



KOÇ ÜNİVERSİTESİ

**A Study on Violence Against Women and Girls
and Its Legal and Policy Regulation
in Central Asia**

by

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*To my grandparents,
Ata, Sapar Baekov (1940 - 2015) for always encouraging me to pursue a
doctoral degree, and Apa, Cholpon Baekova for being an inspiration and
exemplifying strength and empowerment as a woman*

...

I know what domestic violence is, I saw it through the eyes of my mother. I know what bride kidnapping and “kelinism” are, I felt it through the tears of my aunts. I know what harassment is, I heard it through the voices of my female friends and sisters. This is the world in which women and girls live. I do not know a single woman in my circle who has never experienced any form of gender-based abuse in her life. During this research journey, I was delighted to meet and build an incredible network with resilient and impressive women’s rights advocates, activists, and researchers in Central Asia who are making tremendous efforts to change the landscape of gender-based violence in the region. I sincerely believe that my work, even being a slight drop in the ocean, will at least somehow influence the situation with gender-based violence in Central Asian states or, at the bare minimum, increase public awareness of this problem. This thesis is about the strong Central Asian grandmothers, mothers, daughters, sisters, the pain they experience in the face of gender-based violence, the holes in legislation and policies, inaction on the part of the authorities and the state, the indifference of society and the oppressive force of the shadowy side of neo-traditionalism.

...

ABSTRACT

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Central Asian women and girls are often subjected to various forms of abuse. Although the region has adopted related international and specialized domestic legal and policy frameworks in the field of human rights, the prevention of violence against women and girls (VAWG) is not addressed sufficiently. This dissertation aims to broadly explore the problem of gender-based violence and questions of its legal and policy regulation in the Central Asian region, particularly in these four states: Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan. To achieve this goal, the study connects the theoretical framework, historical context, forms of gendered violence, and legal and policy landscape. First, it provides an overview of the theoretical roots of the issue to facilitate understanding of what VAWG is. Second, it examines gendered violence issues specific to Central Asia by focusing on several aspects. Specifically, the discourse introduces the historical background of Central Asian women's rights with its impact on the present VAWG context and investigates whether the barriers were created by Central Asian authoritarianism to gender equality and VAWG elimination. The study then identifies forms of gender-based violence that exist in the Central Asian region. These include such common VAWG instances as domestic violence, trafficking in women, femicide, and others, followed by specific forms of VAWG prescribed by traditional practices of peoples of Central Asia, such as bride kidnapping ("kyz ala kachuu"), "kelinism" and early marriages. Third, in a comparative analysis, the progress, challenges, and outlook of the four Central Asian countries in addressing the issue of VAWG are scrutinized from legal and policy perspectives. The analysis covers aspects such as the alignment of four Central Asian states with global standards on VAWG, with an emphasis on CEDAW (particularly CEDAW's VAWG-related Recommendations) and the Beijing Declaration. Finally, the dissertation examines the question of how Central Asian countries regulate gender-based violence through a detailed examination of their domestic laws and policies related to VAWG, along with advancement and challenges in their implementation. Aside from a review of relevant literature and normative analysis of VAWG laws and policies, the research is complemented by semi-structured, in-depth interviews with experts specializing in women's rights and gender issues in Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan, who provided subsidiary practical insights into the regulation of gender-based violence in the Central Asian region.

Keywords: *violence against women and girls, legal and policy regulation, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, Central Asia.*

ÖZETÇE

Orta Asya’da Kadınlara ve Kız Çocuklarına Yönelik Şiddet ve Bunun Yasal ve Politik Düzenlemeleri Üzerine Bir Araştırma

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Hukuk Doktoru

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Orta Asya’da kadınlar ve kız çocukları sıklıkla çeşitli istismar biçimlerine maruz kalmaktadır. Bölge, insan hakları alanında ilgili uluslararası ve uzmanlaşmış ulusal nitelikli hukuksal ve politika çerçevelerini benimsemiş olsa da kadınlara ve kız çocuklarına yönelik şiddetin önlenmesi (KKÇYŞ) konusu yeterli biçimde ele alınmamıştır. Bu tez, Orta Asya bölgesinde, özellikle de şu dört ülkede, toplumsal cinsiyete dayalı şiddet sorununu ve bunun hukuksal olarak ve politika biçiminde düzenlemesine ilişkin sorunları geniş bir şekilde incelemeyi amaçlamaktadır: Kazakistan, Kırgızistan, Tacikistan ve Özbekistan. Bu amaca ulaşmak için çalışma, teorik çerçeve, tarihsel bağlam, toplumsal cinsiyete dayalı şiddet biçimleri ile hukuksal ortamı ve politika ortamını birbirine bağlamaktadır. İlk olarak, KKÇYŞ’nin ne olduğunun anlaşılmasını kolaylaştırmak için konunun kuramsal kökenlerine ilişkin genel bir bakış sunmaktadır. İkinci olarak, Orta Asya’ya özgü toplumsal cinsiyete dayalı şiddet sorunlarını çeşitli yönere odaklanarak incelemektedir. Özellikle söylem, Orta Asya kadın haklarının tarihsel bağlamını ortaya koymakta ve Orta Asya otoriterliğinin toplumsal cinsiyet eşitliği ve KKÇYŞ’nin ortadan kaldırılması önünde engeller yaratıp yaratmadığını araştırmaktadır. Çalışma daha sonra, Orta Asya bölgesinde var olan toplumsal cinsiyete dayalı şiddet biçimlerini tanımlamaktadır. Bunlar arasında aile içi şiddet, kadın ticareti, kadın cinayetleri ve diğerleri gibi yaygın KKÇYŞ örnekleri ve ardından Orta Asya halklarının geleneksel uygulamaları tarafından öngörülen gelin kaçırma (“kız ala kachuu”), “kelinizm” ve erken evlilikler gibi belirli KKÇYŞ biçimleri yer almaktadır. Üçüncü olarak, karşılaştırmalı bir analizde, dört Orta Asya ülkesinin kadına yönelik şiddet konusunu ele alma konusundaki ilerlemeleri, zorlukları ve görünümleri yasal ve politika perspektiflerinden incelenmektedir. Analiz, CEDAW (özellikle kadına yönelik şiddetle ilgili CEDAW Komitesi Tavsiye Kararları) ve Pekin Deklarasyonu’na vurgu yaparak, dört Orta Asya devletinin kadına yönelik şiddetle ilgili küresel standartlara uyumu hususlarını da kapsamaktadır. Son olarak tez, Orta Asya ülkelerinin toplumsal cinsiyete dayalı şiddeti nasıl düzenledikleri sorusunu, kadına yönelik şiddetle ilgili iç hukukları ve politikalarının yanı sıra bunların uygulanmasındaki ilerleme ve zorlukları ayrıntılı bir şekilde inceleyerek ele almaktadır. İlgili literatürün incelenmesi ve KKÇYŞ mevzuatı ve politikalarının normatif analizinin yanı sıra, araştırma, Orta Asya bölgesinde toplumsal cinsiyete dayalı şiddetin düzenlenmesine ilişkin yardımcı pratik bilgiler sağlayan Kazakistan, Kırgızistan, Tacikistan ve Özbekistan’da kadın hakları ve toplumsal cinsiyet konularında yetkinleşmiş uzmanlarla yapılan yarı yapılandırılmış derinlemesine görüşmelerle tamamlanmaktadır.

Anahtar Kelimeler: *kadınlara ve kız çocuklarına yönelik şiddet, yasal ve politik düzenleme, Kazakistan, Kırgızistan, Tacikistan, Özbekistan, Orta Asya.*

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ABBREVIATIONS

BPfA - Beijing Declaration and Platform for Action

CEDAW - Convention on the Elimination of All Forms of Discrimination Against Women

EU - European Union

ICCPR - International Covenant on Civil and Political Rights

ICESCR - International Covenant on Economic, Social and Cultural Rights

IOM - International Organization for Migration

IPV - Intimate Partner Violence

KG – Kyrgyz Republic

KZ – Republic of Kazakhstan

NGOs - Non-Governmental Organizations

OECD - Organisation for Economic Co-operation and Development

OSCE - Organization for Security and Co-operation in Europe

TJ - Republic of Tajikistan

UN - United Nations

UNDP - United Nations Development Programme

UNICEF - United Nations International Children's Emergency Fund

UNODC - United Nations Office on Drugs and Crime

USAID - United States Agency for International Development

USSR - Union of Soviet Socialist Republics

UZ - Republic of Uzbekistan

VAWG - Violence Against Women and Girls

WHO - World Health Organization

INTRODUCTION TO THE DISSERTATION

Just over half a century ago, driven by the power of women's movements and the voices of feminist legal theorists, the world awakened to the pressing urgency of gender-based violence and began to talk about this topic more openly. Nevertheless, despite the advances made in open discourse, gender-based violence against women and girls (VAWG)¹ remains as one of the most widespread and tragic paradigms of human rights violations. Women are often targeted in the most atrocious crimes as one of the utmost vulnerable groups. Being a female continues to be a considerable risk factor in many geographical areas, and Central Asia is one of the case examples where VAWG has a high level of commitment. The Central Asian region has a patriarchal social system with high respect for traditions, a tendency that has significantly increased since gaining independence, promptly affecting the position of women in these countries. As a result, Central Asian women and girls are often subjected to various forms of gender-based violence. According to the latest data from the OECD, 16 to 24% of women in Central Asia² are beaten or sexually abused, given some negative aspects of the region's existing traditionalism and socio-cultural practices that are often falsely interpreted as a matter of customs. All around the Central Asian media blares about domestic violence, bride kidnapping, and other forms of gender-based VAWG.

After gaining their independence, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, and the Republic of Uzbekistan (also Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan) began to enter the global arena dedicated to women's rights, including the Beijing Declaration and Platform for Action (BPfA, the Beijing Declaration) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This way, the countries tried to show their commitment to solving gender problems in their territories. Although, the ratification of international legal instruments has not generated concrete changes in women's rights in Central Asia. Indeed, these four Central Asian states have adopted specialized domestic legal and policy regulation, but gender-based violence in the region, on the other hand, is becoming increasingly vocal. Some states are still on track to

¹ Throughout the text of the dissertation, the terms "violence against women," "violence against women and girls," "gendered violence," "gender-based violence," "gendered abuse" and "VAWG" are used interchangeably and understood to include also abuse of girls.

² Organization for Economic Cooperation and Development, *Violence against Women*, OECD Data (2023). <https://data.oecd.org/inequality/violence-against-women.htm> (accessed 01 Dec 2023).

criminalize³ domestic violence, while others are on the path to defining sexual harassment, marital rape, and femicide as separate offenses or as aggravating factors within existing legal provisions.

Furthermore, despite the existence of a formal gender policy and mechanisms, the implementation of gender policies regarding VAWG still leaves ample room for improvement in all Central Asian states. After all, deeply rooted patriarchal views, growing religious beliefs, socio-cultural prejudices, and attitudes are widespread not only within society but also in law enforcement agencies. In many respects, patriarchal Central Asian societies assign a secondary role to a female person and do not allow women to manage their own lives. Thus, problems such as forced and early marriages, “kelinism,”⁴ domestic violence, trafficking in women, and other forms of gender-discriminatory phenomena still emerge in the region.

Literature Review and Contribution

The topic of gender-based violence in Central Asia is rather extensive, given the various forms in which it can manifest, as well as the fact that the region comprises several states with different legal and policy frameworks. At the same time, all four states share some common cultural and historical backgrounds, which influence the general understanding and attitude toward the problem and paint an overall picture of gender-based violence in the region. Therefore, academic and non-academic sources on gender-based violence in Central Asia are both diverse and narrow in their focus. Namely, the literature review showed a comprehensive picture of gender-based violence research in Central Asia, including sociological, ethnographic,

³ Across the text of the dissertation, the term “criminalization” or “to criminalize” is used to refer to the adoption of laws or separate legal article that declare specific forms of VAWG as criminal offenses and impose criminal liability on perpetrators, potentially resulting in fines, imprisonment, or other punitive measures under criminal legislation. The concept may also include adding gender-based violence as an aggravating factor in existing criminal laws or provisions (e.g. femicide can be recognized as a severe form of murder, with the murder of a woman included as an aggravating factor of the “Murder” provision) to highlight the gender aspect of the severity of such crimes and ensure harsher penalties. (see e.g. Yuriy Bytko, *Kriminalizatsiya kak vazhneyshaya sostavlyayushchaya ugolovnoy politiki*, 6 Vestnik Saratovskoy Gosudarstvennoy Yuridicheskoy Akademii 113 (2016). <https://cyberleninka.ru/article/n/kriminalizatsiya-kak-vazhneyshaya-sostavlyayushchaya-ugolovnoy-politiki/viewer>; Victor Tadros, *Criminalization and Regulation*, Warwick School of Law Research Paper No. 2009/08 (2009), R.A. Duff, L. Farmer, S.E. Marshall, M. Renzo, and V. Tadros, *Boundaries Of The Criminal Law*, Oxford: OUP (Forthcoming). <http://dx.doi.org/10.2139/ssrn.1521557>; Academic, *Kriminalizatsiya*. <https://dic.academic.ru/dic.nsf/ruwiki/988545>; Vocabulary.com Dictionary, s.v. “criminalization.” <https://www.vocabulary.com/dictionary/criminalization> (accessed 10 Dec, 2023)).

⁴ “Kelinism” phenomenon has no generally accepted definition. The author uses this term throughout the text as a designation of inequality in the relationship between the bride and the mother-in-law. In the Central Asian media and women’s rights activist circles, this term is also referred to as “kelinizatsia”.

psychological, and medical aspects, along with a detailed exploration of civil society engagement and specific forms of VAWG in the region.

Specifically, previous studies on VAWG in Central Asia have widely concentrated on understanding the sociological dimensions of this problem. Researchers in the Central Asian region, such as Childress and others, have conducted a number of social surveys with victims of domestic violence, examining relationships associated with intimate partner violence (IPV), barriers to seeking help among victims, etc.⁵ Among others, in Tajikistan, Zainiddinov's research investigates women's attitudes toward IPV, examining contextual factors, including media access and interview context, alongside sociodemographic influences.⁶ An additional example of sociological research on gendered violence in Kyrgyzstan is found in the work of Turdalieva and Edling. The authors explore the aspect of gendered mobilities and social exclusion on public transport in Bishkek, the capital of Kyrgyzstan, explicitly addressing the issue of sexual harassment on marshrutkas, contributing to discussions on gender inequality and social exclusion in women's mobility in Bishkek.⁷

Often, the term "gender" in Central Asian societies goes hand in hand with cultural practices; thus, the problem of VAWG in the region has been extensively researched through the prism of its deep-rooted connection to traditional contexts. Scholars in the region have examined the ethnographic history and perspectives, analyzing how cultural nuances and traditional and customary attitudes in Central Asian societies, taken to their extreme, contribute to the emergence and perpetuation of gender-based violence.⁸ Specifically, Childress' study examines the cultural foundations about domestic violence in Kyrgyzstan, where the author stresses the role of patriarchal norms and the fear of shame as key factors justifying and perpetuating such violence. The results of her research showed that domestic violence in Kyrgyzstan is maintained by a strong interplay of cultural elements, such as patriarchal customs, societal pressure on

⁵ See Manisha Joshi & Saltanat Childress, *A National Survey of Attitudes Toward Intimate Partner Violence among Married Women in Kazakhstan, Kyrgyzstan, and Tajikistan: Implications for Health Prevention and Intervention*, 56 Soc. Work Health C. 294 (2017), DOI:10.1080/00981389.2016.1268660; Saltanat Childress, Subadra Panchanadeswaran, Manisha Joshi, *Leaving and Beyond: Voices of Survivors of Domestic Violence From Kyrgyzstan*, 36 J. Interpers. Violence 1718 (2021), doi:10.1177/0886260517743550; see also Rostovskaya Tamara et al., *Profilaktika Nasiliya kak Faktor Bezopasnosti Sem'i: Rossiyskiy i Kazakhstanskiy Opyt*, 1 Zhenshchina v Rossiyskom Obshchestve 78 (2018), DOI: 10.21064/WinRS.2018.1.7.

⁶ See Hakim Zainiddinov, *Contextual Factors Associated With Women's Attitudes Toward Intimate Partner Violence in Tajikistan: Findings From the 2012 and 2017 Demographic and Health Surveys*, 29 Viol. Women 112 (2023), doi:10.1177/10778012221079371.

⁷ See Cholpon Turdalieva & Christopher Edling, *Women's Mobility and 'transport-related Social Exclusion in Bishkek*, 4 Mob. 535 (2018). <https://doi.org/10.1080/17450101.2017.1388348>.

⁸ See Lori Handrahan, *Hunting for Women*, 2 Intl. Feminist J. Politics 207 (2004). DOI: 10.1080/1461674042000211308; Mohira Suyarkulova, *Fashioning the Nation: Gender and Politics of Dress in Contemporary Kyrgyzstan*, 2 Nat. Papers 247 (2016). DOI: 10.1080/00905992.2016.1145200.

women “to save marriage,” the stigma around divorce, the low status attributed to women, as well as normalization of violence and fear of retribution.⁹ In parallel, another of Childress’ articles, presented as a meta-summary of a systematic literature review, highlights different cross-cultural understandings of the concept of gendered abuse and the corresponding responses to it among women victims. The author also points out the lack of research on domestic VAWG in Central Asia and the former Soviet Union, emphasizing the need for further research in the region.¹⁰ In her turn, the interconnection between gendered violence and virginity in Kyrgyzstan is explored by Kim. The latter investigates how the gendered understanding of ethno-national identity influences social behavior and public discourse. In particular, the study analyzes the glorification of young women’s premarital virginity and its socio-political significance. Kim draws the link between violence and female virginity practices and indicates how the idealization of virginity contributes to extreme forms of violence, such as physical and sexual abuse, torture, forced marriage, and public humiliation.

Further, the conflict between cultural and legal norms is underscored in Lundberg’s study, emphasizing that addressing cultural practices, like bride kidnapping in Kyrgyzstan, requires more than just a change in the law.¹¹ Additionally, Cleuziou and Drenberger discuss the interrelations between gender and nation in the national ideology promoted by the state in the context of political transition in Central Asia. The scholars noted that nationalist movements in Central Asia have been associated with VAWG, which do not conform to traditional gender norms, particularly about clothing and appearance. These movements are often justified as nationalist activism and are tolerated by authorities.¹²

A particular part of the research is devoted to the view of VAWG in Central Asian countries through the prism of psychology and medical sciences, where the researchers tried to study the psychological profile of gender-based violence victims, how crisis centers can adversely affect victims’ help-seeking and explore the connection between health and violence. For example, Makhadieva et al. present a personal profile of women experiencing domestic violence in Kazakhstan and note their tendency to limit contact with the environment, thereby underscoring

⁹ Saltanat Childress et al., *The Role of Culture in the Justification and Perpetuation of Domestic Violence: The Perspectives of Service Providers in Kyrgyzstan*, *Viol. Women* 1 (2023). DOI: 10.1177/10778012231186814.

¹⁰ Saltanat Childress, *A Meta-summary of Qualitative Findings on the Lived Experience Among Culturally Diverse Domestic Violence Survivors*, 9 *Issues in Mental Health Nursing* 693 (2013). <https://doi.org/10.3109/01612840.2013.791735>.

¹¹ Alexandria M. Lundberg, *Prosecuting Bride Kidnapping: The Law Isn’t Enough. Aligning Cultural Norms with the Law*, 53 *Case W. Res. J. Int. Law* 475 (2021).

¹² Juliette Cleuziou & Lucia Drenberger, *Gender and Nation in Post-Soviet Central Asia: From National Narratives to Women’s Practices*, 44 *Nat. Papers* 195 (2016), DOI: 10.1080/00905992.2015.1082997.

their robust self-protection mechanisms. The results displayed that the level of depression, trait anxiety, symptoms of post-traumatic stress, as well as indicators of paranoia and schizophrenia were higher than usual.¹³ The research of Joshi and Childress focused on attitudes toward IPV among married women in Kazakhstan, Kyrgyzstan, and Tajikistan and its implications for prevention and health interventions.¹⁴ Within the realm of women's health research, there is relatively limited analysis of VAWG in the region, covering the topics of gynecology and preventive health. For example, Kosterina et al. found an association between gender-based violence and increased gynecological symptoms, thereby underlining the mediating role of health problems in Kyrgyzstan. In other words, their study stressed the impact of violence on women's health, along with the influence of ambivalent sexism and the mediating influence of health problems.¹⁵

Another significant collection of the literature offers a comprehensive analysis of the activities of women's rights civil society organizations and crisis centers in Central Asia, with particular attention to their role in the fight against VAWG. These studies cover various aspects, such as the challenges faced by gender activism, women's movements, organizational dynamics, and the functions of crisis centers. Moreover, they mention the implications of the globalization of gender politics for women's organizations and the challenges in interaction between state and civil society in Central Asia, followed by an overview of the multifaceted landscape of women's organizations and their work against VAWG in the region. However, while much of this literature highlights the challenges faced by women's non-governmental organizations (NGOs) and crisis centers, it also notes the influence of global frameworks on local practices in the region. For example, some scholars have examined the implications of the globalization of gender politics for local women's organizations in Kyrgyzstan and Tajikistan. In particular, they explore the diverse forms of women's organizing that are affected by changing gender roles and access to donor-organized resources while observing the challenges and opportunities they face.¹⁶

¹³ Assem Makhadiyeva et al., *Personal Profile of Women Subjected to Domestic Violence in Kazakhstan*, 9 J. Adv. Pharm. Educ. Res. 108 (2019).

¹⁴ Joshi & Childress, *see supra* note 5.

¹⁵ Elena Kosterina, Sharon G. Horne & Sharon Lamb, *The Role of Gender-based Violence, Health Worries, and Ambivalent Sexism in the Development of Women's Gynecological Symptoms*, 26 J. Health Psychol. 567 (2021). <https://doi.org/10.1177/1359105318825292>.

¹⁶ See Meghan Simpson, *Local Strategies in Globalizing Gender Politics: Women's Organizing in Kyrgyzstan and Tajikistan*, 26 J. Muslim Minor. Aff. 9 (2006). <https://doi.org/10.1080/13602000600738608>; Joanna Hoare, *Doing Gender Activism in a Donor-Organized Framework: Constraints and Opportunities in Kyrgyzstan*, 44 Nat. Papers 281 (2016). DOI:10.1080/00905992.2015.1007344.

In other instances, different studies explore women's organizing in Central Asian states in the fight against domestic violence. As an example, Snajdr's work discusses the emergence of women's NGOs in Kazakhstan that address various issues faced by women in Kazakhstan, including domestic violence. Similarly to the works mentioned above, the study stresses the unpredictable factors influencing activism, such as local and international dynamics and resource constraints. The author also notes his observation that local collaboration may not lead to long-term structural changes in domestic violence policies, offering insight into the complexity and challenges faced by movements in post-communist states such as Kazakhstan.¹⁷ Yet, Snajdr's work resonates with the findings of Knox and Yessimova, who discuss state-society relations in Kazakhstan, showing equivocal evidence of partnerships between NGOs and the government. Additionally, Horne et al. discussed the experiences of Uzbek women therapists and counselors combatting VAWG through NGO involvement. Specifically, the researchers explore themes like early interactions leading to leadership roles, motivation for NGOs' work, struggles in establishing crisis centers, and views on Western feminism.¹⁸ The latter work aligns with Kim's examination of Kyrgyzstan's crisis centers, which explores contradictions and challenges in addressing gender violence. The study also emphasizes the global influence on women's human rights protection and international standards of practice.¹⁹ Now, the following compilation of academic sources focuses mainly on narrow aspects such as domestic violence in Central Asian states; some sources discuss the issue of bride kidnapping in Kyrgyzstan, and only a few cover "kelinism," early marriages, or trafficking in women. Notwithstanding that, given the newly emerging debates on gender-based violence in the digital space, there are minimal sources in four states addressing the new area of cyber VAWG. A big part of the scholarly works comprises studies focused on domestic violence in Central Asia, shedding light on cultural barriers, coping mechanisms, help-seeking behaviors, and sociodemographic predictors. Take, for example, Childress' studies, which are devoted to cultural and social barriers that deter domestic violence survivors from seeking help in Kyrgyzstan. Her work identified deep-rooted cultural traditions and social norms, including the social construction of marriage, the stigma associated with divorce, and the vulnerable status

¹⁷ Edward Snajdr, *Balancing Acts: Women's NGOs Combating Domestic Violence in Kazakhstan*, In: Fabian, Katalin (eds.), *Domestic Violence in Postcommunist States: Local Activism, National Policies, and Global Forces* (Indiana University Press, 2010).

¹⁸ Sharon G. Horne et al., *Not Staying Home: The Experience of Uzbek Women Crisis Counselors and Therapists*, 32 *Women & Ther.* 317 (2009). DOI: 10.1080/02703140903153344.

¹⁹ Elena Kim, *The Global Ruling of Local Crisis Intervention: An Institutional Ethnography of Anti-violence Work in Kyrgyzstan*, 28 *Viol. Women* 593 (2021). <https://doi.org/10.1177/1077801220985933>.

of daughters-in-law (“kelins”).²⁰ Furthermore, the author contributes to the discussion surrounding the challenges of departing from abusive relationships and the obstacles hindering the pursuit of assistance.²¹ In a parallel exploration, Childress provides insights into the coping strategies embraced by women survivors of domestic violence in Kyrgyzstan. The study unveils a grounded theory of coping, emphasizing the dual strategies of maintaining the status quo and developing agency to resist abuse. It emphasizes the pivotal role of governmental and non-governmental entities in fortifying formal violence prevention services. The study’s recommendations include the necessity for professional support at diverse levels and advocacy for problem-focused strategies within therapeutic interventions.²² Another paper addresses a similar theme to the works of Childress, exploring women’s responses to spousal violence. It meticulously explores the factors that influence their choices – whether to seek help, retaliate physically, or resort to divorce.²³ Meanwhile, the study of Zainiddinov utilized data from the 2012 and 2017 Tajikistan Demographic and Health Surveys, focusing on media access, interview settings, and sociodemographic predictors of IPV justification attitudes among women aged 15–49. The results of this study painted an interesting picture, showing that people with radio access tend to justify IPV. In contrast, those with access to newspapers and television showed a different trend, emphasizing the critical role of contextual factors in shaping effective IPV intervention policies.²⁴

Some works dived deeper into aspects of domestic violence theme, particularly amid the global upheaval caused by the COVID-19 pandemic. On this point, Central Asian researchers have examined the impact of the pandemic on the level of domestic violence, shedding light on how lockdowns, social distancing measures, and economic strains have further intensified existing vulnerabilities, particularly for women and marginalized communities. Akisheva’s research, for instance, focuses on increased domestic VAWG in Kyrgyzstan during the COVID-19 lockdown, taking a closer look at the country’s legal and policy framework and followed by assessing the effectiveness of measures in response to heightened levels of abuse. Additionally, the study explores the government’s action, crisis centers’ effectiveness, and the impact on

²⁰ Saltanat Childress, *Plates and Dishes Smash; Married Couples Clash: Cultural and Social Barriers to Help-seeking Among Women Domestic Violence Survivors in Kyrgyzstan*, 24 *Viol. Women* 775 (April 2, 2018). <https://doi.org/10.1177/1077801217722239>.

²¹ Childress et al., *see supra* note 5.

²² Saltanat Childress, Deborah Gioia & Jacquelyn C. Campbell, *Women’s strategies for coping with the impacts of domestic violence in Kyrgyzstan: A grounded theory study*, 57 *Soc. Work Health Care* 164 (2018). DOI: 10.1080/00981389.2017.1412379.

²³ Jildyz Urbaeva, Jinhee Koo & Saltanat Childress, *When Families Fail: Women’s Responses to Spousal Violence in Central Asia*, 45 *Soc. Work Res.* 306 (2021). <https://doi.org/10.1093/swr/svab017>.

²⁴ *See supra* note 6.

women's access to justice and healthcare during quarantine. Thus, the study highlighted both the obstacles and positive practices in navigating these challenges. Moreover, the author emphasized that while a 2017 domestic violence law exists in Kyrgyzstan, crisis centers faced different limitations, such as limited finance and human resources, supported by no decline in the domestic violence curve. Finally, vulnerable groups suffered due to traditional structures and economic consequences, especially in rural areas.²⁵ Overall, the author's works advocate for comprehensive measures, which include legal reforms and increased support for NGOs combatting domestic violence in Kyrgyzstan. In parallel, Dzardanova and Uralova's policy paper also examines the impact of COVID-19 on responses to VAWG in two countries, Kyrgyzstan and Uzbekistan. The study exposes challenges ranging from lockdown restrictions and limited state capacity to political will, gender-discriminatory legislation, and inadequate violence prevention systems. The authors emphasized that despite government measures in Uzbekistan, coordination has stalled due to organizational changes. In turn, Kyrgyzstan faced additional obstacles caused by political turbulence and the economic crisis, the study noted.²⁶

Furthermore, considering the evolving nature of the digital era, limited academic and non-academic articles examined the growing issue of cyber VAWG in Central Asia. Mainly, Arystanbek's research sheds light on how standards of hegemonic femininity are used to regulate women's bodies, specifically in the online space, upholding national culture and normalizing violence against those who do not conform to established norms. In other words, the study contributes to the understanding of modern Kazakh nationalism from a critical gendered perspective, emphasizing the intersection of discourses about Kazakh women with issues of sexual violence and the weaponization of their bodies in the digital environment.²⁷ In its turn, another article examines the topic of cyber VAWG in Central Asia, highlighting legal gaps and challenges. It cites several examples of online abuse against women, including girls, emphasizing the lack of specific laws addressing gender-based cyberviolence in the region. The author proposed filling these legal gaps, recognizing the digital dimension of VAWG on the legal level, and raising general awareness about online safety and digital rights.²⁸

²⁵ Asylai Akisheva, *Die »Verborgene Pandemie«: Häusliche Gewalt gegen Frauen in Kirgistan, Zentralasien-Analysen*, Ausgabe 146 (2021). <https://doi.org/10.31205/ZA.146.01>.

²⁶ Svetlana Dzardanova & Niginakhon Uralova, *Covid-19 and the Gender-based Violence Pandemic in Central Asia: Assessing Response Measures of the State, Civil Society, and International Actors in Kyrgyzstan and Uzbekistan*, Institut für Europäische Politik (IEP) (2022). <https://iep-berlin.de/en/projects/enlargement-neighborhood-and-central-asia/eurasia/studie-gbv/>.

²⁷ Aizada Arystanbek, "Can You Beat Your Wife, Yes or No?": *A Study of Hegemonic Femininity in Kazakhstan's Online Discourses*, 39 East Eur. Polit. 301 (2023). DOI: 10.1080/21599165.2021.2024516.

²⁸ Asylai Akisheva, *Perspectives: Cyberviolence is a Curse For Women In Central Asia*, Eurasianet (2022). <https://eurasianet.org/perspectives-cyberviolence-is-a-curse-for-women-in-central-asia> (accessed 17 Feb, 2022).

Following studies on domestic violence, an extensive set of research is dedicated to the exploration of the issue of “kyz ala kachuu” or “ala kachuu” (bride kidnapping), mainly in Kyrgyzstan. In the collision of these articles, this practice is analyzed from different points of view, exploring its origin, cultural specificity, and ways of connecting with the socio-cultural landscape of the Kyrgyz people. Namely, they stressed the intersection of “ala kachuu” with gender and violence, as well as economic and ecological aspects, pointing to the multifaceted nature of this complex phenomenon.²⁹ Kleinbach, together with other researchers, has conducted several studies that deal in detail with the practice of bride abduction in Kyrgyzstan. One of his studies discusses the position of the Kyrgyz “adat” (traditional customary law) on the practice of non-consensual “kyz ala kachuu” in Kyrgyzstan. Moreover, the author provides evidence that non-consensual abduction was not a widespread or approved tradition in ancient times.³⁰ Another article by Kleinbach and Babayarova provides an overview of the current context and research on bride kidnapping in Kyrgyzstan, from consensual elopement to forcible abduction and rape. The authors describe a program that has shown promise in preventing bride abduction and has been tested in two studies — one in small villages and one in Karakol, a city in eastern Kyrgyzstan. However, the program and study were conducted in 2008-2012, and to this day, it is unclear whether the program is still in effect; moreover, as explained below, bride kidnappings still occur in the country.³¹ In parallel to Kleinbach, Handrahan also discussed the topic of bride kidnapping in Kyrgyzstan in her studies, highlighting diverse forms and human rights implications of this practice. The author mentioned that while some instances are based on mutual consent, the majority of “ala kachuu” cases involve non-consensual kidnapping, often accompanied by violence and rape.³² Handrahan also explores the links between ethnic identity, violence, and gender, revealing a strong correlation between kidnapping and Kyrgyz ethnicity. Yet, her study draws on emerging feminist research and established work on fraternity and violence to illuminate this overlooked aspect of ethnic identity, particularly in the context

²⁹ See e.g. G. Reza Arabsheibani et al., *A Note on Bride Kidnapping and Labour Supply Behaviour of Kyrgyz Women*, 45 Econ. Syst. (2021), <https://doi.org/10.1016/J.ECOSYS.2021.100885>; Elena Kim & Frank G. Kariotis, *Bound to Be Grooms: The Imbrication of Economy, Ecology, and Bride Kidnapping in Kyrgyzstan*, 28 J. of Fem. Geogr. (2021), <https://doi.org/10.1080/0966369X.2020.1829561>.

³⁰ See Russell Kleinbach & Lilly Salimjanova, *Kyz Ala Kachuu and Adat: Non-consensual Bride Kidnapping and Tradition in Kyrgyzstan*, 26 Cent. Asian Surv. 217 (2007), <https://doi.org/10.1080/02634930701517466>; Russell Kleinbach, Mehriyul Ablezova & Medina Aitieva, *Kidnapping for Marriage (ala Kachuu) in a Kyrgyz Village*, 24 Cent. Asian Surv. 191 (2005), <https://doi.org/10.1080/02634930500155138>.

³¹ Russell Kleinbach & Gazbubu Babayarova, *Reducing Non-Consensual Bride Kidnapping In Kyrgyzstan*, 1 Euras. J. Soc. Scien. 50 (2013).

³² Lori Handrahan, *Implications of International Human Rights Law and Bride Kidnapping in Kyrgyzstan*, XVI Praxis, The Fletcher J. Dev. Stud. 97 (2000).

of violent ethnic conflict.³³ In their turn, other authors have examined the abduction of the bride from even different perspectives. For example, Lundberg argues for more effective legal measures in Kyrgyzstan to protect women at risk and suggests aligning cultural norms with the law.³⁴ Borbieva's work looks at this practice and shows that it both supports and undermines existing systems of oppression, acting as a powerful driver of social change.³⁵ Finally, Werner contributes to the discussion by presenting different perspectives on kyz "ala kachuu" in post-Soviet Eurasia. She emphasizes the need for further research to examine the experiences of participants and the links to other forms of gender-based violence.³⁶

Only a few studies deal with the "kelin" (daughter-in-law) concept while always emphasizing her subordinate status and rights in Central Asian societies. Notably, Kudaibergenova provided an ethnographic overview of the position of young married "kelins" in contemporary Kazakhstan. The author explored the re-traditionalization of kelin status in Kazakhstan amidst rapid globalization, analyzing how daughters-in-law perpetuate their marginalization within the familial sphere.³⁷ Similarly, Zhussipbek and Nagayeva discussed the family position and social status of kelins in 'traditional' Central Asian families, characterizing them as low, subservient, and marginalized.³⁸ Other studies also mention kelins and repeatedly point to the connection between the subordinate position of the daughter-in-law, domestic family violence, and bride kidnapping. Kleinbach and Babaiarova, in the article mentioned above on bride abduction, stressed the role of daughters-in-law in Kyrgyzstan, who are expected to serve their mother-in-law and other family members in oppressive or abusive relationships as servants. The paper also mentions that young women often avoid this role to find education and work in urban areas.³⁹ For their part, Molchanova et al. also referred to kelin in the context of discussing the

³³ *Supra* note 8.

³⁴ Alexandria M. Lundberg, *Prosecuting Bride Kidnapping: The Law Isn't Enough; Aligning Cultural Norms With The Law*, 53 Case W. Res. J. Int'l L. 475 (2021). <https://scholarlycommons.law.case.edu/jil/vol53/iss1/16>.

³⁵ Noor O'Neill Borbieva, *Kidnapping Women: Discourses of Emotion and Social Change in the Kyrgyz Republic*, 85 Anthro Quart. 141 (2012). <https://www.jstor.org/stable/41427091>.

³⁶ Cynthia Werner et al., *Bride Kidnapping in Post-soviet Eurasia: A Roundtable Discussion*, 37 Cent. Asian Surv. 582 (2018). <https://doi.org/10.1080/02634937.2018.1511519>.

³⁷ Diana T. Kudaibergenova, *Project Kelin Marriage, Women, and Re-Traditionalization in Post-Soviet Kazakhstan*, In: Mehrangiz Najafizadeh & Linda Lindsey (Eds.), *Women of Asia: Globalization, Development, and Gender Equity* (Routledge, 2018). <https://doi.org/10.4324/9781315458458>.

³⁸ Galym Zhussipbek & Zhanar Nagayeva, *Human Rights of Daughters-in-law (kelins) in Central Asia: Harmful Traditional Practices and Structural Oppression*, 40 Cent. Asian Surv. 222 (2021). <https://doi.org/10.1080/02634937.2020.1850423>; see also *supra* note 20.

³⁹ See *supra* note 31.

“oorukchal kelin syndrome,” which describes the symptoms of daughters-in-law who have been exposed to violence and abuse in their families.⁴⁰

While speaking about early marriage as an example of gender-based violence, the literature on this topic in Central Asia highlights a knotty interaction between socio-cultural dynamics and legislative measures. Agadjanian’s and Makarova’s research on Uzbekistan explores the factors that influence marriage dynamics in the post-Soviet era. The study showed that despite a century-long increase in the age of marriage since independence in 1991, early marriage persists, especially in rural areas, demonstrating the impact of the country’s recent history on demographic trends. In turn, residents of Tashkent, the capital city, marry later, and education becomes an essential factor that corresponds to the expectations of modernization theory.⁴¹ Similarly, the study of Baltabaeva talks about social factors aimed at preventing early marriage and premature birth in Uzbek families,⁴² while Muratova stresses the negative consequences of early marriages and explains the historical periods of the age of marriage.⁴³ Kim’s research on child marriage in Kyrgyzstan underlines the concerning increase in child marriage rates in the country since 1991 and emphasizes the need for targeted interventions. In addition, the paper examines the institutional processes in dealing with child marriage in Kyrgyzstan, focusing on state-funded secondary education institutions and their management strategies in dealing with cases of child marriage.⁴⁴ Further, on child marriages in Tajikistan, Bakhtibekova examines the increasing trend towards early marriage of girls in the state. She attributes it to limited socio-economic opportunities and emphasizes the strategic role of marriage in ensuring the economic and social stability of girls in the patriarchal context of the country.⁴⁵

When it comes to analyzing trafficking in women in the context of Central Asia, most of the papers reviewed address the broader topic of human trafficking in Central Asia, with only a few

⁴⁰ Elena Molchanova et al., *Hybridized Indigenous Healing in the Kyrgyz Republic: Helping Survivors of Violence*, 41 *Wom. & Therapy* 69, 81 (2018). <https://doi.org/10.1080/02703149.2017.1324187>

⁴¹ Victor Agadjanian & Ekaterina Makarova, *From Soviet Modernization to Post-Soviet Transformation: Understanding Marriage and Fertility Dynamics in Uzbekistan*, 34 *Dev.&Change* 447 (2003). <https://doi.org/10.1111/1467-7660.00314>.

⁴² Manzurakhon Baltabaeva, *Social Factors in the Prevention of Early Marriage and Premature Childbirth in Uzbek Families (on the Example of the Fergana Valley)*, 27 *J. Contem Issues Bus. Gov.* 1515 (2021). <https://doi.org/10.47750/CIBG.2021.27.03.202>.

⁴³ Shoista Muratova, *Marriage Age and Negative Consequences Of Early Marriage*, 2 *Eur. Schol. J.* 27 (2021).

⁴⁴ Elena Kim, *Child Marriage In Kyrgyzstan: Exploring Institutional Ambivalences In Constructing The “Victim”*, 25 *Emerald Publ. Ltd.* 171 (2020). <https://doi.org/10.1108/S1537-466120190000025010>.

⁴⁵ Zulfiya Bakhtibekova, *Early Girls’ Marriage in Tajikistan: Causes and Continuity* (2014)(Ph.D. diss., University of Exeter)(ProQuest).

focusing specifically on the victim as a woman or girl.⁴⁶ In addition, the available sources primarily consist of reports or media articles rather than academic studies.⁴⁷ In contrast, Sulaimanova's research is one of the few studies that focus explicitly on the issue of trafficking in women and girls in Central Asia and mentions it as a modern form of slavery and a global criminal enterprise after the dissolution of the Soviet Union. Also, the author cites poverty and unemployment as causes and proposes solutions such as job creation, improved law enforcement, anti-corruption measures, information campaigns, and support for victims.⁴⁸ In addition, in her study, Jackson mentions the increase in the trafficking of women and children for prostitution and sexual exploitation in Central Asia after its independence. The author connected this problem with the consequences of the collapse of the Soviet Union, which mainly affected women who lost the social protection system. The paper also highlights the unregulated sex industry targeting women from various regions, including Central Asia. Jackson outlines that recruitment methods in such cases include friends, family, and advertising, primarily targeting financially vulnerable young women.⁴⁹ In parallel, Marat's work, which primarily focused on labor migration in Central Asia, also points to the issue of trafficking in women, impacted by the vulnerability of young women to exploitation in prostitution and forced labor.⁵⁰

As can be seen, most of the above sources examine gender-based violence in Central Asia from different angles, although they do not specifically cover the topic of legal and political regulation of gender-based violence in the region. Accordingly, compared to the areas of research mentioned above, a circumscribed number of academic sources with the inclusion of normative frameworks and policy aspects of VAWG in the Central Asian region are available. Most academic articles dealing with gender-based violence in the region (or one of the states)

⁴⁶ Mohamed Y. Mattar, *State Responsibilities in Combating Trafficking in Persons in Central Asia*, 27 *Loyola of Los Angeles Intl. and Com Law Rev.* 145 (2005); Nicole J. Jackson, *International Organizations, Security Dichotomies and the Trafficking of Persons and Narcotics in Post-Soviet Central Asia: A Critique of the Securitization Framework*, 37 *Sec. Dial.* 299 (2006). DOI: 10.1177/0967010606069062; Liz Kelly, *A Conducive Context: Trafficking Of Persons In Central Asia*, In: Maggy Lee, *Human Trafficking* (Willan Publishing 2007).

