

**Regional Master's Programme in Human Rights and Democratization in the Caucasus**  
**Center for European Studies**  
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**Domestic Violence, Causes and Consequences in Kyrgyzstan**  
**Fact Finding Report, 2020**



*Two Kyrgyz women in dance costumes offering salt and butter in the opening of the National Horse Sports event, 2015. Theklan. [Wikimedia Commons](#) (CC BY-SA 4.0)*

## Summary

*"Deal with your family problems yourself,  
I was also abused, so you are not special.  
Call me when he tries to kill you."  
A family member said  
to a woman who has reached  
for help after her husband abused her*

There is no doubt that domestic violence is first and foremost gender-based violence since it can exhibit many forms and depend on the type of relationship can have crimes involved such as rape and incest, sexual harassment, and sexual violence. This research includes interviews of three victims of domestic violence, who were also victims of a Kyrgyz tradition of bride kidnapping, where women are abducted and forced to marry their abductor. This research shows the ways of domestic violence occurrence and its connection to this pervasive tradition, its consequences, and effects on women, and to the Kyrgyz society in general. Domestic violence in this paper is referred to all acts of physical, sexual, psychological, or economic violence that occur with the family or domestic unit or between former or current spouses or partners. The lack of the necessary state statistical data to provide an accurate picture of domestic violence in Kyrgyzstan constitutes an obstacle to a fuller understanding of the issues associated with domestic violence. Although clearly the overall picture is being painted by the frequently occurring news of numerous cases of domestic violence, various reports and studies published by Human Rights Watch and other international human rights organizations. This research cited data that had mostly been drawn from research papers and documents prepared by NGOs, international organizations, and bodies that have studied the subject in recent years. It also identified clear patterns drawn from interviews with domestic violence victims. The research analyzes how the State of Kyrgyzstan fails its obligations provided by international conventions on human rights.

## **Recommendations**

Some recommendations have been revealed during the interviews with the professional workers of crisis centers: psychologist, social worker, lawyer, and director of crisis centers who directly work with the victims and provide moral and psychological assistance to women who have suffered from any type of domestic violence. And recommendations are based on the interviews with victims to analyze possible risks and for a better analysis of the problem. Crisis centers provide shelter for victim families, represent the interests of victims in courts, conduct consultations of a lawyer and a psychologist, and conduct training. Based on the interview with the director of “Center for homeless children” Aleksei Petrushevskii Vladimirovich and with the director of “Mercy center” we were able to provide recommendations that are built on the results of their work with victims of domestic violence:

### **1. Recommendation to the president of Kyrgyzstan**

There are a lot of projects in Kyrgyzstan that implement the Western and European systems that advocate and carry out projects to protect the rights of women and children and even conduct psychological training to prevent violence and so that people are aware of their rights. Projects are also underway to implement European and democratic legislation where appropriate procedures are being implemented to support the Government of the Kyrgyz Republic in implementing structural reforms to protect and empower women and children. But before introducing such legislation, the state must probate such legislation, as differences in mentality make themselves felt and the country may not yet be ready to implement such a system, as they may not be suitable due to the difference in people's mentality and notions. Thus, it is important to consider the cultural background and local tendencies and realities when implementing such programs, eventually public campaigns can be one of the tools to be used. This recommendation is also directed to civil society and the legislative branch of the government (N 3 and N5 respectively of the recommendation section of this research).

### **2. Recommendation to the Office of the Ombudsman on Human Rights in Kyrgyz Republic Akyikatchy (Ombudsman)**

The recommendation for the office would be to do thorough research of the issue in the society, collaboration with civil society, extended research and, reporting on bride

kidnappings. It is recommended to the Ombudsman's office to report the findings to the public and government, to call on de facto banning of this practice, give suggestions and research international successful practices of bride kidnapping traditions. The implementation of this recommendation can be done also if the Ombudsman office will have proactive engagement in research and collaboration with crisis centers, victims, initiatives, women's rights NGOs and most importantly State bodies and institutions. It may help to significantly expand the jurisdiction and powers of the Ombudsman office for the more effective performance of duties, for the protection of human and civil rights and freedoms, proclaimed by the Constitution and laws of the Kyrgyz Republic and to prevent violations of human and civil rights and freedoms or assist in their restoration. Since the aim of the Ombudsman institution is to find and investigate specific issues with systematic nature, as well as pinpoint which specific steps it recommends the state to take in order to ban the practice, support DV victims with laws and regulations.

