "Report of the Mission to Kyrgyzstan by the office of the United Nations High Commissioner for Human Rights Concerning the Events in Andijan, Uzbekistan, 13-14 May", February 2006.

<sup>154</sup> High Commissioner for Human Rights, "Report of the Mission to Kyrgyzstan by the office of the United Nations High Commissioner for Human Rights Concerning the Events in Andijan, Uzbekistan, 13-14 May", February 2006.

against it.<sup>155</sup> Uzbekistan has also failed to allow UN officials and other international observers into the country so as to monitor situations and conduct assessments.<sup>156</sup> In 2010, during the Human Rights Committee's consideration of Uzbekistan the interaction between the experts and delegation was described as 'spirited' not the usual tone in which such meetings are conducted.<sup>157</sup>

The most pressing human rights concerns remain:

- Repression, intimidation and imprisonment of civil society, human rights defenders, opposition members and independent journalists;<sup>158</sup>
- Lack of independence in the judiciary;<sup>159</sup>
- Limitations on freedom of movement;<sup>160</sup>
- Trafficking in women and girls;<sup>161</sup>
- The refoulment of refugees;<sup>162</sup>
- High usage of child labour;<sup>163</sup>
- Allegations of excessive use of force and ill treatment, along with the routine use of torture by military and security forces;<sup>164</sup>
- Restrictions on the freedom of religion pertaining to an inability to worship or express religious views distinct from those of the majority;<sup>165</sup> and

**The Situation of Women** Violence against women being common and widespread.<sup>166</sup>

Particular progress on the advancement of gender equality has been made in Uzbekistan. Gender parity in primary, basic secondary and vocational education has been achieved, along with gender equality under Uzbek law. There has also been limited success in increasing women's involvement in decision making institutions. However, implementation and dissemination of laws and policies aimed at providing for women's right needs to be rapidly

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<sup>155</sup> Human Rights Watch, "Uzbekistan Shuts Down Human Rights Watch Office", 15 March 2011. Can be accessed at <http://www.hrw.org/en/news/2011/03/15/uzbekistan-government-shuts-down-human-rights-watch-office> .

<sup>156</sup> United Nations Secretary-General, "Situation of human rights in Uzbekistan", 18 October 2006.

<sup>157</sup> United Nations Department of Public Information, "Human Rights Committee concludes consideration of Uzbekistan's third report", 98<sup>th</sup> Session, 12 March 2010.

<sup>158</sup> Human Rights Committee, "Concluding Observations on Uzbekistan", 98<sup>th</sup> Session, 7 April 2010.

<sup>159</sup> Ibid.

<sup>160</sup> Human Rights Committee, "Concluding Observations on Uzbekistan", 98<sup>th</sup> Session, 7 April 2010 and United Nations Country Team, "Uzbekistan Country Analysis", 2008.

<sup>161</sup> Committee on the Elimination of Discrimination against Women, "Concluding Observations on Uzbekistan", February 2010; Human Rights Committee, "Concluding Observations on Uzbekistan", 98<sup>th</sup> Session, 7 April 2010 and United Nations Country Team, "Uzbekistan Country Analysis", 2008.

<sup>162</sup> United Nations Secretary-General, "Situation of human rights in Uzbekistan", 18 October 2006 and High Commissioner for Human Rights, "Report of the Mission to Kyrgyzstan by the office of the United Nations High Commissioner for Human Rights Concerning the Events in Andijan, Uzbekistan, 13-14 May", February 2006.

<sup>163</sup> Human Rights Committee, "Concluding Observations on Uzbekistan", 98<sup>th</sup> Session, 7 April 2010.

<sup>164</sup> Ibid.

<sup>165</sup> United States of America Department of State, "Human Rights Reports Uzbekistan 2009", 11 March 2010.

<sup>166</sup> Human Rights Committee, "Concluding Observations on Uzbekistan", 98<sup>th</sup> Session, 7 April 2010.

strengthened, if the situation of women inside Uzbekistan is to improve. Currently, social stereotypes persist which classify women in a secondary position to men.