⁴⁷ See e.g. International Organization for Migration, *Deceived Migrants from Tajikistan: A Study of Trafficking in Women and Children* (2001); Zhamilya Zhakypbekova, *Zhenshchiny Na Prodazhu: Kak Devushki Iz Kyrgyzstana Popadayut V Seksualnoe Rabstvo*, KNEWS (2018). <https://knews.kg/2018/01/10/zhenshhiny-na-prodazhu-kak-devushki-iz-kyrgyzstana-popadayut-v-seksualnoe-rabstvo/> (accessed 14 Jan 2022).

⁴⁸ Saltanat Sulaimanova, *Migration Trends in Central Asia and the Case of Trafficking of Women*, In: Dan Burghart and Theresa Sabonis-Helf (eds.), *the Tracks of Tamerlane: Central Asia's Path to the 21st Century*, (NDU, 2004). https://www.auca.kg/uploads/Migration_Database/MigrationTrendsInCentral,%20Women%20Trafficking,%20Sulaimanova.pdf.

⁴⁹ Jackson, see *supra* note 43.

⁵⁰ Erica Marat, *Labor Migration in Central Asia: Implications of the Global Economic Crisis*, Silk Road Paper, Central Asia-Caucasus Institute & Silk Road Studies Program (2009). https://www.isdeu/content/uploads/images/stories/isdp-main-pdf/2009_marat_labor-migration-in-central-asia.pdf

from a legal perspective focus primarily on only a few forms of VAWG. Namely, these works concentrate on the problem of domestic violence and bride kidnapping and propose legal measures to combat them. For example, Handrahan discussed the issue of bride kidnapping in Kyrgyzstan through the lens of international human rights law and called on the government to adhere to its commitments.⁵¹ For their part, the studies on domestic violence illustrate the transformation of domestic violence from a private matter into a more public problem. In particular, Tugelbaeva evaluates the effectiveness of using a temporary protection order as an emergency measure in Kyrgyzstan.⁵² In a similar vein, the need for adequate legal regulation to combat violence against relatives or close friends to ensure adequate protection of victims and appropriate punishment of perpetrators is emphasized in Kozhogeldieva's work.⁵³ Concurrently, Zhetpisov and Alibaeva, in their research on the topic of the crime situation in Kazakhstan, analyze general crimes against women and advocate for changing ideas about such offenses, emphasizing legislative problems and inconsistencies in the country's legal framework.⁵⁴ While it is evident that the existing studies mainly focus on the legal implications of domestic violence or bride kidnapping, there is a notable lack of academic sources dealing with other instances of gender-based violence and their legal or policy implications in the states under discussion. Most normative and policy studies on gender-based violence in Central Asia

⁵¹ See *supra* note 32.

⁵² See Bermet Tugelbaeva, *O Protivodeystvii Nasiliu v Sem'e v Kyrgyzstane*, 3 *Semeinaya Kriminologiya* 50 (2018).

⁵³ Meerim Kozhogeldiyeva, *Nasilie Kak Forma Semeinogo Konflikta*, *Psikhologicheskie Nauki* (2016). <https://cyberleninka.ru/article/n/nasilie-kak-forma-semeynogo-konflikta/viewer>.

⁵⁴ Serik Zhetpisov & Gulnar Alibaeva, *Violence Against Women In Modern Kazakhstan Society: Overview Of The Situation And Legislation*, 31 *Vestn. Volgograd. gos. un-ta. Ser. 5, Yurisprud* 15 (2016).

are based on reports of international or regional organizations⁵⁵ or NGOs⁵⁶, as well as other sources, such as online media platforms.⁵⁷

With all the above in mind, it is observed that most of the research focuses on narrow areas, such as sociological analysis of survivors, mental or physical health of victims of gender violence, ethnographic perspectives on VAWG in a cultural context, discussions on the activities of women's organizing, or analysis of specific forms of gendered violence in Central Asian states. At the same time, elements of comprehensive legal and policy consideration of the problem in the region remain nearly disregarded in an academic space. Accordingly, the limited progress in discussing VAWG in the Central Asian region from a legal or policy perspective is noticed today, necessitating the expansion of additional views on the topic. Furthermore, essentially minimal sources discuss the alignment of the domestic legislation of Central Asian republics with the VAWG-related international legal framework.⁵⁸ Lastly, most sources focus on one specific form of violence or a specific country but do not cover the entire region on this topic. Thus, a comparative analysis of four states jointly on this topic is also necessary.

This research will complement existing studies and address literature gaps with legal and policy considerations of the issue under discussion. In other words, this region-specific, comparative study will contribute with a combination of legal and policy analysis and considerations of the forms of VAWG in four Central Asian states, considering both comparable and specific forms

⁵⁵ EU & UN, *Skol'ko stoit nasilie v sem'e? Itogovyy dokument po rezul'tatam issledovatel'skogo proekta "Operationalising Good Governance for Social Justice"* (2012), 7. <https://www.undp.org/content/dam/kyrgyzstan/Publications/gender/UNDP-kgz-How-much-violence-in-a-family-costs.pdf> (accessed 10 April 2022); OSCE, *Prinosya bezopasnost' domoy: bor'ba s nasiliyem v otnoshenii zhenshchin v regione OBSE. Sbornik primerov khoroshego opyta* (2009). <https://www.osce.org/ru/gender/37439?download=true> (accessed 25 Jan 2022); UN Women and UNFPA, *Otchet po rezul'tatam issledovaniya Vliyanie COVID-19 na polozhenie zhenshchin i muzhchin v Kyrgyzskoy Respublike* (2020). https://kyrgyzstan.un.org/sites/default/files/2020-06/RUS_Gender%20Rapid%20Assessment%20of%20COVID-19%20impact_May%202020_final.pdf (accessed 6 Feb 2022).

⁵⁶ Human Rights Watch, *"Call Me When He Tries to Kill You": State Response to Domestic Violence in Kyrgyzstan*, Report (October 28, 2015). <https://www.hrw.org/report/2015/10/28/call-me-when-he-tries-kill-you/state-response-domestic-violence-kyrgyzstan>; Human Rights Watch, *Kyrgyzstan: Events of 2019*, Report (2020). <https://www.hrw.org/ru/world-report/2020/country-chapters/336556#06151d> (accessed 6 Feb 2022); see also *supra* note 26.

⁵⁷ See e.g. IATs "Kabar," *Rannye braki v Kyrgyzstane prichiny i sledstviya* (2018). <http://kabar.kg/news/iatc-kabar-rannie-braki-v-kyrgyzstane-prichiny-i-sledstviia/> (accessed 6 Feb 2022); *supra* note 28; Central Asian Bureau for Analytical Reporting, *Sexual harassment in Kyrgyzstan: impunity and condemnation of victims (infographics)* (2019). <https://cabar.asia/ru/seksualnye-domogatelstva-v-kyrgyzstane-beznakazannost-i-osuzhdenie-zhertv-infografika> (accessed 17 Jun 2022).

⁵⁸ Olga Avdeyeva, *The Promise and Perils of International Treaties*, In: Katalin Fabian, *Domestic Violence in Postcommunist States: Local Activism, National Policies, and Global Forces* (Indiana University Press, 2010), 308.

of VAWG prescribed by traditional context. The study will also contribute academia with analysis of how four Central Asian nations harmonize their laws and policies with international women's human rights legal standards. As an additional edge, the work will expand the horizons for academic attention to the problem of VAWG and the situation of women's rights in the Central Asian area from a regional to an international scale. Moreover, taking into account firsthand information obtained from semi-structured interviews with gender experts, it will help to immensely contribute to academia and policymaking.

The Scope of the Study, Research Questions and Objectives

The scope of the research includes and identifies gender-based violence that occurs in the Central Asian region, specifically in four states: the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, and the Republic of Uzbekistan, and their legal and policy regulation. The overview covers such common VAWG instances as domestic violence (including during the COVID-19 pandemic), trafficking in women, femicide, and others, followed by the specific forms of VAWG prescribed by the traditional practices and views in Central Asian societies, such as bride-kidnapping (“ala kachuu”), “kelinism” and early marriages. Further, in a comparative perspective, the study will examine the impact of international women's human rights law and the national legal response of the four states to the question of VAWG. The discourse is supported by critical observations on the (in)effectiveness of their VAWG legislation and gender policies based on a range of sources. Specifically, apart from doctrinal and normative analysis, the study was substantiated by qualitative, in-depth, and semi-structured interviews with experts providing insights on regulating gender-based violence in Central Asia.

Research questions and research objectives

This research broadly explores the issue of gender-based VAWG and its legal and policy regulation in the Central Asian region. More specifically, the study connects the theoretical framework, historical context, forms of violence, and the legal and policy landscape, thereby addressing the following research questions:

- 1) What role has feminist legal theory played in shaping the conceptualization of VAWG, and how is the term “gender-based violence” defined today from doctrinal and legal perspectives?

- 2) How does the historical context of women's rights in Central Asia contribute to diverse attitudes and perpetuation of gender-based violence in the region? What common forms of VAWG persist in Central Asia today?
- 3) How have Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan aligned their domestic laws and policies with international gender equality and women's rights frameworks, and to what extent have these international women's human rights legal frameworks influenced the regulation of VAWG in these Central Asian countries?
- 4) How do the domestic laws and gender policies in four Central Asian countries address gender-based violence? Do their policy and legal frameworks in/effectively cope with the problem, and to what extent? What are the potential prospects for effectively combating VAWG in each state?

The following research objectives were distinctly outlined to address the research questions comprehensively:

- to analyze the feminist legal theory's role in shaping the discourse on VAWG and define the concept through examination of scholarly, international and regional legal sources.
- to delve into the historical development of women's rights in Central Asia across various periods, including pre-revolutionary time, Soviet era, and post-independence transition, and to analyze the relationship between current Central Asian authoritarianism and gender-based violence.
- to identify prevalent forms of VAWG in four Central Asian states, encompassing both globally common forms and those justified by traditional practices in the region.
- to examine how Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan align their domestic laws and policies with international gender equality and women's human rights frameworks, including an in-depth analysis of their adherence to CEDAW and the Beijing Declaration.
- to assess the progress, challenges, and prospects in combating VAWG in Central Asia by reviewing and analyzing domestic laws and national gender policies in Kyrgyzstan, Uzbekistan, Tajikistan, and Kazakhstan.
- to explore the institutional framework of gender policies in four Central Asian states, analyzing the roles played by specialized state agencies, external influences, women's NGOs, media, and religious institutions.

Research Methodology

This dissertation comprises a comprehensive methodology to thoroughly investigate the legal and policy frameworks addressing VAWG in the Central Asian region. The approach consisted of various qualitative research methods,⁵⁹ which helped to capture a comprehensive understanding of the complex legal landscape and its practical implications in the Central Asian context. Firstly, the research applied a predominantly doctrinal analytical method across all chapters.⁶⁰ In particular, the literature review involved an extensive examination of legal instruments, academic articles, textbooks, and policy documents related to the subject to establish a comprehensive theoretical framework for the study. The literature collection process involved overviewing feminist legal theory, exploring women's rights history, and identifying and scrutinizing VAWG and its manifestations in Central Asia through a thorough review of current academic and complementary research.

Further, the research involved legal analysis, specifically a normative investigation of legal documentation on VAWG under international human rights law.⁶¹ It also included a comparative legal examination of the domestic laws and national gender policies of the four Central Asian states, utilizing both primary and secondary legal sources.⁶² Priority was given to legal instruments within the international human women's rights field, including CEDAW, the Istanbul Convention, the Beijing Declaration, and other principal treaties, covenants, and declarations agreed upon at the international or regional level that directly or indirectly address women's rights and VAWG. Additionally, attention was directed to the existing national women's rights and gender violence-related legal and policy framework, specifically the Constitutions of the four Central Asian states, legal codes, laws, national gender strategies, plans of action, and other related legal and policy documents. Moreover, the examination of documents involved the analysis of other sources, including official reports and publications

⁵⁹ See Robert K. Yin, *Qualitative Research from Start to Finish* (Guilford Press: 2016); David Silverman, *Qualitative Research: Theory, Method and Practice* (Sage Publications, 1997); Mike McConville & Wing Hong Chui (eds.), *Research Methods for Law* (Edinburgh University Press, 2017). <http://www.jstor.org/stable/10.3366/j.ctt1g0b16n>; Ian Dobinson & Francis Johns, *Legal Research as Qualitative Research*, In: Mike McConville and Wing Hong Chui (eds.), *Research Methods for Law* (Edinburgh University Press, 2007).

⁶⁰ See e.g. Suzanne Egan, *The Doctrinal Approach in International Human Rights Law Scholarship*, In: Lee McConnell, Rhona Smith (eds.), *Research Methods in Human Rights*, 1st ed. (Routledge, 2018). <https://doi.org/10.4324/9781315672632>.

⁶¹ *Id.*

⁶² See McConville & Chui, *supra* note 59; Maurice Adams & Dirk Heirbaut, *Comparative Law as Method and the Method of Comparative Law*, In: Maurice Adams & Dirk Heirbaut (eds.), *The Method and Culture of Comparative Law* (Bloomsbury Publishing Plc, 2015).

from governmental, international, and NGOs that directly or indirectly address VAWG in the region. Additionally, the study encompassed the examination of official and secondary statistical data on VAWG cases in the Central Asian region.

Ultimately, the dissertation was substantiated by qualitative, in-depth interviews⁶³ with experts providing insights on regulating gender-based violence in the Central Asian region. More specifically, semi-structured interviews⁶⁴ were conducted with 11 gender experts, including representatives from international and local women's NGOs, gender activists, human rights lawyers, journalists, and researchers specializing in women's rights and gender issues in Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan. These interviews were conducted between March - May 2023 and August - November 2023 using means of communication such as telephone, WhatsApp, and Telegram audio and video calls, Skype, Zoom, and other video communication platforms of the interviewee's choice,⁶⁵ as well as receiving written responses via e-mail in exceptional cases. The respondents possess expertise in the field of gender-based violence and its legal and policy regulation in Central Asian states. Chapter 3 integrated cross-referenced semi-structured interviews, offering valuable insights that complemented the overall analysis. The purpose of these semi-structured interviews was to provide rich contextual information that could deepen understanding of the complexities and gaps in addressing VAWG and to highlight the prospects for its effective regulation in four Central Asian countries.

The criteria for selecting respondents have included their expertise based on both practical experience and academia/research, including individuals with human rights law, journalism, and activism backgrounds. Additional considerations involved the participation of experts in policy or legal advocacy, engagement with vulnerable communities affected by gender violence, and experience in the realm of women's rights, gender, and VAWG in the context of four Central Asian countries. The author sought to apply a selection that would ensure equal representation of respondents from each of the four states (except for Tajikistan, as specified in

⁶³ Barbara Diccio-Bloom & Benjamin F. Crabtree, *The Qualitative Research Interview*, 40 Med. Edu. 314 (2006). doi:10.1111/j.1365-2929.2006.02418.x.

⁶⁴ Hanna Kallio et al, *Systematic Methodological Review: Developing A Framework For A Qualitative Semi-Structured Interview Guide*, 72 J. of Adv. Nurs. 2954 (2016). doi:10.1111/jan.13031.

⁶⁵ See Markus Saarijärvi, Ewa-Lena Bratt, *When Face-To-Face Interviews Are Not Possible: Tips And Tricks For Video, Telephone, Online Chat, And Email Interviews In Qualitative Research*, 20 Eur. J. Cardiovasc. Nurs 392 (2021). <https://doi.org/10.1093/eurjcn/zvab038>; Charl de Villiers, Muhammad Bilal Farooq & Matteo Molinari, *Qualitative Research Interviews Using Online Video Technology - Challenges and Opportunities*, Meditari Accountancy Research, The University of Auckland Business School Research Paper (2021). <https://ssrn.com/abstract=3910755>; Siduri J. Haslerig, *Phone it in: Reflections on the use of phone interview methods with college athletes*, 15 J. Study Sports Athl. Educ. 171 (2021). 10.1080/19357397.2021.1916309.

the Limitations). The interview questions covered the respondents' experiences in women's rights and gender-based violence, which helped to explore their perspectives on existing challenges and shortcomings within the states' gender strategies and legislations. The interviews also involved an examination of the underlying reasons behind these limitations and solicited further law/policy recommendations to improve the regulation of the problem in the region.

It should be noted that although the feminist legal theories discussed in Chapter 1 of the dissertation informed the theoretical basis for this study, they were not used as the central methodological approach. The research primarily focused on the mixed method, which consisted of doctrinal and normative analysis, comparative legal examination, and expert interviews in preference to the application of feminist theory as a primary method. Nevertheless, feminist theoretical approaches have instead been used to contextualize and support understandings of gender-based violence within the broader legal and policy frameworks rather than as a guiding methodological framework.

Research Ethics

Parts of the study involving humans have been conducted in accordance with the ethical guidelines of the Committee on Human Research (CHR) of Koç University. Prior CHR approval was obtained for conducting semi-structured interviews. Moreover, all respondents provided written informed consent for their names to be publicly disclosed and utilized for this research. At the same time, all respondents participated in this study voluntarily, without any pressure or obligation.⁶⁶

The author recorded all answers in video, audio, and written formats to ensure data validity and reliability. Transcripts and video/audio recordings were accessed only by the author and authorized Koç University Law School members, including the supervisor and Thesis Committee overseeing the PhD thesis. Interview data were used solely for the purposes of this study. A sample list of questions posed to expert interviewees is provided in the Appendix for general information.

⁶⁶ See e.g. Mark Israel, *Research Ethics and Integrity in Socio-legal Studies and Legal Research*, In: Mike McConville and Wing Hong Chui, *Research Methods for Law* (Edinburgh University Press, 2017). <https://www.jstor.org/stable/10.3366/j.ctt1g0b16n>.

Research Limitations

- 1) The analysis excluded the focus of the fifth Central Asian state, specifically Turkmenistan. This exclusion is based on the methodology of the thesis, considering the limited availability and restricted access to data and sources on the topic in this country.⁶⁷ Furthermore, the scarcity of experts and their willingness to openly speak, attributed to the authoritarian regime, adds to this constraint.⁶⁸
- 2) The focus of Subchapter 3.1 is deliberately limited to two key instruments, CEDAW (its VAWG Recommendations) and the Beijing Declaration. This intentional narrowing of the scope is driven by the thesis's primary emphasis on comprehending the response to VAWG. Therefore, the selection of these specific instruments is motivated by their significant impact on shaping the global discourse on women's rights, particularly their focus on VAWG, as well as the fact that all four states joined these instruments.
- 3) Case law analysis was deliberately not included into the thesis, as there is a lack of legal precedents or established case law concerning gender-based violence across all four Central Asian states. This is primarily because gender-based violence-related cases barely reach the courts, let alone the highest courts, in many aspects due to the inaction of law enforcement agencies or are often subsequently closed through reconciliation.⁶⁹

⁶⁷ See UNICEF, *Analysis of Situation of Children's and Women's Rights in Turkmenistan* (2019). <https://www.unicef.org/turkmenistan/media/806/file/Analysis%20of%20Situation%20of%20Children%E2%80%99s%20and%20Women%E2%80%99s%20Rights%20in%20Turkmenistan%202019.pdf>; U.S. Department of State, *2022 Country Reports on Human Rights Practices: Turkmenistan* (2022). <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/turkmenistan/>; International Trade Administration, *Turkmenistan - Country Commercial Guide* (2023). <https://www.trade.gov/country-commercial-guides/turkmenistan-market-overview>; Rustam Mukhamedov, *Regulirovanie interneta v Turkmenistane, Digital Rights and Freedoms Landscape* (2023). <https://drfl.kz/ru/internet-regulation-turkmenistan/> (accessed 10 Oct 2023).

⁶⁸ *Id*; USAID, *Democracy, Human Rights, and Governance: Turkmenistan*. <https://www.usaid.gov/turkmenistan/democracy-human-rights-and-governance> (accessed 10 Oct 2023).

⁶⁹ See Darya Timofeeva, "Poka ne ubyet, delo ne zavedem". V Kyrgyzstane muzhchina otrezal ushi i nos byvshoy zhene, ranee v militsii otkazalis' prinat' ot nee zhaloby, *CurrentTime* (2023). <https://www.currenttime.tv/a/kyrgyzstane-muzhchina-otrezal-ushi-nos-svoey-byvshey-zhene-ranee-militsia-otkazalis-prinyat-zhaloby/32604662.html> (accessed 30 Sept 2023); Fergana, *Izbivayushchikh ne sudyat* (2020). <https://fergana.agency/articles/115820/> (accessed 30 Sept 2023); Central Asian Bureau for Analytical Reporting, *Chto ne tak s krizisnymi tsentrami dlya zhenshchin v Kazakhstane?* (2020). <https://cabar.asia/ru/chto-ne-tak-s-krizisnymi-tsentrami-dlya-zhenshchin-v-kazahstane>; IPHR, *Sovmestnoe zayavlenie nepravitel'stvennykh organizatsiy (NPO) v Komitet po likvidatsii diskriminatsii v otnoshenii zhenshchin (KLDZh) v preddverii rassmotreniya shestogo periodicheskogo doklada Uzbekistana na 81-y sessii v fevrale 2022 g. Uzbekistan: Nesposobnost' Zashchitit' Zhenshchin ot Domashnego Nasil'ya* (2022). <https://www.iphronline.org/wp-content/uploads/2022/02/CEDAW-UZB-February-2022-in-ru.pdf>; Amnesty International, *Nasilie – problema ne tol'ko sem'i: V Tadzhikistane zhenshchiny stradajut ot proizvola* (2009). <https://www.amnesty.org/en/wp-content/uploads/2021/06/eur600012009ru.pdf>; Human Rights Watch, «Nasilie na kazhdom shagu». *Nedostatochnoe reagirovanie gosudarstva na problemu semejnogo nasiliya v Tadzhikistane* (2019). <https://www.hrw.org/ru/report/2019/09/19/333681> (accessed 10 Oct 2023).

- 4) The interviews with policy-makers, specifically representatives of national parliaments and governments, were constrained as they did not respond to the participation requests, likely due to their demanding schedules. Despite several attempts through different channels to solicit their participation, responses were not received. This limitation was acknowledged, and efforts were made to engage with already available sources within the constraints of the research timeline.
- 5) The interviews with current or former judiciary members were not conducted, considering that cases of gender-based violence typically do not reach courts in all four Central Asian states (see Limitation 3). Moreover, considering that there is a lack of real judicial precedents in the field of gendered violence in Central Asian states, there is a scarce availability of judicial experts in this field.
- 6) The interviews with respondents from Tajikistan were limited to fewer participants, as some individuals opted not to participate. It is noteworthy, however, that several respondents initially agreed to participate but subsequently withdrew after several attempts to reach them. It is believed that the reluctance of experts from Tajikistan to openly engage in discussions might also be influenced by the prevailing political climate in the country.⁷⁰ This limitation was also accepted and efforts were made to draw on already available sources and conducted interviews.
- 7) The predominance of female respondents is explained, according to the author's observations and experience, by the relatively limited representation of male experts in the field of gender-based violence and women's rights in Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan.
- 8) The research was conducted until December 2023 and, therefore, could not encompass any legal or policy amendments adopted, and literature published after this date in the four states under discussion.

⁷⁰ See e.g. Freedom House, *Freedom In The World 2023: Tajikistan* (2023). <https://freedomhouse.org/country/tajikistan/freedom-world/2023>; Article 19, *Tajikistan*, <https://www.article19.org/region/tajikistan/>; U.S. Department of State, *2022 Country Reports on Human Rights Practices: Tajikistan* (2022). <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/tajikistan/> (accessed 10 Oct 2023).

Thesis Structure

The thesis is structured with an introduction, three chapters, and a conclusion to the dissertation. Each Chapter is written to fulfill the research objectives and answer the research questions stated above. In the Introduction to the dissertation, the thesis introduces the problem, provides a review of the literature on the issue of gender-based violence in Central Asia, explains how this research contributes to academia and outlines the scope of the study, research questions, and research objectives. In addition, the introduction describes the methodology used, and the limitations of the study and provides the structure of the thesis.

Chapter 1, “Uncovering the Roots: Theoretical Foundations of VAWG,” presents a solid theoretical framework aimed at comprehending what gender-based VAWG is. In particular, the study places a significant emphasis on feminist legal theory and the understanding of VAWG. The primary objective of the Chapter is to facilitate a comprehensive understanding of the issue of VAWG by scrutinizing its theoretical roots. To achieve this goal, Chapter 1 lays a foundation of the theoretical context surrounding gender-based VAWG and is divided into two parts. Subchapter 1.1 provides a descriptive overview of the theoretical landscape. It explores how feminist theorists have highlighted and theoretically framed the issue, calling the imperative for legislative action. Subchapter 1.2 examines the scholarly definition of gendered VAWG, which involves an analysis of term such as “VAWG” in legal texts and academic literature. Namely, the analysis extends to international legal documentation, including regional jurisdictions, in order to provide a comprehensive understanding of the nature and scope of the “VAWG” definition.

Chapter 2, “From Past to Present: Historical Rights, Authoritarianism, and Character of Gendered Violence in Central Asia,” extensively examines women’s rights issues specific to the Central Asian region and focuses on various aspects to thoroughly analyze the context of gender inequality and VAWG in the region. The objectives of this Chapter include understanding the historical context, followed by identifying the barriers created by Central Asian authoritarianism to gender equality and identifying and recognizing the various forms of gender-based violence that persist in the region. Thus, the Chapter consists of three subchapters. Subchapter 2.1 examines the historical background of women’s rights in Central Asia; in particular, the text analyses three stages of evolution: pre-revolutionary circumstances, the influence of Soviet policies, and the post-independence transition period. Subchapter 2.2 explores the relationship between the region’s authoritarian rule, gendered violence, and gender

equality. Namely, this part explores in more detail the correlations between political representation, modernization, income, culture, religion, democratic ideals, and VAWG. Subchapter 2.3 examines prevalent forms of gender-based violence in the region, including domestic violence, trafficking, and others, as well as those justified by traditional practices such as bride kidnapping, early childhood marriages, and “kelinism.”

Chapter 3, “International and National Law: Assessing Legal and Policy Regulation of VAWG in Central Asia,” thoroughly investigates the progress, challenges, and outlook of Central Asia’s approach to addressing VAWG from legal and policy perspectives. The study tried to cover aspects such as the influence of international human rights law on VAWG regulation, the alignment of Central Asian nations with global standards, an in-depth analysis of domestic laws and policies related to VAWG, followed by analysis of the institutional framework, and exploration of ways to enhance the response to VAWG in each state. In this Chapter, cross-referenced semi-structured interviews with gender experts, representatives of international and local women’s NGOs, gender activists, human rights lawyers, journalists, and researchers specializing in women and gender issues in Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan have provided valuable insights that complement the overall analysis. To achieve its objective, Chapter 3 is segmented into three subchapters, each offering a thorough evaluation. Subchapter 3.1 evaluates how Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan align their laws with global norms, exploring international women’s human rights frameworks, specifically CEDAW and the Beijing Declaration, and assessing the impact of these standards on the regulation of VAWG in the region. Subchapter 3.2 reviews progress, challenges, and prospects in combating VAWG in Kyrgyzstan, Uzbekistan, Tajikistan, and Kazakhstan through a detailed analysis of their domestic laws and policies, including specialized laws addressing gender-based violence, supplemented by expert interviews to identify and propose improvements for gaps in their execution. Subchapter 3.3 examines the institutional framework of gender policies in Central Asian states, which includes assessing the effectiveness and challenges of state agencies, external influences, women’s organizations, media, and religious institutions, and exploration of their impact on gender and VAWG legislation and policies.

The Conclusion to the dissertation provides an overall recap and closes the entire dissertation. In particular, in the final considerations, this part examines how this thesis is relevant to legal and gender studies in general and in the Central Asian region in particular, as well as how it can contribute to the academic space and to improving VAWG legislation and policy in the four discussed countries of Central Asia. Next, the dissertation’s conclusion briefly restates the

objectives of each chapter and explains its findings. Finally, based on the overall analysis, the study provides recommendations for improvement of legal and policy regulation of VAWG issues in Central Asia, as well as suggestions for future research.



CHAPTER 1. UNCOVERING THE ROOTS: THEORETICAL FOUNDATIONS OF VIOLENCE AGAINST WOMEN

Introduction

About 60 years ago, the international community began to speak more openly about the problems of gender-based VAWG⁷¹ by dint of the voices of feminist activists and theorists. Prior to this, domestic violence against women was perceived by society as a private matter, and the terms as “wife rape” or “date rape” were not recognized at all. It was believed that sexual violence against women was committed only by mentally unbalanced men, and it was women who provoked the latter by dressing provocatively or behaving somehow inappropriately.⁷² At that time, a feminist legal theory began to gain momentum and openly touch on domestic violence, marital or date rape, sexual harassment, and other forms of gender-based violence. After the dawn of feminist legal theory, the problems of women’s abuse began to be increasingly attributed not to the personal problems of one family but to public concerns. Different strands of feminist legal theory have considered VAWG from different points of view, although all of them served as the basis for further study and formation of the concept of gender-based violence against women and the development of practical steps to protect women and girls from abuse.⁷³

Before considering the VAWG issue from a practical point of view, it is first appropriate to indicate where the theory was rooted and how the phenomenon of gender-based violence developed. Defining and explaining what the concept of “violence against women” means is the first and foremost step in the fight against it, its prevention and protection of the rights of women and girls. In other words, accurate and comprehensive definitions and understandings help ensure that policies and measures to combat gender-based violence are effective and adequately focused on relevant issues. As such, establishing an understanding of the concept of gender-based violence against women lays the groundwork for the creation of gender policies

⁷¹ In Chapter 1, the abbreviation VAWG is utilized interchangeably with “violence against women,” considering that historically, the theoretical framework surrounding violence against women did not explicitly include “girls” within the context of gender-based violence against women.

⁷² Claire M. Renzetti and Raquel Kennedy Bergen, *Violence Against Women: Understanding Social Problems: An SSSP Presidential Series* (Lanham: Rowman & Littlefield Publishers, 2004), <https://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=640030&site=eds-live>, 2.

⁷³ The specific feminist legal theories mentioned in this chapter were deliberately chosen by the author based on the fact that they significantly impacted the conceptualisation of gender-based violence. The choice is also justified by their direct relevance to VAWG topic.

and the implementation of proactive steps to safeguard the rights of women and girls. Therefore, in order to fully understand and effectively manage the VAWG issue, first of all, it is important to go deeper into its theoretical roots, meaning following the historical path of this critical problem and studying how it has been defined by feminist scholars and practitioners. That is to say that a clear understanding of where the theory of violence against women originated from and how it has been developed will help the reader better grasp the complex and many-sided nature of this issue. In addition, such conceptualization and perception might help governments to develop appropriate approaches to address gender issues on the ground, e.g., developing effective policies and laws as part of long-term efforts.

Therefore, Chapter 1 sets a groundwork for grasping the theoretical landscape of gender-based VAWG with the main concentration on feminist legal theory and the common understanding of gender violence concepts. The main objective of this chapter is to provide a descriptive overview and offer a look at the theoretical background of VAWG. Specifically, it will examine how feminist thinkers have shed light and brought public attention on the issue of gender-based VAWG, proposed and put forth a theoretical basis for understanding it. Additionally, this part will explore the ways, in which feminist theorists and activists have called for legislative action to address gendered violence issues. The next section of Chapter 1 will examine in more detail the concept of gender-based violence against women through the lens of how it is defined in academic literature and primary sources. This will involve analyzing the term “violence against women” within the context of doctrinal sources, such as legal texts and academic literature. Further, in this part, the text also explores how the international legal perspective views and examines the concept of violence against women, including through the prism of regional jurisdictions. Such broader consideration of a range of sources and perspectives can help to gain a more complete understanding of the nature and extent of the VAWG problem, as well as the different legislative approaches that have been adopted to address this matter in regions and around the world.

1.1 Feminist Legal Theory on Violence Against Women

In the 1960s and 70s, in Western countries, a growing new women’s movement called the second wave of feminism was accompanied by a discussion of the principles of equality and

justice.⁷⁴ In addition to the previous agenda of reproductive rights, gender inequality, and sexuality, second-wave feminists were among the first to publicly address the issues of VAWG and influence changes in the laws. As a rule, the political activity of second-generation feminist groups was a prerequisite for the formation and development of certain feminist legal theories, including those on gender violence. Feminist lawyers were increasingly called to pay attention to the problems of domestic violence, marital rape, and other forms of gendered violence, built on the basis of the visions of the previous feminist generation on gender inequality and discrimination. Only after a certain number of years did ideas of a feminist orientation appear in the theory of law.⁷⁵

Among the earliest feminist theories that appeared in the 60s was the movement of liberal feminism, or, as it was called, the equal treatment theory, taking its roots from liberal ideas of political theory and philosophy. The core of the liberal feminist concept was treating women equally to men, and this meant that “the law should not treat a woman differently from a similarly situated man.”⁷⁶ Equal treatment advocated the adoption of legislation for the promotion and improvement of the personal and professional lives of women. However, already in the late 1970s, a completely opposite conception, denying the sameness of men and women, took a stand. Unlike the liberal feminists, the new construct of radical feminists (or dominance theorists) raised such vital issues in the field of gender violence as sexual violence, marital and date rape, domestic violence, sexual harassment, issues related to pregnancy and pornography, to attract more attention from the public and state.⁷⁷

One of the pioneering family violence researchers, Richard J. Gelles, said that feminist theory “becomes the dominant model for explaining violence against women”.⁷⁸ Therefore, to better understand the concept of VAWG, the study first needs to dive into the theoretical foundations of feminism. According to early feminist theorists, abuse of women is the result of gender

⁷⁴ Britannica, *The second wave of feminism*, <https://www.britannica.com/topic/feminism/The-second-wave-of-feminism> (accessed 10 Oct 2022).

⁷⁵ Nancy Levit, Robert R.M. Verchick & Martha Minow, *Feminist Legal Theory* (Second Edition) (New York: NYU Press, 2016), 12. <https://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=1020821&site=eds-live>

⁷⁶ *Id.*

⁷⁷ Martha Chamallas, *Introduction to Feminist Legal Theory* (Aspen Treatise, 2013), 21.

⁷⁸ Richard Gelles, *Through a sociological lens: Social structure and family violence*, in: Richard Gelles and Donileen R. Loseke (eds.), *Current Controversies on Family Violence*, (London: Sage, 1993), 31-46; Carrie L. Yodanis, *Gender Inequality, Violence Against Women, and Fear: A Cross-National Test of the Feminist Theory of Violence Against Women*, 19 J. of Interpers. Viol. (June 2004), 655-675, 658. <https://doi.org/10.1177/0886260504263868>.

inequality on a societal level.⁷⁹ This means that if there is a considerable gap in inequality between men and women in the community, men will show more violence against women.⁸⁰

While more recent thinkers have developed further explanations of women's abuse by integrating a number of other global and local factors such as globalization, family and community patriarchy, unemployment rates, intimate relationship status, and others.⁸¹

Feminist legal theory is expressed in many directions and has considered violence against women from different perspectives; they coincide in some respects and differ in others. Nancy Levit has emphasized two common aspects of all feminist theories. First, an observation - feminists believe that it is men who shape the world and write all public laws, therefore, they enjoy immense power and share more privileges. The second aspect is aspiration - although feminists believe that women and men should have political, social, and economic equality, they disagree on its meaning and how to reach it.⁸² One of the examples is ecofeminists, who looked at a connection between feminism and environmentalism, arguing that violence is directed against nature in the same way that it is directed against women. A 1974 book "Le Féminisme ou la Mort" (Feminism or Death) by French feminist Françoise d'Aubonne coined the term "ecofeminism". The main goal of the ecofeminist movement was the fight against the oppression of women and nature. For many ecofeminists, the control dynamics that promote gender discrimination and environmental inequality, and destruction also perpetuate other forms of oppression.⁸³

However, some theories have played a more critical role in understanding problems of VAWG. Therefore, the specific feminist legal theories mentioned further were chosen and mentioned based on their significant impact on the conceptualization of gender-based violence questions. The choice is also justified by their direct relevance to the topic of VAWG. Namely, Catherine Mackinnon's theory of dominance has been crucial in understanding male power dynamics and its direct connection to the systemic nature of gender-based violence. The theory emphasized how societal structures and patriarchal norms perpetuate male dominance and further contribute to various forms of gender-based violence. In its turn, the development of domestic violence theories has paralleled the course of studies on domination and gendered violence and provided

⁷⁹ Michele Bograd, *Feminist perspectives on wife abuse: An introduction*, in: eds. K. Yllö & M. Bograd (eds.) *Feminist Perspectives on Wife Abuse*, (Beverly Hills, CA: Sage, 1988), 11-26.

⁸⁰ Yodanis, *supra* note 78, at 656.

⁸¹ Walter S. DeKeseredy & Molly Dragiewicz, *Understanding the Complexities of Feminist Perspectives on Woman Abuse: A Commentary on Donald G. Dutton's Rethinking Domestic Violence*, 13 *Viol. Women* 8 (August 2007), 874-884, <https://doi.org/10.1177/1077801207304806>.

⁸² *Supra* note 75, at 12.

⁸³ *Id.* at 30.

critical insights into the private and public dimensions of abuse against women. This helped to elucidate how domestic violence is not merely a series of isolated incidents but a pervasive societal issue influenced by broader power dynamics. Finally, critics of radical feminism found gaps in the theory of dominance, thereby led to the development of a new area of intersectional feminism. The latter recognizes the interrelationship between various systems of oppression such as race, gender, class and other grounds, hence providing a more comprehensive understanding of the issue and illustrating how the multiple, intersecting factors yet more contribute to the perpetuation of VAWG.

1.1.1 *Catherine Mackinnon's Theory of Dominance*

One of the feminist ideas developed during the second wave of feminism that significantly expanded the focus on VAWG was the theory of dominance (or radical feminism). As the liberal feminist movement was firmly established in society, calling for gender equality and equal treatment, new theories, conversely focused on the difference between women and men, began to evolve. In this way, the equality theories were soon challenged in the 1980s with the rise of dominance feminists. Dominance feminist theory, or radical feminism, was established by Catherine MacKinnon, an American feminist legal scholar and activist, in 1979 with the main goal of freeing women from the power of men. The author proposes an alternative approach, treating gender equality as questions of male supremacy and female subordination.⁸⁴ The theory claims that women experience gender inequality and discrimination in the economic, political, and family spheres because of the male dominance model. In other words, male power is seen as sole and completely totalizing and creating the world, including female sexuality.⁸⁵ In a world of patriarchy, female sexuality is at the core of men's desires, where women live in constant fear of being raped or sexually assaulted. Having to survive in a male-dominated realm, women need to trade their sexuality and be represented as objects of sexual activity, from career growth through promotional campaigns.⁸⁶ Women play an utterly subservient position, while men, on the contrary, have all the privileges and receive support from most social institutions. The dominance feminist concept views the law, along with other public institutions, as a tool for the conversion of women into sexual objects and substandard, dependent human beings. Radical feminists argued that laws, most of which were designed by

⁸⁴ See Catharine MacKinnon, *Toward a Feminist Theory of the State* (Harvard University Press 1989).

⁸⁵ Austin Sarat, *Special Issue: Feminist Legal Theory, Studies in Law*, 1 Pol. and Soc. (2016), 2. <https://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=1196813&site=eds-live>.

⁸⁶ *Supra* note 75, at 22.

men, helped reinforce male dominance over women.⁸⁷ At the same time, the theory considers the law as an agent of social change, that can bring more effective results than the traditional equality approach in addressing women's position.⁸⁸

MacKinnon contrasts dominance theory with Marxism theory, arguing that just as the state institutionalizes economic power in the Marxist model, "... the state, in part through law, institutionalizes male power" in dominance theory. The author compares work in Marxism with sexuality in feminism, noting that both are something that belongs to and, at the same time, is taken away from a person. Both theories are concepts about power and its distribution, which ultimately lead to inequality. Work and sexuality, according to MacKinnon, are both social processes, where the former creates and transforms the material, social world and creates people as social beings. The second forms, expresses desire and creates people as men and women. The author believes that just as the taking of labor from one group for the benefit of others determines the categorization of the working class in Marxist theory, the expropriation of sexuality from some for the use of others determines gender, that is, a woman.⁸⁹ Consequently, male power arises due to the imposition of male dominance over female sexuality. At the same time, Law is how men treat women, is a tool that embodies male power and with the help of which men, represented by the state, oppress women,⁹⁰ while the state is not a neutral arbiter.⁹¹ Supporters of the theory of dominance identified the problems of the lack of legal regulation of issues of sexual violence and harassment in the workplace, marital/date rape and domestic violence, abortions, and the prohibition of pornography, emphasizing that laws are used in the state not to protect, but rather to oppress women.⁹²

Catharine MacKinnon's work extensively addresses various dimensions of VAWG and gender inequality questions. Her theory of dominance, articulated through numerous influential writings and explores VAWG-related themes such as sexual harassment,⁹³ including in the

⁸⁷ *Id.* at 21.