### **3. Recommendation to the Parliament (Jogorku Kenesh) of the Government of Kyrgyzstan**

It is suggested to draft a law on domestic violence, considering international and regional experience and precedents of DV laws and before its adoption have a public discussion, have separate discussions with civil society actors or women's rights initiatives that work with DV victims to hear the issues pointed out by them through their experiences, consider specific suggestions and change the draft accordingly and then have it adopted. After the adoption, it is important to focus on changing law enforcement agencies and other relevant state and private parties that work with or might work with DV victims to change and adapt their work style, regulations, and policies to the DV law. It may be suggested to add more articles to the Criminal Code, as there is a big problem with the impunity of perpetrators. And even if the perpetrator is punished and detained for 15 days for hooliganism, providing for the administrative arrest of the aggressors of domestic violence after which he is released and after the perpetrator is released and returned home, victims usually suffer more beatings. The Misdemeanor Code provides for high fines for committing domestic violence - from 60 to 80 thousand Kyrgyzstani Som (from 860 to 1145 US dollars), as well as community and corrective labor. But the size of the fines is no longer frightening the violators, but the victims - having learned about the amount that will have to be paid, the

victims withdraw their applications. Often, families maintain a common budget, and accordingly, victims also have to participate in the payment of a fine, and such amounts turn out to be overwhelming.

To revise the Penal Code of the Kyrgyz Republic and strengthen the enforcement of rule of law. Law-enforcement authorities should take appropriate measures to create all means possible for the protection of domestic violence victims, such as a separate DV department within the police. Training for government agencies enforcing compliance Laws. Hence there is a breakdown of the law enforcement system which leads to the wrong system of the government that must be improved, as the system remains at the post-Soviet level.

#### **4. Recommendation to the Ministry of Internal Affairs**

Provide support and training to law enforcement agencies to improve law enforcement responses to domestic violence.

The psychological service does not work and when surveying facts of violence against women and children, the survey is conducted in the presence of the abuser, and because of fear, the victims cannot talk about the violence. A forensic medical examination must be accompanied by a psychological examination. Furthermore, perpetrators must receive psychological training, as well as psychologists should work with victims of domestic violence and provide the necessary assistance.

#### **5. Recommendation to Non-Governmental Organizations, International Partners and Donors in Kyrgyzstan**

For comparison, in Kyrgyzstan, there are only 15 public crisis centers and 3 shelters per 6 million population. Until now, there are no state and municipal services in Kyrgyzstan to assist women victims of violence. Community crisis centers remain the only place where women can get the help they need in situations of violence. Crisis centers of public organizations, fully or partially dependent on the funding of international organizations. They are mainly located in cities of regional significance. But not all of them have the appropriate conditions for a temporary stay. The preservation and development of public crisis centers, their efficiency, quality, and volume of services directly depend on the understanding of the problem and support from government agencies, business and business communities, civil society organizations, local communities, as well as each

individual, which requires uniting the efforts of society for all levels. Kyrgyzstan is a member state of CEDAW. The UN Committee on the Elimination of Discrimination against Women has repeatedly made recommendations to Kyrgyzstan to support public crisis centers, to provide them with premises with payment for utilities, but these recommendations are not being fully implemented. And therefore, it is worth assisting crisis centers in providing premises and co-financing their activities.

## **Methodology**

The methodology used in this research was qualitative. (e.g., interviews), since this approach gives the possibility to have an in-depth insight into the topic, have better-contextualizing efforts, measure and interpret the findings in the human rights context. Our main aim of the methodology was to address a practical problem of domestic violence in Kyrgyzstan and analyze the possible roots and causes of it.

Since the research question was to find out what are the important factors that cause domestic violence in Kyrgyzstan and what consequences it has, this approach was chosen to have a better understanding and leave space for DV victims to tell their stories and invite the organizations that work with DV victims to provide the necessary information.

It is important to note that it is a standard methodology and approach in the field of human rights research since interviews are a considerate and respectful way to make their voices heard and gain insight into the issue and try to work out ways of solving or preventing domestic violence with survivors. The ethical consideration that the research team had was the lack of experience in doing research on this scale and with a sensitive topic as domestic violence in the context of one country. The research team thus publishes a disclaimer in this research that this research paper is being prepared in the frames of an educational program. At the same time, the team is confident that inexperience is an asset, and inexperience does not mean that the research findings cannot be worthwhile to be considered or referred to by colleagues in the field. The process of making this paper and conducting interviews provided valuable learning experiences and useful skills for the team to use and improve future work. The team tried to demonstrate the shared social belief structures in the Kyrgyz society about behaviors and acceptable norms that are associated with traditions and gender roles. To conduct the interviews the team found the participants through a

domestic violence shelter. The interview participants were selected according to the recommendations of the DV shelter's social worker. Overall, 5 people took part in the interviews. The interviews were semi-structured.