Issues requiring immediate attention are;

- Domestic violence, which is believed to be pervasive, however there is little empirical data available;<sup>167</sup>
- Systemic social stereotyping and attitudes that subjugate women;<sup>168</sup>
- Family relation difficulties relating to forced marriage, bride kidnapping, polygamy and divorce practises;<sup>169</sup>
- The economic and social deprivation of women;<sup>170</sup>
- Allegations of forced sterilisation of women in Andijan;<sup>171</sup> and

**Violence against women and girls** which remains a persistent and increasing problem.<sup>172</sup>

There is a distinct lack of substantive data collection relating to the violence committed against women. However, the consensus is that violence against women is pervasive and takes a number of forms in Uzbekistan.<sup>173</sup>

Owing in part to its location, the high-levels of poverty and widespread corruption trafficking in human beings throughout Uzbekistan is a serious problem.<sup>174</sup> Prostitution is also an increasing problem though it is criminalised.<sup>175</sup> Uzbekistan has become a source, transit and destination country for the trafficking of women and girls. Women working in prostitution are extremely vulnerable and often targeted and subjected to extortion by law enforcement officials.<sup>176</sup> Organised crime is believed to have links to authorities through corruption and while the government has initiated an advertising campaign to warn against trafficking no investigations have been launched into government corruption and involvement with trafficking.<sup>177</sup>

There is strong official and societal disapproval of alternative sexualities, though the law remains neutral on the issue of same sex sexual activity. Owing to the strict social stereotypes,

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<sup>167</sup> Committee on the Elimination of Discrimination against Women, "Concluding Observations on Uzbekistan", February 2010.

<sup>168</sup> Committee on Economic, Social and Cultural Rights, "Concluding Observations on Uzbekistan", 24 January 2006.

<sup>169</sup> Human Rights Committee, "Concluding Observations on Uzbekistan", 98<sup>th</sup> Session, 7 April 2010 and Committee on the Elimination of Discrimination against Women, "Concluding Observations on Uzbekistan", February 2010.

<sup>170</sup> United Nations Country Team, "Uzbekistan Country Analysis", 2008.

<sup>171</sup> United States of America Department of State, "Human Rights Reports Uzbekistan 2009", 11 March 2010.

<sup>172</sup> Human Rights Committee, "Concluding Observations on Uzbekistan", 98<sup>th</sup> Session, 7 April 2010 and Committee on the Elimination of Discrimination against Women, "Concluding Observations on Uzbekistan", February 2010.

<sup>173</sup> Ibid.

<sup>174</sup> Committee on Economic, Social and Cultural Rights, "Concluding Observations on Uzbekistan", 24 January 2006

<sup>175</sup> United States of America Department of State, "Human Rights Reports Uzbekistan 2009", 11 March 2010.

<sup>176</sup> Committee on the Elimination of discrimination against Women, "Concluding Observations on Uzbekistan", February 2010; Human Rights Committee, "Concluding Observations on Uzbekistan", 98<sup>th</sup> Session, 7 April 2010 and United States of America Department of State, "Human Rights Reports Uzbekistan 2009", 11 March 2010.

<sup>177</sup> United States of America Department of State, "Human Rights Reports Uzbekistan 2009", 11 March 2010.

lesbian, bisexual and transgender men are often subject to dual discrimination and severe violence.<sup>178</sup>

### *Domestic Violence*

There is no explicit or specific law against domestic violence. Indeed Uzbek officials describe domestic violence as ‘family conflicts’ diminishing the seriousness of the problem. Violence against women has traditionally been viewed as a socially acceptable means of exerting control over female family members.<sup>179</sup> The law does prohibit rape including rape of close relatives but, does not specifically prohibit spousal rape. No cases of spousal rape have been known to be tried in court.<sup>180</sup>

The Coalition of Uzbek women’s rights NGOs in their submission to the Committee on the Elimination of Discrimination against Women, described domestic violence as being used to systematically control the majority of women in Uzbekistan.<sup>181</sup> Acts of domestic violence are believed to be committed in the majority by husbands against wives, and mothers-in-law against daughters-in-law. Law enforcement officers and family members actively discourage women from reporting incidents of domestic violence. Impunity for perpetrators of violence against women therefore exists. When women do report an incident, the matter is referred to the *mahalla* (community courts). Established under the idea of self governance, *mahalla* committees are established on a territorial basis. Inside the *mahalla* traditional values are fostered and women play a secondary role. Reconciliation is pushed above a woman’s safety with chairs of *mahalla* committees being dominated by men.<sup>182</sup>

The difficulties and societal pressures placed on women to stay in abusive situations is believed to contribute to attempted and actual suicide particularly by young women.