⁸⁸ Kelly Weisberg, *Feminist Legal Theory: Foundations* (Temple University Press, 1993), 215.

⁸⁹ Catharine A. MacKinnon, *Feminism, Marxism, Method, and the State: An Agenda for Theory*, 7 *Fem. Theory* 3 (Spring 1982), 515-544, 515-516.

⁹⁰ Susan A. Farrell, *Review of Gender, Sexuality, and the State, by Catharine A. MacKinnon*, 20 *Contem Sociol.* 3 (1991), <https://doi.org/10.2307/2073658>.

⁹¹ Mary Heath, *Catharine MacKinnon: Toward a Feminist Theory of The State?* 9 *Austral. Fem. Law J.* 1 (1997), 48. <https://doi.org/10.1080/13200968.1997.11077249>.

⁹² *Supra* note 75, at 21.

⁹³ See Catharine A. MacKinnon, *The Logic of Experience: Reflections on the Development of Sexual Harassment Law*, 90 *Geo. L.J.* 813 (2002); Catharine A. MacKinnon & Reva B. Siegel eds., *Directions in Sexual Harassment Law* (Yale Univ. Press 2003); *Sexual Harassment of Working Women: A Case of Sex Discrimination* (New Haven: Yale University Press, 1979).

modern context of the MeToo age,⁹⁴ trafficking for sexual exploitation,⁹⁵ pornography⁹⁶ and other forms of gendered violence. For example, MacKinnon's legal scholarship has been pioneering in framing sexual harassment as a structural problem rooted in gender inequality rather than individual misconduct. The author argued that, as a reflection of broader societal inequities, sexual harassment leverages women's sexual positions for economic coercion.⁹⁷ Additionally, her analysis of rape, particularly in the context of international law, shifts the focus from mere physical force to understanding rape as an act of coercion and aggression, essential for recognizing its systemic nature.⁹⁸ MacKinnon's philosophy extends to the realm of trafficking of women and prostitution; in particular, she attempts to confront the moral difference between the two aspects of voluntary and forced prostitution. According to the philosopher, the differences between the two concepts often obscure the systemic coercion inherent in prostitution and sex trafficking, which is consistent with her broader view that sexual oppression is a central factor in gender inequality.⁹⁹

The view of Price complements and enriches MacKinnon's theory and gives a contemporary flavour, as it further stresses the universal and studied nature of male violence against women. Building on foundational feminist legal theories from the second wave, Price provides a present-day analysis that underlines the ideological and structural aspects of patriarchy. The author underscores that gender-based VAWG is rooted in societal structures, where oppression, control and dominance are key functions that sustain such violence.¹⁰⁰ Price's exploration of the "violence is sex" and "sex is violence" debates in coeval contexts closely align with MacKinnon's views that gender, power, and sexuality are intertwined dynamics.¹⁰¹ Additionally, Price adopts a standpoint epistemology and advocates for understanding male violence through a lens of choice and accountability, which reinforces MacKinnon's focus on

⁹⁴ See Catharine A. MacKinnon, *Ask a Feminist: Sexual Harassment in the Age of #MeToo*, 4 *Journal of Women in Culture and Society* 44 (2019). DOI:10.1086/702290.

⁹⁵ See e.g. Catharine A. MacKinnon, *Trafficking, Prostitution, and Inequality*, 46 *Harvard Civil Rights - Civil Liberties Law Review* 271 (2011), 271-309.

⁹⁶ See e.g. Catharine A. MacKinnon, *Pornography as Trafficking*, 26 *Mich. J. Int'l L.* 993 (2005); *Pornography Left and Right*, 30 *Harv. C.R.-C.L. L. Rev.* 143 (1995); *Vindication and Resistance: A Response to the Carnegie Mellon Study of Pornography in Cyberspace*, 83 *Geo. L.J.* 1959 (1995); *Pornography as Defamation and Discrimination*, 71 *B.U. L. Rev.* 793 (1991).

⁹⁷ See *Sexual Harassment of Working Women: A Case of Sex Discrimination*, *supra* note 93.

⁹⁸ See Catharine A. MacKinnon, *Defining Rape Internationally: A Comment on Akayesu*, 3 *Columbia Journal of Transnational Law* 44 (2006), 940-958.

⁹⁹ See *supra* note 95.

¹⁰⁰ See Lisa S. Price, *Feminist Frameworks: Building Theory on Violence Against Women* (Delhi: Aakar Books, 2009).

¹⁰¹ Anagha Sarpotdar, *Feminist frameworks: Building theory on violence against women by Lisa S. Price*, 2 *Sociological Bulletin* 59 (2010), 287. <https://www.jstor.org/stable/23620872>.

the lived experiences of women and offers a robust framework for feminist legal theory and practice. Most importantly, the author places a strong emphasis on men's participation in ending gender-based violence and supports the use of interpretive methodologies that add depth to contemporary feminist legal and sociological discourses.¹⁰² MacKinnon's theoretical views and practical work continue today to provide a powerful critique of male-dominated legal systems and call for substantive social change in the area of gendered violence and inequality, and even stronger cement her position as a pioneer figure in feminist legal theory and VAWG. All of these aspects have been linked by dominance theorists to gender-based violence and have made significant contributions to the history of women's rights, filling certain gaps in previous feminist trends and drawing attention to issues of gender-based violence.

1.1.2 Domestic Violence Concepts

Following the course of domination and violence, new studies on domestic violence have developed in parallel. As noticed by Levit, the men are the "heads of the household" and, therefore, have the power to control the women in a family. In turn, this dominance can be manifested in an extreme form of domestic violence.¹⁰³ In 1979, Walker published her research on the dynamics of battering relationships based on interviews of battered women. With this study, the author developed a theory called "the battered woman syndrome" - a set of characteristics inherent in victims of domestic violence developed as patterns in their abusive relationships. The theory includes two main components. First, the "cycle of violence" is the process or course of beatings with periodicity in time, while the woman reasonably believes that the violence can be repeated at any time.¹⁰⁴ The second part of the idea is referred to as Seligman's "learned helplessness theory." Walker draws an analogy with the Seligman experiment, where dogs were repeatedly shocked, but when they were given freedom, they did not run away because they believed that the shock blows would be repeated, and they had no way out.¹⁰⁵ The examination showed that laboratory animals became unable to avoid a painful situation, even when the way out was entirely possible and obvious. Seligman compared animal behaviors, which he named "learned helplessness," to a form of depression in humans and showed that it has cognitive and behavioral features, where the inability to predict the success

¹⁰² *Supra* note 100.

¹⁰³ *Id.*

¹⁰⁴ Lenore E. A. Walker, *The Battered Woman Syndrome* (Springer Series: Focus on Women, 2017), 91. <https://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=1398434&site=eds-live>.

¹⁰⁵ *Id.* at 76.

of one's actions was considered to be the cause of the resulting perceptual distortions.¹⁰⁶ Thus, the author notes that women suffer similar experiences of animals in Seligman's theory. This behavior follows a cycle of abuse where the woman feels like a helpless victim because she believes she cannot control what is happening to her and resistance or escape is impossible.¹⁰⁷

Some feminist legal theorists have criticized the idea of a "syndrome," emphasizing that such theories stigmatize battered women by making them appear unfit for life and self-control or emotionally unstable or irrational.¹⁰⁸ Gondolf and Fisher proposed an alternative hypothesis in 1988, the "survival theory." The main feature of the hypothesis is opposite to the theory of helplessness. The researchers studied about 7,000 women who experienced domestic violence from 50 shelters in Texas. As a result of the study, it turned out that women who have been subjected to violence were active, persistently seeking help, therefore, the authors called them "survivors."¹⁰⁹ The theory indicates that victims of violence take all possible measures and attempt to seek help from their relatives and friends, and even turn to law enforcement agencies and social institutions. However, in the end, the victims stay or return to their abuser for a variety of external reasons: because they did not find a response from their family, are economically dependent on their partner, cannot support their children alone, not enough places in the shelter, and other reasons.¹¹⁰ Research has shown that this pattern of behavior is more of a system failure than a woman's helplessness or naivety when she remains trapped in a violent environment. The survivor theory perspective does not deny the serious psychopathological effects that a woman can experience as a result of domestic violence, so the concept is compared with the Stockholm syndrome as a survival strategy, when the victim develops strong emotional bonds with his/her offenders or kidnappers in order to save his/her life.¹¹¹ The theory of Gondolf and Fisher has been influential in changing many public attitudes towards women's behavior and decisions to stay with their abusers and has drawn attention to the fact that women face many obstacles in their way of surviving and avoiding violence.¹¹²

The concept of domestic violence was viewed diversely by theorists. For example, some feminist thinkers have used the phrase "woman abuse" or "male battering of women" to point

¹⁰⁶ Martin E. Seligman, *Helplessness: On depression, development, and death* (W. H. Freeman, 1975); Walker, *supra* note 104, at 76.

¹⁰⁷ *Id.*

¹⁰⁸ *Supra* note 75, at 207.

¹⁰⁹ Anca Bejenaru, *Battered Women: Victims or Survivors?*, 1 Soc. Change Rev. 9 (June 2011), 44. <https://doi.org/10.1515/scr-2016-0016>.

¹¹⁰ See Edward W. Gondolf and Ellen R. Fisher, *Battered Women As Survivors: An Alternative To Treating Learned Helplessness* (Lexington Books/D. C. Heath and Com, 1998).

¹¹¹ *Supra* note 75, at 206.

¹¹² *Supra* note 109, at 44.

out that it is women who are the victims of violence. To draw attention to the possibility of violence also in non-traditional relationships, other womanist theorists have used the term “intimate partner violence.”¹¹³ The main point of controversy around such concepts was that these terms place the main emphasis on the position of the victim in the process of violence rather than on the causes of the behaviour and actions of the batterer.¹¹⁴ The concept of domestic violence was subsequently innovatively interpreted in the 90s by Isabel Marcus in her work “Domestic Violence: Terrorism in the Home.” By comparing private and in-family understanding of domestic violence and its manifestations with levels of terrorism and/or torture within the family, Marcus tried to draw the attention of the government to the violence that occurs within households. The author declared that the state must provide the same level of strategy and measures to combat domestic violence as it does to combat terrorism and torture.¹¹⁵ Certain authors shed light on the importance of women’s fear in the process of violence. While women are more fearful than men,¹¹⁶ males can control women’s behavior through the fear of the latter.¹¹⁷ Women’s high levels of fear include an elevated degree of self-victimization in gender-based violence and feelings of physical powerlessness.¹¹⁸

1.1.3 Intersectional Feminism and Critique

Critics of radical feminism found gaps in the philosophy of dominance. One such example was representatives of intersectional feminism, which recognizes and affirms the interrelationship between various systems of oppression, such as race, gender, class, sexual orientation, and other grounds. At the same time, women, including those of color in this case, are marginalized doubly.¹¹⁹ Some criticized MacKinnon that her theory divides the world into black and white, that male power is too exaggerated, and the power of women is not taken into account at all, as if it does not exist.¹²⁰ Other authors have argued that the picture of the male world in dominance

¹¹³ Isabel Marcus, *Reframing “Domestic Violence”: Terrorism in the Home*, In: Martha Fineman & Roxanne Mykitiuk, *The Public Nature of Private Violence: The Discovery of Domestic Abuse*, 11, 27 (1994).

¹¹⁴ *Supra* note 77, at 338.

¹¹⁵ *See supra* note 113.

¹¹⁶ R. Pain, *Whither women’s fear? Perceptions of sexual violence in public and private space*, 4 Int’l Rev. Victimol. (1997), 297-312.

¹¹⁷ Yodanis, *supra* note 78, at 658.

¹¹⁸ *See* Stephanie Riger & Margaret T. Gordon, *The Fear of Rape: A Study in Social Control*, 37 J. Soc. Issues. 71 (1981). <https://doi.org/10.1111/j.1540-4560.1981.tb01071.x>.

¹¹⁹ *See* Kimberlé Crenshaw, *Demarginalizing the intersection of race and sex: a black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics*, 1 University of Chicago Legal Forum 1989, (1989), 139-167. <https://0-doi-org.libunix.ku.edu.tr/10.2307/1191236>.

¹²⁰ *Supra* note 85, at 3.

theory leaves no room for the existence of a female agency.¹²¹ Heath opines that MacKinnon does not give a clear explanation of the state's role in the theory of domination and how to end the male power. The author argues that according to the concept, the state is not a source of male power but an instrument of the latter. Since dominance theory denies the state's relative autonomy from male domination, the state fails to become a source for feminist change.¹²² In turn, supporters of the theory of intersectional feminism did not find an indication of female differences in the theory of dominance. Intersectional feminism sought to detach from the then-dominant "white" feminism by recognizing distinct female experiences and identities.¹²³ Crenshaw and Mahoney emphasized that MacKinnon sees all women oppressed in the same manner, regardless of their specific characteristics, such as race, class, orientation, and other grounds.¹²⁴ Intersectional theorists believe that legal doctrines in various areas, such as domestic violence, sexual harassment, and rape, do not adequately address discrimination based on the dissimilarity of women in these categories.¹²⁵

Nevertheless, second-wave feminism was one of the first to raise issues of gender-based violence publicly and set the stage for future feminists to fight violence against women. The first crisis hotlines began to open with the support of feminists, where victims of violence could seek counselling and psychological support, as well as in 1973, the first shelters opened up for battered women and their children. Feminists of the '60s-70s were the first to organize meetings and speeches where female victims could speak openly about primary and secondary victimization by the police and the courts, and feminist sociologists began to systematically collect data on IPV and sexual harassment.¹²⁶ Even decades later, feminist legal theorists still address the themes and issues covered by second-wave feminists, and the VAWG question is high on their agenda. Contemporary fourth-wave feminists (since the 2010s) continue to speak out regarding gender-based violence, this time impacted and mandated by new technologies and the Internet. On the one hand, they can speak about gender-based violence more openly

¹²¹ *Supra* note 91, at 49; see e.g., Ellen DuBois et al., *Feminist Discourse, Moral Values and the Law -A Conversation*, 34 Buffalo Law Review 11 (1985); Lori Chamberlain, *Consent Mter Liberalism: A Review Essay of Catharine MacKinnon's Toward A Feminist Theory of the State and Carole Pateman's The Sexual Contract*, 11 *Genders* 111 (1991).

¹²² *Supra* note 91, at 51.

¹²³ See Kimberlé Crenshaw, *Demarginalizing the intersection of race and sex: a black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics*, University of Chicago Legal Forum 1989, no. 1 (1989), 139-167. <https://0-doi-org.libunix.ku.edu.tr/10.2307/1191236>.

¹²⁴ Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 Stanford Law Rev. 1241 (1991); Martha R. Mahoney, *Whiteness and Women, in Practice and Theory: A Reply to Catharine MacKinnon*, 5 Yale J. Law Fem. 217 (1993), 251.

¹²⁵ *Supra* note 75, at 25.

¹²⁶ *Supra* note 72, at 2.

and to a wider audience, using the digital possibilities of the 21st century. For example, some online feminist movements have sought to raise awareness of sexual VAWG through social media platforms.¹²⁷ On the other hand, high-tech has also had a negative impact, as new forms of gendered violence have begun to appear, such as, for example, cyberviolence against women.

Despite criticisms and shortcomings, radical feminism played a crucial role in establishing feminist international law through the lens of dominance theory. MacKinnon's theory built the basis for adopting the new instruments for an international complaint mechanism for victims of gender-based violence. The definitions of rape were revisited in the way that the proof of consent is unrequired when sexual assaults are committed during genocide, crimes against humanity, or armed conflict.¹²⁸ Through feminist legal theories, rape laws have been reformed through generations. The equal treatment theories prompted to bring recognition to the severity of rape, while the theory of dominance pointed to rape as a consequence of the dominance of male power and demanded more decisive action on the part of the state. The efforts of feminist theorists brought to the attention that the problem of domestic violence is not a private, family problem that can be ignored but is of a public nature. Finally, critical race theorists further drew public attention to the fact that violence is a consequence not only of discrimination but also of racism and showed that the law is often applied differently depending on the race of the victim and the rapist.

1.2 Conceptualizing Violence Against Women and Girls

Although it has been proven that gender-based VAWG and their large-scale victimization have existed for centuries,¹²⁹ it was not until the last few decades that gender-based violence was recognized as a social problem.¹³⁰ Given that both men and women can experience gender-based violence, the impact differs depending on the sex of the victim. The latter are significantly more vulnerable and, therefore, more likely to experience repeated and severe forms of violence. Initially, the concept of gendered VAWG was predominantly considered through the prism of private relations that accompanied the undesirable behavior of men. As noted in the

¹²⁷ Negar Shiva & Zohreh Nosrat Kharazmi, *The Fourth Wave of Feminism and the Lack of Social Realism in Cyberspace*, 3 *Cybers Stud.* (2019), 129-146, https://jcass.ut.ac.ir/article_72456.html.

¹²⁸ *Supra* note 77, at 288.

¹²⁹ William M. Bridgeland, R. Emerson Dobash & Russell Dobash, *Violence against Wives* (New York: The Free Press, 1979), xii, 339, 451; Mark Poster, *Domestic Tyranny: The Making of American Social Policy against Family Violence from Colonial Times to the Present*. Elizabeth H. Pleck, 14 *Signs: J. Women Cult. Soc.* (1988), 216-219

¹³⁰ *Supra* note 72, at 1.

previous part, before the emergence of the second wave of feminism and their open call to the problems of gender-based violence, abuse of a wife, partner or girlfriend was considered a private affair of this family, and this couple with no need to interfere from outside, not to mention the concepts of “marital rape” or “date rape,” which did not even exist in public consciousness. An extended period passed until the global patriarchal system recognized and absorbed the existence of the problem of violence against the female gender, where the approach of subordinating women in all spheres of life plays a central role.¹³¹

Ertürk highlighted that the ways in which VAWG is conceptualized are the backbone of effective policies and practices to eliminate gender-based violence against women.¹³² Until the moment when feminist studies began to openly declare gendered violence and uncovered the very concept, the state policy of *laissez-faire* in the private sphere prevented the implementation of policies to eliminate VAWG. The main reason was that the phenomenon did not exist at the level of a state understanding, and the intimate sphere of life, where male superiority dominated, was protected from outside interference. Feminist researchers have revealed to the world various characteristics of violence based on gender, sex, and race. Their concepts had complex, multi-layered structural foundations that explained VAWG.¹³³ This became the basis for understanding the very phenomenon of gender-based violence by the public and the subsequent gradual construction and implementation of a policy to eradicate it in states. Therefore, before diving into the study of VAWG issues on a practical level, the research will first consider the conceptual basis of this term. In this section, the notion of “gender-based violence against women” will be determined for a better understanding of the problem in the places. First, the doctrinal context of the term “VAWG” will be analyzed. The second part will cover the understanding of the concept through the international legal perspective, including through the prism of regional jurisdictions.

1.2.1 Doctrinal Perspective

The issue of gendered violence has created points of convergence among feminist activists and scholars, but the process of defining the concept of VAWG has become a point of division.¹³⁴

¹³¹ Rikki Holtmaat, *Preventing Violence against Women: The Due Diligence Standard with Respect to the Obligation to Banish Gender Stereotypes on the Grounds of Article 5(a) of the CEDAW Convention*, in: Carin Benninger-Budel (ed.), *Due Diligence and Its Application to Protect Women from Violence* 63-89 (2008), 63.

¹³² Yakın Ertürk, *Linking research, policy and action: A look at the work of the special rapporteur on violence against women*, 2 Curr. Sociol. 142-160 (2012), 145. doi:10.1177/0011392111429216.

¹³³ *Id.*

¹³⁴ *Supra* note 81, at 14.

As discussed earlier, no universally agreed definition of violence against women was accepted among the feminist academic community. Different concepts were used, in most respects, to emphasize the vulnerable and “object” status of female victims and offender status of men, such as “woman abuse,” “violence against women,” and “male-to-female violence.” Others, on the contrary, despite the emphasis on gender division, refer to the phenomenon as “family violence” or “IPV,”¹³⁵ thereby trying to assert that violence can occur not only from men but also from the side of women, not only from a husband, but also from a cohabitant or partner, and not only in heterosexual but also in non-traditional relationships. Although such cases are less common, there is also controversy over whether violence committed by women against women can be considered gender-based violence. For instance, there are cases where women collude or aid men who commit violence that can be perceived as gender-based violence.¹³⁶

DeKeseredy and Dragiewicz highlight the problems in using narrow legal definitions of gender violence, such as those limited to physical violence or sexual assault. Definitions of violence that are restricted to only physical aspects and do not involve any emotional and psychological components can affect the analysis of gender violence studies, as well as the type and quality of support for victims of violence from social institutions. The authors state that such a narrow understanding can lead to cases where the sense of abuse of the victim may not coincide with the opinion of the judiciary or the police about the meaning of violence. The woman “may be left in a “twilight zone” where she knows that she has been abused but cannot define it in a way that would help her.”¹³⁷ This will prevent victims of abuse from seeking help from social institutions or law enforcement agencies and exacerbate the problem of underreporting. It should also be noted that such constricted definitions, which focus only on the physical dimension of violence, can also be confusing. For example, when psychological and emotional abuse is not considered in the definition of abuse, even though the latter can cause just as much harm and have a longer-lasting effect than physical abuse.¹³⁸ VAWG, like any other social problem, is politically motivated. Being politicized, the definition of “violence against women” is also used as a means to combat and prevent the problem itself.¹³⁹ Therefore, in order to effectively combat gender-based violence, it is critical to correctly define VAWG, not

¹³⁵ See Donald G. Dutton, *Rethinking Domestic Violence* (Vancouver: UBC Press, 2006). <https://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=383165&site=eds-live>.

¹³⁶ Monica McWilliams, *Violence against Women in Societies Under Stress*, In: R. Emerson Dobash & Russell Dobash (eds.), *Rethinking Violence against Women* (SAGE Publications, 1998), 113.

¹³⁷ *Supra* note 81, at 7-9.

¹³⁸ Adrienne E. Adams et al., *Development of the Scale of Economic Abuse*, 15 *Viol. Women* (2008), 563-88.

¹³⁹ *Supra* note 81, at 5.

circumscribed by narrow interpretations, but at the same time not to go to extremes of exaggeration. However, as DeKeseredy and Dragiewicz rightly pointed out, no matter how the term is named, each researcher will define it according to the methods and research goals of his discipline. Medical sciences will explore the physical component of violence, psychology - the emotional. In turn, the legal sciences will define VAWG following legal instruments and jurisprudence.¹⁴⁰

Gender violence theorists proposed their own understandings of gender-based violence and tried to define it from a doctrinal perspective in order to better determine and articulate the issue. VAWG is a socially significant question and should be adjusted at a higher degree. Like any critical social problem, it is crucial to consolidate the most accurate terminology at the state level, yet the doctrinal determination is not enough to combat gendered abuse. In addition, law is a dynamic phenomenon, and it evolves as new forms of gender-based violence emerge. And, the more new or hybrid forms of gendered abuse develop, the more it pushes societies to adopt new terminology and new legal norms in order to regulate such “innovations.” Considering that in this study, the issue of violence against women will be considered within the framework of legal science, it is desirable to see the legal understanding of the term “gender-based violence against women” adopted by the international community. This will subsequently help the study to identify the grounds for violations and ways to eliminate them from a legal and policy point of view. Therefore, the next step would be to consider the concept from the point of view of law.

1.2.2 *Legal Perspective*

Although, in many cases, both terms are used interchangeably, “violence against women” has a narrower meaning than the term “gender-based violence.” The main particularity of “gender-based violence” term is that the concept may include not only violence against a female but also a force against men and boys¹⁴¹ or other genders. Charlesworth noted that VAWG is often synthesized with “gendered violence” to stress the fact that abuse against women is not merely random aggression.¹⁴² In other words, this is an aggression explicitly directed against women, based on the fact that the latter are representatives of the female gender. This part will explore

¹⁴⁰ *Supra* note 81, at 14.

¹⁴¹ Luisa Blanchfield, *United Nations System Efforts to Address Violence Against Women*, United States Congressional Research Service (2011), fn. 12.

¹⁴² Hilary Charlesworth, *The Declaration on the Elimination of All Forms of Violence Against Women* (ASIL Insight: The American Society of International Law Newsletter, 1994), 4.

the topic around gender-based violence, oriented expressly against women and girls, through the prism of international law, including normative perspectives from different regional jurisdictions.¹⁴³ Throughout the text, the terms “violence against women and girls,” “violence against women,” “gendered violence,” “gender-based violence,” “gendered abuse,” and “VAWG” are used interchangeably and understood to include also abuse of girls.

The World Conference on Human Rights¹⁴⁴ recognized the violence against women as a human rights violation in 1993. The Conference defined gender violence as “violence which jeopardizes fundamental rights, individual freedom and women’s physical integrity”¹⁴⁵ and summoned for the appointment of a Special Rapporteur on violence against women under the Vienna Declaration and Programme of Action.¹⁴⁶ In its turn, the latter declared gender-based violence as one of the vital matters of human rights.¹⁴⁷ In particular, gendered violence can affect a significant number of women’s human rights. This includes fundamental rights such as the right to life, the right to liberty and security, the right not to be subjected to torture or ill-treatment, inhuman or degrading treatment, and the right to equality in the family.¹⁴⁸ The Committee on the Elimination of Discrimination Against Women (CEDAW Committee), in its General Recommendation No. 19 (11th session, 1992), covering specifically the question of violence against women, determines gender-based violence as “a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on the basis of equality with men.”¹⁴⁹ Furthermore, the document specifies that gender-based violence is seen as violence that can be perpetuated by public and private acts¹⁵⁰ and “is directed against a woman because

¹⁴³ For the purposes of the discussion, “international law” refers to legal principles and standards established by treaties, customary law, general principles of law, judicial decisions and other sources (see UN, *Statute of the International Court of Justice* (1945), Art. 38. <https://www.icj-cij.org/statute>). Some international legal instruments, such as conventions (e.g. CEDAW, Istanbul Convention), are legally binding on signatory states. Others may be non-binding or advisory in nature and serve as guidelines or recommendations for state behavior (e.g. Beijing Declaration, Declaration on the Elimination of Violence in relation to women). Throughout the text, both hard (binding) and soft (non-binding) legal sources are considered and understood as international law on gender-based violence.

¹⁴⁴ UN Commission on Human Rights, *World Conference on Human Rights*, E/CN.4/RES/1994/95 (9 March 1994). <http://www.ohchr.org/EN/ABOUTUS/Pages/ViennaWC.aspx>.

¹⁴⁵ The British Council, *Violence Against Women, Briefing Document on International Issues and Responses* (1999), 5.

¹⁴⁶ UN General Assembly, *Vienna Declaration and Programme of Action*, A/CONF.157/23 (12 July 1993). https://www.un.org/ga/search/view_doc.asp?symbol=A/CONF.157/23.

¹⁴⁷ *Supra* note 141, at 4.

¹⁴⁸ UN Committee on the Elimination of Discrimination Against Women, *CEDAW General Recommendation No. 19: Violence against women* (1992), Art. 7. https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3731_E.pdf.

¹⁴⁹ *Id.* at Art. 1.

¹⁵⁰ *Id.* at Art. 9.

she is a woman or that affects women disproportionately.”¹⁵¹ Gender-based violence was recommended to be defined by the UN Handbook for Legislation on Violence against Women as all forms of violence including, but not limited to, domestic and sexual violence (including assault and harassment), harmful practices, trafficking in human beings, and sexual slavery.¹⁵² The European Commission, in line with the CEDAW’s definition, interprets gender-based violence as “violence directed against a person because of that person’s gender or violence that affects persons of a particular gender disproportionately.”¹⁵³ The concept of gendered abuse can cover violence against women, domestic violence against women, children and men living in the same home section. Even though gender-based violence can take diverse shapes, in most cases, it largely affects the female population, which subsequently causes severe damage to families and society as a whole.¹⁵⁴

Adopted in the 1994, Declaration on the Elimination of Violence against Women became the first international instrument explicitly addressing violence against women.¹⁵⁵ Together with the Beijing Declaration and Platform for Action¹⁵⁶ and the Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention, 2011), it includes a detailed specification of the definition of violence against women. The concept in the legal instruments is perceived as “a form of discrimination against women and shall mean all acts of gender-based violence,” which refers to violence directed against women because they are women or violence affecting them disproportionately. Wherein, such discrimination can result or is “likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”¹⁵⁷ Istanbul Convention emphasizes that gender-based violence against women differs from other types of violence. According to the legal document, violence against women is violence committed against a woman, in which gender inequality is the main reason for the subordination of women and their violence by men in the

¹⁵¹ *Id.* at Art. 6.

¹⁵² United Nations, *Handbook for Legislation on Violence Against Women* (New York, 2010), 23.

¹⁵³ European Commission, *What is gender-based violence?* https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/gender-based-violence/what-gender-based-violence_en. (accessed 30 Oct 2022).

¹⁵⁴ *Id.*

¹⁵⁵ UN General Assembly, *Declaration on the Elimination of Violence against Women* A/RES/48/104 (20 December 1993). https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/48/104.

¹⁵⁶ *Beijing Declaration and Platform for Action*, adopted at the Fourth World Conference on Women, A/CONF.177/20 (1995). https://www.un.org/en/events/pastevents/pdfs/Beijing_Declaration_and_Platform_for_Action.pdf.

¹⁵⁷ Council of Europe, *The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention, November 2014), Art. 3(a). <https://rm.coe.int/168008482e>.

public and private spheres. This understanding of violence against women recognizes that it is deeply rooted in societal norms and attitudes that perpetuate gender inequality and make violence against women more acceptable.¹⁵⁸ In turn, the Istanbul Convention is the first legally binding document to explicitly urge for the need to prevent violence against women and domestic violence, to protect victims, and to prosecute perpetrators. The convention sets up a monitoring mechanism and provides a comprehensive framework for preventing and responding to violence against women, requires member-states to take action in criminalizing all forms of violence against women, providing support and protection for victims, and preventing violence through education and awareness-raising campaigns.¹⁵⁹

The notion of violence against women in the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women (Convention of Belém do Pará, 1994) is also understood as any act or behavior directed against women because of her gender that causes physical, sexual or psychological harm, any other suffering to women and even the death (Art.1). The Convention details three specific areas where and by whom violence can be committed. First, within the framework of a domestic or family union or any interpersonal relationship, including battery, rape, and sexual abuse (Art.2(a)).¹⁶⁰ Yet, the provision emphasizes that such violence can occur regardless of whether the perpetrator and the victim are living together or apart. Second, VAWG can happen within any community and is committed by anyone, whether they know the victim or not (Art.2(b)). An example of this category can be trafficking in women, forced prostitution, kidnapping, rape, sexual harassment, and other forms of gender-based violence that take place in an educational or workplace setting, in medical facilities and in any public place. Third, gender-based violence can be perpetrated and indulged by state or public officials in any place (Art.2(c)). Besides, the Inter-American Commission on Human Rights (IACHR) has steadily requested that states make no distinctions based on the marital status of the victim or perpetrator.¹⁶¹

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol, 2003) defines violence against women in an extensive way: violence against women implies "all acts perpetrated against women ... including the threat to take such

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ Organization of American States (OAS), *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para, 9 June 1994)*, Art. 2. <https://www.oas.org/juridico/english/treaties/a-61.html>.

¹⁶¹ Inter-American Commission on Human Rights, *Access to justice For Women Victims of Sexual Violence in Mesoamerica*, OEA/Ser.L/V/II. Doc. 63 (2011). <https://www.oas.org/en/iachr/women/docs/pdf/WOMEN%20MESOAMERICA%20ENG.pdf>.

acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war” (Art. 1(j)).¹⁶² In other words, the provisions of the document involve cases of violence that occurred not only in peacetime but also acts committed during war or armed conflicts. Consimilar to the Inter-American Convention, the Maputo Protocol covers all areas where women experience violence like “in the family, in the community (*i.e.*, at school and at work) and at the hands of the state.”¹⁶³ Under this provision, women must be protected in their private lives, when they are part of society, and if violence is perpetrated by any public servant, whether it be domestic violence, harassment in the workplace, or abuse in any other public place. Contrastively to other legal instruments, the African Charter specifically highlights separate provisions for the protection of specific groups of women and girls. This includes special safeguards for older women (Art.22) and women with disabilities (Art.23) and ensuring their freedom from violence, as well as non-discrimination based on age and disability status, respectively.

1.2.3 *Forms and Types of VAWG*

Violence against women can wear different apparel,¹⁶⁴ while various forms of violence against women in the physical world and the digital sphere “are not mutually exclusive and frequently overlap with one another, exacerbating the traumatizing impact of the abuse, at times even threatening the physical safety of the victim.”¹⁶⁵ In other words, one form of VAWG can include other forms and be carried out in parallel. One of the most widespread forms of gendered violence is domestic violence, which can manifest in acts of abuse that occur within the family or domestic unit or between ex- or current spouses or partners, whether the offender shares or lives in the same place residence with the victim.¹⁶⁶ While domestic violence should

¹⁶² African Union, *Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa* (11 July 2003). https://www.un.org/en/africa/osaa/pdf/au/protocol_rights_women_africa_2003.pdf.

¹⁶³ The State of African Women, *Gender-based violence against women*, 125-174 (June 2018), 125. <https://www.ippfar.org/sites/ippfar/files/2018-09/SOAW-Report-Chapter-5-Gender-Based-Violence-Against-Women.pdf>.

¹⁶⁴ Forms and types of gender-based violence are often used interchangeably. However, in this dissertation, “forms” of gender-based violence are understood and categorized into the different contexts or environments in which violence occurs (e.g., domestic violence occurs in the home context, harassment - in the workplace or educational context, cyberviolence - in the digital space). In turn, “types” of gender-based violence are used in the text to express specific characteristics or methods through which violence is committed (e.g., physical violence, sexual violence, emotional or psychological violence).

¹⁶⁵ GREVIO, *General Recommendation No.1 on the Digital Dimension of Violence against Women* (20 October 2021). <https://rm.coe.int/grevio-rec-no-on-digital-violence-against-women/1680a49147>.

¹⁶⁶ *Supra* note 155, at Art. 3(b).

not be confused with family violence. The latter is a broader concept and covers all forms of violence occurring within the family by any of its members.¹⁶⁷ At the same time, both terms, “domestic violence” and “family violence,” are often used interchangeably because they both address violence or abuse within the context of relationships, households or family dynamics (e.g., in Central Asian states’ legal contexts). Domestic violence and any other forms of violence against women can include the following types of gendered abuse:

- 1) Physical violence against women is any action that induces corporeal harm as a result of illegal physical force and may take the form of severe and minor assaults, manslaughter, deprivation of liberty,¹⁶⁸ injuries, and other health problems.¹⁶⁹ In other words, physical abuse refers to any act of violence that causes physical harm to a woman, such as hitting, punching, kicking, slapping, choking, and using weapons. It can also include acts of sexual violence, such as rape, sexual assault, and sexual harassment. For instance, 31 % of women in EU states from the age of 15 have experienced one or more actions of physical violence;¹⁷⁰
- 2) Psychological violence implies any abusive behavior that causes psychological harm to a woman. Moreover, it not only reaches the mental health and social networks of a victim but also deprives her of future personal, economic, and social development. It can include acts such as harassment or stalking, intimidation, threats, verbal aggression, isolation from others, control, defamation, insults, humiliation, or blackmail.¹⁷¹ 43% of females in the 28 EU countries have experienced some form of psychological violence by their partner;¹⁷²
- 3) Sexual violence is defined by WHO as any sexual act or attempted sexual act, unwanted sexual comments or advances, or acts that traffic or otherwise act against a person’s sexuality using coercion by any person, regardless of their relationship with the victim, in any setting, including, but not limited to, home and work.¹⁷³ Sexual violence can take different forms, depending on the circumstances and on the offender. It includes, but is not limited to, rape or sexual assault, attempts to obtain a sexual act, acts to traffic, date rape and marital rape, rape

¹⁶⁷ The British Council, *Violence Against Women, Briefing Document on International Issues and Responses* (1999), 6.

¹⁶⁸ *Id.*

¹⁶⁹ European Institute for Gender Equality (EIGE), *Glossary and Thesaurus*, <https://eige.europa.eu/thesaurus/terms/1334>. (accessed 30 Oct 2022).

¹⁷⁰ *Supra* note 153.

¹⁷¹ *Supra* note 169.

¹⁷² *Supra* note 153.

¹⁷³ World Health Organization (WHO), *Violence Against Women*, In: Etienne G. Krug, Linda L. Dahlberg, James A. Mercy, Anthony B. Zwi, and Rafael Lozano (eds.), *World Report On Violence And Health*, 123-173 (Geneva: World Health Organization, 2002). https://www.who.int/violence_injury_prevention/violence/global_campaign/en/chap6.pdf.

during armed conflicts, and other acts otherwise directed against a woman's sexuality without her consent;¹⁷⁴

4) Economic violence refers to any act or behavior that causes economic harm to a woman. Economic violence can take the form of restricting access to financial resources, restricting a person's access to study or work, failing to meet economic obligations such as paying child support/alimony, destroying property,¹⁷⁵ coercing into unwanted sexual acts or labor in exchange for money or other necessities, or denying access to inheritance or property. Economic abuse can have severe consequences for a woman, such as poverty, financial dependence, and lack of access to basic needs like food, housing, and healthcare. It can also limit her ability to escape an abusive situation and leave her more vulnerable to further abuse.

Another common form of gender-based violence against women is trafficking in women. The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol, 2000) defines trafficking in persons as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation." (Art.3(a)). In turn, trafficking in women and girls is carried out for the purpose of sex trafficking. This includes any type of sexual exploitation for the purposes of prostitution, slavery, removal of organs, forced labor and other similar intentions, including rape, sexual violence, and sex tourism. (Art.3(a)) Women victims of international trafficking are at high risk of further outrage, as well as unwanted pregnancies and sexually transmitted infections, including HIV/AIDS.¹⁷⁶ Trafficking in women and girls, compared to other forms of gender-based violence, has become global in recent decades. It is not localized in one geographical area and acquires a wider transnational character.¹⁷⁷

Child marriage is a form of violence against girls, which is defined as the formal marriage of a child under the age of 18 or an informal union in which children under the age of 18 live with

¹⁷⁴ *Id.*

¹⁷⁵ *Supra* note 169.

¹⁷⁶ UNFPA, *Issue 4: Trafficking in Women and Children*. <https://www.unfpa.org/resources/issue-4-trafficking-women-and-children>. (accessed 30 Oct 2022).

¹⁷⁷ See David R. Hodge & Cynthia A. Lietz, *The International Sexual Trafficking of Women and Children: A Review of the Literature*, 22 J. Women & Soc. Work 163 (2007), <https://journals.sagepub.com/doi/pdf/10.1177/0886109907299055>.

a partner as if they were married.¹⁷⁸ Child marriage threatens lives, degrades girls' physical and psychological health, and deprives them of an elementary childhood. They become pregnant early, thereby putting their own and the lives of babies at risk. Many do not complete their studies even at school, thereby depriving them of the opportunity for further education, work, and economic independence. In particular, these girls are more likely than others to be subjected to domestic violence.¹⁷⁹ According to the UNICEF's State of the World's Children 2021 report, one of the highest rates for early marriages of girls under 15 years in 2014-2020 was in countries of Niger, the Central African Republic and Chad.¹⁸⁰ Despite legal prohibitions, child marriages, to a lesser extent, but are also still practiced in Eastern Europe and Central Asia.¹⁸¹

Some of the manifestations of gendered violence against women take even more severe "robes" than the forms of violence against women preliminary mentioned. A type of gendered violence that entails sad consequences is femicide, meaning the killing of a woman, usually by a man, motivated by hatred of a woman, gender discrimination, and/or because of gender-based violence with the connivance of the state. Thus, 58% of murdered women worldwide were killed by their intimate partners.¹⁸² In contrast to homicide, women are mostly killed at home, and the murders are committed by persons closest to them - husbands, partners, or friends. WHO notes that femicide is often the consequence of persistent domestic violence, psychological, sexual, or economic abuse.¹⁸³ There are different types of femicide, such as intimate femicide, committed by a husband or partner, and non-intimate femicide - committed by a person who is not in an intimate relationship with the victim.

Gender-based violence, such as domestic abuse, rape, sexual harassment, trafficking in women occur in most countries and cultures. However, traditionally inspired forms of VAWG differ and are tied to certain societies, regions, or cultures, depending on belief systems, forms of organization, and patterns of living. Simultaneously, traditional forms of gendered violence can

¹⁷⁸ UNICEF, *Child marriage*. <https://www.unicef.org/rosa/what-we-do/child-protection/child-marriage#:~:text=Child%20Marriage%20is%20defined%20as,a%20partner%20as%20if%20married>. (accessed 30 Oct 2022).

¹⁷⁹ UNICEF, *Child marriage: Child marriage threatens the lives, well-being and futures of girls around the world*. <https://www.unicef.org/protection/child-marriage> (accessed 30 Oct 2022).

¹⁸⁰ UNICEF, *The State of the World's Children 2021. Promoting, protecting and caring for children's mental health* (2021). <https://www.unicef.org/media/114636/file/SOWC-2021-full-report-English.pdf>

¹⁸¹ UNICEF, *Towards Ending Child Marriage Global trends and profiles of progress* (2021). <https://data.unicef.org/wp-content/uploads/2021/11/Towards-Ending-Child-Marriage-report-2021.pdf>.