The questions were connected to the research questions, but the interviewees were free to speak about their experiences, and trust was established. The interviews were ranging from one hour to three hours, depending on the case. The interviews were recorded by note-taking and with a voice recorder, and later transcribed for clarity and to be used in the research paper without missing any important or relevant information. The interviews took place in the capital of Kyrgyzstan Bishkek via meetings in person.

Due to the coronavirus pandemic and state restrictions some interviews took place via zoom. The research team consists of two members Karine Aghajanyan based in Armenia and Zuura Adanova based in Kyrgyzstan. Both team members spend 3 months conducting the research. The interviews, specifically, were conducted from December 1-17, 2020.

The types of materials the team analyzed were reports published by various international and national human rights and non-governmental organizations. The reports and relevant materials were accessed via the internet.

The analyses the team used were mainly narrative and discourse analysis, by looking at the stories told by the victims and interpreting the content in terms of human rights violations, as well as looking at the meaning of the told stories and relating them to the social context.

## **Background and Context**

In court proceedings, victims are interrogated in accordance with general procedures. In almost all cases, the victims testified in court in the presence of the accused, while the psycho-emotional state of the victims was not considered studies indicate that the participation of victims in court hearings is associated with the receipt of new psycho-emotional stress and the secondary victimization of the victim. The study revealed that in several cases, during the interrogation of victims, questions are asked, and this style of behavior is used on the part of judges, lawyers of the defendants, the dignity of the victims, due to which the victims refused to appear at the court sessions.

For example, at court hearings, the victims were demanded to tell in detail about the violence committed and what exactly the perversion of the violence was. According to the interviewed lawyers, criminal cases, including those related to rape, are considered mainly male judges, in regional courts almost the entire criminal collegium consists of male judges. Such a fact, according to lawyers, negatively affects the decision-making, since men are often subject to stereotypical attitudes towards women. It was noted that the judges do not always react to the unethical behavior of the participants in the trial in relation to the victims, they themselves often interrupt the victims, do not consider their psycho-emotional state.

A major problem in Kyrgyz society is the bride kidnapping tradition, which usually involves multiple individuals, mostly men who are the groom and his friends or brothers or other male family members, and they kidnap a young woman to force marry her. In the current context, the tradition is being kept alive for the sake of tradition, mostly being mutual and bearing a symbolic meaning, but the tradition also enables men to kidnap women and force them to marry. It is notable that the bride kidnapping tradition has been revived after the collapse of the Soviet Union, mostly because it is seen as part of Kyrgyz cultural identity.

It was illegal to kidnap a bride during the Soviet Union, and it is still illegal by the Kyrgyz criminal code (Normative Acts 19943). It is important to note that this harmful practice is perceived as a “tradition” within Kyrgyz society, and it also stems from harmful gender stereotypes that women and girls should be virgins and if the abductor rapes the victim then she will be forced to marry her rapist because she will not be “marriageable” and “pure” by the society. In Kyrgyzstan, 6% of married girls and women over the age of 15 became involuntary victims of “bride kidnapping” according to the 2016 UNFPA data<sup>1</sup>.

A significant part of the victims does not apply to the internal affairs bodies with a statement on the fact of the experience of violence. The main reasons for inaction on the part of the victims are the feeling of shame and fear of publicizing the violence committed against them, fear of public condemnation; lack of knowledge about their rights; distrust of the law enforcement system, which, according to the opinion of many women interviewed, cannot fully ensure the protection of their rights.

At the same time, the study revealed that most affected women do not have knowledge about existing methods of collecting evidence, do not have sufficient knowledge about protecting

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<sup>1</sup> Gender and Perception Study [https://kyrgyzstan.unfpa.org/sites/default/files/pub-pdf/GSPS\\_english.pdf](https://kyrgyzstan.unfpa.org/sites/default/files/pub-pdf/GSPS_english.pdf)

their rights, are insecure in their own abilities, financially insecure, which also affects their decision not to seek help from law enforcement agencies. It's confirmed research data on the educational level of victims, which to a greater extent have secondary or incomplete secondary education. If the victims' report a crime to law enforcement agencies, most of the crimes stop or do not have a further continuation due to great pressure on victims and their representatives from close relatives, relatives of perpetrators, influential acquaintances, representatives of authorized state bodies.