### *Women in Detention*

Conditions of detention in Uzbekistan are reported to fall below international standards, especially regarding hygiene and nutrition.<sup>183</sup> There is only one female prison in Uzbekistan,

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<sup>178</sup> Committee on the Elimination of Discrimination against Women, “Concluding Observations on Uzbekistan”, February 2010.

<sup>179</sup> Coalition of Uzbek women’s rights NGOs, “Briefing not to the Committee on the Elimination of Discrimination against Women”, February 2009.

<sup>180</sup> United States of America Department of State, “Human Rights Reports Uzbekistan 2009”, 11 March 2010.

<sup>181</sup> Coalition of Uzbek women’s rights NGOs, “Briefing not to the Committee on the Elimination of Discrimination against Women”, February 2009.

<sup>182</sup> United Nations Department of Public Information, “Human Rights Committee concludes consideration of Uzbekistan’s third report”, 98<sup>th</sup> Session, 12 March 2010 and Coalition of Uzbek women’s rights NGOs, “Briefing not to the Committee on the Elimination of Discrimination against Women”, February 2009.

<sup>183</sup> Committee on the Elimination of Discrimination against Women, “Concluding Observations on Uzbekistan”, February 2010.

with no separate facility existing for juvenile women. The failure to separate juvenile detainees from the adult population is in contrast to the requirements under the Beijing Rules. Conditions inside the prison are reported to be of serious concern with allegations that torture, ill-treatment and violence, including sexual violence, are common place.<sup>184</sup>

### *Family Relations*

There remain considerable shortfalls in the laws around family relations, which result in women being disadvantaged leaving many women vulnerable to discrimination, violence and poverty. The laws regarding polygamy are unclear and open to misinterpretation and there is also no specific prohibition of kidnapping with the intention to force the victim to marry. The CEDAW Committee noted with concern the disparity between marriage ages for girls (17 years) and boys (18 years), with the possibility of dispensation of one year for girls only (16 years).<sup>185</sup>

There has been a reversion to traditional marriage practices since Independence. Traditional practises include polygamy, early marriage, arranged marriage and the kidnapping of young girls in order to force them to marry. These practices are especially encouraged in, though not limited to, rural areas. Officially marriage rates have fallen since 1991, but it is unclear if there has actually been a decrease in marriages or rather a decrease in official registration of marriages.<sup>186</sup> Anecdotal evidence suggests that unregistered marriages are increasingly taking place leaving women further exposed as they are unable then to assert their rights in a court if the marriage breaks down.<sup>187</sup>

If a marriage is not registered it is extremely difficult for a woman to assert her custodial, property or other financial rights, as a court will not recognise an unregistered marriage. Furthermore, in order for a court to issue a writ of divorce, approval must first be obtained from the *mahalla*. Again reconciliation is prioritised. Women who do not stay with their spouses and who cannot obtain consent from the *mahalla* hold no property or custody rights at law. In such cases women are often exposed to risk of homelessness as the husband's family evict such women, leaving the individual with no means of recourse.

### **Law and Policy**

In some regards Uzbekistan has progressed towards achieving formative equality between men and women. The constitution calls for equality and a draft law on gender equality is pending.

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<sup>184</sup> Coalition of Uzbek women's rights NGOs, "Briefing not to the Committee on the Elimination of Discrimination against Women", February 2009.

<sup>185</sup> Committee on the Elimination of Discrimination against Women, "Concluding Observations on Uzbekistan", February 2010.

<sup>186</sup> Asian Development Bank, "Women in the Republic of Uzbekistan: Country Briefing Paper", 2001.