¹⁸² Anna Kapushenko & Saviya Khasanova, *Femitsid. Kto i kak ubyvaet zhenshchin v Kyrgyzstane? Kratkie Vyvody*, Soros.kg (2020). https://soros.kg/wp-content/uploads/2020/12/Фемцид_краткие-выводы-исследования_русс.pdf.

¹⁸³ WHO, *Understanding and addressing violence against women* (2021). https://apps.who.int/iris/bitstream/handle/10665/77421/WHO_RHR_12.38_eng.pdf

blend with newer ones to create entirely distinct forms of violence.¹⁸⁴ For example, in Central Asia, traditional practices such as kidnapping girls for marriage, early and arranged marriages, and “kelinism” still occur and can be considered as a form of gendered abuse affected by traditional background. In its 2000 Report, the CEDAW Committee expressed its concerns regarding the high rate of violence against women, “which takes even more extreme forms because of customary practices, such as dowry, sati and the devadasi system. Discrimination against women who belong to castes, or ethnic or religious groups is also manifest in extreme forms of physical and sexual violence and harassment”.¹⁸⁵ At the same time, forms such as dowry and sati in India can also fall under the category of femicide.

Ertürk called violence in the form of an act of retribution against a woman as “crimes based on the honor motive” or “honor-based crimes,”¹⁸⁶ which can also be a form of femicide. Some features of Ertürk’s understanding of crimes of honor can be compared with the traditionally based forms of VAWG in Central Asia. For example, the author emphasizes that honor crimes have a common feature: they can involve other family members in decision-making, planning, instigating, and concealing a crime.¹⁸⁷ The same can be contrasted in Central Asia: when the crime of bride kidnapping is committed, the whole family, including the offender’s friends, is involved in the kidnapping of a young woman. Another interesting commonality is that older women in the family may be involved in the instigation and planning of crime and may be the ones tasked with monitoring and controlling the behavior of the younger family members.¹⁸⁸ In Central Asian societies, for example, the phenomenon of “kelinism” may include control and physical or/and psychological violence by an experienced mother-in-law over young daughters-in-law. The forms of violence against women as traditional practices in Central Asia will be discussed in detail in Chapter 2.

A phenomenon that emerged with the spread of the Internet, and today, it takes on more colors with the development of social networks and platforms, is cyberviolence against women or

¹⁸⁴ Emerson Dobash & Russell Dobash, *Rethinking Violence against Women* (SAGE Publications, 1998), 13.

¹⁸⁵ UN Committee on the Elimination of Discrimination Against Women (CEDAW), *Report of the Committee on the Elimination of Discrimination against Women: Twenty-second session* (17 January - 4 February 2000); *Twenty-third session A/55/38, (12-30 June 2000)*, para. 68. <https://www.un.org/womenwatch/daw/news/akcedaw22.htm>.

¹⁸⁶ “The concept of so-called “honour crimes” is a complex issue but may be defined as a crime that is, or has been, justified or explained (or mitigated) by the perpetrator of that crime on the grounds that it was committed as a consequence of the need to defend or protect the honour of the family.” Committee on Equal Opportunities for Women and Men, So-called “honour crimes”, see Committee on Equal Opportunities for Women and Men, *Report*. Doc. 9720 (2003). <https://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=10068&lang=EN>.

¹⁸⁷ Yakin Ertürk, *Towards a Post-Patriarchal Gender Order: Confronting the Universality and the Particularity of Violence Against Women*, 46 *Sociologisk Forskning* 4 (2009), 70.

¹⁸⁸ *Id.*

online violence. According to the Economist Intelligence Unit research, the overall prevalence of online violence against women globally is 85%, while younger women are more likely to have personally experienced online violence.¹⁸⁹ On 20 October 2021, GREVIO adopted General Recommendation No.1 on the Digital Dimension of Violence against Women, emphasizing the importance of paying attention to gender-based violence on the Internet, including in the context of the COVID-19 pandemic.¹⁹⁰ Online violence can include both intimidation and public censure or the desire to inflict physical pain - and then, with the help of the Internet, the virtual threats become real.¹⁹¹ Today there are many apparels in which cyberviolence against women can manifest itself, such as “flaming,” “orbiting,” “sexting,” “sexual extortion,” “trolling,” etc.¹⁹² These types of gender-based cyberviolence can carry dangerous consequences, such as rape, sexual assaults, or even murders. Given that both men and women can be exposed to cyberviolence, females are significantly more likely to experience repeated and severe forms of violence. At the same time, attackers can be former or current partners, classmates, colleagues, or, as is often the case on social media and online platforms, anonymous individuals.¹⁹³

As was observed, gender-based VAWG may be defined by separate authors in various ways. Although, all the interpretations have specific common points that illustrate the concept of “gender-based violence against women” or “violence against women” as it is. These points are the committal of different forms of violence or threat of it directed against women or girls, whether it happens both in a public or private relationship, in peacetime or conflict period. At the same time, violence against women is a global phenomenon, and in the context of alternative patriarchal regimes, it can take various forms of control mechanisms that entail certain forms of violence,¹⁹⁴ both universally widespread and supported by cultural, traditional or religious foundations. Women’s abuse is not only about harming individual women but about systematic violence aimed at maintaining patriarchal gender relations and keeping women in “their place.”¹⁹⁵ And, even though researchers from different scientific fields usually define violence against

¹⁸⁹ The Economist Intelligence Unit, *Measuring the prevalence of online violence against women* (2020). <https://onlineviolencewomen.eiu.com/> (accessed 30 Oct 2022).

¹⁹⁰ *Supra* note 165.

¹⁹¹ Valeriya Persasso, *V seti oskorblenii: kiberprestupleniya protiv zhenshchin*, BBC News. https://www.bbc.com/russian/society/2015/11/151125_gch_cyber_violence_against_women (accessed 30 Oct 2022).

¹⁹² *Supra* note 165.

¹⁹³ Council of Europe, *Stop cyberviolence against women and girls* (25 November 2020). <https://www.coe.int/en/web/ankara/-/stop-cyberviolence-against-women-and-girls> (accessed 30 Oct 2022).

¹⁹⁴ *Supra* note 184, at 64.

¹⁹⁵ *Supra* note 132, at 153.

women per the research methods of their discipline, DeKeseredy and Dragiewicz correctly noted that when defining gendered violence against women, it would be appropriate also to consider whether this term has relevance and sensitivity to the subjective experience of victims of violence.¹⁹⁶

Conclusion

Theoretical aspects of violence against women gave an opportunity to expand societies' understanding of gender-based violence. The concepts have become the basis and open possibilities for further study of the problem of violence against women and identifying the ways to combat it. The disclosure of the phenomenon of gender-based VAWG emphasizes the theoretical significance of these concepts for the further development of gender studies and the identification of ways to overcome the problem. The study showed that the theoretical and conceptual basis of gender-based violence has social significance since it can help improve the life of the female part in societies. The emergence of new knowledge and theories about violence against women can and will become the main lever that contributes to the identification of crucial problems and patterns and the development of a legal framework. Therefore, first, an overview of theoretical developments in the field of gender-based violence was given in this study to provide a complete picture and understanding of where the roots grow and where the branches of this phenomenon lead.

The theory of dominance feminism helped to reveal the paradigm that gender-based violence is the result of dominant male power and a subordinate position of women. In turn, the concepts of gender-based violence against women, put forward by feminist theorists and subsequently enshrined in the legislative framework, helped to identify the patterns and reasons why gender-based violence is committed. Namely, the purpose of violence is to suppress women primarily because of their gender. For instance, feminist theories of the second wave helped society understand that gendered violence is an acute problem that should be addressed at the state and legal level. Feminist concepts of dominance have pushed domestic violence out of the realm of private life, indicating that this problem is of public concern. Critical racial theorists have drawn public attention to the fact that violence is a consequence not only of gender discrimination but also of racism and have shown that the law is often applied differently depending on the race

¹⁹⁶ *Supra* note 81, at 14.

of the victim and the perpetrator. Radical feminists have drawn attention to gender-based violence and, accordingly, laid the foundation for the formation of a legislative framework to protect women from abuse, from the national through the international level.

Gender-based violence theorists put forward their own understandings of violence against women. Researchers have tried to define accurately from a doctrinal perspective to better determine and articulate the issue, including the victims' own feelings. Subsequently, as a result of this, legislative acts were adopted to consolidate the concepts at the legal level. The legal instruments were adopted at the international level – CEDAW, the Beijing Declaration and at the regional levels: Council of Europe - Istanbul Convention, African Union - Maputo Protocol, Organization of American States - Belém do Pará Convention. Every document commonly highlights the very notion of “violence against women.” All of them define gender-based violence against women as committing or threatening to commit various forms of violence against women or girls because they are female, regardless of whether it happens both in public and private relationships, in times of peace or conflict. Such violence is ultimately likely to result in physical, sexual, psychological, or economic harm or any other suffering to women, coercion, or arbitrary deprivation of liberty.

Violence against women is global in nature.¹⁹⁷ In the context of various patriarchal regimes, it can take various garments of control mechanisms that entail forms of violence, both widespread, such as domestic violence, trafficking in women and girls, femicide, sexual harassment, and cyberviolence, and supported by the cultural or traditional backgrounds of a particular society, such as bride-kidnapping, dowry-related violence, honor crimes, sati and other forms. At the same time, all existing concepts of violence against women are not mutually exclusive and often overlap. Considering that gender-based violence, like any other social phenomenon, is evolving and can take on different forms and layers every day, there are certain forms of violence that will soon be called in a new-fangled way. For example, the concept of cyberviolence has begun to gain attention because of the development of technology and the Internet in recent decades.

Identifying gender-based violence does not solve the problem alone, and no effective measures or legislation were immediately adopted to deal with the issue of violence against women. Until now, many countries still do not recognize the problem of VAWG at the legislative level, and

¹⁹⁷ UN Women, *Facts and figures: Ending violence against women*. <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures#:~:text=Globally%2C%20an%20estimated%20736%20million,women%20aged%2015%20and%20older> (accessed 30 Oct 2022).

there is still no effective regulation of this issue. It is a complex and long multi-level process that includes different stages and many participants in its settlement. However, recognizing the existence of gendered violence and giving it a “name” and status of a social problem, its unacceptability at the public and legal levels becomes the foundation for resolving many of the problems associated with violence against women. Understanding how gender-based violence has been shaped and how it has been conceptualized is essential to the state’s response to the problem. This will change society’s attitude towards victimization and outline ways to build a gender policy to adequately address the problem. By virtue of the theoretical basis of feminism and the very concepts of gender-based violence against women, the door opens for better formulation of gender issues in the gender policies of states and, thereby, the creation of mechanisms to prevent and eliminate the problem of VAWG.



CHAPTER 2. FROM PAST TO PRESENT: HISTORICAL WOMEN'S RIGHTS, AUTHORITARIANISM, AND CHARACTER OF GENDERED VIOLENCE IN CENTRAL ASIA

Introduction

The status of women in Central Asia was determined by a number of factors, which included a range of cultural values and an increased level of standardization of gender roles. In the region, studying the past of the states is critical to predict and address gender inequality and promote a better future for women. At the same time, one of the most interesting aspects of the history and development of women's rights in the region is that it is full of ambivalence. The pre-socialist period was marked by the subordination of gender roles in large societies; however, in nomadic groups, there were more freedoms for women. During the Soviet era, women's emancipation policies were pursued, although their genuine intentions were ambiguous. Furthermore, the post-independence transition period also had its ups and downs, with one negative aspect of the tendency towards traditionalism and increasing religious views, which in many aspects harmed the status and rights of women and girls in the region.

Thus, to thoroughly examine issues of gender and women's rights in Central Asia, Chapter 2 dives into the context of gender inequality and VAWG in the region and focuses on several aspects. The text begins with a review of the historical context of women's rights, thereby illustrating how the status and rights of women have changed in Central Asia over time. This provides insight into the multifaceted and sometimes ambiguous nature of the situation of women in Central Asia, where different historical periods and cultural influences have contributed to different values and attitudes towards gender roles in the region. In turn, it should be noted that the evolution of women's rights in Central Asia has absorbed several completely different eras and their values, such as a combination of cultural values, socialist ideals of emancipation, and liberal views of democracy and gender equality. When considering all these aspects, one can observe the current lower status of women in all Central Asian states, which is reinforced by gender-based violence and continues to be a persistent problem in the region. Therefore, understanding the perpetuation of VAWG requires an analysis of the relationship between authoritarianism, gender equality, and historical factors.

The reasons why it was chosen to focus on the historical development of women's rights, levels of democratization, and forms of gender-based violence in Central Asia in this Chapter are the

following. First, perception of the historical context of women's rights and gender equality in a region provides insights into the cultural values and attitudes toward gender roles that have shaped the current landscape of women's rights and gender-based violence in Central Asia. In other words, when looking at how women's rights have evolved in the region over time, the reader can perceive the factors that contributed to headway, as well as those that have held progress back. Second, an examination of the role of Central Asian authoritarianism and its correlation with gender inequality will assist in the identification of potential barriers that need to be overcome to achieve greater gender equality in the region. Clearly, authoritarian regimes can often use gender-based violence as a tool to control and suppress the female population, therefore, these dynamics and their understanding are important in the development of suitable strategies to combat the problem. Third and final, to draw a fuller portrait of the specific challenges women and girls face in Central Asia, the Chapter will smoothly move on to the identification and explanation of the different forms of gender-based violence prevalent in the region in the last part.

Therefore, Chapter 2 is divided into three subchapters that offer a thorough evaluation of the region's historical development of women's right and gender equality, the relationship between Central Asian authoritarianism and VAWG, as well as a review and scrutiny of the most common forms of gendered violence prevalent in Central Asia. Subchapter 2.1 investigates the historical background of women's rights in Central Asia. Namely, it explores the pre-revolutionary circumstances and analyses the effects of both Soviet policies and the post-independence transition on the advancement of gender equality and the status of women in the region. Subchapter 2.2 focuses on examination of the relationship between Central Asian authoritarianism, violence against women, and gender equality. In this part the thesis will take a closer look at a correlation between political representation of women, modernization, income, culture, religion, and democratic stock, and violence against women. Subchapter 2.3 of the study concentrates on the forms of VAWG in Central Asia. Specifically, the analysis includes an examination of the manifestations of gender-based violence, such as domestic violence, trafficking and other, which are common worldwide and prevalent in the region. Additionally, the Subchapter further highlights and explains the various forms of VAWG that are often justified by traditional practices in Central Asia, precisely, bride kidnapping, early childhood marriages, and "kelinism".

2.1 Rights of Central Asian Women in a Historical Context

2.1.1 The Pre-Revolutionary Situation with Women's Rights in Central Asia

Information about the pre-Soviet status of women is scarce, although it is known that women played a subordinate role in relation to men in Central Asian societies. Since the X-XI centuries, patriarchy with a rigidly fixed gender hierarchy has been built and consolidated. However, it is acknowledged that matriarchal family communities did dominate in Kyrgyz and Kazakh societies in 1200-700 BC. At that time, the legal status of women in Central Asia was regulated by the provisions of customary rules and Islamic law (since the VIII century).¹⁹⁸ Beginning in 1718, the Russian Empire gradually began to advance on the territory of Central Asia. Starting with the annexation of the Kazakh steppes and ending with the establishment of control over the Pamirs, in 1895, Central Asia was entirely under the influence of tsarist Russia. At that time, the people professed Islam and led a nomadic and semi-nomadic lifestyle in the north (approximately on the territory of modern Kazakhstan and Kyrgyzstan) and southwest (modern Turkmenistan).¹⁹⁹ Both before and after the accession of the Central Asian territories to the Russian Empire, the situation with the status of women seems to be the same. Given the spread of religious morality in societies, there was no question of the equality between men and women, and therefore, women were often in an exploitative status. The status of women before and after the annexation of the region to the tsarist empire was characterized by the fact that females were verbatim the property of their male family members.²⁰⁰ This manifested in the widespread practice of “marriage by purchase” (*kaly*m), where a woman acted as a commodity that her family sold for matrimony, and a man bought and paid her family a remuneration.²⁰¹

Property relations were also based on the patriarchal concept of male dominance and female subordination, as evidenced by the custom of polygamy, which was perceived as a sign of prestige and wealth. Islamic law allowed espousal with four or more wives, between whom

¹⁹⁸ A. T. Tilekova, *Jetapy razvitija pravovogo polozhenija kyrgyzskih zhenshhin*, 11-3 International Journal of Humanities and Natural Sciences 50 (2020), 58.

¹⁹⁹ Shirin Akiner, *Between Tradition and Modernity: The Dilemma Facing Contemporary Central Asian Women*, In: Mary Buckley (ed.) *Post-soviet women: From the Baltic to Central Asia* (Cambridge University Press, 1997), 261–264.

²⁰⁰ See Faizi Zikriev, *Razrabotka Problemy Polojneniya jenshchin-Tadjichek v Dosovetskiy Period*, 9 Bulletin of the Tajik National University (2020), 5-9. <http://g.vestnik-tnu.com/vestnik/2020/Vestnik-2020-9.pdf#page=5>.

²⁰¹ See Bekbosun Borubashov, *Istorija Gosudarstva i Prava Kyrgyzskoj Respubliki: Uchebnik. S Drevnejshih Vremen do Nachala XXv.* (KRSU, 2015). <http://lib.krsu.edu.kg/uploads/files/public/6113.pdf>.

rivalry and bitterness often developed.²⁰² In addition, despite the solid patriarchal influence, women had their internal parallel hierarchies, which were quite strong, as on the male ladder. Thus, within the women's community, there was its inside ranking, where one could notice the distribution of responsibilities depending on the status of a particular wife.²⁰³ At the same time, polygyny brought its dangers and lack of rights for women, where the husbands exploited the latter into free labor in the household. As Nabieva noted, the reason for the exploitation of a woman at home was her economic dependence on her husband; since the latter bought her for dowry, he could consider and treat a wife as a product or thing.²⁰⁴

The Central Asian peoples lived in large extended families. Based on Islamic and customary law, marriages were concluded by close relatives of the spouses who did not have the right to choose their partner, and the minimum marriageable age for girls was nine years. Both partners in the family unit had the right to divorce, but in fact, only a husband used this right. There was a clear distribution of duties in families. For example, in Tajik families, the direct responsibility of women was the birth of children, serving the husband and his family, housekeeping, and making home interiors.²⁰⁵ Childbearing was one of the most fundamental functions of women in Central Asian societies. At the same time, the birth of male children was essential and revered; in turn, the birth of girls was considered a misfortune. "Rather than give birth to you, it would be better to give birth to a stone, it would be useful for the construction of the wall," - the words Tajik Muslims used to meet the birth of a girl.²⁰⁶

In settled communities, women were subjected to more formal control. When going outside, women put on "cloaklike overgarment (*parandzha*) and a waist-length horsehair veil (*cbachvan*)" that covered their faces, Akiner writes.²⁰⁷ This happened in Tajik societies, where a girl who reached the age of nine was obliged to wear a burqa and a chashm-band (bandage covering the eye area in the form of a mesh)²⁰⁸ thus, it was an attempt to hide women and girls

²⁰² Quran 4:3 (trans. Saheeh International) (on file with Quran.com). <https://quran.com/4/3?translations=17,19,20,22,84,18,21,95,85,101>.

²⁰³ *Supra* note 198, at 59.

²⁰⁴ Rohat Nabieva, *Zhenshhiny Tadzhikistana v bor'be za socializm* (Dushanbe: Irfon, 1973), 30.

²⁰⁵ *Id.*

²⁰⁶ *Supra* note 200.

²⁰⁷ *Supra* note 199, at 265.

²⁰⁸ Academic.ru, *Perevod: s tadzhikskogo: "чаимбандӯ"*. <https://translate.academic.ru/%D1%87%D0%B0%D1%88%D0%BC%D0%B1%D0%B0%D0%BD%D0%B4%D3%A3/tg/> (accessed 30 Sept 2022).

from prying eyes.²⁰⁹ According to Nabieva, any kind of veil was a powerful weapon for the oppression of women and was a manifestation of the inequality of women with men.²¹⁰

Considering the rarity of the official sources of that time, it is rather difficult to determine a clear picture of women in different parts of Central Asia. However, existing materials indicate that the nomadic and semi-nomadic way of life in certain parts of the region contributed to the comparative freedom of women. Unlike the sedentary peoples, women in nomadic parts of Central Asia, while wearing certain traditional headdresses, did not cover their faces and were relatively more independent.²¹¹ This was the case in the Kyrgyz and Kazakh communities, where women had relatively more rights and powers than females in other parts of the region.²¹² As wives and mothers of sons, Kyrgyz and Kazakh women could have a significant influence, not only within the family but also in external affairs. For instance, marriages of children and joint acquisition of property without the mothers' consent were void.²¹³ The reason for such polarisation might be the fact that the nomadic societies of Central Asia had a mixed religious identity, dominated by a mixture of pre-Islamic – pagan, and Islamic beliefs. Yet, the nomadic way of life somehow prevented the strong development of Islamization in such societies.²¹⁴ In general, Central Asian women, especially in rural areas, could be sold into marriage, abducted, raped, and could not divorce. Physical punishment was also widespread: “A husband catching a runaway wife might bite off her nose and the branding of genitals in cases of female infidelity.”²¹⁵

²⁰⁹ Zh.D. Kabidenova & S.R. Shamshija, *Islam i nacional 'naja identichnost': vzgljad zhenshin*, Missija Konfessij, No.23, (Moscow, 2017), 36-45. <http://confessions-word.ru/images/journals/mm-23.pdf#page=36>

²¹⁰ *Supra* note 204, at 30.

²¹¹ See Zhanara Zhanibek k, *Razvitie gendernoj politiki v Kyrgyzstane*, Nauchnye Dostizhenija i Otkrytija *Sovremennoj Molodezhi* 93, 308-310.

²¹² *Supra* note 209, at 38.

²¹³ See *supra* note 211.

²¹⁴ V. N. Basilov, *Popular Islam in Central Asia and Kazakhstan*, 8 Institute of Muslim Minority Affairs Journal, 1 (1987), 7-17. DOI: 10.1080/02666958708716011.

²¹⁵ See Gregory J. Massell, *The Surrogate Proletariat: Moslem Women and Revolutionary Strategies in Soviet Central Asia 1919–1929* (Princeton: Princeton University Press, 1974); see also Caroline Kennedy-Pipe, *Whose Security? State-Building and the 'emancipation' of Women in Central Asia*, 18 *International Relations*, 91–107 (2004), 94.

2.1.2 *The Impact of Soviet Policy on the Development of Gender Equality in the Region*

After the Great October Socialist Revolution of 1917, Central Asia, captured by the Bolsheviks, began to adapt to the realities and rules of centralized socialist state-building.²¹⁶ In the Union of Soviet Socialist Republics (the USSR), women were endowed with relative freedom and equality with men and had access to education, healthcare, childcare, and other communal advances. Even though some aspects of the Soviet women's emancipation policy were called into question,²¹⁷ the literacy of Central Asian women has increased over several decades in the union. They gained the opportunity to work, vote, participate in elections, among other rights and social benefits.²¹⁸ The Soviets believed they were modernizing traditional Central Asian societies. Nevertheless, even with certain social privileges, the traditional value structure rooted in the social brain was challenging to overcome. The communists' policy was eventually adopted by the indigenous population of the region, although subtly modified to accommodate customary and religious ideas about their own social order. At the same time, historically formed sociocultural patterns persisted in the most intimate and private aspects of life.²¹⁹ Therefore, there was a particular boundary line between public and private life, where external relations were considered Soviet, and internal ones – “Uzbek,” “Kazakh,” “Tajik,” “Turkmen,” or “Kyrgyz.”²²⁰

The Bolsheviks were committed to the ideas of women's liberation, growing out of feminist theoretical foundations.²²¹ The project for the emancipation of women in the Soviet Union was inspired by Marxist feminists such as Nadezhda Krupskaya, Klara Zetkin, Inessa Armand, and Aleksandra Kollontai. The liberation was expressed in the policy of the so-called “women's question,” which, accordingly, also affected the women of Central Asian women.²²² Women's emancipation had a specific meaning, that is, it applied explicitly to the political and economic rights granted to women from the working class of a certain ethnicity.²²³ In this way, the

²¹⁶ Rogers Brubaker, *Nationhood and the national question in the Soviet Union and post-Soviet Eurasia: An institutional account*, 23 *Theory and Society* (1994), 47–78.

²¹⁷ See e.g. Massell, *supra* note 215.

²¹⁸ See *supra* note 199.

²¹⁹ *Id.* at 261–262.

²²⁰ *Supra* note 12, at 197.

²²¹ See Nancy Lubin, *Labour and nationality in Soviet Central Asia*, (UK: Palgrave Macmillan, 1984).

²²² Elena Kim, *Re-feminizing the post-soviet women: identity, politics and virginity ceremonies in contemporary Kyrgyzstan*, 29 *Journal of Gender Studies* (2020), 706–716, 707. DOI: 10.1080/09589236.2020.1758043.

²²³ *Supra* note 199, at 268; Richard Stites, *The women's liberation movement in Russia: feminism, nihilism, and Bolshevism 1860–1930* (Princeton: Princeton University Press, 1978), 332.

Communist Party tried to create a new labor rank in the Central Asian region. This policy was later criticized by Gregory Massell, one of the first Western scientists to study women's questions in Central Asia, and referred to this phenomenon as a "surrogate proletariat."²²⁴ While in Socialist Russia, women's emancipation was seen as a secondary issue, such a goal of the Soviet central authorities in the Central Asian region was initially considered a strategic priority and "the main lever of social change."²²⁵ Accordingly, such discrepant Soviet gender policy in the region had several reasons. First is social injustice - it seemed to the Soviets that Central Asian women were practically subjected to slavery in their traditional communities. Second, political rationale - there was an attempt to create an army of "surrogate proletariat" to participate in the class and religious war. Third, economic benefit - a production needs to be subsisted to involve more people, namely women, in labor output.²²⁶ Significantly, Kandiyoti interprets the Soviet modernization policy in the following aspects: integration of women into the communist working class, high promotion of motherhood, and usurpation of familial-patriarchal authority.²²⁷

Legal protection of women's rights

In 1918-1920s, the first steps were taken to promote and agitate women's rights. By 1919, Departments for Work Among Women were created, or also called Zhenotdely, which included three divisions: agitation, printing, and work among women of the East.²²⁸ Zhenotdely acted as a kind of control and support bodies in defence of the labor rights of Soviet women and were also responsible for the spiritual and ideological education and enrichment of the consciousness of women in the region.²²⁹ Zhenotdely played a significant role in the political emancipation of the women of Central Asia until its' closure in 1930. The women's departments achieved campaigns that gave women the protection of rights such as the right to abortion, women's labor rights, and protection of motherhood.²³⁰

During the first period of the emancipation project (1918-26), the legal foundations for the protection of women's rights were developed and consolidated. Consequently, the work of Islamic courts and the application of shari'a and customary (adat) law were significantly

²²⁴ See Massell, *supra* note 215.

²²⁵ *Id.*

²²⁶ *Supra* note 199, at 268.

²²⁷ See Deniz Kandiyoti, The politics of gender and the Soviet paradox: neither colonized, nor modern? *Central Asian Survey*, 26:4, (2007), 601-623, DOI: 10.1080/02634930802018521.

²²⁸ Kennedy-Pipe, *supra* note 215, at 92.

²²⁹ *Supra* note 199, at 269.

²³⁰ Yvonne Corcoran-Nantes, *Lost Voices: Central Asian Women Confronting Transition* (London: Zed Books, 2005), 166. <https://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=263848&site=eds-live>.

limited, and they practically ceased to operate after 28 years due to the fierce struggle of the Soviet authorities with religion. This gave way to the establishment of secular family law.²³¹ Since 1918, mandatory registration of acts such as births and deaths, as well as official registration of marriages with appropriate evidence of mutual consent of both spouses, was required, thereby prohibiting religious marriages common in the region in pre-Soviet times. After the 1920s, women acquired the right to divorce, and such customary practices of the Central Asian region as bride kidnapping, bride price (kalym), and polygamy were prohibited by criminal law.²³² The minimum age of marriage for girls was fixed at 16, thereby protecting girls from child marriage.²³³ Abortions were legalized in 1920 (except for the period 1936-55, when abortions were banned due to a declining birth rate²³⁴), as well as maternity pay was granted.

Therefore, during the Soviet era, women and girls in Central Asia received a number of essential economic, social, and political rights and opportunities, such as the right to initiate a divorce, the right to vote, the right to be an equal witness in court, the right to equal succession, the right to participate in public life and access to education and healthcare.²³⁵ At the same time, despite the introduction of divorce legislation and giving women the right to initiate a divorce, there was another side of the coin. As Kennedy-Pipe highlighted, the communist authorities introduced legislation but did not input an infrastructure to support women after divorce. Men killed their wives who wanted to divorce, or women committed suicide due to the inability to find any support after a divorce.²³⁶

Universal education

Starting from 1918, mass teaching of illiterate adults to read and write (Likbez) was introduced throughout all the territories of the Soviet Union, and in 1930, a decree introduced universal compulsory primary education for all children of both sexes. As part of the educational program, special courses were held in usual and unusual places, from factories to train wagons. Particular attention was paid to the female population, as it had a lower level of literacy.²³⁷

²³¹ *Supra* note 227, at 604.

²³² Mary Buckley, *Women in the Soviet Union*, 8 *Feminist Review* (Summer 1981) 79-106. <https://doi.org/10.2307/1394929>; see also Chris Corrin, *Women and Ideology in the Soviet Union* by Mary Buckley (London: Harvester Wheatsheaf, 1989), *Superwomen and the Double Burden. Women's Experience of Change in Central and Eastern Europe and the Former Soviet Union* (London: Scarlet, 1992).

²³³ *Supra* note 199, at 268.

²³⁴ Memorial, *Zapret Abortov* (2019). https://urokiistorii.ru/history_days/zapret-abortov (accessed 30 Sept 2022).

²³⁵ Kennedy-Pipe, *supra* note 215, at 92, 95.

²³⁶ *Id.* at 97.

²³⁷ *Supra* note 199, at 272.

Different women's and girls' clubs were initiated in the region to educate them. The clubs were divided by interests such as those related to art and creativity, physical activity, sports, as well as technical fields.²³⁸ This initiative was the first step toward the involvement of women in public life. Thus, by the 1980s, with some geographical disparities, women and girls in Soviet Central Asia had increased universal literacy rates and received full access to public healthcare and childcare.²³⁹

Despite the significant advantages of increasing the literacy of the population, Central Asia had its characteristics that hindered the learning process. For example, given the traditionalism and religious orientations of the Central Asian peoples, in rural areas, many families prevented their daughters from attending gender-mixed schools. In parallel, many girls left school much earlier before graduation as they got married. As a result, in the 1970s, the level of higher education for women in Central Asia, especially in mountainous areas, was relatively low, while most girls did not go beyond the minimum school education,²⁴⁰ which could prevent them from further employment.

Economic mobilisation

To involve women in the labour force and economic production female cooperatives were introduced. Thus, women could contribute and, in parallel, continue to utilize their traditional tasks, which they used to examine at home, but this time outside. This was expressed in weaving, sewing, and dairying through the sale of their products in special shops and cooperatives.²⁴¹ A rare number of women could be found working in the heavy industry, as it was believed that this area was too hard physically and mentally for female workers. Women were mainly employed in light industrial enterprises and food manufacturing factories such as silk spinning and the production of clothing and hosiery.²⁴² For example, in the 1930s, the area where the largest female workforce was involved was the seasonal industry of growing and picking cotton. However, this area was subjected to great criticism since the working conditions on cotton plantations were harmful, women and schoolchildren picked cotton by hand and were used as a means of labor. Later, it was revealed that highly toxic chemicals were used to remove the leaves of the cotton plant, which affected the health of the gatherers. Although, the truth

²³⁸ See *supra* note 232.

²³⁹ Mohira Suyarkulova, *Fashioning the nation: gender and politics of dress in contemporary Kyrgyzstan*, 44 Nationalities Papers (2016), 247-265, 257. DOI: 10.1080/00905992.2016.1145200.

²⁴⁰ *Supra* note 199, at 272.

²⁴¹ See Dilorom Alimova, *Zhenskij vopros v Srednej Azii : istorija izuchenija i sovremennye problem*, Akademia Nauk Respubliki Uzbekistan, Institut istorii (1991). <https://www.sudoc.fr/124918859>.

²⁴² *Supra* note 199, at 274.

was covered by the fact that the achievements of the workers were encouraged in every feasible way by medals, awards and privileges and were covered in the media.²⁴³

As a result, it is visible that regardless of granting certain labor rights to women, they were not provided to the same extent as to men. In most cases, the female population had fewer opportunities for professional development and were paid less for the same work as men.²⁴⁴ As Akiner noted, the main goal of the Soviet government in granting labor rights to the female population was to involve the largest possible workforce in industrial and agricultural production. Nonetheless, in Central Asia, this goal did not have the expected high effect because of non-replaceable traditionalist or religious roles and values, which were difficult to eradicate from the attitudes of society. For instance, the period of employment of women was often limited, as it was interrupted by the cycle of childbearing and raising children.²⁴⁵

Double burden

As mentioned above, women not only had to be part of the working class but also had to perform their conventional household duties. In addition to women being obliged to contribute to labor production, the natural component of female reproduction also rested on their shoulders. Soviet ideology did not rule out, but on the contrary, even promoted the idea that biology is one of the main components in solving specific political and economic issues, where a natural part of a woman's life is childbearing and childcare.²⁴⁶ Such policy of the emancipation of Soviet women was also referred to as based on "socialist paternalism,"²⁴⁷ where the idea of placing women on equal rights with men in all aspects of political, social and economic life went in parallel with the promotion of motherhood as their natural and national duty.²⁴⁸ Such a phenomenon was called "double shift" or "double burden," as an indication of the weight that fell on the shoulders of women in a double size.²⁴⁹

As a result, along with economic productivity, women were also required to increase and maintain the birth rate. In comparison with the Russian region, Central Asia performed this task quite effectively. Kennedy-Pipe singled out the third level of burden with regard to the Central Asian women. In addition to work and family, the level of "nationality" was also superimposed

²⁴³ *Id.* at 275.

²⁴⁴ Bibi Pal'vanova, *Emansipatsiia musul'manki* (Moscow: Nauka, 1982), 7–8. https://vk.com/doc225306680_483478770?hash=8c4eafbd7483493c39.

²⁴⁵ *Supra* note 199, at 275.

²⁴⁶ Kennedy-Pipe, *supra* note 215, at 92.

²⁴⁷ *See supra* note 221; Katherine Verdery, *What Was Socialism and What Comes Next?* (Princeton, NJ: Princeton University Press, 1996), 62.

²⁴⁸ *Supra* note 222, at 707.

²⁴⁹ *See supra* note 232.

on women's lives. As the author notes, the women of the Central Asian region were used as a means of establishing control and suppress religion in the predominantly Islamic region and became the key to state and nation-building.²⁵⁰

Women's duty: marriage, family, and motherhood

Despite freedoms given to Soviet women in social and economic activity, the patriarchal system was as strongly present in Central Asian families, in its most private sphere, as it was before the advent of Soviet power, especially in rural areas of the region. The pressure of the still-remaining traditional society forced girls to marry as early as possible. Accordingly, the main duty and goal for the female population was not a career but marriage and the birth of "heirs". With the strengthening of state financial support and medical literacy in the Central Asian region, child mortality has decreased, and the period of fertility has increased. On the other hand, the sexual and reproductive illiteracy of the general population was still limping. All this, including the shortage of contraceptives, as well as psychological pressure from family members on young brides, also affected the birth rate in the region. The mothers of the sons could often even accompany their brides during a visit to the gynaecologist to make sure that the bride would not ask for contraception.²⁵¹

The controversy was the position of brides - daughters-in-law (kelins) in Central Asian families. After marriage, the bride had to move to her husband's house and live with his family. For instance, "kelin" or "gelin"²⁵² had to create a good impression of herself and her parents in a new family when getting married. With tacit subordination, she had to perform specific duties at home: cleaning the house, cooking, waking up earlier and going to bed later than everyone else, looking after children, always honoring and never contradicting her partner's relatives, etc. As a rule, kelin had the lowest status among relatives and must seek permission, normally from the mother-in-law and her spouse, before leaving the house and visiting anyone or attending any event. Depending on the family atmosphere, kelins were often exploited in the household. At the same time, the daughters-in-law had to especially obey the instructions of the mother-in-law, who could often commit physical or psychological violence against their brides.²⁵³ The level of status of kelins depended and changed with the arrival of new, younger

²⁵⁰ Kennedy-Pipe, *supra* note 215, at 93.

²⁵¹ *Supra* note 199, at 279-280.

²⁵² From Central Asian languages: "kelin", "gelin", "kelinchak" ([келин](#)) – "daughter-in-law", "bride", who comes to her husband's family.

²⁵³ See Zhussipbek & Nagayeva, *supra* note 38 and *supra* note 37.

brides of brothers in the family.²⁵⁴ At the same time, there was a kind of hierarchy between the kelins, where the last word was for the eldest of them. Also, the status of a woman in the family depended on the number of children, especially boys, since they were considered the principal heirs of the family.

The word and status of a “mother” had a special meaning in the Soviet project. Motherhood was equated with purity, high morality, and representation of the nation. The homeland and the nation, as a symbol of patriotism, were called the words “motherland”, or “mother-nation”.²⁵⁵ “Paradise lies beneath the feet of your mother,” says Islamic teaching,²⁵⁶ so the children revered their mothers with great respect, and their word was sacred scripture.²⁵⁷ The nationalist project has always placed womanhood in parallel with motherhood, thereby indicating that being a mother is an important and obligatory social role for any woman. At the same time, this role was often tacitly placed higher than the professional status of a woman.²⁵⁸ Under labor law, employers were required to provide sixteen weeks of paid maternity leave, as well as the right to further unpaid maternity leave without loss of employment or seniority.²⁵⁹ In turn, after the Second World War and until 1981, families even had to pay taxes for the absence of children.²⁶⁰ Thus, one of the crucial roles of Soviet women was childbearing and increasing the birth rate. The women of Central Asia, a region where traditional and family values were one of the main foundations in society, did an excellent job with this function and maintained a high birth rate. The authorities tried in every viable way to support a pro-natal policy by encouraging and rewarding women in Central Asia through financial rewards, awarding honors, medals, and the title of “mother-heroine” to those women who had ten and more children. As an example, in Uzbekistan alone, by 1987, over 100,000 women had been given this title.²⁶¹

Limited participation in public life

The Soviets made considerable attempts to involve women in decision-making. One of the most essential initiations that affected the female population was the introduction in the 1920s of a 30 percent quota for elected positions at all levels of government. The exception was the Politburo of the Communist Party of the Soviet Union (CPSU) Central Committee, the most

²⁵⁴ *Supra* note 199, at 277.

²⁵⁵ See Nira Yuval-Davis, *Gender and Nation* (London: Sage, 1997).

²⁵⁶ Sunan an-Nasa’i 3104, Book 25, Hadith 20, Vol. 1, Book 25, Hadith 3106. <https://sunnah.com/nasai:3104>.

²⁵⁷ *Supra* note 199, at 276.

²⁵⁸ *Supra* note 220, at 197.

²⁵⁹ *Supra* note 199, at 279.

²⁶⁰ *Supra* note 220, at 197-198.

²⁶¹ *Supra* note 199, at 279.

important decision-making institution in the hierarchy, which was dominated by male members until the very collapse of the Soviet Union.²⁶² The female representatives of Central Asia also began to join the party and put forward their candidacies at public meetings at the local and national levels.²⁶³ However, the higher one climbed, the fewer women could be found in the political arena. For example, in the Politburo of the CPSU Central Committee, only three women in the entire history of the USSR held any posts.²⁶⁴ Also, only a few women from Central Asia were able to reach high positions; two Kyrgyz, one Kazakh, and one Uzbek female served as chairpersons of the presidiums of the Supreme Soviets in different years. In Kyrgyzstan, only four women held the posts of foreign ministers in the entire history of Soviet power.²⁶⁵

As noted above, the ideology of Soviet Central Asia, typically outlined the boundaries of women's participation in decision-making with an invisible thread and prioritized and encouraged the presence of women in the everyday private sphere of life. Even though there were women who wanted to be elected and put forward their candidacy, the number of such women was relatively low. It was believed that the female part of the population could better realize themselves socially in the domestic sphere. Another reason for the low participation of women in public life was that the number of women who wanted to be elected were held back and in/directly pressured by men from their communities. In addition, women themselves often also did not dare and did not want to change their usual "home" social status to a more socially active, political one.²⁶⁶ Therefore, women were mostly employed in low-paid sectors such as education and health care. Even if they could be noticed in high positions, it was a comparatively rare event.²⁶⁷

De jure, it was believed that the government was trying to achieve political gender equality with good intentions, encouraging Central Asian women to have a socially active life, to receive higher education and to enter the sphere of decision-making. However, this approach has received inevitable criticism. In fact, women received no incentives because, in the end, they were not able, and sometimes they were prevented from reaching the same heights of the political hierarchy as men, given the traditional and religious allegiance in the region.²⁶⁸ On this

²⁶² *Supra* note 230, at 164.

²⁶³ *Supra* note 199, at 273.

²⁶⁴ *Supra* note 230, at 189, fn.13.

²⁶⁵ *Id.* at 164.

²⁶⁶ *Id.*

²⁶⁷ *See supra* note 211.