The actions of law enforcement agencies, in particular investigative bodies, do not differ impeccably. Law enforcement officials are adequately insensitive to the psycho-emotional state of victims of crimes, perceive them as a common crime; allow cases of unjustified refusal to initiate a criminal case, which leads to repeated cases of violence against the victim of a crime.

There are cases of violations of procedural legislation by individual judges, for example, when considering criminal cases of forcing a woman to join marriage, abduction of a woman for marriage (Article 155 of the Criminal Code of the Kyrgyz Republic), the court holds sessions without the participation of legal representatives of minors, victims. The study of this category of criminal cases showed that most often this crime is committed in the southern regions of the country. At the same time, by agreement of parents and close relatives of the victim and the defendant, the minor victim enters marriage with the guilty Muslim customs and remains to live in the family of the defendant. Parents and relatives of both parties remain satisfied with the current situation. It is also worth noting that in the cases considered under Articles 154, 155 of the Criminal Code, most of the cases end with the termination of proceedings due to the victim's refusal to maintain the charges. At the same time, neither the investigating authorities made any representations, nor no private rulings were issued in the courts to eliminate the causes of early marriages and to take preventive measures to prevent such crimes.

To find out the roots of causes of domestic violence and its consequences it is required to examine original data and a combination of data analysis, that is why the research team chose this method and conducted a thorough monitoring and online research of information, additionally conducted interviews with survivors. The research team did not try to answer the question with a simple statement of facts, instead tried to do that by creating a space to discuss and interpret found

facts. Background: There were problems in researching this topic. Firstly, there is a problem with the definition of what is considered domestic violence and violence against women.

A framework to refer for definition is the United Nations Declaration on the Elimination of Violence against Women, according to which “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”<sup>2</sup> Interestingly, the term domestic violence has been used in terms of internal affairs, violence from within a country in contrast to violence done by a foreign power. Since there is violence perpetrated by intimate partners that are not married to the victim, same-sex partners, and female perpetrators, in the modern context it is used broadly to include “all acts of physical, sexual, psychological or economic violence”.<sup>3</sup> In this research, the team examines the prevalence of domestic violence where the victims are women.

There have been research efforts on this issue before, but despite the growing interest towards it, there is not enough research on the repercussions it brings for women, and this research aims to contribute to the wide array of research to raise important points of reference for future exploration and analysis. One such study is “Multi-country study on women's health and domestic violence against women”, which is a one-of-a-kind study the World Health Organization (WHO) conducted, and it pointed out that the perpetrators of violence against women are commonly their intimate partners. This research aims to contribute to the growing need for developing a methodology that will examine health repercussions for women and society in Kyrgyz society.

Because Kyrgyzstan is one of the conservative countries in comparison with Western countries, the problem of domestic violence in Central Asia, well as in Kyrgyzstan is quite common. In many countries of the world, due to quarantines and spread of coronavirus infection, forced self-isolation, and worsening economic situation in families and the country, the number of cases of domestic violence has increased. People who are forced to constantly be at home often take out their aggression and anger on their family members. The number of registered cases of

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<sup>2</sup> García-Moreno C. 2000. [Violence Against Women, Gender and Health Equity]. Harvard: Pan American Health Organisation and Harvard Center for Population and Development Studies.

<sup>3</sup> Convention on preventing and combating violence against women and domestic violence. Archived from the original on September 6, 2013. Council of Europe.

domestic violence is growing every year and women, children, and men also suffer from domestic violence.



*Kyrgyz brides and bridegrooms pray in the central mosque during a mass wedding ceremony in the capital Bishkek, Oct. 30, 2013. Fifty couples took part in the mass wedding ceremony sponsored by a state company.2013. [Agence France-Presse](#).*

## **Findings, Analysis & Conclusions**

The patterns were found during this research in means of analyzing interviews, listening to expert opinions, and having researched international organizations' and local NGOs' reports. The patterns are concerning to a so-called bride kidnapping tradition and its harmful practices for women, lack of lawful and human rights-oriented response by police, societal and cultural patterns such as gender-based stereotyping and viewing women as inferior to men, as well as lack of court appropriate and lawful enforcement by the court to oblige the payments of alimonies to single mothers.

### **Patterns found through interviews**

1. Bride kidnapping: two of the three DV victims were kidnapped brides.  
Two victims got married when they were kidnapped and were forced to stay by relatives and their parents.
2. Societal pressure: all three victims were directly and indirectly pressured to stay in abusive relationships.