<sup>187</sup> Coalition of Uzbek women's rights NGOs, "Briefing not to the Committee on the Elimination of Discrimination against Women", February 2009.

Until the law on gender equality is passed there is no legal definition of gender discrimination.<sup>188</sup> The Government has created a National Women's Committee, though the executive retains control of the planning and programming. It has also become exceedingly hard to become an NGO and for all NGOs to operate independently. Since December 2005, NGOs have had to seek prior permission from the regulatory authority for all proposed activities.<sup>189</sup>

Reports of persecution of individuals working in the area of women's rights have also been raised. It has been claimed that at least three activist working for women's rights have been imprisoned in relation to their work.<sup>190</sup>

One of the main obstacles preventing women from achieving equality is the continued perpetuation of negative traditional stereotypes about the abilities and role of women in society. Such views segregate and diminish women and their contributions to society. The media in Uzbekistan has continued to present a sexualized depiction of men and women.<sup>191</sup>

### **Decision Making Positions and Representation in Public Life**

Inside Uzbekistan women have historically held leadership positions across all sectors though not to the same extent as men. However, cultural and religious practices work against women holding high profile posts. Notably, in 2008, the first female speaker of the lower house of Parliament was appointed and women made up 22 per cent of those elected (though a 30 per cent quota is in place).<sup>192</sup>

### **Employment and Economic Opportunities**

Uzbekistan has been in financial decline since the end of Soviet rule, despite its energy resources.<sup>193</sup> The majority of the country live in poverty, with women being further marginalised as a result of not having independent incomes. Women are excluded from the labour market and only given work in 'non-productive' areas such as health, education and culture. Where employed women receive 40 per cent lower wages.<sup>194</sup> There is an absence of a definition of direct and indirect discrimination at law. Sexual harassment is also not explicitly

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<sup>188</sup> Committee on the Elimination of Discrimination against Women, "Concluding Observations on Uzbekistan", February 2010.

<sup>189</sup> Coalition of Uzbek women's rights NGOs, "Briefing note to the Committee on the Elimination of Discrimination against Women", February 2009.

<sup>190</sup> Committee on the Elimination of Discrimination against Women, "Concluding Observations on Uzbekistan", February 2010.

<sup>191</sup> Ibid.

<sup>192</sup> Committee on the Elimination of Discrimination against Women, "Concluding Observations on Uzbekistan", February 2010.

<sup>193</sup> United Nations Country Team, "Uzbekistan Country Analysis", 2008.

<sup>194</sup> Asian Development Bank, "Women in the Republic of Uzbekistan: Country Briefing Paper", 2001.



prohibited. The law does prohibit coercion of a woman by a man who has business with or holds a position of power over a woman. The law is not enforced.<sup>195</sup>

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<sup>195</sup> Committee on the Elimination of Discrimination against Women, “Concluding Observations on Uzbekistan”, February 2010 and United States of America Department of State, “Human Rights Reports Uzbekistan 2009”, 11 March 2010.

## **Recommendations**

The situation of women in Central Asia is unsteady. It is often marred by violence, repression and embedded social discrimination in spite of varying government initiatives. The subjugation of Central Asian women inside their communities and families continually leaves them to suffer in a cycle of dependency and silence. There are a number of general human concerns which enable and foster gender discrimination, though the connection is not always immediately apparent. Such issues include high rates of corruption in government and law enforcement officials, low economic security, wide spread poverty, poor national infrastructure concerning transportation, education and health services, media censorship, restrictions on movement and a limited influence of citizens in determining the make-up of their government.

Turning to areas of obvious concern for gender equality more information is urgently required in the areas of women and girls health, education, employment, migration and political and religious involvement. There are no quick fixes in overcoming discrimination, especially when it is socially condoned. However a coordinated and strategic approach can achieve behavioral change and begin to challenge social perceptions. The following recommendations are aimed at assisting the momentum for such a change.

### **Education**

- Collection of disaggregated data by age, sex, ethnicity and location concerning enrolment and attendance across all levels of education;
- Standardizing and enforcing the age of compulsory education inside each country; and
- Adopting special measures to build girls involvement in areas of high drop out or poor attendance rates.