²⁶⁸ *Supra* note 230, at 164

question, Tokhtakhodjaeva criticized the comfortable position of the Soviet Central Asian men, who seemed to be trying to sit on two chairs, supporting the liberalization policy of the Soviet government and, at the same time, honoring the values of traditions and Islam. This allowed men to maintain power in both the Soviet system and traditional gender relations in Central Asian society, while women were reluctant to challenge the status *quo* due to their commitment to family and community and their role in preserving culture through the next generation. The author also mentions that while the Soviet government encouraged women to enter public life, there were few incentives to pursue true gender equality, and challenging existing gender relations was seen as detrimental to Central Asian culture and social suicide.²⁶⁹ In this situation, Central Asian men were in the most advantageous situation when women could not go against the orthodox values of their society.

Unveiling the violence

As noted earlier, one of the points in the Soviet ideology of “civilizing” and modernizing Central Asia, which was supposed to help “the Russian colonial administration to take a political position in the European world,”²⁷⁰ was the erasure of existing systems based on religious and traditional foundations. Therefore, along with the previously mentioned aspects, a critical point in female emancipation was also the role that the women of Central Asia played in closing the religious aspects in the life of their society. According to the communist view, it was women and girls who were most oppressed by religion, so they should have served as the primary and active subjects in the eradication of Islamic sentiment in the region.²⁷¹

The most striking example of the enslavement of women in Central Asia, *per* the Soviet authorities, along with polygamy and early marriages, was the practice of women wearing veils on their heads. This custom formed the basis of the large-scale Soviet campaign from 1927-1930,²⁷² which was called “Hujum” meaning “attack” (in Russian - “nastuplenie,” transliterated as “khudzhum” in Uzbek – “attack” or “onslaught.”)²⁷³. Whilst the main goal of

²⁶⁹ Marfua Tokhtakhodjaeva, *Between the Slogans of Communism and the Laws of Islam: The Women of Uzbekistan*, (Lahore: Shirkat Gah, 1996), 218.
<https://eds.s.ebscohost.com/eds/detail/detail?vid=0&sid=ee625afd-53ca-41ef-a696-be5d4670edff%40redis&bdata=JnNpdGU9ZWZlWxpdmU%3d#AN=9702066269&db=f6h>.

²⁷⁰ See Douglas Northrop, *Veiled Empire: Gender and Power in Stalinist Central Asia* (Ithaca, NY: Cornell University Press, 2004). <https://eds.ebscohost.com/eds/ebookviewer/ebook?sid=8e204e75-27a6-4633-8067-c0aaa62a0f17%40redis&vid=0&format=EB>.

²⁷¹ *Supra* note 199, at 273-274.

²⁷² *Supra* note 227, at 601-623.

²⁷³ Douglas Northrop, *Hujum*. In: Bonnie G. Smith (ed.), *The Oxford Encyclopedia Women in World History* (Oxford University Press, 2008).
<https://www.oxfordreference.com/view/10.1093/acref/9780195148909.001.0001/acref-9780195148909-e-467>.

this action was the cities of Uzbekistan since this practice was most firmly rooted in Uzbek society more than in other parts of the region.²⁷⁴ Hujum was held for the first time on March 8, 1927, International Women's Day, and was commemorated by the public removal and burning of their head coverings by women. On that day, about 9,000 women and girls publicly threw off their veils and chachvans and ceremonially burned them on giant bonfires.²⁷⁵ In the opinion of Akiner, this gesture was purely indicative, and the number was significantly inflated. Many of these women and girls covered themselves again the next day.²⁷⁶

Although the headscarf was not restricted by law, it is uncertain whether the Uzbek women did it on their own.²⁷⁷ For example, Uzbek society met Hujum with rather negative resistance. Revealing or exposing a woman could be regarded as an insult to men and their entire community.²⁷⁸ Therefore, many high-ranking officials, including ordinary men in Uzbekistan, did not allow them to remove the veil and forbade their wives from revealing their faces. Those women who eventually resisted could be rejected by their own families and, in the worst case, even killed.²⁷⁹ Violent actions against women were intended to intimidate all other women: "They were a demonstration - often deliberately gruesome, involving cutting, dismemberment, and the disposal of the body with symbolic dishonor." Kamp compares this violent resistance to the unveiling with racist lynching in US history.²⁸⁰ The author pays special attention to how Uzbekistan traced its own synthesis between the goals of communist ideology and the modernizing goals of the Jadids (religious reformers of Central Asia). It was this connection that helped the Bolsheviks persuade the reform of the women's question and eventually convince the Islamic representatives to support making the veil covering incompatible with contemporary realities.²⁸¹ Women were between the two fires of Soviet power and their native orthodox communities and had to make a difficult choice. Nonetheless, by 1930, except in remote rural areas, it was increasingly rare to find a fully covered woman.²⁸² Hujum has become a double-edged sword. For the patriarchal Central Asian communities, this step was a challenge

²⁷⁴ *Supra* note 199, at 270.

²⁷⁵ John Anderson, *The International Politics of Central Asia* (Manchester: Manchester University Press, 1997), 132-147; see also Rakhima Aminova, *The October Revolution and women's liberation in Uzbekistan* (Moscow: Nauka, 1977), 95.

²⁷⁶ *Supra* note 199, at 270.

²⁷⁷ Kennedy-Pipe, *supra* note 215, at 95.

²⁷⁸ *Id.* at 105.

²⁷⁹ Aminova, *supra* note 275, at 49-57; see also *supra* note 199, at 270.

²⁸⁰ Marianne Kamp, *The New Woman in Uzbekistan: Islam, Modernity, and Unveiling under Communism* (Seattle: University of Washington Press, 2006), 187.

²⁸¹ *Id.* at 229.

²⁸² *Supra* note 199, at 270.

and murder to their primordial traditional and religious values and foundations, but for the women themselves, this was a big and major step in their emancipation.

Domestic abuse and self-immolation

In parallel, the Soviet people were not accustomed to talking about violence against women to which the latter could be subjected in the private sphere, namely in the family. Even though, officially, there was little mention of domestic violence in Soviet Central Asia, it was nevertheless widely practiced in families. Domestic abuse in Central Asian families was considered normal and accepted behavior in any family relationship. Given the deep-seated conformist beliefs within society, it was commonly thought that domestic violence was a private matter and that outsiders had no right to intervene. As a result, very few women sought help from law enforcement or spoke about their experiences publicly, leading to a lack of knowledge about such cases. Akiner notes that the level of domestic violence could be calculated by some aspects, such as cases of women committing suicide by self-immolation. In 1986-1987, about 300 girls and women in Uzbekistan committed suicide in way of immolation. In turn, this figure could be higher since the number of cases were registered as accidents.²⁸³ As stated by Palvanova, self-immolation was quite common in Central Asia, although it was prohibited by religion. Women, unable to withstand the beatings and bullying of their spouses, decided to commit suicide, while this did not punish the offender from the side of religion or state.²⁸⁴

In a nutshell, Soviet rule brought many innovations to the lifestyle of Central Asian societies. The policy approach to women in Central Asia differed from the gender question in other regions of the Soviet Union. As can be seen from the above historical overview, one of the key moments of the communist policy was the emancipation of Central Asian women, as they were considered the “grey eminence” of the traditional and religious region, the so-called “guardians” of Islam religion and the customs of their ancestors. It is still debatable whether the influence of the Soviet Union had a solely positive or negative effect. The Soviet machine sometimes carried an ambiguous connotation for the status of women in Central Asia. On one side, certain soviet tactics often carried some positive influence on the lives of many women in Central Asia. With the advent of the soviet power, Central Asian women indeed achieved a certain independence and rights. Women and girls univocally, to a certain degree, increased their literacy, gained access to universal healthcare, the right to apply to the courts to protect their rights, and had the right to an abortion for a certain period. One should also bear in mind

²⁸³ *Supra* note 199, at 281.

²⁸⁴ *Supra* note 244, at 8.

that specific traditional values of the communities were not always favorable for the female population of the region. For example, such common practices as bride kidnapping, kelinism, polygamy, and child marriage, in their most critical forms, could inflict physical and psychological abuse on women and girls. Alternatively, the practice of wearing headscarves, from one side, could be understood as a way of oppressing women, trying to control their lives and bodies. Yet, the power of traditionalism with established gender roles in the Central Asian region is strong enough to be eradicated. Even if some traditional forms of gender-based violence were still repeated behind closed doors, the criminalization of such offenses during the Soviet Union should be seen as a big step and even support for the female part of the population of Central Asia.

In contrast, one can say that there was an attempt to eradicate the traditional values, a seek to erase the ancient origins and identity of Central Asian societies, where women were used as a kind of tool for eradicating religious sentiments in the region, for imposing the Soviet ideology in the minds of the orthodox peoples. Notwithstanding the fact that the Soviets seemed to be trying to equalize women and men, at the same time, there was no gender equality in Soviet Central Asia. For example, women were given the right to be elected, but at the same time, in fact, women could not break through the glass ceiling. Female employees did not have the same career opportunities as men, so it was rare to find women in leadership positions. In addition, a double or even triple burden rested on the shoulders of women. Central Asian women were expected not only to be educated, to be in the working order, to exert effort in the poisonous cotton fields, but at the same time, make sure to get married, have time to give birth to children to maintain the birth rate, and keep housework. Not to mention that many moments of domestic violence or self-immolation were not publicized or punished as something taken for granted. The Soviet government's actions towards promoting gender equality and the liberation of women in Central Asia bring into question the true intentions behind these efforts. Was the goal genuinely to liberate Central Asian women from oppression, or was it a strategy to increase the workforce and advance their communist political agenda?

2.1.3 Women, Post-Independence Transition and Nation-Building in Central Asia

In 1991, the USSR collapsed, and the Central Asian republics gained independence. During this transition period from a socialist system to a free, independent space, Central Asian countries

found themselves in a vulnerable economic and political position, while many aspects of the Soviet “heritage” began to be redefined.²⁸⁵ Entering a new stage of formation, the states set the main goal of the revival and promotion of national ideologies on the territory of their now sovereign states. It was during this period when the relationship between the national narrative and gender can be traced, and such an orientation of state policy, as a rule, does not have a favorable background for the female population.²⁸⁶ Buckley named Soviet people, but women to a greater extent, as “victims of political transition,” as they found themselves in an exposed situation that was beyond their control, and their further dreams and goals became not feasible.²⁸⁷

The desire of the Central Asian states to link the concepts of gender and nation could once again emphasize the subordinate position of women in relation to men. The situation can manifest in several elements: as a division between the private women’s and the public men’s world and states attempt to control women by making motherhood a national duty. In the end, the national ideas of the states implicitly limit women’s participation in decision-making, justifying such a restriction by the traditions and customs of peoples where women had a different role.²⁸⁸ As a result, a double-edged sword is traced in such policy of the Central Asian region, and in general in any nationalist and traditionalist state. Nationalist states *quasi* encourage and approve the participation of women in politics and the economy, calling them key members and engines in national development as mothers and educators of children and simply workers. At once, the governments establish invisible “boundaries of culturally acceptable feminine conduct” in the name of the traditions of the peoples of Central Asia and do not allow women thereby to go on par with men.²⁸⁹

From now on, women of the independent Central Asian countries were still encouraged by family policy to motherhood as in the Soviet era, but this time also peppered with nationalist overtones. As an example, in Tajikistan, a woman was considered the mother of the nation and the basis of traditional heritage.²⁹⁰ Roche and Hohmann identified the link between state power and ordinary people at the level of rituals in Tajikistan. The authors emphasize how the state tries to control people through wedding ceremonies, manipulating customs to fit the national

²⁸⁵ *Supra* note 199, at 262.

²⁸⁶ *Supra* note 220, at 200.

²⁸⁷ Mary Buckley, *Post-Soviet Women: From the Baltic to Central Asia* (Cambridge University Press, 1997), 4.

²⁸⁸ See Lucia Direnberger, *Le Genre de la Nation. (Re) Constructions et contestations des hétéronationalismes en Iran et au Tadjikistan*, (PhD diss., University Paris Diderot, 2014).

²⁸⁹ Deniz Kandiyoti, *Gendering the Middle East: Emerging Perspectives* (London: I.B. Tauris, 1996), 9.

²⁹⁰ See Sophie Roche, *A Sound Family for a Healthy Nation: Motherhood in Tajik National Politics and Society*, 44 *Nationalities Papers* (2016), 207–224. doi: 10.1080/00905992.2015.1087486.

ideology.²⁹¹ Moreover, in some instances, even though the UN has repeatedly recommended stopping this practice, as it humiliates the rights of women, in Tajikistan, the tradition of checking a girl for virginity after the first wedding night is preserved to this day, not only by the groom himself but also by the female half of his family. In addition, a daughter-in-law can be checked for her virginity using a gynaecological examination.²⁹² A similar gender course was followed in Kyrgyzstan, where society exalted the role of women through their role as homemakers and educators of the future generation. Kyrgyz women should contribute to the formation of a traditional Kyrgyz family and hence the entire nation. Therefore, the status of marriage and the birth of a boy-heir should be important moments in the lives of young Kyrgyz women.²⁹³ Today, gender goes hand in hand with the national ideology of the Central Asian states not only in the political component of society but also in the daily routine life of women. The latter are often strongly condemned by society for the slightest deviation from gender norms established by national principles.

Power of traditionalism

As noted, the traditionalization of society was used by the Central Asian states to develop their statehood, where government officials began to increasingly tie their initiatives in public policy to the traditions of their people.²⁹⁴ The issues of women's rights at this stake came under pressure since gender issues and traditions often run simultaneously and at odds with each other. Some authors refer to this phenomenon as “neo-familialism”, the preservation and promotion of patriarchal dominance in all spheres of society based on age ranking and gender hierarchy.²⁹⁵ Others have referred to this gender reversal phenomenon as “gender neo-traditionalism.”²⁹⁶ At once, the negative effect of state transit is emphasized, which ultimately led to the condemnation of women's emancipation in the post-independent Central Asian republics. It

²⁹¹ Sophie Roche & Sophie Hohmann, *Wedding Rituals and the Struggle Over National Identities*, 30 *Central Asian Survey* (2011), 113–128.

²⁹² UN, *Jeksperty OON prizvali vlasti Tadjikistana iskorenit' praktiku rannih brakov* (2018) <https://news.un.org/ru/story/2018/11/1341912>; Asia-Plus, *Krazha nevesty I proverka na celomudrennost'. Tradicii narodov CA, ot kotoryh davno pora izbavit'sja* (2023) <https://asiaplustj.info/ru/news/centralasia/20230226/krazha-nevesti-i-proverka-na-tselomudrennost-traditsii-narodov-tsa-ot-kotorih-davno-pora-izbavitsya> (accessed 15 Sept 2022).

²⁹³ Askana Ismailbekova, *Constructing the Authority of Women Through Custom: Bulak Village, Kyrgyzstan*, 44 *Nationalities Papers* (2016), 266–280. doi: 10.1080/00905992.2015.1081381.

²⁹⁴ Judith Beyer & Peter Finke, Practices of traditionalization in Central Asia, *Central Asian Survey*, 38:3, (2019), 310-328, 310. DOI: 10.1080/02634937.2019.1636766.

²⁹⁵ *Supra* note 220, at 199.

²⁹⁶ See Janet Johnson & Jean Robinson, *Living Gender After Communism* (Bloomington: Indiana University Press, 2006).

https://books.google.com.tr/books?hl=en&lr=&id=Ty7TLZO2O4YC&oi=fnd&pg=PP1&dq=Johnson,+J.,+and+J.+Robinson,+eds.+2006.+Living+Gender+After+Communism.+Bloomington:&ots=yFtX7utVMs&sig=MSgJdfPOdwUOXu104-DhI2sJsgQ&redir_esc=y#v=onepage&q=neo%20&f=false.

was believed that such a “free” gender policy would limit the original motherly role of a woman, prescribed by nature for procreation.²⁹⁷

Tabyshalieva noted that after the shift to independence, Central Asian women fell into a discriminatory trap from three sides: the Soviet ideological past, traditions and patriarchy, and new Western values.²⁹⁸ Where the traditions of the ancestors called for marriage, motherhood and housekeeping, while the new reality could no longer carry social support for this, as in the days of the Soviets. In turn, Western values, now increasingly advancing in the region after independence, stood in opposition to the conventions and customs of ancestors. The Central Asian republics, rethinking Soviet ideology in their own way, began to actively promote the idea of the “father-leader” of the peoples. Countries zealously should have called their leaders the “head of the people,” “the father of the nation,” “the father of the people” (e.g., “el basy” in Kazakhstan and “turkmenbashi” in Turkmenistan), as a way to express the leaders authority and importance to the nation. While this type of title is often associated with the cult of personality and authoritarianism, all this is a prerequisite for a patriarchal system, where only a man can be the ruler of the state and indicates male prevalence in government.²⁹⁹

As a result, with independence in the countries of Central Asia, old traditions and practices were re-institutionalized in societies,³⁰⁰ often with certain re-interpretation. For example, in Kyrgyzstan, value orientations such as respect and reverence for elders, “care for relatives and loved ones” were enshrined at the constitutional level in the 90s,³⁰¹ and recently, such neo-traditional provisions as fidelity to the traditions of ancestors and a separate chapter devoted to the spiritual and cultural foundations of society have been enshrined in the new Constitution 2021.³⁰² However, as a rule, certain traditional practices at the expense of women’s rights do not fit into the ideal picture of a traditionalist society. Some aspects, such as domestic violence, have only recently begun to attract more attention from the state, as in Kyrgyzstan and Kazakhstan. When, in some it is still considered a personal matter of the family and a normalized practice without proper regulation, such as in Tajikistan.³⁰³ For example, the custom

²⁹⁷ Linda Racioppi & Katherine O’Sullivan, *Gender Politics in Post-Communist Eurasia* (Michigan State University Press) (2009), 3.

²⁹⁸ Anara Tabyshalieva, *Revival of Traditions in Post-Soviet Central Asia*, In: Marina Lazreg (ed.), *Making the transition work for women in Europe and Central Asia* (World Bank Discussion Paper No 411. Washington, DC, 2000), 51–57.

²⁹⁹ *Supra* note 199, at 287.

³⁰⁰ *Supra* note 294, at 322.

³⁰¹ *Constitution of the Kyrgyz Republic* (1993), Art. 26. <http://cbd.minjust.gov.kg/act/view/ru-ru/1/30?cl=ru-ru>.

³⁰² *See Constitution of the Kyrgyz Republic* (2021). <http://cbd.minjust.gov.kg/act/view/ru-ru/112213?cl=ru-ru>

³⁰³ Radio Ozodi, *Semejnoe Nasilie v Tadjikistane Budet Priznano Ugolovnym Prestupleniem?* (2021). <https://rus.ozodi.org/a/31512804.html>

of kidnapping brides in modern Central Asia has become a way to reduce the cost of wedding ceremonies.³⁰⁴ Today, Kyrgyzstan and Kazakhstan occupy one of the leading places in the practice of kidnapping girls for marriage.

All mentioned forms of gender-based violence are interconnected and can cause or exacerbate one another, and may lead to a phenomenon known as “kelinism” in some cases. A phenomenon of “kelinism”³⁰⁵ (new brides’ forced subservience to their mothers-in-law in their husbands’ households) was and still is practiced in all Central Asian countries to different extent,³⁰⁶ which at worst is nothing more than forced labor and institutionalized family violence.³⁰⁷ Even after the collapse of the Soviet Union, the phenomenon of “kelinism” still exists in the villages and even cities of Central Asia. Regretfully, many in the society perceive this phenomenon only as a positive traditional family picture, while in its most negative expressions today, it can be seen as a violation of women’s rights. Similarly, arranged marriages are a common practice in Central Asian countries. For instance, in Tajikistan, parents may choose a spouse for their children.³⁰⁸ Unfortunately, in some cases, families may even force their son or daughter into marriage without their consent. These forced marriages can result in increased vulnerability to violence from the spouse or their family for the young woman involved.³⁰⁹

Revival of Islamic sentiments

Traditionally directed winds in the newly minted, trying to build their own national ideologies, Central Asian countries were accompanied by a renaissance of religious sentiments. Even though the Central Asian countries announced their secular status in their independent constitutions, the revival and prosperity of Islam were already colloquially felt a few years before the collapse of the Soviet Union. In Tajikistan, for instance, already in the late 1980s, there were about 3,000 mosques.³¹⁰ In modern Central Asia, the traditional and religious order in the life of the society is increasingly recognized not as a relic of the past but rather as a sign

³⁰⁴ *Supra* note 294, at 315.

³⁰⁵ *See supra* note 4 for explanation.

³⁰⁶ CurrentTime, *Stirat’ Rukami Trusy Svekra i Nikogda Ne Zhalovat’sja. Kto Takie Kelin i Chto S Nimi Proishodit Posle Zamuzhestva* (2020). <https://www.currenttime.tv/a/kelin-central-asia/30593708.html>

³⁰⁷ Asylai Akisheva, “Kelinism” in Kyrgyzstan: Women’s Rights Versus Traditional Values, The Oxus Society for Central Asian Affairs (2021). <https://oxussociety.org/“kelinism”-in-kyrgyzstan-womens-rights-versus-traditional-values/>.

³⁰⁸ CurrentTime, “Roditeli vseгда znajut, kak luchshe”. *Pochemu Amir podderzhivaet brak po dogovorennosti* (2021). <https://www.currenttime.tv/a/tajikistan-asia-marriages-amir/31393733.html>; “Roditeli isportili mne zhizn’”. *Chem dlja Sharofat zakonchilsja dogovornoj brak* (2021). <https://www.currenttime.tv/a/tajikistan-asia-marriages-sharofat/31393721.html> (accessed 15 Sept 2022).

³⁰⁹ Anti-Discrimination Centre, “Braki po dogovorennosti: horosho ili ploho?” (2014). <https://adcmemorial.org/novosti/braki-po-dogovorennosti-horosho-ili-ploho/> (accessed 15 Sept 2022).

³¹⁰ Kennedy-Pipe, *supra* note 215, at 103.

of pride.³¹¹ For example, people in Tajikistan and Kyrgyzstan tend to have a strong inclination towards religion.³¹² Women and men in Central Asia, driven by religious beliefs, might have also joined Islamist organizations with the dual purpose of improving their economic situation, given the high levels of poverty and unemployment, and finding spiritual and religious fulfilment.³¹³

In remote areas of the region, female students with covered heads and elongated Muslim clothes began to appear more often in schools and universities. In big cities, this phenomenon was also noticed, but less often than in remote settlements. In the Ferghana Valley, for example, one could meet women who are completely covered in a parandzha.³¹⁴ Suyarkulova marked the close relationship between nationalism and gender attire in Kyrgyzstan. She noted that the patriarchal spirit is rather cruel concerning clothing. A woman and her body are considered a kind of symbol of nationality, where the bodies of women can thus be controlled from the outside. Women may be subjected to violence if their attire does not correspond to religious and traditional affiliation. While the authors of violence against women, in such cases, are justified as guards of the national fund.³¹⁵

In addition, with the strengthening of religious inclinations, polygyny continues to be practiced, even despite the prohibition at the legal level. As an example, in Kazakhstan, polygyny has become rather a peculiar way to solve the demographic crisis. In addition, becoming a second wife (tokal) represents a way for Kazakhstani women to escape the traditional marital obligations, thereby gaining not only financial and love support but also the opportunity to be more independent from a man in a relationship.³¹⁶ Likewise, arranged marriages are still common in Central Asian states. For instance, in Tajikistan, parents of young people can choose a spouse for their son or daughter.³¹⁷ Sometimes, it happens that families even forcibly marry their children without considering his/her opinions. Such marriages are nothing more than forced marriages, in which a forcedly married young woman may suffer more because of

³¹¹ *Supra* note 199, at 286.

³¹² Ceoworld Magazine, *Revealed: The World's Most (and Least) Religious Countries Based On Religious Beliefs 2020* (2020). <https://ceoworld.biz/2020/05/16/revealed-the-worlds-most-and-least-religious-countries-based-on-religious-beliefs-2020/>

³¹³ Michele E. Commercio, *The politics and economics of "retraditionalization" in Kyrgyzstan and Tajikistan*, 31 *Post-Soviet Affairs* (2015), 529-556, 534-535. DOI:10.1080/1060586X.2014.986870.

³¹⁴ *Supra* note 199, at 286.

³¹⁵ *See supra* note 239.

³¹⁶ H  l  ne Thibault, *The Many Faces of Polygyny in Kazakhstan*, Central Asia Program (2021). <https://www.centralasiaprogram.org/faces-polygyny-kazakhstan>.

³¹⁷ *Supra* note 308.

violence from her husband or his family.³¹⁸ Early marriage is another problem that continues to violate the rights of underage girls. Child marriage in Central Asian countries appears to be an acute problem,³¹⁹ and girls from rural areas are the most vulnerable to cases of child marriage. At the same time, it is necessary to distinguish between cases when women themselves consciously began to turn to the Muslim religion and cases when it was imposed on them from the outside, and often by force. Akiner noted that in the Ferghana Valley and Tajikistan, it was men who began to impose the religious values of modesty and seclusion for women not only in clothing but even decided the overall role and status of women in society. All this was generally caused by women's ignorance of their religious rights.³²⁰

As a result, the Central Asian republics, in pursuit of their unique national development, embarked on several parallel paths: the way of reviving the ancestors' traditions, restoring religion, and the formation of their own national ideologies, to a greater extent, with a patriarchal flavor. Naturally, such policies have played a significant role in rethinking and changing gender roles in societies and have influenced the current state of women's rights and the level of VAWG in Central Asia.

Women in decision-making

The new national ideologies delimited Central Asian women's participation in decision-making and prioritized and encouraged more women's presence in the domestic private sphere of life. It was believed that the female part of the population could realize themselves socially in the domestic sphere to a greater extent.³²¹ Considering how the role of the "father of the people" and "the leader of the nation" was raised in the Central Asian republics, it was important to have exceptional leadership skills in order to occupy a politically influential position. According to the nationalist understanding, such outstanding capabilities prevailed only among men.³²² Therefore, meeting a female head of state in Central Asia is almost impracticable. Notwithstanding, the only and exceptional case was when, for the first time in the Central Asian region, the post of interim President of Kyrgyzstan after the 2010 Revolution was held by a woman for 1 year.

³¹⁸ *Supra* note 309.

³¹⁹ CurrentTime, "*Budet uchit'sja — stanet prostitutkoj*". *Kak vydajut zamuzh devochek-podrostkov v Central'noj Azii* (2019). <https://www.currenttime.tv/a/child-marriage/29991983.html> (accessed 15 Sept 2022); see also UNFPA, *Rannie braki v stranah Vostochnoj Evropy i Central'noj Azii: regional'nyj obzor*. <https://eeca.unfpa.org/sites/default/files/pub-pdf/Child%20Marriage%20EECA%20Regional%20Overview%20RUS.pdf>.

³²⁰ *Supra* note 199, at 286.

³²¹ See e.g. Kumari Jayawardena, *Feminism and Nationalism in the Third World* (Avon, UK: Bath Press, 1986).

³²² *Supra* note 220, at 197.

Cleuziou noted that the national ideologies of Central Asia had their peculiarities, where women had access to the political arena, but in a bounded way. For example, women could show themselves most in the realms of education and health.³²³ In Central Asian societies, traditional or religious attitudes have resulted in women being largely excluded from the policymaking process and having limited access to leadership positions and opportunities in the public sphere. This is reflected in the fact that women often occupy low-ranked positions and have fewer active roles in political and social life compared to men. Despite some progress, this continues to be a persistent issue in the region. All this is despite the introduction of a 30 percent gender quota across all levels of the government, apart from Tajikistan, which has not yet introduced a quota.³²⁴ As an example, in Kyrgyzstan, the participation of women in the political system has decreased over the past 15 years. In the country, the status of women in decision-making has declined in both local and national levels, as indicated by the country's ten-position drop in rankings.³²⁵ The maximum percentage of seats occupied by women in parliament goes to Uzbekistan; in 2021, women occupied 29 percent,³²⁶ followed by 27 percent of women in the Mazhilis of Kazakhstan.³²⁷ These figures have never been fully filled to the proper thirty percent in any Central Asian country.

Economic pressure

Women were the main victims of the labor market after the economic crisis broke out with the ruin of the Soviet rule. Since after the fall of the Soviet regime, the independent republics were left without social security, and the system of gender quotas, which provided jobs for women, was abandoned. Jobs have been prioritized by men over women because it is assumed that a woman will bear children and pause work accordingly. For example, 30 years later, in the Kyrgyz Republic, women are still better represented in the least paid areas: the most feminized

³²³ *Id.* at 198.

³²⁴ Constitutional Law of the Republic of Tajikistan *on the Elections of the Majlisi Oli* (1999). <http://kmir.tj/ru/2019/12/07/konstitutsionnyj-zakon-respubliki-tadzhikistan-o-vyborah-madzhlisi-oli-respubliki-tadzhikistan/>.

³²⁵ World Economic Forum, *Global Gender Gap Report* (2021). http://www3.weforum.org/docs/WEF_GGGR_2021.pdf.

³²⁶ Ankasam, *Obespechenie ravnih prav i vozmozhnostej dlja zhenshhin na gosudarstvennoj sluzhbe — odna iz osnovnyh celj reform Uzbekistana* (2021). <https://www.ankasam.org/%D0%BE%D0%B1%D0%B5%D1%81%D0%BF%D0%B5%D1%87%D0%B5%D0%BD%D0%B8%D0%B5-%D1%80%D0%B0%D0%B2%D0%BD%D1%8B%D1%85-%D0%BF%D1%80%D0%B0%D0%B2-%D0%B8-%D0%B2%D0%BE%D0%B7%D0%BC%D0%BE%D0%B6%D0%BD%D0%BE%D1%81%D1%82/?lang=ru> (accessed 15 Sept 2022).

³²⁷ Bureau of National Statistics of the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan, *Share of seats held by women in the Parliament of the Republic of Kazakhstan (Senate, Majilis)* (2021). https://gender.stat.gov.kz/page/frontend/detail?id=70&slug=-55&cat_id=9&lang=ru (accessed 15 Sept 2022).

are healthcare and social services (81%), education (79%), and real estate services (94%). The indirect aspects of gender inequality are developed in the segregation of labor: the employment rate for women in the country is 46% to 76% of working men.³²⁸ Compared to men, women are disproportionately represented in low-paying occupations,³²⁹ limiting the employment opportunities for rural women in farming or other businesses.³³⁰ Moreover, according to a study by UN Women, about 80% of not only Kyrgyz men but also women believe that the husband in the family should work and earn money, and the wife should take care of the house and children. No wonder that 97 percent of the population involved in unpaid household chores is women.³³¹ Regardless of the consolidation of gender equality and anti-discrimination principles on constitutional and other legislative levels, according to the UN Gender Inequality Index, Central Asian states take one of the 100 places,³³² while only Kazakhstan has a better position as 51st place. The World Economic Forum's Gender Gap Report represented that in 2022, Kyrgyzstan takes 84th place out of 146, Kazakhstan 62nd, Tajikistan 111th, while Uzbekistan is not included in the study.³³³

Female prostitution has become a rather common issue in Central Asia due to poverty levels. In countries like Kazakhstan and Kyrgyzstan, female students often resort to prostitution to finance their education. Webcam studios have emerged in Bishkek and Almaty, where young women work as online sex workers, but many are exploited, blackmailed, and even raped.³³⁴ The economic situation has forced many Central Asian women and girls (as well as men) to seek a "better life" abroad, leading to trafficking for sexual slavery and forced labor. The most common destinations for trafficking in Central Asian women and girls are Turkey, the United Arab Emirates, Russia, South Korea,³³⁵ and other countries in the Middle East, South and East Asia, and Georgia. There is also internal trafficking within the region and each country, with people being trafficked from rural areas to big cities.³³⁶ In Turkey, thousands of Central Asian

³²⁸ UN Women, *Cifry i Fakty o Nas Zhenshhinah I Muzhchinah V Kyrgyzstane* (2021). https://kyrgyzstan.un.org/sites/default/files/2021-03/3%20pager_UNW_FV_14.03.2021.pdf

³²⁹ See Gulbarchyn Muratbaeva, *On Gender Representation on Principles of Quotation in Authorities in The Kr. Vestnik Kyrgyzskogo Gosudarstvennogo Universiteta Imeni I. Arabaeva* (2020), 213-216.

³³⁰ See N. Amanova & B. Shatmanaliev, *Razvitie Gendernoj Politiki v Kyrgyzskoj Respublike, Innovacii i Riskologicheskaja Kompetentnost' Pedagoga* (2020). <https://www.elibrary.ru/item.asp?id=42668639>.

³³¹ *Supra* note 328.

³³² UN Data, *Gender Inequality Index* (2020). <http://data.un.org/DocumentData.aspx?id=415#32> (accessed 15 Sept 2022).

³³³ *Supra* note 325.

³³⁴ RadioFreeEurope, *The Sinister Side Of Kyrgyzstan's Online Sex Industry* (2021). <https://www.rferl.org/a/kyrgyzstan-webcam-sex-workers-blackmail/31371806.html> (accessed 15 Sept 2022).

³³⁵ Zhakypbekova, *supra* note 47.

³³⁶ See U.S. Department of State, *Trafficking in Persons Report* (2021). https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf

women have fallen into sexual slavery over the past decade, with many being deceived by false advertisements for work as maids, nannies, and in restaurants or hair salons, but are instead forced into prostitution.³³⁷ In addition to prostitution, sexual slavery takes other forms, such as women who have been working in Turkey for some time who lure and sell other girls to specific individuals.³³⁸ Georgia is also a transit country for women from neighboring countries who are exploited in Turkey, with traffickers exploiting women in sex trafficking in tourist areas, saunas, brothels, bars, strip clubs, casinos, and hotels in cities like Tbilisi and Batumi.³³⁹

External dynamics and women's organisations

The collapse of the USSR led to a sharp increase in the interest of external forces in the Central Asian region, ended up in a geopolitical vacuum.³⁴⁰ Accordingly, since then, various international organisations have tried to gain visibility and influence in the region.³⁴¹ The resolution of gender issues in all post-Soviet countries, in turn, has become a prominent agenda in the programs of international organizations.³⁴² In the first place, the UN has significantly impacted the development of gendered legislation and policy. After joining the UN in 1992, Central Asian states have ratified a diverse of international human rights treaties protecting women and girls from discrimination and violence. For example, international assistance, represented by the UN and OSCE, played an influential role in the formation and development of national legislation and policy on gender and women's rights in Kyrgyzstan.

At first, the Central Asian countries treated the proposed programs of intergovernmental organizations, representatives of other states, and foreign foundations, such as USAID, UN, OSCE, and the Soros Foundation, with caution and apprehension but still with interest. International "guests" began to offer assistance programs and technical support in various areas of activity, including gender questions, and support the newly emerging civil society.³⁴³ Notwithstanding various events and measures were held in the region, the work of the

³³⁷ Jel'vira Budajchieva, *Turcija: nezavidnoe polozenie nelegal'nyh migrantok*, Radio Azattyk (2019). https://rus.azattyk.org/a/kyrgyzstan_turziya_migracija_jenschiny/29787707.html (accessed 15 Sept 2022).

³³⁸ Zhakypbekova, *supra* note 47.

³³⁹ *Supra* note 336.

³⁴⁰ Mels Omarov, *Gosudarstva Central'noj Azii vo Vneshnej Politike Rossii, SShA i Evropejskogo Sojuza* (2009). <https://cyberleninka.ru/article/n/gosudarstva-tsentralnoy-azii-vo-vneshney-politike-rossii-ssha-i-evropeyskogo-soyuza> (accessed 15 Sept 2022).

³⁴¹ Sebastien Peyrouse, *A Donor without Influence: The European Union in Central Asia*, Ponars, Eurasia Policy Memo No. 478 (June 2017), 1.

³⁴² Kateryna Pishchikova, *Promoting Democracy in Postcommunist Ukraine: The Contradictory Outcomes of US Aid to Women's NGOs* (Boulder, Colorado: Lynne Rienner Publishers, 2011), 28. <https://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=579521&site=eds-live>.

³⁴³ *Supra* note 199, at 291.

international organizations was rather critically assessed by the countries of Central Asia. For instance, Central Asian nations have criticized the OSCE for its slow response to events and conflicts in the region, such as during revolutions³⁴⁴ or border clashes. As was mentioned by Warkotsch, the OSCE always had challenges in the Central Asian region, given that the ability to influence the domestic policy of non-member states is low.³⁴⁵ Despite this, the slow international response in Central Asia can be attributed to a variety of factors, including political instability in some countries, such as Kyrgyzstan, and the strength of other nations in the region. In many ways, the reluctance of governments to cooperate has created significant challenges for the implementation of international projects, particularly those related to gender issues. On the other hand, the soft power of the organizations also delineates the boundaries for the implementation of its policies in Central Asia.³⁴⁶

Speaking about the issues of women's rights, the largest and crucial element in the implementation of the international programs to promote gender equality and women's empowerment in Central Asia was and still is the cooperation with local NGOs and government agencies. With the draw of international support, the number of NGOs focused on women's issues in the country began to increase.³⁴⁷ This trend has been seen as positive because women's groups were advocating for gender equality and opposing discrimination in traditional communities and influencing laws to benefit women. However, in the Central Asian countries, feminism, women, or LGBTQIA+ (Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual and other identities) movements have always been considered as a threat to the national spirit of societies in that they undermine the very understanding and traditionally fixed subordinate role of women. Simpson referred to women's NGOs as being "ghettoized" and dependent on international support for funding in a competitive environment. NGOs were criticized for neglecting the needs of the local community and instead focusing on the abstract goals of international organizations.³⁴⁸ At the same time, another issue is a disconnection between the official aim of the international agreements and their implementation in local contexts.³⁴⁹

³⁴⁴ Pal Dunay, *The OSCEs of Central Asia*, 36 *Central Asian Survey* (2017), 300-312, DOI: 10.1080/02634937.2017.1297926.

³⁴⁵ Alexander Warkotsch, *The OSCE as an Agent of Socialization? International Norm Dynamics and Political Change in Central Asia*, 59 *Europe-Asia Studies* (2007), 829-846, 829.

³⁴⁶ See Maria R. Freire, *The OSCE's post-September 11 agenda, and Central Asia*, 19 *Global Society* (2005), 189-209, DOI: 10.1080/13600820500044910.

³⁴⁷ See *supra* note 16.

³⁴⁸ *Id.*

³⁴⁹ See John Heathershaw, *Post-Conflict Tajikistan: The Politics of Peacebuilding and the Emergence of Legitimate Order* (London: Routledge 2009).

As a flip side of the coin, there were also specific problems for women's organizations themselves. The women's NGOs in Central Asia did not have a level of independence equal to Western NGOs, for example.³⁵⁰ Central Asian female NGO leaders encountered challenges in collaborating with both international organizations and government agencies. They attempted to carry out initiatives that often did not align with local conditions to fulfil the demands of international funders.³⁵¹ When dealing with government agencies, NGOs need to persuade the authorities that their project is crucial, as seen in Kyrgyzstan and Uzbekistan. Women NGOs faced challenges in convincing the state administration through the OSCE that they were not acting as "foreign agents" for the organization.³⁵² While certain authors noted that international organizations create "hierarchies" in their promotion of gender legislation.³⁵³ For example, Dierenberger emphasized how, within the publication through the traditional lens of ideological national reports on gender and women in Tajikistan, international programs led to the emergence of a hierarchy of sexes and races in Tajik society.³⁵⁴

Overall, international women's projects by international organizations and the efforts of NGOs had some effect on the attitudes towards gender equality in four Central Asian societies. This has played a crucial role in establishing a foundation for promoting gender equality and preventing discrimination in the country and among the population, as well as improving and implementing legislation and other policies with gender considerations. In other words, women's NGOs and international gender programs have played a significant role in shaping gender policy in the region. The significance of women's NGOs and international organizations in the development of Central Asia's gender-sensitive legal and policy framework will be further examined in Subchapter 3.3.

2.1.4 Interim Conclusion

The past of the Central Asian states is the key to understanding their present and predicting and improving their future. The history and origins of Central Asian women's rights and how their

³⁵⁰ *Supra* note 199, at 293.

³⁵¹ See Nick Megoran, Elmira Satybaldieva, David Lewis & John Heathershaw, *Evaluating Peacebuilding Interventions in Kyrgyzstan*, SIPRI-OSF Policy Brief, Open Society Foundations (2014), 1-7. <https://www.sipri.org/sites/default/files/SIPRI-OSFno2PB.pdf>.

³⁵² Aksana Ismailbekova & Nick Megoran, *Peace in the Family is the Basis of Peace in the Country: How Women Contribute to Local Peace in Southern Kyrgyzstan*, 14 *Journal of Intervention and Statebuilding* (2020), 483-500, 495. DOI: 10.1080/17502977.2020.1780017.

³⁵³ *See supra* note 349.

³⁵⁴ *See supra* note 288.

status has changed over time are fascinating but also ambivalent. It is especially appealing how the status of women has passed and absorbed various ideas and values in different periods of her historical path. In the pre-socialist period, the women of Central Asia lived in big communities; they had their own gender traditions and customs, where female roles were of a subordinating nature. Some peoples lived in settled groups, while other part had a nomadic lifestyle, such as Kazakh and Kyrgyz. At once, it can be traced how women of nomadic peoples, given the harsh mobile way of life, had more freedom than sedentary women. Despite this, the prevalence of ransoming women, physical and sexual abuse, and kidnapping was also remarked.