All three victims were afraid to go against society for fear of condemnation and therefore agreed to get married and endured bad attitude from their husbands and their relatives where there was a clear violation of their rights

3. Lack of appropriate police response: all women did not trust the police, believing that it is useless

All 3 victims and many other women and victims of domestic violence do not go to the police to report the violence, as they believe that the police will not help in their case.

4. Absence of DV police department or specialists in DV: DV cases are dealt with as with other matters concerning the police.

The police are not responding accordingly, not encouraging women to apply, does not take necessary internationally recognized means to encouragement (i.e. having female officers, DV department of police with experts and other professionals such as social workers, psychologists, sexual and domestic violence expert doctors involved) All interviewees said that when they were desperate and finally found courage to call police and visit the police department for testifying, all of their stories of abuse were met with suspicion, dismissiveness and even persuasions to tolerate abuse and not continue to testify.

5. When alimonies are not paid, and the courts do not enforce its payment.

The court does not enforce the rule of law to pay alimony for children. Although the paperwork for signing that the victim did not receive any payment is justifiable since there needs to be proof for that. An interviewee A. was receiving child support from her ex-husband, but very often he did not pay, and the police or the court did not enforce him to pay leaving her facing financial difficulties.

6. Gender-based violence: all victims were young women.

The obvious pattern is that all interviewees are young women of reproductive age, have children and all of them have already left their abusive partners, thus can speak freely and start to plan their future as single mothers. The abuse perpetrators are young men.

The Committee on the Elimination of Discrimination Against Women in General Recommendation 19<sup>4</sup> implies that states are not only obligated to refrain from committing violations themselves but are also responsible for acts otherwise considered as private matters, if they fail to fulfill their duty to prevent and punish such acts, including domestic violence and general violence against women. Thus, when Kyrgyzstan fails to have laws that will protect women and hold abusers accountable in criminal or civil codes and normative acts, or that its liable or subordinate bodies such as police and prosecutors fail to protect those subjected to domestic violence, it means that it has not acted with due diligence to prevent, investigate, and punish violations of women's rights.

Domestic violence violates the women's right to life, health, personal freedom, and security, as well as their right not to be tortured or exposed to other inhuman, cruel or degrading treatment, as guaranteed by the UDHR and other international laws.

The state violated the Articles 3, 5 and 16 of the Convention on the Elimination of All Forms of Discrimination Against Women<sup>5</sup>(CEDAW). Article 3 states that the state parties should take appropriate measures in social, cultural, including legislation and other fields to ensure the full development and advancement of women which will guarantee them the enjoyment of human rights and fundamental freedoms on a basis of equality with men. The women who are being subjected to violence, are kidnapped and the perpetrators of violence against them are not punished and/or they are directly or indirectly discouraged to seek justice are being denied their human rights and fundamental freedoms stated in Articles 3, 5 and 16 of CEDAW.

The women who have been bride kidnapped are victims of a recurring pattern of violence which is being tolerated in the society which treats these violent acts as traditions, and even though the state has a somewhat appropriate legislative basis for the protection of women from this pervasive custom, the interviewees' stories show a different image of tolerance and acceptance of this custom and domestic violence cases that are met with inactivity and non-pursuit of justice and lawful punishment of abusers. According to Article 5(a) of CEDAW States Parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped

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<sup>4</sup>General recommendation No. 19 -eleventh session, 1992 violence against women  
<https://www.ohchr.org/en/hrbodies/cedaw/pages/recommendations.aspx>

<sup>5</sup> Convention on the Elimination of All Forms of Discrimination Against Women  
<https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#>

roles for men and women. The bride kidnappings and widespread domestic violence cases which are justified by the society and the state by its acceptance and inactivity breach Article 5(a).

When the women are impure, or objects that can be stolen and appropriated and forced into marriage, it violates Article 16 (1), which states that States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and shall ensure, on a basis of equality of men and women. Article 16 (a) states that the states must ensure the same right to freely choose a spouse and to enter marriage only with their free and full consent, in case of forced marriages because of bride kidnapping the article is breached.

Declaration on the Elimination of Violence against Women<sup>6</sup> (Proclaimed by General Assembly resolution 48/104 of 20 December 1993) recognizes that there is an urgent need for the universal application to women of the rights and principles regarding equality, security, liberty, integrity and dignity of all human beings. Even though the declaration does not have domestic violence as a term, except for encouraging the states to do more research on domestic violence, instead it uses the term violence against women which is what domestic violence, and gender-based violence is.

A major finding of this research is the bride kidnapping tradition which enables domestic violence.