### **Marriage Practices**

- Conduct public awareness and educational activities to explain the importance of civil registration of marriages, particularly in rural areas;
- Minimize registration fees ensuring they are affordable across the community and provide a fee-wavier for the poorer members of society;
- Establish and ensure that religious marriage ceremonies cannot occur without evidence of civil registration of the marriage;
- Conduct education, particularly amongst religious leaders, emphasizing that consent from both parties is required during the marriage ceremony;
- In any event adopt a protocol requiring religious leaders to keep a written record of any religious marriages or divorces they perform; and
- Establish a regional dialogue to address the resurgence of polygamy and develop a regional approach to deal with polygamous marriages occurring across borders.

## **Violence against Women**

- Where not all done ratify and implement the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- Where not already in place enact legislation which explicitly prohibits all forms of violence and discrimination against women, including sexual, physical, physiological and economic abuse by any family member including extended family members;
- Ensure the law on rape expressly prohibits spousal rape;
- Treat violence against women as a criminal offence;
- Collect and collate disaggregated data by age, location and ethnicity and indicating the family relationship of victims and perpetrators of violence against women relating to medical treatment, police investigation and legal decision-making bodies handling of cases including in community court settings, in a manner which respects the confidentiality and safety of any victim;
- Establish a mechanism for the public reporting accurate and reliable statistics on violence against women;
- Explicitly prohibit the practice of bride kidnapping and ensure prosecutions are undertaken where appropriate;
- Develop and conduct specialized training on violence against women for law enforcement officers, prosecutors and judicial personnel and medical staff;
- Deliver public education campaigns to disseminate information about the right to live free from violence, including in the home;
- Include men in developing and providing awareness raising projects about violence against women;
- Establish and increase centers to provide psychosocial, legal and residential services to women, particularly those under 18 years of age, rural women and women who have relocated for whatever reason away from their family;
- Enforce the law in a sensitive and supportive manner that enables victims of violence to access their rights and ends impunity for the perpetrators of violence against women;
- Establish specially trained police, prosecutors and medical staff to handle cases of violence against women and girls; and
- Investigate all reported incidents of violence against women ensuring the safety of the victim is the primary consideration.

## **Trafficking in Women and Girls**

- Increase public awareness, particularly in rural areas of the means, methods and dangers of trafficking;
- Ensure the accessibility of support services to women and girls who have been trafficked be it internally or externally;
- Adopt protocols to stipulate and regulate the treatment of women and girls who have been trafficked ; and

- Develop regional cooperation in policing the trafficking of human beings and also in the provision of assistance and reintegration for those who are trafficked.

### **Research, Data and Statistics**

- At the national level ensure the collection of disaggregated data wherever possible;
- Maintain confidential written records of women's seeking medical assistance;
- Ensure the causes of death of all women is thoroughly investigated and accurately recorded;
- Strengthen the sharing of data between crisis centers and government bodies;
- Encourage evidence based research on women's rights;
- Develop regional agreements to assist in investigating the situation and status of women in Central Asia; and
- Develop a regional database on migration and movement of women in Central Asia.

### **Empowerment and Equality**

- Adequately fund and provide sufficient importance to the institutions charged with implementing gender equality;
- Enact legislation to enable judicial officers to take into consideration if a 'unregistered' marriage has taken place when deliberating on family matters where the legal entitlements are being contested;
- Establish dedicated legal offices and judicial chambers to deal with family matters, with appropriately trained staff to deal with custodial, property and divorce matters;
- Involve the media in combating negative stereotyping of women and promoting the contribution women make to society;
- Prioritize the promotion of women in all spheres of public life;
- Where not already done so enact legislation defining and prohibiting gender discrimination;
- Provide support and encouragement to women entering non-traditional fields of work;
- Encourage the private sector to involve women at all levels of operation;
- Where not already in place develop a national plan of action for achieving gender parity containing detailed approaches and implementation activities;
- Enable independence for organizations working on women's rights; and
- Adopt temporary special measures to encourage employment of women particularly in rural areas.