In turn, the Soviet past left a vast and, perhaps, indelible stamp on gender roles in the region. The Bolsheviks seemed to quest to erase the outdated religious and customary past of the peoples of Central Asia, trying to impose their ideology on them. In turn, the Soviet policy of modernization had its own peculiarities, where gender policy had some distinctive features in the Central Asian region. This was manifested in the fact that the communists considered the position of women and girls in Central Asia to be humiliating and, to some extent, slavish. Thus, the communists saw Central Asian women as the main driver and key to the elimination of religiosity and traditionalism in the region and, thus, to the promotion of modern Soviet views. However, there is some ambiguity in this socialist policy of women's emancipation. On the one hand, women in the USSR, including Central Asia, received many bonuses in the form of social support, access to health care, education, and childcare, which the region could not boast of in pre-revolutionary times. They also received fundamental rights and were protected by law, which replaced the religious and customary regulatory framework.

Considering that the equality of women and men in the Soviet Union was formally proclaimed, cases of domestic violence, bride kidnapping, and self-immolation also happened and were hushed up behind the doors of the states of the region. Breaking through the glass ceiling in decision-making in Soviet Central Asia was a rarity for women. Traditional views also continued to be preserved in the most private sphere of family life, where wives still had a traditional subdued role; they had to have time to contribute to social production and, at the same time, to deliver a new generation and manage the household chores. All this put an unbearable burden on the shoulders of Soviet Central Asian women. Whether the goal of the communist authorities was sincerely "saving the oppressed women" of the region, or was it just a candy wrapper, and women were just a means to erase any religious and customary values of the indigenous peoples, as well as attract new labor force? The question remains open.

The transition from the Soviet past to independent Central Asian republics in the early 90s also had ups and downs. After finding an independent path, the post-Soviet countries found themselves in a political and economic vacuum. Of course, all this affected the situation of the female population, which ended up without the former social support and all other benefits; they could no longer rely on maternal aid and childcare. At the same time, the newly minted states were now trying to promote their domestic policies. By questioning the former Soviet legacy, countries began constructing their own statehood and national identity. From here, a growing bias grew towards traditionalism and ancestral roots. As a result, all this began to have an unpleasant effect on the rights and position of women in Central Asia. Cases of gender-based violence increased, and people gradually began to migrate in search of work and “food”, where women and girls could become victims of trafficking in persons for the purposes of sex and slavery. The question of regulation of such negative gender aspects has appeared voluntary; countries have begun to adopt gender-sensitive laws and accede to international agreements to protect the rights of their women and girls. Here, the influence of international organizations and the importance of women’s civil society organizations in building the first steps towards gender equality are noted, even despite some often-critical attitudes of the Central Asian authorities towards foreign gender programs. Ultimately, the evolution of women’s rights in Central Asia can be traced back to historical influences that have shaped various cultural values and orientations towards gender roles in the region. Today, in the era of globalization, the influence of external cultures on Central Asia is undeniable and has had a significant impact on the region’s perception of gender equality. This has resulted in a complex mixture of three distinct directions in Central Asia: traditional cultural values, socialist ideals of emancipation, and, finally, liberal values of democracy and gender equality. This blend often leads to conflicting views on the status of women, with traditional views, the resurgence of religion, and remnants of the Soviet past clashing with modern feminist trends, political developments, and liberal-democratic values within civil society. Contemporary feminism in Central Asia embodies this complexity, and the region is still in the process of navigating this ever-evolving landscape.

2.2 Examination of Relationship between Authoritarianism, VAWG and Gender Equality in Central Asia

2.2.1 Introduction

Gender-based violence is an ongoing problem in the Central Asian region and has been the subject of much research and debate. The question of whether the current authoritarian regimes in the region have played a role in perpetuating this violence is a knotty one, which requires an examination of the relationship between democratization, gender equality, and historical factors. The idea that democratic systems promote gender equality is a commonly held belief, but as this subchapter will show, it is not always the case. In fact, studies have shown that in some cases, a lack of democratic institutions and practices can lead to an increase in violence against women level.³⁵⁵ This is because, in non-democratic societies, women might have limited access to legal protections and redress and, therefore, might be more vulnerable to mistreatment and discrimination. Additionally, in societies where democratic institutions are weak or simply non-existent, traditional gender roles and stereotypes may be reinforced to a higher degree, thereby could result into further marginalization of women. Furthermore, the historical development of the Central Asian region has also acted as a catalyst in molding the current situation in the four states under discussion. Namely, the region's colonial and communist past has had a serious impact on the state of gender equality and the level of violence against women.

As has been seen in the previous subchapter, under Soviet rule, women were encouraged to enter the workforce and were granted certain legal rights, but traditional gender roles and stereotypes were still reinforced. Following the collapse of the Soviet Union, many of the legal protections for women were dismantled, and the region has seen a resurgence of patriarchal values and practices. Given the complex and multifaceted nature of the issue, it is essential to understand that there is no one-size-fits-all solution. The correlation between the level of democratization and gender equality and violence against women in the Central Asian region is a complex and versatile question. When answering this query, one should consider the broader landscape. Simply put, the look should involve understanding the historical development, cultural factors, and political structures that impact the state of women's rights in

³⁵⁵ See e.g. David L. Richards & Ronald Gellensy, *Women's status and economic globalization*, 51 *International Studies Quarterly* (2007), 855-876. <https://www.jstor.org/stable/4621746>.

order to tackle it effectively. In turn, gender-based violence in this regard is a serious problem that needs a strategy that involves bolstering democratic institutions and practices, advocating for gender equality, and enacting legal safeguards for women.

2.2.2 Political Representation of Women

This part delves into the examination of the correlation between women's representation in politics, the advancement of gender equality, and the decrease in VAWG. It analyses the impact that female political leadership can have on the protection of women's rights and how it can lead to the reduction of violence against women. Paxton supported the idea that gender equality and a reduction in violence can be achieved through the representation of women in the political arena.³⁵⁶ The author suggests that there is a strong positive relationship between democracy and women's representation in the decision-making process. Female political leadership sometimes leads to better protection of women's rights in legislation and, therefore, to increase the protection of women from violence. Fish finds the reverse line, noting that the gender equality level is more likely to promote democracy. Moreover, the author notes that in countries where the level of representation of women is low, such governments are instead authoritarian.³⁵⁷ This highlights a decisive perspective on the representation of women in government concerning other gender aspects. In turn, Donno and Russett argue that the impact of democracy may take several years to become apparent, emphasizing the significance of long-term democracy.³⁵⁸ The idea that increasing the representation of women in government will reduce gender violence is not necessarily supported by many states, which shows that the quantity of women in political leadership is not as important as their quality. This is where the distinction between the number and influence of women in political leadership becomes important. There are some governments where women's representation is high, but they do not have absolute power to change. For example, this is the case in Rwanda. The state is considered to have one of the highest numbers of female MPs in the parliament – 61,3 percent.³⁵⁹ However, this fact does not

³⁵⁶ See Pamela Paxton, *Women in National Legislatures: A Cross-National Analysis*, 26 Social Science Research (1997), 442–464. <https://doi.org/10.1006/ssre.1997.0603>.

³⁵⁷ Steven Fish, *Islam and authoritarianism*, 55 World Politics (2002), 4. https://polisci.berkeley.edu/sites/default/files/people/u3833/Islam_and_Authoritarianism.pdf.

³⁵⁸ Daniela Donno & Bruce Russett, *Islam authoritarianism, and female empowerment: what are the linkages?* 56 World Politics (2004), 582–607.

³⁵⁹ Statista, *Rwanda: women in national parliament 2002–2021*. <https://www.statista.com/statistics/267028/women-in-selected-national-parliaments/#:~:text=As%20of%20November%202021%2C%20women,parliament%20seats%20belonged%20to%20women> (accessed 15 Sept 2022).

exclude the number of cases of violence against women in the country, which is almost 45 percent of women who have ever experienced violence from an intimate partner at some time in their lives.³⁶⁰ This number is even higher than in the Central Asian region.

In authoritarian Central Asia, the representation of women in political governance has never reached the required 30 percent of the gender quota. Moreover, one can also trace a negative trend that runs counter to support for women's rights. For example, there were cases in Kyrgyzstan when women deputies suggested bizarre proposals that could even oppositely affect the rights of women and girls. One of the female MPs submitted a draft proposal in 2013, stating that girls under 23 years old would not be able to travel abroad without the consent of their parents. Her idea immediately caused controversy in society.³⁶¹ Another female deputy in 2022 proposed to block the TikTok platform in Kyrgyzstan in reaction to the violent death of a 14-year-old girl. The MP believed that rapes and murders of teenagers happen because the shooting of videos on TikTok negatively affects teenagers.³⁶² All this brings the question of traditional and religious values in society once again. Therefore, it cannot be stated that the number of women in government alone can solve the problem of gender inequality and violence against women. This can sometimes even lead to the reverse.

Some studies suggested that women can promote gender equality and democratization through voting. This means that if women have the right to vote, they should be able to defend their rights through elections. Iversen and Rosenbluth rightly noted that voting behavior has a gender gap, which changes over time and location.³⁶³ It is hard to say here that granting women the right to vote affects the development of gender equality in Central Asia. For instance, although women in Kyrgyzstan have had the right to vote for a while, the level of disregard for the law and low voter turnout have resulted in a weak implementation of this right.³⁶⁴ This, along with widespread public distrust in the authorities, police, and electoral processes, has led to a lack of confidence in the electoral system, making it difficult to assess the impact of granting women the right to vote on their empowerment. Indeed, the right to vote symbolizes political agency

³⁶⁰ *Supra* note 2.

³⁶¹ Kloop, *Interv'ju: Pochemu Deputat Hochet Ogranichit' Vyezd Molodyh Kyrgyzstanok Za Granicu* (2013). <https://klookg/blog/2013/03/04/interv-yu-pochemu-deputat-hochet-ogranichit-vy-ezd-molody-h-ky-rgy-zstanok-za-granitsu/>

³⁶² Kloop, *Deputatka Narmatova Predlozhila Zapretit' Tiktok V Kyrgyzstane Iz-Za Iznasilovaniya I Ubijstva Shkol'nicy V Kadamzhae* (2022). <https://klookg/blog/2022/09/15/deputatka-narmatova-predlozhila-zapretit-tiktok-v-kyrgyzstane-iz-za-iznasilovaniya-i-ubijstva-shkolnitsy-v-kadamzhae/>.

³⁶³ See Torben Iversen & Frances Rosenbluth, *The Political Economy of Gender: Explaining Cross-National Variation in the Gender Division of Labor and the Gender Voting Gap*, 50 *American Journal of Political Science* (2006), 1-19. <https://www.jstor.org/stable/3694253>.

and gives women a voice in decision-making processes that affect their lives. Despite the difficulty in quantifying the exact impact of women's suffrage in Central Asia, it remains an important aspect in the ongoing struggle for gender equality. However, given that it is difficult to confirm that delegating the right to vote to women in Central Asia greatly affected their empowerment.

2.2.3 Modernization

Inglehart, Norris, and Welzel argue that the most critical link between democratization and gender equality is modernization, which, in turn, stimulates cultural change and the promotion of progressive values, including democracy and gender equality.³⁶⁵ On the one hand, the lack of democracy and modernization sometimes makes it possible to implement certain gender-related policies. But, on the other hand, they hide other principal issues.³⁶⁶ Take, for example, socialist reforms in some political systems. The policy of Fidel Castro proclaimed gender equality as an integral part of the communist system. However, women could hardly be seen in leadership positions or in general in politically essential structures.³⁶⁷ In turn, issues of gender-based violence, such as domestic violence or rape, were not mentioned at all.³⁶⁸ The same perspective can be seen in the previously mentioned socialist “modernization” of the Central Asian region. Even though gender equality was proclaimed, in fact, women could not break through the glass ceiling, and gender-based violence was not exposed outside the families. On the contrary, the Soviets and the post-socialist formation of the new Central Asian republics have tried to promote the idea of motherhood, which could carry a particular conservative and nationalist ideology. Such a policy, as already mentioned, carried a negative connotation in the form of a double or triple burden on Central Asian women. Many states, after the transition from the socialist system, found themselves in an even worse situation, including the level of gender-based violence. Thus, based on the theory of Inglehart et al. that modernization affects the development of gender equality, and in relation to the modernization policy of the post-independence Central Asian region, the answer cannot be certain. The transit of the post-Soviet

³⁶⁵ See Ronald Inglehart, Pippa Norris, & Christian Welzel, *Gender Equality and Democracy*, 1 Comparative Sociology (2002), 321-345.

³⁶⁶ Caroline Beer, *Democracy and gender equality*, 44 Studies in Comparative International Development (2009), 212-227, 215.

³⁶⁷ Ilja A. Luciak, *Party and state in Cuba: gender equality in political decision making*, 1 Politics & Gender (2005), 241-263. https://web.pdx.edu/~mev/pdf/PS471_Readings_2012/Luciak.pdf.

³⁶⁸ See Lois M. Smith & Alfred Padula, *Sex and Revolution: Women in Socialist Cuba* (New York: Oxford University Press, 1996).

states, which at first tried to embark on democratization and modernization, eventually led to the decay of social support for women, which conversely increased the level of gender-based violence in the region.

2.2.4 Income, Culture and Religion

The relationship between democracy, gender equality, and religion is complex and multifaceted. Högström notes that the correlation between democracy and the level of gender equality disappears when it comes to the question of different income levels in countries.³⁶⁹ Inglehart et al., in their comparative analysis, also confirmed that a higher level of socioeconomic development is not a paramount condition for improving gender equality and reducing VAWG.³⁷⁰ For example, democratic and high-income level countries such as the USA or certain states of Europe,³⁷¹ in fact, show high rates of violence against women despite their seemingly egalitarian views.³⁷²

In addition, Inglehart et al. single out cultural prerequisites as one of the main factors, like the predominance of traditional attitudes towards gender roles, which directly affect women's participation in decision-making and the development of gender equality.³⁷³ Religious factors are also included in the study, regardless of which type of religion prevails. As the authors note, there is a pattern that in certain Arab countries (e.g., in Kuwait (6,25% of women-parliamentarians), Qatar (4,44%), or Oman (2.33%))³⁷⁴ there is a shallow level of representation of women in parliament.³⁷⁵ This can also relate to the Central Asian countries, post-communist states that have a pronounced inclination towards traditional and patriarchal habits and tend to believe that a man will better manage the state. Moreover, as was mentioned earlier, after the collapse of the Soviet system, they also became inclined towards the revival of religious sentiments.

³⁶⁹ John Högström, *Do Development and Democracy Positively Affect Gender Equality in Cabinets?* 16 Japanese Journal of Political Science(2015), 332-56.

³⁷⁰ Ronald Inglehart & Pippa Norris, *Women and Democracy: Cultural Obstacles to Equal Representation*, 12 Journal of Democracy (2001), 126-140, 129.

³⁷¹ The World Bank, *The World by Income and Region* (2021). <https://datatopics.worldbank.org/world-development-indicators/the-world-by-income-and-region.html> (accessed 16 Sept 2022).

³⁷² *Supra* note 360.

³⁷³ *Supra* note 370, at 127-129.

³⁷⁴ Inter-Parliamentary Union, *Arab Group* (2023). <https://www.ipu.org/about-ipu/members/geopolitical-groups/arab-group> (accessed 16 Sept 2022).

³⁷⁵ *Id.* at 127.

Rizzo et al. highlighted the negative attitudes of some Arab and Islamist groups in the Middle East toward democratization. The main reason for this was that such states see democracy as part of a Western-influenced culture that is not authentic to their societies.³⁷⁶ In the same way, the societies of Central Asia, especially at the beginning of their independence, saw an international presence as “spies” that Westernized them by changing their traditions and culture. Yet, today, there are still people in Central Asia who have a negative attitude towards alien value orientations. Gender issues occupy a special place in this respect. In Kyrgyzstan, for example, there is a group of “Kyrk Choro” or “Kyrgyz Choroloru” (translated from Kyrgyz as “forty knights”) - a group of vigilantes who call themselves members of the national-patriotic movement, advocating moral and patriotic views.³⁷⁷ Despite that Kyrk Choro officially announced that they have nothing against women’s rights, in reality, they have a peculiar attitude towards all issues related to gender and LGBTQIA+.³⁷⁸ The group of men began to gain fame in 2015 when they carried out so-called “raids” in entertainment places in Bishkek, where they caught girls, among other things, and accused them of immorality.³⁷⁹ They were also repeatedly seen interfering and attacking participants in women’s marches in Bishkek, capital city³⁸⁰, as well as in the interruption of the Feminale exhibition in Bishkek and the beating of its curator.³⁸¹ They consider women’s movements and the LGBTQIA+ community as a danger and a threat to the statehood and traditions of the ancestors and nepotism of the Kyrgyz people. The group’s actions have been widely condemned by civil society and have received significant media and academic coverage, but they continue to operate and remain a source of concern for gender equality and LGBTQIA+ rights in Kyrgyzstan.³⁸²

³⁷⁶ Helen Rizzo, Abdel-Hamid Abdel-Latif, & Katherine Meyer, *The Relationship Between Gender Equality and Democracy: A Comparison of Arab Versus Non-Arab Muslim Societies*, 41 *Sociology* (2007), 1151–1170, 1157. <https://doi.org/10.1177/0038038507082320>.

³⁷⁷ Fergana, 40 *Vitjazej v Belom Kvadrate* (2019). <https://fergana.agency/articles/105866/> (accessed 16 Sept 2022).

³⁷⁸ 24kg, “Kyrk Choro” o Zhenshhinah, Gej-Paradah, Politike i Sponsorah (2020). https://24.kg/obschestvo/146769_kyirk_choro_ojenschinah_gej-paradah_politike_isponsorah/ (accessed 16 Sept 2022).

³⁷⁹ Vechernij Bishkek, “Precedent”: Vo Chto Mozhet Pererasti “Kyrk choro”? (2015). https://www.vb.kg/doc/301989_precedent_vo_cho_to_mojet_pererasti_kyrk_choro.html (accessed 16 Sept 2022).

³⁸⁰ K-News, *Sorvannyi marsh feministok v Bishkeke: Napadenie agressivnykh lyudei, zaderzhaniye uchastnits* (2020). <https://knews.kg/2020/03/08/sorvannyj-marsh-feministok-v-bishkeke-napadenie-agressivnyh-lyudej-zaderzhanie-uchastnits/> (accessed 16 Sept 2022).

³⁸¹ K-News, *V Bishkeke Izbili Kuratora Feminale. Ona Hochet Pokinut’ Kyrgyzstan* (2019). <https://knews.kg/2019/12/27/v-bishkeke-izbili-kuratora-feminale-ona-hochet-pokinut-kyrgyzstan/> (accessed 16 Sept 2022).

³⁸² See e.g. Radio Azattyk, “Kyrk choro” - provlastnyj proekt? (2015). <https://rus.azattyk.org/a/27133965.html>; Meerim Aitkulova, *Kyrk Choro: A Neo-Nationalist Movement in Kyrgyzstan*, 9 *Journal of Religion and Violence* (2021), 70-79. https://www.pdcnet.org/jrv/content/jrv_2021_0009_0001_0070_0079?file_type=pdf; Eurasianet, *Kyrgyzstan: Nationalist Vice Squad Stirs Controversy* (2015). <https://eurasianet.org/kyrgyzstan-nationalist-vice-squad-stirs-controversy> (accessed 16 Sept 2022).

Speaking about the influence of religion, as a rule, in theocratic states, there is a cultural barrier in the form of traditional views on gender. Indeed, religion on its own cannot affect the level of democratization of a country. Central Asian states officially and at the constitutional level announced their secularism. However, as noted earlier, a revival of religious views is now developing in the region, which can affect the level of democratization. As was mentioned the revival of religious sentiments is clear in all Central Asian states after the collapse of the communist system. Fish notes that in Muslim countries there is a concept of subordination of women and their traditional role, which is one of the main factors in women's participation in political life.³⁸³ This is particularly pronounced in countries with authoritarian regimes, where the government actively reinforces traditional gender roles and restricts women's political agency. In this context, Fish outlines the relationship between religion and authoritarianism, as the former is often used to justify the latter's oppressive policies towards women and minority groups. Thus, Fish's study highlights the need to address the issue of women's political participation in Muslim countries and the role that religion and authoritarianism play in shaping this reality.³⁸⁴ For example, Iran has a theocratic government that enforces strict religious laws, which have been criticized for limiting women's rights and freedoms. Despite some women's activism, the regime's strict control over political life and its promotion of traditional gender roles have limited women's participation in politics. In turn, Afghanistan has a long history of conflict and instability, and women's rights have been violated and limited under different regimes. Despite some progress in recent years, women's political participation is still restricted by the country's conservative cultural norms and the influence of religious authorities. Similarly, in Central Asia, there is indeed a correlation between the development of religiosity, traditional factors, authoritarianism, and women's representation. The resurgence of Islam and traditionalist behavior is stopping many Central Asian women from participating in the decision-making process, further contributing to the flourishing of the one-man hold and the expansion of the ideas of the male leader. One of the main factors here is the subordinate position of women following traditions and religion and the rejection of Western democratic principles as alien.

³⁸³ See *supra* note 357.

³⁸⁴ *Id.*

2.2.5 Democratic Stock

The relationship between the form of government (either democratic or authoritarian) and gender equality or violence against women is a complex issue. A comprehensive understanding of this relationship requires an appreciation of the multitude of factors that influence gender-related issues, including political structure, historical context, cultural norms, economic development, and education levels. In addition, it is imperative to consider the unique experiences that a country has had with various forms of governance throughout its history. Beer suggests applying the theory of “stock of democracy” when it comes to a woman’s question. The author uses the concept “stock of democracy” developed by Gerring et al., which they apply in the analysis of economic growth. The term refers to the accumulation of democratic institutions, norms, and practices over time in a given country. The “stock of democracy” is seen as a critical factor in determining the stability and quality of a democracy. Gerring et al. argue that the longer a country has been democratic, the more robust its democratic institutions, norms, and practices become, which in turn leads to a more consolidated and stable democracy. This concept highlights the importance of historical context in understanding a country’s development and the challenges it faces in achieving sustainable democratic governance. The authors argue that the effects of democratic governance are likely to be manifest over a very long period and, therefore, democracy must be understood from a historical perspective, in which the history of a country’s regime type is considered in addition to the current level of democracy.³⁸⁵ Likewise to the previously mentioned idea about the impact of modernization on gender equality, Beer found a correlation, stating that the more democratic history a state has, the more women will be empowered. Wherein women’s participation can make a difference even in low-income and/or authoritarian states.³⁸⁶ The “stock of democracy” concept, when applied to the Central Asian region, demonstrates how the states’ experiences with different forms of state organization throughout history have shaped their cultures and, as a result, the current gender roles. As mentioned in the previous subchapter, many post-Soviet states chose the path of democratization after the fall of the communist wall, and feminists called these states “male democracies.”³⁸⁷ Despite this, the post-independent countries of Central Asia ended up in a different status 30 years later: according to the 2022

³⁸⁵ See John Gerring, Philip Bond, William T. Barndt & Carola Moreno, *Democracy and economic growth: a historical perspective*, 57 *World Politics* (2005), 323-364. <https://www.jstor.org/stable/40060105>.

³⁸⁶ *Supra* note 366, at 215.

³⁸⁷ Zillah Eisenstein, *The Color of Gender: Reimagining Democracy*. (Berkeley: University of California Press, 1994), 15.

Democracy Index, all Central Asian states have authoritarian regimes.³⁸⁸ Kyrgyzstan was a single state at the stage of a hybrid regime several years ago, and in 2021, the country has slid down to an authoritarian administration.³⁸⁹ While taking into account the level of physical security of women as an indicator of gender equality in countries, Piccone notes that the links between violence against women and democracy are weak and nearly absent in authoritarian and hybrid regimes.³⁹⁰ Therefore, in Central Asian countries, it is challenging to determine the extent to which the authoritarian regime contributes to violence against women and girls, as many cases go unregistered.

Central Asia has its own “stock” with a combination of distinct values inherited from different regimes. According to Kandiyoti, the transition from Soviet rule to independence in Central Asia was characterized by a dual function, with governments seeking both to distance themselves from the Soviet legacy and establish their unique national identities. In both of these processes, gender played a central role, as governments sought to shape gender norms and roles in line with their political and cultural objectives. Kandiyoti argues that the legacy of Soviet rule and the influence of traditional cultural values have shaped the experiences and opportunities of women in Central Asia in unique ways. In particular, she highlights the complex interplay between Soviet-era policies promoting gender equality and the persistence of traditional gender norms that often reinforce patriarchal values and structures. In her study, the author provides a nuanced understanding of the role of gender in the historical development of Central Asia and highlights the importance of considering the interplay between political, cultural, and historical factors in shaping the experiences of women in the region.³⁹¹ In turn, Handrahan calls this process as anarchy involving five competing processes: nomadic/tribal traditions, socialist ideology, Muslim foundations, and Western democratic influence. The author emphasizes the importance of ethnicity and its impact on the gender issue in the democratization process. The study stresses how all these processes eventually developed the gender meaning of ethnicity in the Central Asian peoples and their own understanding and model of “woman.” At the same time, these concepts were built under the influence of male definitions, where to be an ethnic “Kyrgyz,” “Uzbek,” etc., *a priori*, it had to be a man, which

³⁸⁸ The Economist, *A New Low for Global Democracy* (2022). <https://www.economist.com/graphic-detail/2022/02/09/a-new-low-for-global-democracy> (accessed 16 Sept 2022).

³⁸⁹ *Id.*

³⁹⁰ Ted Piccone, *Democracy, Gender Equality, and Gender Security*, Brookings, Policy Brief (2017) 1-9, 3.

³⁹¹ *Supra* note 227, at 616.

further contributed to the elevated levels of violence against women in the region.³⁹² Meanwhile, some women of post-Soviet Central Asia themselves, also taking into account traditionalism and religiosity to one degree or another in society, tend to reject and are pessimistic about feminism promoted by the West. Here, women understand gender equality as parity in the labor market, where a woman has the right to work on an equal footing with a man but, in fact, does not receive support from the state.³⁹³

2.2.6 *Interim Conclusion*

As it is seen, a form of government can sometimes indeed affect the position of women. A prominent level of democratization is a necessary aspect but is not the only and sufficient condition for achieving gender equality and women's physical security.³⁹⁴ A democratic system can sometimes improve gender equality in a country, but occasionally, it can do the opposite. Likewise, authoritarian forms of government can affect the deterioration of women's rights and increase the level of gender-based violence but are not always the primary and single factor. Whilst, to foresee how and in what direction the relationship between the form of government and gender equality/gender-based violence will develop in the region, the bigger picture of its development in conjunction with the current regime needs to be considered. As Inglehart et al. mentioned above, democratic modernization implies stages of industrialization and post-industrial phases that develop a predictable change in gender roles.³⁹⁵ Central Asia, like more than half of the world, is in an industrial phase in this sense, where women have become more involved in decision-making but still do not occupy higher positions than men, and gender-based violence is at its peak. The region is still in its infancy on the road to democratization, where Central Asian women have just begun their journey to fight for their freedoms.

Even though the conclusion is that democracy is not a panacea for all socio-economic issues, including gender-related ones, and does not directly affect the status of women's rights, it is critical to highlight that women themselves can influence the development of democracy in the form of civic activism, women's NGOs and movements. Since after all, the quality of democracy is also determined by the degree of participation in its institutions of various social

³⁹² Lori M. Handrahan, *Gender and ethnicity in the 'transitional democracy' of Kyrgyzstan*, 20 Central Asian Survey (2001), 467-496, 474. DOI: 10.1080/02634930120104645.

³⁹³ Nayereh Tohidi, *Women's Rights, Citizenship, And Democracy in Post-Soviet Azerbaijan And Central Asia*, Journal of Azerbaijani Studies (1999), 119-128, 125.

³⁹⁴ *Supra* note 390, at 1.

³⁹⁵ *Supra* note 370, at 129.

groups, including women.³⁹⁶ This is especially true considering that women tend to be more mobilized and gather in women's organizations under dictatorial regimes.³⁹⁷ Women's emancipation is considered an important and not inalienable attribute on the way to democratization and gender equality. Yet, for traditional and orthodox societies, women's question is a painful barrier that takes a long time to overcome.³⁹⁸ In the Central Asian region, women's movements are only gaining strength, to a greater extent, in Kyrgyzstan and Kazakhstan. Therefore, it is hoped that women's organizations will be one of the engines for greater gender equality and democratization in the region.

In modern Central Asia, given its stock of democratization and the mixture of various cultural and value aspects, women are still in confusion, where they are constantly "negotiating and re-negotiating their womanness in a patriarchal as well as a political and an economic transitional phase."³⁹⁹ While the level of violence in this process is a red indicator of the disarray of societies in the region.⁴⁰⁰ Therefore, it is difficult to plainly state that it is democracy alone that influences the positive development of gender equality and the reduction of gender-based violence. Similarly, it is also difficult to confirm that it is the authoritarian form of government in the Central Asian region that negatively affects the position of women and girls in the country. It is necessary to consider many factors, such as historical and cultural aspects, traditionalism, and religiosity in society, which, respectively, are value orientations that lead to the subordinate position of women. On the other hand, the region is still at its exceedingly early democratic stock, which will hopefully eventually lead to better developments regarding the gender issue.

2.3 The Many Faces of Gendered Violence: Prevalent Forms of VAWG in Central Asia

2.3.1 Introduction

In many regions, including Central Asia, being a female continues to pose significant risks, as this region has a high incidence of violence against women and girls. According to recent data

³⁹⁶ Valentine Moghadam, *The Gender of Democracy: The Link Between Women's Rights and Democratization in the Middle East*, 2 Arab Reform Bulletin (2004), 2–3.

³⁹⁷ *Supra* note 366, at 218.

³⁹⁸ Stephen Blank, *Democratic Prospects in Central Asia*, 166 World Affairs (2004), 133-147, 135.

³⁹⁹ *Supra* note 392, at 480.

⁴⁰⁰ *Id.*

from the OECD,⁴⁰¹ anywhere from 16 to 24% of women in Central Asia experience physical abuse, sexual assault, or other forms of mistreatment. The prevalence of these issues is influenced by traditionalism, socio-cultural norms, and religious beliefs in the region. The situation for women in each Central Asian country is shaped by specific factors such as economic conditions, ethnic makeup, political and legal systems, all of which have a significant impact on the status and rights of women in these states. For instance, Kyrgyz people witnessed several revolutions, as well as ethnic and border conflicts and an increase in drug and human trafficking for the purpose of sexual exploitation.⁴⁰² In turn, Tajikistan also passed a stage that added a layer of socio-economic and political problems to the already existing tensions. Following Tajikistan's declaration of independence from the Soviet regime in the early 90s, a violent civil war erupted between the government and opposing sides over the preservation of the old communist regime.⁴⁰³ The civil war lasted almost five years and significantly negatively affected the entire Tajik society; the population was below the poverty line, and many were forced to flee. During the war, women were subjected to various forms of violence, including rape, torture, trafficking, and forced marriage.⁴⁰⁴ That is why both Kyrgyzstan and Tajikistan have experienced higher levels of poverty, being in a group of lower-middle-income countries.⁴⁰⁵ All this was accompanied by an increase in unemployment and a decrease in the level of political representation of women.⁴⁰⁶

As noted in the historical overview after the fall of the Soviet wall, the revival of the values of the national tradition and religious theology further strengthened patriarchal authority in the region. Thus, today, the main factor that unites all the Central Asian states is the patriarchal system with a degree of respect for traditions. As was mentioned earlier, women (and men) in the region, also influenced by religious sentiments, sometimes join Islamist organizations with two goals: to gain economic benefits, taking into account the level of unemployment and poverty, and, in their opinion, to replenish themselves spiritually and religiously.⁴⁰⁷ All this has had a strong impact on the resurrection of traditional and religious practices, some of which, at

⁴⁰¹ *Supra* note 2.

⁴⁰² Joshi & Childress, *supra* note 5, at 296.

⁴⁰³ Jill E. Hickson, *Using Law to Create National Identity: The Course to Democracy in Tajikistan*, 38 TEX. INT'L L.J. (2003), 347.

⁴⁰⁴ Jane Falkingham, *Income, Poverty and Well-Being In Central Asia*. In: Sandra Hutton, Gerry Redmond (eds.), *Poverty in Transition Economies* (London, UK: Routledge, 2000), 70–90.

⁴⁰⁵ The World Bank, *Defying Global Turmoil, Poverty Rates Fall Across Central Asia* (2022). <https://www.worldbank.org/en/news/press-release/2022/10/17/defying-global-turmoil-poverty-rates-fall-across-central-asia> (accessed 15 Sept 2022).

⁴⁰⁶ *Supra* note 313, at 533.

⁴⁰⁷ *Supra* note 313, at 534-535.

their worst, are regarded as forms of gender-based violence and violations of women's rights. In this way, the author determined them as specific forms of VAWG prescribed by traditions, customs, and religious views. This includes the resurgence and reframing of practices of subordination of daughters-in-law to mothers-in-law, polygyny, payment of a bride price at marriage, arranged marriages, child marriages, emphasis on women's domestic/family roles, and a great weight of motherhood.

Although the previous subchapter shows that the level of authoritarianism does not always and solely affect the degree of violence against women in Central Asia, the above-mentioned factors, in turn, have an immediate impact on the position of women in these countries today and, accordingly, have a further influence on the fact that Central Asian women are often subjected to various forms of abuse. This subchapter explores and identifies common gender-based problems existing in the Central Asian region, such as domestic violence (including during the COVID-19 pandemic), trafficking in women, and other. The study is followed by the specific forms of VAWG, prescribed by the traditional and religious practices and views in the societies, such as bride-kidnapping ("ala kachuu"), "kelinism," and early marriages.

2.3.2 Common Forms of Gender-Based Violence

A. Domestic Violence

Although men can also be victims of domestic abuse, worldwide statistics show that women and children are the primary victims of domestic violence,⁴⁰⁸ whether it be physical, psychological, or economic abuse. As in the rest of the world, Central Asia also faces the acute issue of domestic violence. As already mentioned, the collapse of the Soviet Union created an economic and political crisis in the region. As a result, such economic and social problems have led the country to the spread of corruption, ethnic and class clashes, while at the private level the degree of alcoholism and drug addiction has increased. The economic vacuum has affected the labour market and as mentioned earlier, women have been the main victims. As a result, many women in Central Asia were left without work and stayed at home. All this made women more vulnerable to domestic violence because they were left without socioeconomic support

⁴⁰⁸ See e.g. UN Women, *Facts and figures: Ending violence against women* (2023). <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures#:~:text=Globally%2C%20an%20estimated%20736%20million,does%20not%20include%20sexual%20harassment> (accessed 1 Oct 2023); WHO, *Violence against women: Key Facts* (2021). <https://www.who.int/news-room/fact-sheets/detail/violence-against-women> (accessed 15 Sept 2022).

and dependent on their partners or husbands. This has also been affected, on the other hand, by the increasing toxic masculine behaviour among the male population in Central Asia.⁴⁰⁹ Just like in society, men try to promote the idea of masculinity, so often try to show themselves as more brutal than they are.

In all four countries, issues of domestic violence are seen as a private matter. This is further supported by the already mentioned traditional and religious views. Until now, to one degree or another, it is believed that if a husband beats his wife, this is a matter for this family. “You cannot wash dirty linen in the hut” - a saying that is still cherished in Central Asian societies. Some people calmed the beaten woman and said: “(he) beats means (he) loves” proverb because for a man, battering his wife was a common and normalized thing. Such proverbs, which have remained since Soviet times and still go around in the everyday life of Central Asian families, once again suggest the image that domestic violence is a private matter of the family, in which there is no place or business for third parties. Victims of domestic abuse themselves often adhere to the notions of “shame” (uyat) and “what would people say?”⁴¹⁰ therefore, many cases of violence are not publicized. For example, in Tajikistan, the police and the judicial system are trying to take sides, convincing women that this is for the sake of the family and that it is not worth destroying the family and leaving children without a father.

According to the national data of the countries of Central Asia, cases of VAWG are increasing from year to year.⁴¹¹ In 2021, the Ministry of Internal Affairs of Kyrgyzstan registered 10,151 cases of domestic violence, higher than any of previous years;⁴¹² Kazakhstan had 61,464 cases in 2021.⁴¹³ Compared to their neighbors, Uzbekistan and Tajikistan do not have public open

⁴⁰⁹ International Crisis Group, *Kyrgyzstan: State fragility and radicalization*. Briefing 83, Europe & Central Asia (2016). <https://www.crisisgroup.org/europe-central-asia/central-asia/kyrgyzstan/kyrgyzstan-state-fragility-and-radicalisation> (accessed 15 Sept 2022).

⁴¹⁰ In Kyrgyz language: “el emne deit?”; in Tajik: “odamo chi megun?”; in Kazakh: “jurt ne deidi?”; in Uzbek: “odamlar nima deyishadi?”.

⁴¹¹ To provide a general context of the extent and prevalence of gender-based violence and gender-related data in general in relation to each country’s population size, population figures for each country in 2023 are provided. As of 2023, the population of the Republic of Kazakhstan is 19,606 million people, the Kyrgyz Republic – 6,735 million, the Republic of Tajikistan – 10,143 million, the Republic of Uzbekistan – 35,163 million people (see Worldometer, *Countries in the world by population* (2024). <https://www.worldometers.info/world-population/population-by-country/> (accessed 10 Jan 2024)).

⁴¹² Kloop, V *Kyrgyzstane za 2021 God Zaregistrovali Bolee 10 Tysjach Faktov Domashnego Nasiliya – MVD* (2022). <https://klookg.blog/2022/02/23/v-kyrgyzstane-za-2021-god-zaregistrovali-bolee-10-tysjach-faktov-domashnego-nasiliya-mvd/> (accessed 15 Sept 2022).

⁴¹³ Bureau of National Statistics of the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan, *Kolichestvo zaregistrovannyh sluchaev bytovogo nasiliya v otnoshenii zhenshhin* (2021). https://gender.stat.gov.kz/page/frontend/detail?id=85&slug=-70&cat_id=4&lang=ru; see also Inform buro, V *Kazahstane Bol’she Poloviny Del O Domashnem Nasilii Zakanchivajutsja Primirenijem. Chto Za Jetim Stoit?* (2021). <https://informburo.kz/stati/v-kazaxstane-bolse-poloviny-del-o-domashnem-nasilii-zakanchivajutsja>

data on cases of domestic violence. However, it is known that in 2021, 34,330 cases of crimes against women were detected in Uzbekistan.⁴¹⁴ In turn, Tajikistan has a more obscure picture: there is no open access to gender statistics in Tajikistan, including on domestic violence. Therefore, it is troublesome to find out the actual number of cases of domestic violence in Tajikistan, where each governmental institution has different information. For example, in 2021, the Ministry of Internal Affairs of Tajikistan reported receiving 3,485 complaints about domestic abuse. However, the data of the Ministry differs from the figure of the Women's Rights Committee and shows that "domestic violence has not decreased but increased." Because there is a distrust of statistics in Tajikistan, experts and analysts have repeatedly said that officials sometimes try to embellish the results of their activities by presenting a report in which data are far from reality.⁴¹⁵

Increase during Covid-19

The picture was even more exacerbated by the 2020 COVID-19 outbreak. As elsewhere in the globe, family violence against women during quarantine has become an urgent problem in the situation of the pandemic. As per the Ministry of Internal Affairs of Kyrgyzstan, a record-high number of 9,025 cases of domestic violence were registered for 2020, while 947 were sent to courts.⁴¹⁶ In Kazakhstan, the number of domestic violence increased by 21 percent during the pandemic.⁴¹⁷ In Uzbekistan, about 14,800 security orders were issued during this period to ensure the safety and interests of the victims of gender violence.⁴¹⁸ However, it cannot be said that cases have started to rapidly grow exactly this time in the region. The statistics of gender-based violence have become higher also because societies probably have begun to pay more attention to gender issues and understand that cases of abuse against girls and women are not a sign of respect for traditions or religion but an offense. At the same time, one should consider

[primireniem-cto-za-etim-stoit](#); Biz Media, Domashnee nasilie v Kazahstane — statistika i real'nost' (2022). <https://bizmedia.kz/2022/08/27/domashnee-nasilie-v-kazahstane-statistika/> (accessed 15 Sept 2022).

⁴¹⁴ Gazeta.uz, 87% Sluchaev Nasiliya Protiv Zhenshhin V 2021 Godu Sovershenno V Sem'e (2022). <https://www.gazeta.uz/ru/2022/04/26/violence/> (accessed 15 Sept 2022).

⁴¹⁵ Radio Ozodi, Sluchai Domashnego Nasiliya V Tadzhiqistane Uchastilis' Ili Vse Zhe Sokratilis'? (2022). <https://rus.ozodi.org/a/31704222.html> (accessed 15 Sept 2022).

⁴¹⁶ Radio Azattyk, "Jeto tol'ko verhushka ajsberga". S chem svjazan rost semejnogo nasiliya v Kyrgyzstane? (2021). <https://rus.azattyk.org/a/31176613.html> (accessed 15 Sept 2022).

⁴¹⁷ Vlast.kz, V MVD Otmechajut Rost Bytovogo Nasiliya v Kazahstane za Vremja Pandemii Na 21% (2020). <https://vlast.kz/novosti/41127-v-mvd-otmecaut-rost-bytovogo-nasilia-v-kazahstane-za-vrema-pandemii-na-21.html> (accessed 15 Sept 2022).

⁴¹⁸ The World Bank, Zhenshhiny Dolzhny Sygrat' Vedushhuju Rol' V Vosstanovlenii Uzbekistana Posle Pandemii (2021). <https://www.vsemirnyjbank.org/ru/news/feature/2021/03/08/women-must-play-a-central-role-in-uzbekistans-recovery-from-the-pandemic> (accessed 15 Sept 2022).

the fact that this is only the official number of claims that have reached the police. The accurate picture of unreported facts of domestic abuse is presumed to be even more depressing.