Bride kidnapping is considered a tradition that violates the human rights of women. The tools for combating the practice can be suggested to be various international conventions and declarations which oblige the state to protect the rights stated in them, and to ban practices that are or would violate them. The tradition of bride kidnapping violates Articles 3, 4, 5, 9, 12 of the Universal Declaration of Human Rights<sup>7</sup>. It is also important to note that this practice has arguments based on ethical and humane treatments of women, since this custom is in fact an act of violence against women. After the forced captivity of the woman, she may be subjected to torture, cruel treatment, rape or gang rape, trade of her body for sexual or other purposes between her husband and his male family members or male friends.

Clearly this custom violates the right to life, liberty, and security of a person (Article 3). The act of kidnaping someone and keeping them captive both directly or indirectly, forcing the

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<sup>6</sup> Declaration on the Elimination of Violence against Women  
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/ViolenceAgainstWomen.aspx>

<sup>7</sup> The Universal Declaration of Human Rights [https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)

person to stay in a location of habitation against her will is a variation of a state of slavery and/or servitude, which is a violation of the Article 4. Additionally the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (which Kyrgyzstan ratified in 1997) defines slavery as the practice and institution whereby a woman, without the right to refuse, is promised or given in marriage with consideration of payment or in kind contribution, and whereby the husband and husband's family has the right to transfer the woman to other people and the right to will the woman to other members of his family by inheritance<sup>8</sup>. In the Kyrgyz customs of marriage there are considerable practices that involve these acts.

Article 5 violation demonstrates as an act of subjecting the kidnapped women to torture or to cruel, inhuman or degrading treatment, which becomes undeniable once one watches the video recordings of the bride kidnapping<sup>9</sup>.

This custom is a violation of Article 9, which states that "No one shall be subjected to arbitrary arrest, detention or exile." The women who are basically abducted and held captive against their will are subjected to arbitrarily deprived of their liberty and freedom of movement.

As Article 12 establishes "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks." Bride kidnapping custom is an act of violence against the woman, attack and interference of her privacy, honor, and reputation.

This research paper also shows how the state fails its obligation to respect Human Rights and secure to everyone within their jurisdiction the rights and freedoms. Kyrgyzstan ratified The International Covenant on Civil and Political Rights (ICCPR) in 1994. Article 2 clearly states that the Kyrgyz legal structure must provide effective remedy for enforcement and protection of above-mentioned human rights. Kyrgyzstan also ratified The International Covenant on Economic, Social and Cultural Rights, and it fails to ensure that marriage is established with free consent of both parties as future spouses (Article 10, Paragraph 1).

Finally, the practice of this tradition also violates article 1 of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages<sup>10</sup>, which Kyrgyzstan ratified

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<sup>8</sup> Implications of International Human Rights Law and Bride Kidnapping in Kyrgyzstan <https://sites.tufts.edu/praxis/files/2020/05/Handrahan.pdf>

<sup>9</sup> Vice Documentary on Bride Kidnapping in Kyrgyzstan <https://www.youtube.com/watch?v=DKAusMNTNnk>

<sup>10</sup> Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages <https://learningpartnership.org/sites/default/files/resources/pdfs/VOV-Appendix-6-Marriage.pdf>

in 1997. The article states that the marriage should be established between two consenting partners, and in the case of bride kidnapping the woman is not consenting to the marriage but is forced to marry against her will.

Human rights violations can be seen in the example of forced marriage by the victim's relatives and parents. Since the mentality plays an important role in Kyrgyz society and in the life of Kyrgyz women, and everyone is adapted to this and everyone is used to bowing to this, since the opinion and condemnation of society is above all. It is for this reason that many women are ready to close their eyes to forced marriage and hence the consequences of domestic violence in this kind of families, since they are silent and do not seek help of fear of their husbands and because of the condemnation of society.

Nevertheless, the new Criminal Code toughens the punishment for *ala kachuu*, the kidnapping of girls for the purpose of marrying them. According to the new rules, the commission of this type of crime provides for 5 to 10 years in prison. And for coercion to enter a *de facto* marriage relationship with a person under the age of 17, a fine of up to 200 thousand Kyrgyzstani Som (equal to 2400 US dollars) is imposed. If earlier for forcing a person under 17 years of age to enter marriage, the 2 part of Article 154 provided for the punishment of up to 10 years in prison, now for the abduction of a girl under 18, in addition to 10 years in prison, the accused must also pay the fine. Since they got married about 10 years ago and at that time the law on bride kidnapping was not valid as it is now. But the consequences of bride kidnapping are visible now and the children of the victims also suffer from this. But until now, in criminal cases related to *ala kachuu*, the kidnapping of brides, victims fear for their safety and cannot defend their rights, which means they might be reluctant to seek justice in courts or even inform the police, yet again due to fear and due to societal pressure. But in recent years, there has been a decrease in cases of bride kidnapping, due to the increased punishment for this type of crime.

In addition to tougher punishment for bride kidnapping, Kyrgyzstan needs to conduct large-scale information campaigns aimed at protecting the rights of women.

The consequences for women who have been kidnapped and/or subjected to domestic violence vary, but mostly involve psychological, physical, and financial damages, which vary in size and irreversibility. According to WHO data<sup>11</sup>, common health consequences of violence against

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<sup>11</sup> Understanding and addressing violence against women  
[https://apps.who.int/iris/bitstream/handle/10665/77431/WHO\\_RHR\\_12.43\\_eng.pdf;jsessionid=E0C823D68B94CA6DA49A072D7390B073?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/77431/WHO_RHR_12.43_eng.pdf;jsessionid=E0C823D68B94CA6DA49A072D7390B073?sequence=1)

women includes physical injuries such as bruises, abrasions, lacerations, punctures, burns and bites, as well as fractures and broken bones or teeth; more serious injuries, which can lead to disabilities, gastrointestinal conditions, long-term health problems and poor health status, including chronic pain syndromes. Mental health of abused women suffers as well, including long-lasting depression, sleeping, and eating disorders, stress and anxiety, PTSD, suicide attempts and poor self-esteem. These can persist long after leaving an abusive relationship. Notably, domestic violence has affected not only women but also children, who are witnesses and sometimes victims of violence themselves.

In conclusion even though the human rights violations are committed against men as well as women, the effects on women, however, differ drastically. Studies suggest that all acts of aggression against women exhibit some form or way, or characteristic that can lead to its classification as a gender-based violence. Domestic violence that is perpetrated against women usually relates to unequal distribution of power and proves that unequal relationships exist between men and women in Kyrgyz society, and traditions or customs that encourage, further perpetuate, and tolerate violence against women perpetuates the women's dehumanization and devaluation and forces their subordination to men. Being a woman in Kyrgyzstan means being under a lot of pressure, living in the society that tolerates violence against women and living in a state that fails to address domestic violence as an issue and take steps to protect women's human rights.

It is therefore important that Kyrgyzstan takes appropriate steps to implement reforms of law enforcement, have laws and regulations that are practiced internationally and are aimed at women's rights protection and have proper judicial procedures that will punish the abusers and protect women and children as well.

## **Summary of Interviews**

The interview was conducted at the "Mercy Center" in Bishkek at a shelter for temporary stay of women with children who suffered from domestic violence and who were left homeless. Mainly in the center are women who find themselves in difficult life situations. After the conflict in the family, most women were left homeless, and as the expert said who has been working as a director of the center for homeless children of the center notes, women with children from different regions

of the republic come to the center. Interviews were conducted with 3 victims of domestic violence separately. These were individual separate interviews with each victim.

The respondents refused to give their full names and did not want to be photographed, since many of their husbands and relatives do not know about their arrival in this center and they are afraid that they might be found, or they may have problems with spread of this information in the media as it was before, although they were informed that they have every right of confidentiality and that this information is for the assignment of the master's program on human right's major.



*The entrance of the shelter for women who are left homeless as a result of DV in Bishkek. 2020. Courtesy of Aleksei Petrushevskii Vladimirovich.*

### **First Victim:**

**A.** is a 31-year-old woman from Issyk Kul region. Recently admitted to the shelter with 2 children. She was dating her husband for about several months and married him not knowing that he abuses alcohol and did not expect him to treat her badly. They got married according to Muslim traditions,