The reason for increased domestic violence during the pandemic lies in the fact that it has become much more difficult for women to avoid domestic violence during quarantine, and many women were too afraid to call either the police or crisis units.⁴¹⁹ Another motive is that women refused to take medical examinations due to the fear of infection, as it was Kyrgyzstan.⁴²⁰ Suspension of the work of public transport could also cause obstacles, 32,7 percent of women faced difficulties after the operation of public transport was terminated.⁴²¹ For instance, it is a barrier to reaching some crisis centers, especially if such women live in remote regions. The cease of international flights and the closure of borders disrupted seasonal cross-border migration, also negatively affecting women's safety at home.⁴²² Most labor migrants could not leave/enter their countries and faced unemployment. Women have been particularly affected, with many facing abuse and mistreatment at the hands of their partners or family members. Accordingly, the shortage of livelihood exerted enormous psychological pressure and resulted in violence against household members. Yet, crisis centers appeared to be the only source of real help for female victims of domestic abuse.⁴²³

Community attitudes towards domestic abuse

Unfortunately, domestic violence is normalized in all four countries to a different degree, considering it to be a private affair of every family, hence, it is rarely reported and prosecuted. A survey in Uzbekistan found that 10,3 percent of respondents admit the possibility of using violence in cases where a woman, by her behavior, provokes her husband to use force. The reasons for the manifestation of physical violence against women, according to the respondents, are the use of alcohol and drugs (23,5 percent), lack of mutual understanding (22,1 percent), and financial difficulties (20,6 percent).⁴²⁴

⁴¹⁹ Human Rights Watch, *V Kyrgyzstane Karantin Nesjot Povyshennyj Risk Semejnogo Nasilija Dlja Zhenshin* (2020). <https://www.hrw.org/ru/news/2020/04/13/340553> (accessed 15 Sept 2022).

⁴²⁰ UN Women, *In Kyrgyzstan, Pandemic-Related Domestic Violence Increases Vulnerabilities* (2020). <https://eca.unwomen.org/en/news/stories/2020/8/in-kyrgyzstan-pandemic-related-domestic-violence-increases-vulnerabilities> (accessed 15 Sept 2022).

⁴²¹ Zul'fija Kochorbaeva, *Gendernye Posledstvija COVID-19 v Kyrgyzstane* (2020). http://ekois.net/wp-content/uploads/2020/05/Prezentatsiya_Kochorbaeva.pdf.

⁴²² OECD, *COVID-19 V Stranah Central'noj Azii: Posledstvija i Otvetye Politicheskie Mery* (2020). <https://www.oecd.org/eurasia/competitiveness-programme/central-asia/COVID-19-crisis-response-in-Central-Asia-Russian.pdf>.

⁴²³ See *supra* note 25.

⁴²⁴ UZA, *Institut Sem'i: Rol' i Mesto v Sovremennom Obshchestve* (2021). https://uza.uz/ru/posts/institut-semi-rol-i-mesto-v-sovremennom-obshchestve_267443 (accessed 15 Sept 2022).

Violence against women has wide social acceptance, even among women. One of the clearest examples of such acceptance of violence by society was the example in one of the regions of Uzbekistan. In 2022, a video was circulated on the Internet in which the Uzbek newlyweds participated in a competition at their wedding. The bride won this competition, but the groom was so angry at his loss that he hit his bride on the head in front of all the wedding guests. The most shocking thing is that the guests at the wedding all just watched, and no one even confronted or said a word to the aggressor. Even though this case caused a great stir on the part of the world community and even administrative measures were taken against the aggressor, the couple reconciled and continued to live together.⁴²⁵ This example is a red indicator of how Uzbek society perceives VAWG and the fact that one can beat his wife is a regular practice.

Tajikistan has one of the highest levels of acceptance of domestic violence by the population, which is alarming. In Tajik society, 97 percent of men and 72 percent of women believe that a woman must endure domestic violence in order to preserve the family.⁴²⁶ Parenthetically, domestic violence in Tajikistan still has not been officially designated as a criminal offense and is at the drafting stage.⁴²⁷ Many Tajik women still believe that domestic violence is an integral part of their family life, so they do not seek help for fear of being called bad wives and being judged by the community.⁴²⁸ All this greatly complicates the possibility of the protection of their rights. Interestingly, even the level of education does not significantly affect the question of accepting violence among Tajik women. In Tajik society, girls and women, even with the highest level of education, also have an elevated degree of acceptance of violence.⁴²⁹ In turn, a survey conducted in 14 regions of Kazakhstan showed a less bleak picture. Slightly more than half of the respondents were categorically against domestic violence (53,5 percent); however, still, 16,2 percent also believe that a woman herself is to blame and provokes her husband, and only a minimal part answered that violence is justified among Muslims.⁴³⁰

⁴²⁵ LentaTV24, *Zhenih Udaril Nevestu Na Svad'be V Uzbekistane | Para Vse Eshhe Vmeste | Drachuna Nakazali Stat'ej*, YouTube (2022). https://www.youtube.com/watch?v=WeOz8502_w (accessed 15 Sept 2022).

⁴²⁶ Central Asian Bureau for Analytical Reporting, *72 Procenta Tadzhijskih Zhenshin Schitajut, Chto Oni Objazany Terpet' Nasilie Radi Sohraneniya Sem'i* (2021). Retrieved from Asia-Plus: <https://asiaplus.tj.info/ru/news/tajikistan/society/20211028/72-prosenta-tadzhikskih-zhentshin-schitayut-chto-oni-obyazaniterpet-nasilie-radi-sohraneniya-semi> (accessed 15 Sept 2022).

⁴²⁷ *Supra* note 303.

⁴²⁸ Robin N. Haarr, *Local Justice and Victim Support for Battered Women in Tajikistan*, 32 *International Journal of Comparative and Applied Criminal Justice* (2008), 195–220. doi:10.1080/01924036.2008.9678786.

⁴²⁹ *Supra* note 402, at 312.

⁴³⁰ Rostovskaja Tamara, Kaliev Talgat, Zav'jalova Natal'a, Bezverbnij Vadim, *Profilaktika Nasiliya Kak Faktor Bezopasnosti Sem'i*, 1 *Woman in Russian Society* (2018), 79-88, 83-84.

Yet, in all four capital cities of the countries, domestic violence is not welcomed to a higher degree since society in the city environment is more urbanized. Life in urban areas contributes to the lives of various groups, therefore, people there are subject to more egalitarian views (to a certain degree), and it further affects the perception of violence against women.⁴³¹ In varying scales, the level of acceptance of domestic violence is different; in Kazakhstan and Kyrgyzstan, civil society is trying to pay more attention to the issues of violence against women and girls through women's movements. However, for example, the southern part of Kyrgyzstan, being more conservative, is further inclined to accept domestic violence, given that the southern region in Kyrgyzstan is more religious and there have been many ethnic and economic problems, including ethnic skirmishes with Uzbekistan.⁴³²

In all Central Asian countries, there is a wide practice of victim-blaming. In many cases of violence, society believes that a woman herself is to blame for what she brought and received from her husband. Often, the persistent problem of provocation serves as a justification for VAWG in Central Asian societies. The argument that victims somehow "provoked" the violence is something that abusers often cling to as a primary justification or mitigation for their actions.⁴³³ The victim blaming not only prevents justice from being achieved, but also perpetuates a culture of impunity for perpetrators. Latter often face minimal consequences, and societal and judicial attitudes continue to prioritize the condemnation of the actions of the victim over the responsibility of the perpetrator, thus allowing many of them to escape justice.

For example, in Tajikistan, even the authorities themselves spread this opinion. Moreover, state agencies and officials in cases of domestic violence do not adhere to the protection of a victim but consider their duty to save the family in any way.⁴³⁴ Many Tajik women believe that a husband has the right to beat, swear words, or put any prohibitions on his wife if he is angry with her.⁴³⁵ In Kyrgyzstan, Childress explored the reasons why women rarely seek systematic help from state institutions when they are becoming victims of domestic violence. Considering,

⁴³¹ *Supra* note 402, at 313.

⁴³² A. Musabaeva & A. Moldosheva, *The Ferghana Valley: Current Challenges*. Bishkek, Kyrgyzstan: United Nations Development Fund for Women (2005). <http://www.unwomen-eecca.org/module/project/img/135.pdf>.

⁴³³ See e.g. UzNews, "Esli ia vernus- domoi, on menia prosto ub-et" (2021). <https://uznews.uz/posts/5024>; Radio Azattyk, "Strashno i stydno ob etom rasskazyvat-, no nado". *Zhenshchiny perestali molchat- o nasilii* (2023). <https://rus.azattyq.org/a/strashno-i-stydno-ob-etom-rasskazyvat-no-nado-zhenshchiny-perestali-molchat-o-nasilii/32711927.html>; 24kg, *Sama vinovata? Kak devushki v Kyrgyzstane s detstva terpiat domogatel-stva* (2021). https://24.kg/obschestvo/199215_sama_vinovata_kak_devushki_vkyrgyzstane_sdetstva_terpyat_domogatelstva/.

⁴³⁴ Amnesty International, *Zhenshchiny i Devushki v Tadzhikistane v Tiskah Nasiliya, Diskriminacii i Nishhety, Ostanovim Nasilie Nad Zhenshinami!*. Index: EUR 60/002/2009 (2009), 2. <https://www.amnesty.org/en/documents/eur60/002/2009/ru/> (accessed 15 Sept 2022).

⁴³⁵ *Supra* note 428, at 215.

as already noted, that the Kyrgyz society is quite traditional, one of the main factors influencing the right side of assistance to victims of domestic violence is cultural aspects. This again includes social culture barriers such as shame and stigmatization.⁴³⁶

Reasons behind domestic abuse

The causes of domestic violence in the region are influenced by various interrelated factors, it is hard to single out the main one. As a rule, Central Asian researchers underline the post-Soviet socioeconomic crisis, low level of education, and cultural and moral decline in society while preservation of patriarchal attitudes among the larger causes. Of the more specific problems, this is the experience of childhood violence or low esteem of the aggressor, alcohol or/and drug addiction.⁴³⁷ The survey in Kazakhstan also revealed other reasons - jealousy on the part of the partner (3,4 percent) and misunderstanding between husband and wife (2,8 percent). A minority of the respondents answered that violence is a means of male self-affirmation (1,8 percent). At the same time, the majority of Kazakh youth consider domestic violence as a deviation from the norm.⁴³⁸ In Uzbekistan, given that society broadly does not recognize domestic violence as a violation of women's rights, families often try to hide cases of family abuse. In addition, women themselves do not want to seek help, worrying about the future of their children, especially daughters. There is such a tendency that if a mother is single, then it will be difficult for her daughter to find a groom since marrying a girl without a father is considered shameful. In Uzbekistan, even a meager dowry, the inability to conceive children or give birth to a boy heir, and conflicts with other wives during polygamy can become one of the causes of domestic violence. Sometimes, it happens that a man beats his wife simply because she works or gets an education outside the home.⁴³⁹ Police and judiciary in Tajikistan and Uzbekistan themselves, in most cases, try to dissuade victims of domestic violence from filing charges against their husbands. They justify it with the risk of leaving children without a father or destroying the family.⁴⁴⁰ At the same time, even if cases go to trial, the sad statistic is that most domestic

⁴³⁶ Saltanat Childress, Deborah Gioia & Jacquelyn C. Campbell, *Women's Strategies for Coping with the Impacts of Domestic Violence in Kyrgyzstan: A Grounded Theory Study*, 57 *Social Work in Health Care* (2018), 164-189, 165. DOI: 10.1080/00981389.2017.1412379.

⁴³⁷ Assem Makhadiyeva, Kadisha Shalgynbayeva, Tolkyngul Slambekova, Nazymgul Albytova & Gulazira Akymbek. *Personal profile of women subjected to domestic violence in Kazakhstan*, 9 *J Adv Pharm Edu Res* (2019), 108-117, 110; see also Meerim Kozhogeldieva, *Nasilie Kak Forma Semejnogo Konflikta*, *Psihologicheskie Nauki* (2016).

⁴³⁸ See *supra* note 430.

⁴³⁹ Bilal A. Bhat, *Gender earnings and poverty reduction: post-Communist Uzbekistan*, 46 *Journal of Asian and African Studies* (2011), 629-649, 639-640. doi: 10.1177/0021909611407584.

⁴⁴⁰ *Id.*; Sophia Wilson, *Majoritarian values and women's rights: police and judicial behavior in Tajikistan and Azerbaijan*, 33 *Post-Soviet Affairs* (2017), 298-312, 298. DOI: 10.1080/1060586X.2017.1306950.

violence cases do not progress beyond this stage, as in most events, the victims reconcile with the perpetrators.

B. Trafficking in Women

In the early 90s, along with crime, corruption, and drug and arms trafficking, the problem of trafficking in persons began to expand. One of the vivid examples was Tajikistan, where, as a result of the civil war, the population fell below the poverty line, and the drug and human trade began to rise.⁴⁴¹ Until 1992, cases of trafficking in women from Central Asia were practically not heard, but after gaining independence, this phenomenon reached enormous proportions in the region.⁴⁴² One of the most widespread forms has become the trafficking of women and children from Central Asia for the purpose of providing sex services.⁴⁴³ Central Asian region has become the most crucial geographic source of trafficking in women in Asia.⁴⁴⁴ The reason for this was again the political transit and subsequent socio-economic and political tensions. The deprivation of the female population of social and economic benefits left the women of Central Asia without work. The income situation has forced Central Asian women and girls (as well as men) to go abroad in search of a “better life.” To find resources for living, many began to look for work in areas where it is easier to get paid, and accordingly, in such places, there is no corresponding regulation. One of these areas has become the sex industry, which mainly involves young women and girls with financial difficulties.⁴⁴⁵ Thus, the citizens of Central Asia began to migrate both within the region and beyond its borders to find material support; women began to be trafficked abroad for sexual slavery and forced labor. Yet, in the region’s predominantly Muslim societies, open discussion of the trafficking of women for prostitution was almost taboo until recently. Instead, the focus was on issues such as terrorism and drug trafficking.⁴⁴⁶

⁴⁴¹ Filippo De Danieli, *Counter-narcotics Policies in Tajikistan and their Impact on State Building*, 30 Central Asian Survey (2011), 129–145. <https://doi.org/10.1080/02634937.2011.554067>.

⁴⁴² *Supra* note 48, at 384.

⁴⁴³ See Sally Stoecker & Louise Shelley, *Human Traffic and Transnational Crime: Eurasian and American Perspectives* (London: Rowman & Littlefield, 2005).

⁴⁴⁴ UNODC, *Fact Sheet on Human Trafficking*. https://www.unodc.org/documents/human-trafficking/UNVTF_fs_HT_EN.pdf; see also Mattar, *supra* note 46.

⁴⁴⁵ Nicole J. Jackson, *International Organizations, Security Dichotomies and the Trafficking of Persons and Narcotics in Post-Soviet Central Asia: A Critique of the Securitization Framework*, 37 Security Dialogue (2006), 303.

⁴⁴⁶ Mattar, *supra* note 46, at 177, see also Jackson, *supra* note 445, at 313.

The position of Tajik women was doubly affected by the civil war that left them homeless and without means of subsistence: the war took away their male population, which usually took on financial responsibility. Thus, a Tajik woman had to look for a means of subsistence, and one of the ways was prostitution.⁴⁴⁷ This is how organized trafficking in persons appeared and increased significantly during the civil war in Tajikistan. Young women were sold as brides to Afghanistan and Uzbekistan. After the end of the civil war, women were trafficked for prostitution in Russia, the United Arab Emirates, Turkey, and the Gulf states.⁴⁴⁸ Several families even sold their virgin daughters to the Gulf States for 2000–3000 USD.⁴⁴⁹ To date, Tajik women are trafficked for sexual and labor slavery, mainly to Russia and Kazakhstan.⁴⁵⁰

Studies conducted by IOM in the 2000s showed that approximately 4,000 women from Kyrgyzstan, about 5,000 from Kazakhstan, and 1,000 from Tajikistan have been trafficked abroad each year.⁴⁵¹ The UN statistics in recent years show that most of the detected victims of trafficking for sexual exploitation are women, with girls identified to a lesser extent. Females made up nearly all (90 percent) of the victims of this form of trafficking.⁴⁵² At the same time, a decline in the number of cases has been indicated since 2014,⁴⁵³ although it is difficult to accurately define the curve of trafficking of women, given that most cases cannot be traced due to the transnational nature of the cases, and shortage of official data.

The algorithm for trafficking

Many young women go abroad with a view of earning money, deceptively being led by vacancy advertisements as maids, nannies, or relying on work in restaurants, hairdressers, etc. However, some of these ads still involve a completely different “job” - prostitution.⁴⁵⁴ In most cases, victims learn about the “job” through acquaintances, friends, relatives, or through advertisements, formerly in newspapers,⁴⁵⁵ now more on the Internet. Travel

⁴⁴⁷ Mattar, *supra* note 46, at 162.

⁴⁴⁸ *Supra* note 50, at 35.

⁴⁴⁹ Mohd Aslam Bhat, *Post-Communist Transition and the Dilemmas of Young People in Central Asia: A Landscape of Uzbekistan*, 21 *Debate: Journal of Contemporary Central and Eastern Europe* (2013), 207-236, 225-226. DOI: 10.1080/0965156X.2013.864001.

⁴⁵⁰ The Counter Trafficking Data Collaborative, *Global Data Hub on Human Trafficking*, <https://www.ctdatacollaborative.org/map> (accessed 30 Sept 2022).

⁴⁵¹ *Supra* note 442, at 384.

⁴⁵² UNODC, *Global Report on Trafficking in Persons* (2020), 145. https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP_2020_15jan_web.pdf

⁴⁵³ See UNODC, *Eastern Europe and Central Asia* (2018). https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTIP_2018_EASTERN_EUROPE_AND_CENTRAL_ASIA.pdf

⁴⁵⁴ Zhakypbekova, *supra* note 47.

⁴⁵⁵ See IOM, *supra* note 47.

documents, including visas and airline tickets, are issued by merchants, which indicate that a woman is travelling for the purpose of working as an actress, dancer, maid, nurse, nanny or as student. Only in minor cases did the victims know the real purpose of their employment. Sulaimanova and Kelly highlight the following central recruitment intermediaries and conditions: travel and employment agencies, marriage agencies or mail-order-bride agencies, friends, relatives, or acquaintances, advertisements in newspapers/internet, shuttle traders, the 'second wave' (formerly trafficked women), adoption from orphanages, kidnappings and/or forced marriage, false marriages, polygamy – primarily with respect to minors.⁴⁵⁶ At the same time, travel companies also provide assistance in trafficking. For example, the latter may indicate that girls go abroad for shopping tourism.⁴⁵⁷ After already entering a certain country, the visas expire due to a long stay, which ultimately affects the vulnerable position of women as illegal migrants, thereby becoming dependent on their employers.⁴⁵⁸

As was mentioned earlier, the most common cases of trafficking in Central Asian women and girls are most often to Turkey, the United Arab Emirates, Russia, and South Korea,⁴⁵⁹ as well as to Georgia, the Middle East, and South and East Asia. There is also internal trafficking in the region and each country, respectively, from the countryside to the big cities. In Turkey, according to local experts, over the past ten years, thousands of Central Asian women fell into sexual slavery.⁴⁶⁰ Georgia is also a transit country for women from Kyrgyzstan, Tajikistan, and Uzbekistan exploited in Turkey. Traffickers exploit women in sex trafficking in the tourist areas of the Adjara region and bigger cities, like Tbilisi and Batumi, in saunas, brothels, bars, strip clubs, casinos, and hotels.⁴⁶¹ Most of the victims of sex trafficking are young women of 19-29 years old, who are not even aware that such trafficking circles exist and fall under fake advertisements.⁴⁶² Victims are often trafficked alone or in groups of no more than five women: while female victims are traded for a higher

⁴⁵⁶ *Supra* note 442, at 388; see also Liz Kelly, *A Conducive Context: Trafficking of Persons in Central Asia*, In: Maggy Lee (ed.), *Human Trafficking* (Willan, 2007), 76. <https://doi.org/10.4324/9781843924555>.

⁴⁵⁷ *Supra* note 455, at 15.

⁴⁵⁸ *Supra* note 442, at 389.

⁴⁵⁹ *Supra* note 336.

⁴⁶⁰ *See supra* note 337.

⁴⁶¹ *See supra* note 336.

⁴⁶² Saodat Olimova & Nigina Mamadzhanova, *Torgovlya lud'mi v Tadjzhikistane*, Human Trade in Tajikistan, IOM (2006), 8.

price than enslaved men.⁴⁶³ It often happened that the victims were also compelled to have an abortion, as they became pregnant as a result of forced prostitution.⁴⁶⁴

Marriage trafficking

In the early 2000s, trafficking in girls for childbearing and marriage began to spread. Women from Tajikistan, for example, were trafficked to Austria for the sole purpose of giving birth to a child, who was then taken away from the mother. There were also active and widespread so-called “marriage agencies” in Kyrgyzstan,⁴⁶⁵ Uzbekistan, and Kazakhstan, which organized and sold women to other countries for marriage.⁴⁶⁶ In 2004, such agencies reportedly recruited 3,037 young women from Kazakhstan, 4,190 from Kyrgyzstan and 1,139 from Uzbekistan.⁴⁶⁷ Women were married abroad by e-/mail correspondence through such agencies and ended up being abused, murdered, or sold to pimps.⁴⁶⁸ To date, there are no open and official statistics on the activities of such marriage agencies and the trade made through them. However, it can be assumed that with the development of the worldwide network, such activities have moved to an online format, where organizations recruit girls through platforms or social networks.⁴⁶⁹ Therefore, it is difficult to determine the exact number of such cases, given that the Internet has no boundaries.

Second wave

After escaping or ending sexual slavery, female victims find it difficult to integrate back into their community. Therefore, the so-called “second wave” of recruitment often occurs, where former victims of sex trafficking and forced prostitution become intermediaries in the criminal chain of human trade. These women become recruiters of new victims. There were cases when Kyrgyz women working in Turkey for several years lured girls and sold them to a specific person.⁴⁷⁰ Such a return becomes an alternative manifestation and the only way for many

⁴⁶³ *Supra* note 50, at 34.

⁴⁶⁴ Moslem Sharif, *Some Forms of Violence Against Women and Girls in Tajikistan*, 18 *Global Bioethics* (2005), 45–71, 51. DOI: 10.1080/11287462.2005.10800865.

⁴⁶⁵ Eurasianet, *Kyrgyzstan: South Korea is Attractive Destination for “Mail-Order” Brides* (2012). <https://eurasianet.org/kyrgyzstan-south-korea-is-attractive-destination-for-mail-order-brides> (accessed 30 Sept 2022).

⁴⁶⁶ Mattar, *supra* note 46, at 156.

⁴⁶⁷ See Donna Hughes, *The Role of ‘Marriage Agencies’ in the Sexual Exploitation and Trafficking of Women from the Former Soviet Union*, 11 *International Review of Victimology* (2004), 49–71. <https://doi.org/10.1177/026975800401100104>.

⁴⁶⁸ Donna Hughes, *The ‘Natasha’ Trade—The Transnational Shadow Market of Trafficking in Women*, 53 *Journal of International Affairs* (2000), 635.

⁴⁶⁹ See e.g. Jackie Jones, *Trafficking Internet brides*, 20 *Information & Communications Technology Law* (2011), 19–33, DOI: 10.1080/13600834.2011.557525.

⁴⁷⁰ *Supra* note 337.

former victims of trafficking to survive and earn money. For some victims, pimps make it a condition that they return home if they bring a replacement in their place.⁴⁷¹

Reasons behind trafficking

In modern Central Asia, identical factors influence the development of human trafficking, and, in particular, trafficking in women and children. Firstly, these are socio-economic and political factors that have changed negatively after the collapse of the USSR, and in recent years due to the COVID-19 pandemic, extreme poverty, high female unemployment, lack of opportunities and prospects for the future, and in many cases and because of an idealistic view of the Western world and in wealthier countries in general.⁴⁷² Most of the victims of sexual slavery are women and young girls without professional experience and higher education. They have lost social support and equal access to the labor market, in addition, many in remote regions drop out of school early. This makes them vulnerable to false claims of easy money.⁴⁷³ Nevertheless, there are even cases where educated or professionally trained women have become victims of such crimes. The professional training of some of the victims was adapted to the Soviet system. Once in the new realities, they were unable to adapt to new skills and a new labor market.⁴⁷⁴ Further, cultural factors strongly influence the trafficking market. All this often negatively affects the low social status of women in society. Young girls who come from families where domestic violence was a routine tend to normally perceive the world of trafficking, in which they can be used and abused.⁴⁷⁵ And, of course, corruption in the authorities, in conjunction with strong organized crime in the region, is another influential factor. Law enforcement agencies often become an integral link in this chain of trafficking in persons.⁴⁷⁶ Former and current law enforcement officers establish contacts with dealers and brokers abroad, thereby facilitating and covering activities for a certain amount of pay or the services of trafficked girls.⁴⁷⁷ These can be ordinary police officers assisting in covering cases, as well as border control guards, which also help conceal illegal crossings or transportation of women and girls.

⁴⁷¹ *Supra* note 442, at 389; *see also* Marat, *supra* note 50, at 36.

⁴⁷² *Supra* note 442, at 386.

⁴⁷³ Mattar, *supra* note 46, at 158.

⁴⁷⁴ Igor Bosc, *Trafficking in Persons: A Form of Social Exclusion*, Presentation at the Poverty Forum of the World Bank Institute's Attacking Poverty Program (2002).
<http://www.worldbank.org/lwbi/attackingpoverty/events/Kazakhstan-l202/ldbosc.pdf>.

⁴⁷⁵ *See supra* note 467.

⁴⁷⁶ *See* IOM & OSCE, *Trafficking in Women and Children from the Kyrgyz Republic* (2001).
<http://www.iom.elcat.kg/TextUpload/TIWReport-eng.pdf>.

⁴⁷⁷ *See* IOM, *Fertile Fields: Trafficking in Persons in Central Asia* (2005).
https://publications.iom.int/system/files/pdf/fertile_fields.pdf, cited in Mattar, *supra* note 46, at 161.

C. Other Forms of VAWG

In 2020 in Uzbekistan, Evelina was walking with a friend and a dog to the park named after Karimov, when an unknown guy began to whistle and make obscene gestures in her direction. The girl that day was in shorts and a short T-shirt. Having received no response, the young man shouted an insulting phrase about Russian girls and stopped there. However, an hour later, he appeared in the park with a group of 30-40 guys. Approaching, he took her by the hair, and when, in response, he received a slap in the face, he began to beat the girl. Central Asian countries also experience cases of femicide and sexual harassment, however, official statistics do not show high numbers for sexual harassment. For example, in Kazakhstan, from 1998 to 2018, only 87 cases of sexual harassment were registered.⁴⁷⁸ This number looks quite low, however, it does not indicate a positive trend, and there are few cases. In 2020, the analytical center, Central Asian Bureau for Analytical Reporting (CABAR.asia) conducted an online survey among victims of harassment from Central Asian countries. As a result, 81 percent of women reported having experienced harassment in a taxi. In turn, 62 percent of those who participated in the survey were harassed between the ages of 18 and 28. Many had to deal with insults, harassment, and even physical violence.⁴⁷⁹ At the same time, girls can also be harassed at school and work, as well as on the street, by unknown persons and even relatives at home. Many cases were told by Kyrgyz women experiencing harassment from their driving instructors.⁴⁸⁰ The bottom line is that in Central Asian countries (except for Uzbekistan), no specific legal provision or specialized law exists in national criminal or administrative legislation with regard to sexual harassment. Likewise, no distinct legal clause exists about femicide, and it is not defined as a separate category of crime. According to a study on femicide in the Kyrgyz Republic, conducted by Kapushenko and Hasanova, in almost ten years, 762 criminal cases were initiated under the article “Murder,” where a woman was a victim. The overwhelming majority of these murders were committed by men, while in 75 percent of cases, they were committed by an acquaintance of the murdered woman: husband, intimate partner, relative, or friend.⁴⁸¹ Another form of gender-based violence that can also be identified is forced childbearing, especially in remote areas. But fortunately, this is not a trend. As a rule, women

⁴⁷⁸ Steppe, *Mozhno li zashhitit'sja ot seksual'nyh domogatel'stv v Kazahstane?* (2021). <https://the-steppe.com/razvitie/mozhno-li-zashchititsya-ot-seksualnyh-domogatelstv-v-kazahstane> (accessed 30 Sept 2022).

⁴⁷⁹ Central Asian Bureau for Analytical Reporting, *Harassment V Taksi V Central'noj Azii: Beznakazannost' Bez Prava Na Zashhitu*. <https://longreads.cabar.asia/taxi> (accessed 30 Sept 2022).

⁴⁸⁰ Kloop, “Shvatil za ljazhku i razdvinul nogi”. *Kyrgyzstanki rasskazyvajut o domogatel'stvah na kursah vozhenija* (2022). <https://klookg/blog/2022/09/15/shvatil-za-lyazhku-i-razdvinul-nogi-kyrgyzstanki-rasskazyvajut-o-domogatelstvah-na-kursah-vozheniya/> (accessed 30 Sept 2022).

⁴⁸¹ *Supra* note 182.

are forced to give birth to children mainly because of the desire to have a boy, the heir to the family. In Tajikistan, even though this trend leads to large families and often to poverty, husbands can still force their wives to give birth until a boy is born.⁴⁸²

The gaps in legal regulation to explicitly address mentioned VAWG offenses prevents women and girls from exercising their rights and seeking protection from law enforcement agencies. Another obstacle why women victims do not report these cases includes, among others: fear of revenge, shame, and absence of trust in the law protection bodies. The same applies also to cases of rape and other sexual crimes against girls and women. In most cases, the victims of sexual abuse do not report it to the law protection bodies, and they even do not tell their relatives about it. Cases of rape and sexual assaults in the courts are often not initiated because of the behavior of police officers who are carried away by the details and circumstances of the crime (rape), the inability of the police to conduct a proper interrogation ethically, the attitude of people towards female victims who are not protected from attacks that discredit their reputation,⁴⁸³ or simply the resolution sought through reconciliation, leading victims to retract their claims.

2.3.3 Gender-Based Abuse as a Traditional Practice

D. Bride Kidnapping

While today many believe that bride kidnapping (in Kyrgyz - “kyz ala kachuu”; in Kazakh - “kyz alyp kashu”) is a valuable tradition of people have been living in the modern territory of Central Asia, it is difficult to trace the initial roots of the practice. Neither it is known when the custom began. However, some sources indicate that the practice of bride kidnapping originated during the patriarchal system of society in the region.⁴⁸⁴ In general, the practice of “ala kachuu” was most common among nomadic peoples, that is, those living currently in Kazakhstan and Kyrgyzstan, compared with other peoples of Central Asia.⁴⁸⁵ As mentioned in the historical outline earlier, compared to the neighboring Central Asian peoples, the Kyrgyz and Kazakhs led a nomadic or half-nomadic lifestyle. Such a harsh living culture imposed certain obligations on the people, including women. There is a dilemma as to whether bride kidnapping is really a

⁴⁸² *Supra* note 464, at 51.

⁴⁸³ *Id.* at 49.

⁴⁸⁴ Zhumabek Zhandosov, *Obshhee i osobennoe v processe perehoda k socializmu* (Kazakhstan, 1978), 62. <https://books.google.kz/books?hl=ru&id=mu8zAQAAIAAJ>.

⁴⁸⁵ *Supra* note 32, at 1.

tradition among the people of Kyrgyzstan and Kazakhstan. In modern Kyrgyz and Kazakh society, the concept of the practice of “kyz ala kachuu” or “kyz alyp kashuu” has been slightly distorted, and many representatives of these nationalities themselves have little idea of what form this traditional practice was originally performed.⁴⁸⁶ Many consider “ala kachuu,” as it exists today, to be a true Kyrgyz tradition, while others consider this practice to be distorted. The other side of the coin is that there is a difficulty with an exact translation; for example, in English, it is translated as “bride kidnapping,” when in fact, the literal translation of “ala kachuu” from the Kyrgyz and Kazakh languages is “grab and run away.”⁴⁸⁷ In this context, Handrahan connects the “ala kachuu” practice with the original Kyrgyz tradition of Kyzkuumay⁴⁸⁸ (in Kazakh – “кыз кyy”; in modern days, this is a kind of traditional sport), where the main point is the pursuit of the groom for the bride, both on horseback, the essence is that the groom caught and kissed the girl.⁴⁸⁹ After that, he has the right to ask the girl’s father to marry her. However, other researchers identify several types of bride kidnapping. These are classified as follows:

1) With the consent of both the bride and her parents

As Abramzon noted, in ancient times, if a young man did not have the means to pay the bride price (kalym), he would pay a small amount. Then he negotiated with the bride, and with her consent, he “abducted” her. After that, the groom’s father had to visit the kidnapped girl’s father and ask for forgiveness (aldyna tüshüü). After reconciliation and consent of the parties, the bride’s mother could go to the groom’s house and bring her daughter’s dowry.⁴⁹⁰ Thus, the author notes that the taking of a bride without her consent was a rare occurrence in the traditions of the Kyrgyz. “Ala kachuu” was performed with the consent of the girl, that is, without using force and for purposes when the groom did not have enough money to pay for the bride’s price. In other words, this is a kind of false bride kidnapping, when the parents of both sides agree to the wedding party, but for the avoidance of spending much money, the young man “kidnaps” his future wife.⁴⁹¹

⁴⁸⁶ *Id.*

⁴⁸⁷ Kleinbach, Ablezova & Aitieva, *supra* note 30, at 191.

⁴⁸⁸ “Kyz kuumai” is translated from Kyrgyz and Kazakh languages as the pursuit of a girl. The game begins with the rider and his companion going out onto the race track. The girl becomes 12 - 15 meters ahead. At the referee’s signal, the race begins. After she rides about 400 meters, the young man starts. If he manages to catch up with the girl, he gets the right to hug and kiss her on the run. However, in the opposite direction, the participants start in a different order. Now the boy gets a head start, and the girl has to catch up with him. If she succeeds, then she has the right to beat him with a whip. See: <https://kmb3.klooasia/2009/11/12/kyz-kuumaj/>.

⁴⁸⁹ *Supra* note 485, at 1.

⁴⁹⁰ See S. M. Abramzon, *Kirgizy i ih ethnogoneticheskie i istoriko-kulturnye svyazi* (Frunze: Kyrgyzstan, 1990).

⁴⁹¹ Oljobai Karataev & Salaidin Eraliev, *Dictionary of Kyrgyz Ethnography* (Bishkek: Biyiktik, 2000).

2) With the consent of a bride but against the agreement of her or his parents

Karimova and Kasybekov also note that in the 18th-19th centuries, bride abduction was carried out only with the consent of the bride. As a rule, this happened when the couple could not get the consent of parents for the marriage, or again due to lack of finances. The author also notes that at that time, a poor young man could not marry the daughter of a rich man (bai), so the only way out was to “abduct” the bride, but with her consent. In this case, the kidnapper could be severely punished for such an act. The kidnapper was pelted with stones or even thrown down from the tower.⁴⁹²

3) Forcibly without the consent of the bride

As a rule, the abduction of brides by force in the ancient times of the Kyrgyz and Kazakhs was a rare occurrence. There is no clear evidence that the kidnapping of the bride without her consent was part of the Central Asian traditions, and there is no connection with the customary law that operated in ancient times in this territory. Some authors see the roots of the practice of “ala kachuu” by force in the ancient custom of the Kyrgyz, in which men abducted married girls from neighboring tribes in order to erase the lineage of enemies and increase their own. At the same time, the stolen girl could try to escape.⁴⁹³ However, this was not the common or usual way of concluding marriages: as a rule, until the 20th century, it was rather a tradition to organize arranged or agreed marriages by the parents of the couple.⁴⁹⁴

Kleinbach and Salimjanova also confirm in their work that before the 20th century, “ala kachuu” with the use of force was a very infrequent practice and was not at all considered a tradition or custom of people. Even if this happened, it became a bone of contention between the clans, and the kidnapper was severely punished.⁴⁹⁵ Therefore, the authors affirm that bride kidnapping without consent is in fact, not a tradition or custom of the nomadic peoples of Central Asia. Whilst, society of today has a false idea about this practice, calling it their original tradition.⁴⁹⁶ Bride kidnapping without her consent in Kyrgyzstan and Kazakhstan has become an increasingly common phenomenon in recent decades, but the original form is being rethought.

⁴⁹² G. Karimova & A. Kasybekov, *Brides are keeping quiet*, Vecherniy Bishkek (2003), 8.

⁴⁹³ Hamid Toursunof & Aigul Abdylbaeva, *Marriage of inconvenience*, Transitions Online (2003).

⁴⁹⁴ *Supra* note 487, at 192.

⁴⁹⁵ *Id.* at 229.

⁴⁹⁶ Kleinbach & Salimjanova, *supra* note 30, at 229. DOI: 10.1080/02634930701517466.

With the advent of the Soviet regime on the territory of Central Asia, criminal punishment was introduced for “ala kachuu”, and some sources indicate that the number of bride kidnappings in the region declined in the 1960s-70s.⁴⁹⁷ Given the proclaimed policy of equality during the Soviet period, Kleinbach et al. speculated that young couples may have wanted to implement new equality and independence from parental control in choosing their marriage partners and decided to legitimize this action, imitating the ancient form of “ala kachuu,” while reducing the cost of a wedding celebration.⁴⁹⁸ According to Arabsheibani et al., in communist times, if cases of bride kidnapping occurred, these were cases when the couple knew each other, and accordingly, the “theft” was by mutual agreement between them.⁴⁹⁹ Also, in Soviet times, the practice of writing a letter by a stolen girl to her parents began to spread, in which she confirmed that she had voluntarily come to the groom’s house,⁵⁰⁰ which might not be true. However, as Werner points out, it is difficult to rely entirely on this research data, given that scientists could be subject to ideological censorship by the communist machine. Thus, the authors tried to show a more positive picture of the position of women in the Soviet Union than it is. Traditional practices were too deeply rooted in the societies of Central Asia that it would be very difficult to eradicate them to zero.⁵⁰¹ Therefore, it is difficult to be completely sure about the accurate scale of cases at that time.

In the second half of the 20th century, the practice of “ala kachuu” by force and without consent began to gradually increase. The former tradition of “abduction” the bride with her consent began to be replaced by the practice of forcibly kidnapping girls. Since the collapse of the Soviet Union, the number of cases has increased significantly. All this eventually deformed and resulted in the form of “ala kachuu,” which can be witnessed today. In turn, the population of Kyrgyzstan and Kazakhstan began to mistakenly consider such a manifestation of bride abduction continuously more as a true tradition of their ancestors.⁵⁰² The data between 1999 through 2001 proves that about half of all marriages between Kyrgyz were committed as a result of the kidnapping of a girl, of which more than 60 percent were committed without her consent.⁵⁰³

⁴⁹⁷ See *supra* note 490.

⁴⁹⁸ *Supra* note 487, at 193.

⁴⁹⁹ See Arabsheibani et al., *supra* note 30.

⁵⁰⁰ Cynthia Werner, *Bride Kidnapping and Polygynous Marriages: Gendered debates in Central Asia*, In: Katalin Fábián, Janet Elise Johnson & Mara Lazda (eds.), *The Routledge Handbook of Gender In Central- Eastern Europe And Eurasia* (Routledge 2022), 465

⁵⁰¹ See Sergei Poliakov, *Everyday Islam: Religion and Tradition in Rural Central Asia* (Armonk, NY: M.E. Sharpe 1991).

⁵⁰² *Supra* note 496, at 229; see also *supra* note 487, at 193.

⁵⁰³ *Supra* note 487, at 198.

The current practice of “ala kachuu”

Today, “ala kachuu” looks very different from the original image. This is how Handrahan describes the “ala kachuu” algorithm of modern days:

“Although some kidnappings are mutually agreed to, more often the new version involves three or four men, a car, and lots of vodka. The men go in search of either a girl/woman that they know or any woman they deem attractive. Sometimes kidnapping is done in daylight with the woman captured as she is walking down the street. Other times, the kidnapping is planned at night and she is tricked out of her house or yurt. The man may already have a full wedding feast waiting at home. Once the kidnapped woman crosses the threshold, the oldest woman in the man’s family places the *jooluk* (scarf), on her head and she is considered married.”⁵⁰⁴

Putting on a white headscarf symbolizes the girl’s consent to marriage. As a rule, putting on a headscarf is persuaded by female relatives of the kidnapper. At the same time, the girl must resist, even if the abduction was committed with her consent, so she must publicly show that she is defending her honor. At this time, the girl’s parents must be notified of the position of their daughter, who must decide whether their daughter will stay with the kidnapper or go home. Of course, parents have the right to take their daughter if they realize that her kidnappers are against her will. However, it often happens that parents encourage or force their daughters to stay for avoiding shame and gossip.⁵⁰⁵

Often such a “ceremony” is accompanied by rape, which is one of the main reasons why a girl is often not accepted back by her family if she does not want to marry the kidnapper and decides to return. Thus, the rape of a girl becomes a manifestation of force to compel her to stay since her family and relatives may reject her because this could be a shame for the whole family.⁵⁰⁶ “If she leaves, she will be known as a girl who has “crossed the threshold [bosogodon ötöö].” We believe she will never be happy in her life.” – says a girl from a southern town in Kyrgyzstan in a study of Noor O’Neill Borbieva.⁵⁰⁷ Thus, after the abduction of a young woman, often especially in the remote regions of Kyrgyzstan and Kazakhstan, such a marriage is not refuted by the girl’s parents. It is believed that the reputation and honor of the kidnapped girl will be tarnished, and after this, she will no longer be able to marry if she returns home.⁵⁰⁸ There are also cases when young women, realizing that there is no way back to their home and their family refused to accept the “disgraced” daughter, went to extreme measures - and committed suicide.