performing the nikkah ceremony<sup>12</sup>, without official registration of marriage. Her son is 5 years old and her daughter is 4 years old. She left her husband when she was pregnant with her second child. He came home drunk and beat her very often. Even when he did not drink and was sober, he abused her emotionally calling her names and swearing at her. When she tried to talk to him and try to resolve problems, he did not listen to her and got even angrier. When she reached out for help or support from her relatives and even his mother, asking to talk to him about this issue, they refused by saying she must deal with everything herself and be compliant, since it happens in every family. His mother said that her husband grew up in the same family where there was domestic violence and that a woman must endure and deal with her family problems herself. Her mother-in-law was also abused by her husband and received a lot of injuries during her marriage and a head concussion, was oftentimes sick. A. did not want to live the same life as her mother-in-law, endure violence and was scared to die one day from his beatings, and decided to leave her husband. During the first pregnancy, one time she was severely beaten by him and she stood on the street all night because her husband would not let her go home, and she was ashamed to go to her relatives being bruised and with torn clothes. Then she went to police station and wrote a statement after his numerous beatings, but after a while confirmation was required and she did not write a second statement to her husband as she felt sorry for him, and it is a shame to go and complain about your own husband as she said and she decided that she would not solve the problem if he was imprisoned, and many relatives persuaded her to stay and bear everything. During her second pregnancy, she was very sick and one night she had severe convulsions and lost a lot of blood, but her husband did not help her, refused to call an ambulance or a doctor, and simply ignored the condition of her health. She managed to call for help herself and was admitted to hospital. After this incident, she left her husband and did not see him for more than 3 years. Afterwards, he visited her while clearly being under the influence of alcohol and told her that his relatives are helping him to treat his dependence. Then he promised her to stop drinking and that he will never abuse her from now on. She refused his suggestion to get back together. At the time she was receiving child support from him, but very often he did not pay, and at times she experienced financial difficulties, also the police or the court did not enforce him to pay. According to A. the amount of child support was not enough to support two children. Nevertheless, a change in law took place

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<sup>12</sup> [The nikkah ceremony](#) is the Muslim marriage ceremony. In the Islamic tradition, the marriage contract is signed during the nikkah and it's during this event that the bride and groom say, "I do." Traditionally, the nikkah ceremony often takes place in a mosque and the leader or imam of the mosque officiates the nikkah.

which increased the amount for child support and toughened the penalty for not paying it on time or not paying at all. The law also required A. to sign a statement that she didn't receive anything so that her ex-husband would be fined, but she didn't sign any statements, because she was afraid that it would agitate him, and he would stop paying it completely.

### **Second victim**

G. is a 35-year-old woman. She has 2 children, a 16-year-old girl and a 3.5-year-old boy. She married when she was 17. She was bride-kidnapped<sup>13</sup>. She did not want to marry her ex-husband, but at that time, especially in the region, it was a great shame to leave the house where you were brought to marry and she had to stay, as she was subjected to psychological pressure from her relatives who persuaded her to stay and since she was afraid of her father and the fact that he might be angry because of her return, she stayed and agreed to get married. She was emotionally abused many times by her mother-in-law and for this reason they constantly fought with her husband. As they lived in the region several times, she left him and went to the capital city. But then her husband and in-laws would come and take her back by promising that this would not happen again. After some time, everything repeated all over again. During one of the regular fights her then-husband slapped and then hit her on the head and said: "Do not talk rudely to my mother". She did not go to the police because she did not think that the police would somehow help her and there was no trace on her body after he hit her. After this incident, she left her husband and officially divorced him, taking children with her. After which she arrived in Bishkek from the Talas region and remains at the "Mercy Center" in Bishkek for the third day as she has nowhere else to go.

### **Third victim**

C. is a 37-year-old woman. She has 3 children, 2 sons, and one daughter. She arrived in Bishkek from the Jalal-Abad region. She has been living at the "Mercy Center" in Bishkek for four years with her daughter and works in the same center as a cook. She married her husband ten years ago when her ex-husband bride kidnapped her. Her relatives and her parents were forcing her to marry him as it was a shame to go back to her parents' house and she had to stay with him. That was considered a norm, especially in the regions. Throughout their family life, her husband used psychological and physical violence. Each time he found different reasons for insulting and

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<sup>13</sup> [Bride kidnapping](#), also known as bridenapping, marriage by abduction or marriage by capture, is a practice in which a man abducts the woman he wishes to marry.

abusing her. One time after he beat her, she went to see a doctor, and after observing bruises on her body and head, the doctor called the police even though she did not want the police to know. She refused to write a statement to the police because she was worried about the safety of the children. After a while, the husband informed her that he plans to go to Russia for work, instead he went to Bishkek and started living with another woman. Then he invited that woman to live in their house without the consent of C. and asked C. to accept this woman as a second wife. He also humiliated her and insulted her with bad words, accused her of being an abnormal person who is always sick during pregnancy and later he refused to acknowledge and take care of their third child (daughter) and accused her of having become pregnant from another man, after this incident C. left him. During the divorce process, the court gave them 6 months to think and possibly reconcile with her husband, but she officially divorced her husband. She battled the custody of 2 children in court. During the trial, her own mother pleaded against her, also C. agreed to pass the custody of one of their sons to her husband, since the court confirmed that she does not have the financial stability and means to support the son as well.



*Kyrgyz women posing. 2019. [Akipress](#).*

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