⁵⁰⁴ *Supra* note 485, at 2.

⁵⁰⁵ *Supra* note 35, at 146.

⁵⁰⁶ *Supra* note 485, at 2; *see also supra* note 487, at 193.

⁵⁰⁷ *Supra* note 505, at 145.

⁵⁰⁸ *Supra* note 500, at 464.

Although, in most cases, girls reconcile with their fate.⁵⁰⁹ Meanwhile, many in Kyrgyz society still believe that being kidnapped is an honor for a young woman, and that she has value.⁵¹⁰ Of course, not all bride kidnappings happen this way. A smaller number of cases can be committed with the full consent of the girl and her parents. In such cases, fake bride abduction is committed when the girl goes to school, work, or other places. As a rule, such a staged kidnapping occurs in couples who have met or have known each other for a long time and decided to get married.⁵¹¹

Reasons behind bride abduction

One of the main reasons for the increase in cases of “ala kachuu” in the post-communist period was the enhancement in social stratification⁵¹² and the increase in poverty because of the economic crisis after the collapse of the USSR. Not only the economic condition of the countries but also social pressure has an impact, especially in rural areas. The traditional attitudes of society place a burden on girls in such a way that an adult unmarried girl can become the object of gossip and condemnation in her community. Marriage is almost the most crucial component of any Central Asian girl; society imposes on girls that marriage is the meaning of their lives and an honorable condition. From childhood, girls are prepared to get married, and as soon as they grow up, they are pressured to marry soon and start a family. “When will you get married?” is one of the no-brainers but routine questions for every Central Asian young woman at any family event. Given the social pressure the girls are under, they decide that it is better to marry a kidnapper than to remain an “old maid” and possibly never have a chance to marry again.⁵¹³ Kim and Karioris note that not only girls but also men are subjected to public pressure. In Kyrgyzstan, young people often curtail their free will in order for society to recognize their masculinity. At the same time, “ala kachuu” in this context has become a kind of tool and an alternative form for young men to demonstrate their power and social recognition.⁵¹⁴ Handrahan notes that with the rise of nationalist and religious sentiment, male identity has also grown in Central Asia, where bride kidnapping has become a red indicator of Kyrgyz masculinity. In other words, Kyrgyz men show their individuality with such a “decisive” act.⁵¹⁵ Werner also emphasizes that in Kazakh society, the kidnapping of a girl serves

⁵⁰⁹ See I. V. Stasevich, *Obychaj Umykanija Nevesty: Akt Nasilija Ili Priverzhennost' Tradicii* (Na Primere Kazahskoj Kul'tury), Lavrovskij Sbornik. Materialy Sredneaziatsko-Kavkazskih Chtenij (2016), 324-334. https://www.kunstkamera.ru/files/lib/978-5-88431-333-0/978-5-88431-333-0_34.pdf

⁵¹⁰ *Supra* note 485, at 2.

⁵¹¹ *Id.*

⁵¹² *Supra* note 500, at 465

⁵¹³ *Id.* at 466

⁵¹⁴ Kim & Karioris, *supra* note 29.

⁵¹⁵ *Supra* note 485, at 4.

as a mechanism for asserting and maintaining the power of men over women.⁵¹⁶ It was also confirmed that in the Kyrgyz Republic, the abductors were Kyrgyz men, as ethnicity and “ala kachuu” have a direct link. Handrahan writes that 100 percent of those surveyed who abducted or were involved in the abduction of people are ethnic Kyrgyz. None of the abductees or those involved in the abduction belonged to other ethnic groups. Therefore, the author claims that bride abduction in Kyrgyzstan is characteristic of male behavior of specifically Kyrgyz males.⁵¹⁷

Bride kidnapping data void

Kyrgyzstan and Kazakhstan have one of the highest rates of kidnapping girls for marriage. Unfortunately, in these countries, there are no official national statistics on cases of bride kidnapping; as a rule, statistics are kept by individual organizations or researchers. For example, according to Nedoluzhko and Agadzhanian, every third marriage in Kyrgyzstan, especially in remote regions, begins with a kidnapping.⁵¹⁸ Even in 2022, cases of “ala kachuu” still can be heard almost every week despite the long-established criminalization of the offense. As per data from the NGO Women Support Centre in Kyrgyzstan, at least 32 cases of bride kidnapping occur daily, 11,800 cases happen every year, and more than 2,000 of those females reported being raped after an abduction.⁵¹⁹

One of the most recent cases that sparked strong civil society outcry was the bride kidnapping of 19-year-old Burulai Turdaaly kyzy in 2018. On 27 May, Bodoshev and his friend Seitov kidnapped Burulai when a young woman was buying kefir at a kiosk near her house. The car with the abductors and the girl was detained at a traffic police post 70 km from the capital of Bishkek. Then, the kidnapper killed the girl right at the police station.⁵²⁰ Another sorrowful occasion was the bride-kidnapping of Aizada Kanatbekova. In April 2021, in Bishkek, the capital city of the state, a group of men abducted 26-year-old Kanatbekova. A local shepherd found the abducted woman’s and kidnapper’s bodies two days later in a car. The girl was strangled with the suspect’s T-shirt, and the kidnapper, Tenizbaev committed suicide there. The

⁵¹⁶ Cynthia Werner, Bride abduction in Post-Soviet Central Asia and Societies from Soviet Rule to Independence, *The Journal of the Royal Anthropological Institute* Vol. 15, No. 2 (2009), 314-331.

⁵¹⁷ Handrahan, *supra* note 8, at 219.

⁵¹⁸ Lesia Nedoluzhko, Victor Agadzhanian, *Between tradition and modernity: marriage dynamics in Kyrgyzstan*, 52 *Demography* (2015), 861–882. <https://doi.org/10.1007/s13524-015-0393-2>.

⁵¹⁹ WSC, *Problema Krazhi Nevest v Kyrgyzstane*. <http://wsc.kg/problema-krazhi-nevest-v-kyrgyzstane/> (accessed 30 Sept 2022).

⁵²⁰ Nargiza Ryskulova, *Kyrgyzstan: Ubijca Ukradennoj Im 19-Letnej Burulaj Poluchil 20 Let Tjur'my* (2018). <https://www.bbc.com/russian/news-46282560> (accessed 30 Sept 2022).

case caused a public resonance and outrageous protests with calls for layoffs and other official actions.⁵²¹

Women's rights organizations estimate that up to 5,000 bride kidnappings take place in Kazakhstan every year.⁵²² According to the prosecutor's office of the Turkestan region, 210 cases of kidnapping of girls were registered in the country in 2019, 102 of them in the Turkestan region, a region with traditional views in the south of Kazakhstan.⁵²³ Arabsheibani et al. conducted a study on the effect of "ala kachuu" on the female labor supply. The authors found that bride kidnapping had a remarkably negative impact on women's access to the labor market. Women who marry as a result of abduction, in the end, as a rule, are limited to domestic life and do not go beyond it. In addition, the nature of the marriage of the mother of the abducted girls also plays an important role. Thus, bride kidnapping is a solid barrier to women's participation in the labor market.⁵²⁴

Violation or tradition?

Today, in modern Kyrgyzstan and Kazakhstan, there is still a peculiar attitude towards bride kidnapping. Given the transition of societies to the nationalist agenda, some people perceive "ala kachuu" as an vital and natural part of the return to the origins of the traditionalism of the peoples of Central Asia. At the same time, "ala kachuu" without consent, in the form it is practiced today, is also perceived by the original tradition. In turn, there are opponents of this understanding who support modern political views aimed at supporting and protecting women's rights. Proponents of this view consider bride kidnapping without consent to be form of violence against women.⁵²⁵ As Borbieva noted, "Kidnapping in Kyrgyz society is used in a variety of ways by people who struggle to respond to changing concepts of love, marriage, and power."⁵²⁶ Ultimately, all this can serve as a powerful force for social change.

⁵²¹ Radio Azattyk, *Kyrgyzstan: Delo Ob Ubijstve Ajzady Kanatbekovoj Prekrashheno V Svjazi So Smert'ju Podozrevaemogo* (2021). <https://rus.azattyq.org/a/31272588.html> (accessed 30 Sept 2022).

⁵²² See *supra* note 509.

⁵²³ Radio Azattyk, "Ne Hotela Zapjatnat' Chest' Otca". *Istorii Pohishhennyh Nevest* (2018). <https://rus.azattyq.org/a/kazakhstan-brobe-kidnapping/30466749.html> (accessed 30 Sept 2022).

⁵²⁴ See *supra* note 499.

⁵²⁵ *Supra* note 500, at 469.

⁵²⁶ *Supra* note 35.

E. Early Childhood Marriages

“Beat a girl of 13 with your sleeve, if she does not fall it is time for her to get married” – says a proverb in Tajikistan.⁵²⁷ In all states of Central Asia, the minimum age for marriage is usually set at age of 18. Despite this, the practice of early or child marriage is still practiced in the region. According to the UN data for 2021, the highest percentage of child marriages occurs in the regions of Central and South Asia. Sixteen percent of women in the region were married before the age of 15, and 43 percent before the age of 18.⁵²⁸ At the same time, UNICEF highlights that none of the regions practicing early marriage is on track to achieve the SDG goal of eliminating this harmful practice by 2030.⁵²⁹ Most vulnerable to cases of child marriage are girls from rural areas. They often get married directly after finalizing or during high school, which has a negative impact on their further education.⁵³⁰ These girls, as a rule, are forced to drop out of school, never having the opportunity to finish their education and subsequently to have further career development.⁵³¹ Respectively, early marriages entail and are directly linked to the above-mentioned problem of domestic violence, leaving the girls isolated and vulnerable to spousal violence.⁵³²

There is no open data on the numbers of early child marriages in Central Asia, except for Kyrgyzstan, wherein most of the data is researched by NGOs or international organizations. According to UNICEF’s 2017 data, the rate of married people before the age of 18 in Uzbekistan is 7 percent, in Kazakhstan 7-11 percent, in Turkmenistan 6 percent, in Tajikistan 12 percent and in Kyrgyzstan 13 percent.⁵³³ About 1,500 underage girls have married annually

⁵²⁷ *Supra* note 464, at 51.

⁵²⁸ 24kg, OON: V Central’noj I Juzhnoj Azii Samyj Vysokij Procent Brakov V Detskom Vozraste (2022). https://24.kg/obschestvo/239415_oon_vtsentralnoy_iyujnoy_azii_samyiy_vysokiy_protsept_brakov_vdetskom_vozraste/ (accessed 30 Sept 2022).

⁵²⁹ UNICEF, *Child Marriage: Latest Trends and Future Prospects*, UNICEF (New York, 2018).

⁵³⁰ UNFPA, *supra* note 319; Tat’jana Jarmoshhuk, Alina Zhetigenova & Anushervon Aripov, “*Budet uchit’sja — stanet prostitutkoj*”. *Kak vydajut zamuzh devochek-podrostkov v Central’noj Azii*, *Nastojashhee Vremja* (2019). <https://www.currenttime.tv/a/child-marriage/29991983.html>; see also Sputnik Tajikistan, *Uzhasy detskih brakov, ili Chto zhdet “malen’kih nevest” v Central’noj Azii* (2021). <https://tj.sputniknews.ru/20190917/detskie-braky-malenkie-nevesty-1029877214.html> (accessed 30 Sept 2022).

⁵³¹ UNDP Europe & Central Asia, *Learning to fight early marriages in Kyrgyzstan*. <https://www.eurasia.undp.org/content/rbec/en/home/ourwork/gender-equality/successstories/learning-to-fight-early-marriages-in-kyrgyzstan-.html> (accessed 30 Sept 2022).

⁵³² Hillary Margolis, *Kyrgyzstan Ups Fight Against Child Marriage. Government Should Do More to Address ‘Bride Kidnapping,’ Domestic Violence* (2016). <https://www.hrw.org/news/2016/11/21/kyrgyzstan-ups-fight-against-child-marriage> (accessed 30 Sept 2022).

⁵³³ Khamid Abduramanov & Shukhrat Dekhkanov, *Experience of Foreign Countries in the Prevention of Early Marriage and Early Childbirth*, *Proceedings of the 4th International Scientific and Practical Conference, Scientific Community: Interdisciplinary Research*, No.57 (2021), 25.

in Kazakhstan, including getting married to older men.⁵³⁴ The share of early unions in the total number of marriages in the country is about 7 percent.⁵³⁵ In Uzbekistan, 88 early marriages were concluded in 2020, but as noted, this is 97 percent less than in the previous year. However, it should be borne in mind that child marriages are hidden, so it is not known how much the figure has decreased.⁵³⁶ As in all other states, the rural Uzbeks tend to marry earlier, while the capital Tashkent citizens tend to marry later.⁵³⁷ Twelve percent of girls in Kyrgyzstan are wedded before 18 – the legal age of consent, and 1 percent are married before the age of 15.⁵³⁸ Within recent years, the number of early marriages in Kyrgyzstan has remained high. In 2018, it was recorded 20 crimes against women related to violation of the law on marriage age during religious ceremonies.⁵³⁹ As a rule, the highest number of early marriages is in southern Kyrgyzstan, moreover, early marriages in auls (villages) happen 2,5 times more often than in the cities. Since 2010, there has been an increase in cases, in turn, some NGOs have noted a decline in early marriages in recent years.⁵⁴⁰ Kyrgyzstan also notes that after religious figures (imams and moldos) were banned from performing the ritual of nikah to persons under the age of 18, early marriages began to decrease in Kyrgyzstan.⁵⁴¹ However, it is difficult to confirm this tendency, the issue is that child marriages are managed without official registration and, therefore, remain invisible.⁵⁴²

Reasons behind early marriages

There are many interconnected reasons why early marriages still take place in the Central Asian region. Central Asian countries have low levels of education, the establishment of gender norms, religious attitudes, and harmful practices, the prevalence of familiarity, trafficking in girls, and an outbreak of girl abduction.⁵⁴³ As repeatedly mentioned before, one of the first

⁵³⁴ Sputnik Kazakhstan, *Uzhasy Detskikh Brakov, ili Chto Zhdet “Malen’kih Nevest” v Kazahstane* (2022). <https://ru.sputnik.kz/20190917/detskie-braki-kazakhstan-11543819.html> (accessed 30 Sept 2022).

⁵³⁵ Express K, “Mne Bylo 15 Let, Ja Dazhe Ne Znala Budushhego Muzha”. *Pochemu V Kazahstane Do Sih Sushhestvujut Rannie Braki*. <https://exk.kz/news/45667/mnie-bylo-15-liet-ia-dazhie-nie-znala-budushchiegho-muzha-pochemu-v-kazahstanie-do-sikh-sushchie> (accessed 30 Sept 2022).

⁵³⁶ Gazeta.uz, *Chislo Rannih Brakov V 2020 Godu Sokratilos’ Na 97%* (2021). <https://www.gazeta.uz/ru/2021/06/04/early-marriages/> (accessed 30 Sept 2022).

⁵³⁷ *Supra* note 41, at 456.

⁵³⁸ Girls not Brides, *Kyrgyzstan*. <https://www.girlsnotbrides.org/child-marriage/kyrgyzstan/> (accessed 30 Sept 2022).

⁵³⁹ National Statistical Committee of the Kyrgyz Republic, *Naibol’shee chislo prestuplenij za istekshie pjat’ let soversheno v 2018 godu* (2019). <http://www.stat.kg/ru/news/naibolshee-chislo-prestuplenij-za-istekshie-pyat-let-soversheno-v-2018-godu/> (accessed 30 Sept 2022).

⁵⁴⁰ UN News, *Sjuzhet “Ala Kachuu” I “Ujat Bolandy”*: OON Pomogaet Borot’sja S Rannimi Brakami V Kyrgyzstane (2021). <https://news.un.org/ru/story/2021/11/1414452> (accessed 30 Sept 2022).

⁵⁴¹ Radio Azattyk, *Raz’jasnitel’nye Raboty Pomogli Sokratit’ Kolichestvo Rannih Brakov V Oshe* (2019). https://rus.azattyk.org/a/kyrgyzstan_social_rights/30011924.html (accessed 30 Sept 2022).

⁵⁴² *Supra* note 44, at 175.

⁵⁴³ *Supra* note 533, at 25.

factors is the erasure of the social system and the economic crisis after 1991. Agadjanian and Makarova highlighted that perestroika influenced the increase in several early marriages in Uzbekistan.⁵⁴⁴ Bakhtibekova, in her research, highlighted that first of all, the presence of early marriages is influenced by socioeconomic factors. In particular, the author notes that the low status of women in Central Asian societies is not associated with the decision of families to give their daughters early marriage. According to the author, marriage is the only opportunity that will provide girls with an economically and socially secure future in the country in the current economic and political conditions.⁵⁴⁵ Following this thought, Muratova states that the economic situation of families significantly affects the problem of child marriage. Low-income, poor families in the region, as a rule, seek to attach their children to an independent life as soon as possible, while reducing the number of children in their material care.⁵⁴⁶

In connection with this, such practices as child marriage that violate and restrict the rights of girls, as a rule, are justified in society by religion and traditions in Central Asia.⁵⁴⁷ The people of Central Asia saw a return to the practice of early marriages as an opportunity to confirm their nationality.⁵⁴⁸ The aspects of shame and “what would people say?” come into play again. Parents often try to quickly marry off their daughter before she can be “spoiled” since, at an early age, there is less likelihood of committing sinful acts. For example, sexual activity and loss of virginity encounters with boys, desire for love, and the like can be included in this category.⁵⁴⁹ On the other hand, the transfer of a daughter to marriage can be a good reason for her parents. Parents can receive a portion of good *kalym* from the groom’s family as a “thank you” for her upbringing and knowledge of housekeeping. In addition, in some families, there is a rite of giving additional payments, such as “*makhr*” – “the cost of mother’s milk.”⁵⁵⁰ This is a religious custom during the *nikah* ceremony when the groom must make a gift for the bride, wherein the *makhr* must be valuable and expensive.⁵⁵¹ All this is good support for the economic condition of the bride’s family, especially the low-income ones, and daughters often bring good profits to their families when they get married.⁵⁵² There are also other customs, for example, in Tajikistan, the tradition of “*kaichikudo*” - mutual courtship is practiced, when

⁵⁴⁴ *Supra* note 537, at 456.

⁵⁴⁵ *See supra* note 45.

⁵⁴⁶ *Supra* note 43, at 28.

⁵⁴⁷ *Supra* note 428, at 200.

⁵⁴⁸ *Supra* note 537, at 462.

⁵⁴⁹ *Supra* note 464, at 51.

⁵⁵⁰ *Id.*

⁵⁵¹ Kloop, *Chto Takoe Mahr V Islame I Zachem On Nuzhen?* (2022). <https://klookg/blog/2022/08/19/chto-takoe-mahr-v-islame-i-zachem-on-nuzhen/> (accessed 30 Sept 2022).

⁵⁵² *Supra* note 464, at 51.

matchmakers come to the girl, and her parents agree on the condition that they will be allowed to marry the daughter of the former. In addition, in Tajik society, 17-year-old children can be married to distant relatives. The goal is “not to leave girls who have reached the age of 20 without husbands and provide them with offspring.”⁵⁵³ Yet, in some remote and traditional areas, if a girl is not married before the age of 18, then she will be considered an “old maid” by society, which will negatively affect her reputation and her family. In addition, in Tajikistan, too, many girls cannot find work after finishing school, and parents do not want their daughters to leave for another city to work because there they can “spoiled,” or someone can abuse them. As a result, the family quickly marries their daughter right from school.⁵⁵⁴

Finally, education is another massive factor affecting the number of early marriages in Central Asia. UNICEF singled out a direct link between child marriage and education. It is noted that women without primary education are eight times more likely to marry before reaching the age of 18 compared to those who received higher education.⁵⁵⁵ Besides, in Central Asian societies, it is believed that it is better to marry young girls because they are more obedient due to a lower level of education and inexperience.⁵⁵⁶ At the same time, not only the education of girls but also of their parents is affected. Parents with low mental, spiritual, and educational levels may marry off their daughters early without knowing or not caring about the consequences for their daughters.⁵⁵⁷

Early pregnancy also affects the registration of child marriages. A special role in Tajikistan, for example, is played by the courts, which assist and make decisions in resolving such marriages.⁵⁵⁸ Another essential reason causing the problem is the use of force, which is strongly interconnected with the issue of bride kidnapping. Armed conflict can also lead to child marriages; one of the examples was the increasing level of early marriages during ethnic clashes in the southern cities of Kyrgyzstan in 2010⁵⁵⁹ or the civil war in Tajikistan. The migration of young people also creates the ground for the existence of early marriages. For example, in Tajikistan, young people, immediately after finishing school, try to get married as soon as possible and leave to work in another country, most often in Russia, leaving young brides to

⁵⁵³ IA-Centr.ru, *Rannie Braki V Tadjikistane – Nasledie Stereotipov?*. <https://ia-centr.ru/experts/tilav-rasul-zade/rannie-braki-v-tadjikistane-nasledie-stereotipov/> (accessed 30 Sept 2022).

⁵⁵⁴ *Id.*

⁵⁵⁵ UNICEF, *Ending Violence Against Children* (2017). <https://www.unicef.org/kyrgyzstan/ending-violence-against-children>, cited by Kim, *supra* note 542, at 175.

⁵⁵⁶ *Supra* note 434, at 3.

⁵⁵⁷ *Supra* note 546, at 28.

⁵⁵⁸ *Supra* note 434, at 3.

⁵⁵⁹ *Supra* note 538.

their parents. At the same time, many of them do not return, and they can even start another family in the host country.⁵⁶⁰

Who assists or covers offenses?

Talking about religious values, even though child and forced marriage are legally prohibited in Central Asia, mullahs could secretly espouse couples at an early age. Such couples could wed in Muslim ceremonies, and their marriages remain unregistered.⁵⁶¹ Child marriages are performed with the help of the rite of nika/NIKAH/nikoh - a religious marriage ceremony. Therefore, there are many cases when girls become second wives in such polygamous marriages, which are prohibited by law. Cases on the facts of early marriages rarely reach the court since the parties get an agreement. And, even if the cases do reach the judiciary, the courts often rule in favor of marriage.⁵⁶² In Tajikistan, in 2018, courts issued 2,500 marriage licenses to underage girls. That means at least 6-7 girls got married every day. Exceptions under which the court can issue a child marriage license are early pregnancy, *de facto* marital relationship⁵⁶³ or severe illness of parents, and many parents abuse this right. Thus, Tajik families may ask for permission in court for the marriage of their daughter after ninth school grade, citing the fact that there is a sick, elderly person in the family,⁵⁶⁴ or justify that they are in a difficult financial situation or “cannot keep track of their daughter.”⁵⁶⁵

Impact of underage marriages on girls

Child marriages carry a bunch of negative consequences that affect girls. One of the main problems is the deprivation of a girl of an opportunity for education. Girls who marry early,

⁵⁶⁰ *Supra* note 553.

⁵⁶¹ *Supra* note 532.

⁵⁶² Radio Azattyk, “Ona Nastaivala Na Zamuzhestve”. *Davshaja Soglasie Na Brak 16-Letnej Docheri Mat’ Privlechena K Otvetstvennosti* (2022). <https://rus.azattyk.org/a/31762876.html> (accessed 30 Sept 2022).

⁵⁶³ Asia-Plus.tj, *Uzh zamuzh neverterpezh. Za god v Tadjikistane zafiksirovano 30 sluchaev nezakonnogo braka nesovershennoletnih* (2019). <https://asiaplustj.info/news/tajikistan/society/20190404/uzh-zamuzh-neverterpezh-zagod-v-tadjikistane-zafiksirovano-30-sluchaev-nezakonnogo-braka-nesovershennoletnih> (accessed 30 Sept 2022).

⁵⁶⁴ *Supra* note 553.

⁵⁶⁵ CurrentTime, *Kazhdyj Den’ V Tadjikistane Po Resheniju Suda Zamuzh Vyhodjat Shest’ Nesovershennoletnih Devushek* (2019). <https://www.currenttime.tv/a/tajikistan-wedding-underage-statistic/29854932.html#:~:text=%D0%A2%D0%B0%D0%BA%D0%B8%D0%BC%20%D0%BE%D0%B1%D1%80%D0%B0%D0%B7%D0%BE%D0%BC%2C%20%D1%88%D0%B5%D1%81%D1%82%D1%8C%2D%D1%81%D0%B5%D0%BC%D1%8C%20%D0%BD%D0%B5%D1%81%D0%BE%D0%B2%D0%B5%D1%80%D1%88%D0%B5%D0%BD%D0%BE%D0%BB%D0%B5%D1%82%D0%BD%D0%B8%D1%85.%D0%B4%D0%B5%D0%B2%D1%83%D1%88%D0%BA%D0%B5%20%D0%B2%D1%81%D1%82%D1%83%D0%BF%D0%B8%D1%82%D1%8C%20%D0%B2%20%D0%B1%D1%80%D0%B0%D0%BA%20%D1%80%D0%B0%D0%BD%D0%B5%D0%B5> (accessed 30 Sept 2022).

especially those from remote areas, tend to drop out of school.⁵⁶⁶ Thus, they are also stripped of further employment opportunities and professional growth and, accordingly, the opportunity to earn money on their own.⁵⁶⁷ As a result, they remain economically dependent on their husbands and their families. Next comes the lack of official registration of marriage, which further entails the deprivation of certain rights for a girl. For example, during a divorce, she will not be able to claim jointly acquired property,⁵⁶⁸ obtain a birth certificate,⁵⁶⁹ or will not be able to qualify for child support.⁵⁷⁰ After all, women married only under Islamic law are also more likely to experience physical and sexual abuse than women whose marriages are officially registered.⁵⁷¹ In addition, it is necessary to consider the subsequent problems with the physical and mental health of girls. Early married girls suffer from various diseases, and children can be born with anomalies. There is also a risk of health and even death in early childbirth, both for the mother and child.⁵⁷² Given the young age, when girls are not yet mentally ready to be mothers and have a family, there may be consequences for their teenage psyche.⁵⁷³ In addition, many have no idea about their reproductive rights. For example, according to UNFPA in Kyrgyzstan, newlyweds who married in childhood knew nearly nothing about reproductive health and family planning before their marriage.⁵⁷⁴

F. *Kelinism*

The big issue that arises as a part and result of the “ala kachuu” - early marriages - domestic violence” chain is a phenomenon of so-called “kelinism.” A clear definition has not yet been developed for this concept; however, in general, this is a forced submission of new brides primarily to mothers-in-law in the homes of their husbands.⁵⁷⁵ As stated above, the term is used as a designation of inequality in the relationship between the bride and the mother-in-law. In

⁵⁶⁶ UNDP, *The Kyrgyz Republic: Third report on progress towards achieving the Millennium Development Goals*, Kyrgyzstan: United Nations (2014), 31, cited by Kim, *supra* note 542; see also Manzurakhon M. Baltabaeva, *Social Factors in The Prevention of Early Marriage and Premature Childbirth in Uzbek Families (On the Example of The Fergana Valley)*, 27 *Journal of Contemporary Issues in Business and Government* (2021), 1515-1520, 1518. https://www.cibgcom/article_11094_8566c91056a0b8c4b454c73d11b163d0.pdf.

⁵⁶⁷ *Supra* note 533, at 25.

⁵⁶⁸ *Id.*

⁵⁶⁹ *Supra* note 541.

⁵⁷⁰ See UNFPA, *Central Asian Study on Early/Child Marriage in Kyrgyz Republic*, UNFPA (2012).

⁵⁷¹ Robin Haarr, *Violence and Exploitation of Children in Tajikistan*, 24 *Central Asian Survey* (2005), 131-149, 144. DOI: 10.1080/02634930500154917.

⁵⁷² Baltabaeva, *supra* note 566, 1518.

⁵⁷³ *Supra* note 553.

⁵⁷⁴ Entre Nous, *Child Marriages in Kyrgyzstan: Disadvantages Without Advantages*, The European Magazine for Sexual and Reproductive Health, UNFPA, No. 76 (2012).

⁵⁷⁵ *Supra* notes 4 and 307.

Central Asian traditions, kelin (gelin), as was mentioned previously, had to create a good impression of herself and her parents in a new family when getting married. However, depending on the particular family atmosphere, kelins were and are still often exploited in the household.⁵⁷⁶ Even though the phenomenon of “kelinism” is still practiced in the villages and cities of Central Asia. Regretfully, many in society perceive this phenomenon only as a positive tradition, while “kelinism” in its most negative expressions today is a violation of women’s rights, forced labor and institutionalized family violence.

Who is kelin?

No clear definition of “kelin” is determined in the literature, but it has historically developed that she is “a young daughter-in-law for her husband’s relatives, who comes to her spouse’s family.”⁵⁷⁷ Literally, from the Central Asian languages, kelin means “incomer,” “newcomer.” Many families call their daughters-in-law “our kelin,” in this way showing and pointing out their property or emphasizing boundaries.⁵⁷⁸ Also, some may call kelins by the roots of a specific family. For example, in Kyrgyzstan, you can say: “She is a Naryn kelin.” This means that her husband’s family is from the Naryn region so that she will be Naryn’s daughter-in-law. Ismailbekova notes that being a kelin is not just a way of life, it is a career: “Women begin their careers as new brides (kelins) at the lowest position when they are first brought into their husband’s household. A young bride submits to the authority of her mother-in-law.”⁵⁷⁹ Indeed, a kelin is usually assigned many duties in her husband’s family, mainly all housework and childcare, and does not have the opportunity to independently manage her life, since her

⁵⁷⁶ CurrentTime, *Zhena ili "Besplatnaja Rabochaja Sila": Kto Takie Kelin V Kyrgyzstane?* (2016). <https://www.currenttime.tv/a/28065642.html#:~:text=%D0%A1%D0%BE%D0%B3%D0%BB%D0%B0%D1%81%D0%BD%D0%BE%20%D1%82%D1%80%D0%B0%D0%B4%D0%B8%D1%86%D0%B8%D1%8F%D0%BC%20%D0%B2%20%D0%9A%D1%8B%D1%80%D0%B3%D1%8B%D0%B7%D1%81%D1%82%D0%B0%D0%BD%D0%B5%20%D0%B8,%D0%BC%D0%BE%D0%BB%D0%BE%D0%B4%D0%B0%D1%8F%20%D0%B4%D0%B5%D0%B2%D1%83%D1%88%D0%BA%D0%B0%20%D0%B4%D0%BE%2030%20%D0%BB%D0%B5%D1%82> (accessed 30 Sept 2022).

⁵⁷⁷ CAA NETWORK, *Kelin – Social'nyj Status V Sem'e I Obshchestve* (2018). [https://www.caa-network.org/archives/13896#:~:text=%C2%AB%D0%9A%D0%B5%D0%BB%D0%B8%D0%BD%20%E2%80%93%D0%BC%D0%BE%D0%BB%D0%BE%D0%B4%D0%B0%D1%8F%20%D0%BD%D0%B5%D0%B2%D0%B5%D1%81%D1%82%D0%BA%D0%B0%20%D0%B4%D0%BB%D1%8F%20%D1%80%D0%BE%D0%B4%D1%81%D1%82%D0%B2%D0%B5%D0%BD%D0%BD%D0%B8%D0%BA%D0%BE%D0%B2,%D0%B8%D0%BB%D0%B8%20%D1%81%D0%B2%D0%B5%D0%BA%D1%80%20%D0%BD%D0%B5%20%D1%80%D0%B5%D1%88%D0%B0%D1%82%20%D0%B8%D0%BD%D0%B0%D1%87%D0%B5.&text=%D0%9A%D0%B5%D0%BB%D0%B8%D0%BD%20%D1%82%D0%B0%D0%BA%D0%B6%D0%B5%20%D1%8F%D0%B2%D0%BB%D1%8F%D0%B5%D1%82%D1%81%D1%8F%20%D0%BB%D0%B8%D1%86%D0%BE%D0%BC%20%D1%81%D0%B5%D0%BC%D1%8C%D0%B8,%D0%B5%D0%B5%20\(%D0%BA%D0%B5%D0%BB%D0%B8%D0%BD\)%20%D0%BF%D0%BE%D0%B2%D0%B5%D0%B4%D0%B5%D0%BD%D0%B8%D0%B5%D0%BC%D0%BB](https://www.caa-network.org/archives/13896#:~:text=%C2%AB%D0%9A%D0%B5%D0%BB%D0%B8%D0%BD%20%E2%80%93%D0%BC%D0%BE%D0%BB%D0%BE%D0%B4%D0%B0%D1%8F%20%D0%BD%D0%B5%D0%B2%D0%B5%D1%81%D1%82%D0%BA%D0%B0%20%D0%B4%D0%BB%D1%8F%20%D1%80%D0%BE%D0%B4%D1%81%D1%82%D0%B2%D0%B5%D0%BD%D0%BD%D0%B8%D0%BA%D0%BE%D0%B2,%D0%B8%D0%BB%D0%B8%20%D1%81%D0%B2%D0%B5%D0%BA%D1%80%20%D0%BD%D0%B5%20%D1%80%D0%B5%D1%88%D0%B0%D1%82%20%D0%B8%D0%BD%D0%B0%D1%87%D0%B5.&text=%D0%9A%D0%B5%D0%BB%D0%B8%D0%BD%20%D1%82%D0%B0%D0%BA%D0%B6%D0%B5%20%D1%8F%D0%B2%D0%BB%D1%8F%D0%B5%D1%82%D1%81%D1%8F%20%D0%BB%D0%B8%D1%86%D0%BE%D0%BC%20%D1%81%D0%B5%D0%BC%D1%8C%D0%B8,%D0%B5%D0%B5%20(%D0%BA%D0%B5%D0%BB%D0%B8%D0%BD)%20%D0%BF%D0%BE%D0%B2%D0%B5%D0%B4%D0%B5%D0%BD%D0%B8%D0%B5%D0%BC%D0%BB) (accessed 30 Sept 2022).

⁵⁷⁸ Colette Harris, *Conjunctuality, Subjectivity, Desire and Genderbased Violence in Tajikistan*, 48 *Journal of Development Studies* (2012), 55-67, 66. DOI: 10.1080/00220388.2011.629647.

⁵⁷⁹ See *supra* note 293.

husband's relatives and the husband himself can limit her actions and even appearance. Thus, this indicates the lowest status among all members of a given family, especially if this is the wife of the youngest son. Thus, the social status of the kelin points to the structural oppression that is generated by informal, traditional norms and customs in Central Asia. Zhussipbek and Nagayeva note that such a picture of kelin clearly shows and is the embodiment of the situation with the rights of women and girls in the region. At the same time, the degree of seriousness and the extent of negative impact on the life of kelins in families is quite tricky.⁵⁸⁰ Of course, there are cases when families warmly accept and treat their kelins as their own daughters; however, in this context, the dissertation implies the practice of "kelinism" in its worst manifestations, such as family violence, forced labor, or even slavery.

Speaking about the status of Kyrgyz kelins in the present time. Indeed, the traditions in previous periods were simplifying and systematizing the division of labour.⁵⁸¹ However, traditions that are detrimental to human rights are not particularly applicable to the current reality. Kelin is a vivid example, displaying that women in Central Asia are not free, and their rights are violated in every way. In many cases, especially in rural areas, girls do not marry on their own will: either it is a parental agreement or a consequence of another form of violence against women, as mentioned previously, "ala kachuu."⁵⁸² If looking at the institution of "kelinism" from the side of its most negative manifestations, it can be distinguished several aspects of human rights violations. Namely, some aspects of the institution of "kelinism" today can be considered forms of forced labor, domestic violence or even, at its worst, slavery..⁵⁸³

"Kelinism is slavery" is one of the feminists' mottos in Central Asia.⁵⁸⁴ This slogan highlights the bleak reality of exploitation and constant mental strain experienced by brides in the region. While the statement may seem humorous, it is a poignant reflection of a serious issue. Regrettably, it is common not only in rural areas, but the trend has also moved to some city apartments, where kelin cooks and cleans up for all family members.⁵⁸⁵ The problem of domestic violence associated with "kelinism" goes hand in hand with the slavery and forced labor aspects. On the internet, there are many cases of brutality against females by their spouses. One example, a young woman telling the story of her partner laying hands on her while her

⁵⁸⁰ Zhussipbek & Nagayeva, *supra* note 38, at 16.

⁵⁸¹ Radio Azattyk, *Izbegat' I Otmalchivat'sja - Takoj Dolzhna Byt' Kyrgyzskaja Kelin?* (2018). <https://rus.azattyk.org/a/kyrgyzstan-tradition-kachuu/29481211.html> (accessed 30 Sept 2022).

⁵⁸² *Supra* note 576.

⁵⁸³ *Supra* note 307.

⁵⁸⁴ *Supra* note 306.

⁵⁸⁵ *Id.*

mother-in-law compels her that women should endure beatings.⁵⁸⁶ These are just cases when women appealed publicly. Many cases are suppressed by kelin themselves since it is viewed as shameful to show off relationships within the family.

Kelinism as a family abuse

Commonly, when people think about domestic violence, many often understand violence only from the husband's side. Yet, in Central Asia, family violence against kelin is often committed mainly by the mother-in-law and other close relatives of her spouse. The "slavish" treatment of daughter-in-law in families can cause conflicts between kelin and her husband's mother, which can subsequently lead to violence. "The mother-in-law is considered as the guardian of traditions and the main actor who is capable of bargaining with patriarchy in the family."⁵⁸⁷ – notes Kudaibergenova. Mothers-in-law in Central Asian families are highly respected and have great influence and control over their daughters-in-law, which is rarely disputed by other family members, and this can also include the use of physical and psychological violence.⁵⁸⁸ Such an attitude towards the kelin can be considered normal and unquestionable because this is how the mother-in-law expresses how she correctly educates her kelin. At the same time, psychologists explain the fact that the mother-in-law becomes an aggressor toward her daughter-in-law due to her experience of abuse by her spouse's mother.⁵⁸⁹ This manifestation of "kelinism" can have Thespian consequences. One of the gravest instances of strained relations between bride and mother-in-law happened in 2017 in Kyrgyzstan: the daughter-in-law decapitated her mother-in-law and threw her body into the trash can in Osh city.⁵⁹⁰ The crime was due to the contradictions between the two. Unfortunately, in society, the violence that comes from the mother-in-law is often not perceived as abuse. The standard practice is that the husband's mother is allowed to interfere with the relationship between her son and daughter-in-law and even physically ill-treat kelin.

In turn, the mother-in-law is not the only abuser towards the daughter-in-law. Kelin can also be humiliated by other relatives of her spouse, who can decide how many children a bride should have, thereby putting psychological pressure.⁵⁹¹ Another example, the aggressors can be the husband's sister, who exploits the "labor" of kelin, or the brother-in-law, who can maltreat or

⁵⁸⁶ Central Asian Bureau for Analytical Reporting, *Kyrgyzstan: Semejnaja "Tradicija" – Bit' Nevestok* (2017). <https://cabar.asia/ru/kyrgyzstan-semejnaya-traditsiya-bit-nevestok> (accessed 30 Sept 2022).

⁵⁸⁷ Kudaibergenova, *supra* note 253, at 389.

⁵⁸⁸ *Supra* note 428, at 215.

⁵⁸⁹ *Supra* note 306.

⁵⁹⁰ *Supra* note 586.

⁵⁹¹ *Supra* note 306.

even use force.⁵⁹² In Tajikistan, husbands' relatives can also mock not only one daughter-in-law but also their second, third, and fourth wives.⁵⁹³ The data from previous years shows that almost half of daughters-in-law in Kyrgyzstan (45 percent) were subjected to systematic psychological and physical violence from the family of their partner.⁵⁹⁴ One example was the case of Mukhlisa Kadambaeva, who called attention to the family violence problem in Uzbekistan. The young woman was found hanged after brutal abuse by her husband's family.⁵⁹⁵ Kelin is an "outsider" for her spouse's relatives and is not regarded by them as a person. Sadly enough, many people justify the abuse of new family members by customs.

One of the clearest instances of kelinism was given by Harris in her work, where she describes her fieldwork in Tajikistan and shows how young woman Sumangul was exploited as a kelin in a Tajik family and abused by her husband and mother-in-law, thereby receiving double violence. The author describes how mothers and (usually unmarried) sisters tend to pressure young husbands to maintain a stronger alliance with them than with their wives. Using the examples of one Tajik newlywed couple, the author shows that the dependence of young husbands on their mothers and the inability to express their aggression towards their mothers resulted in cruelty and violence against their wives, as well as some addictions. The young husband simply does not have the opportunity to assume the dominant position that is expected in society because of the influence of his mother. On the other hand, the mother, knowing about the addictions of her son, pours out her aggression also on her daughter-in-law. As a result, the kelin finds herself in a circle of double violence.⁵⁹⁶

Unfortunately, discussions about the status of kelins and "kelinism" have become a popular concept for depicting the revival of the traditions and customs of the peoples of Central Asia in entertainment content. In Kazakhstan, in recent years, the film "Kelinka Sabina" about a young Kazakh woman who was kidnapped and forcibly married in a remote village outside Almaty, the largest city in Kazakhstan, has been quite popular.⁵⁹⁷ In the Uzbek film segment, the comedy film "Super Kelinchak" ("The Super Daughter-in-Law") was also famous, which shows how a young woman from the city marries a countryside boy and tries to earn the trust and approval

⁵⁹² Radio Azattyk, *Istoriya Kelin, Ch'ja Zhizn' Prevratilas' V Ad...* (2017). <https://rus.azattyk.org/a/28548163.html> (accessed 30 Sept 2022).

⁵⁹³ *Supra* note 464, at 50.

⁵⁹⁴ Radio Azattyk, *Kelin - Prisluga Ili Polnopravnyj Chlen Sem'i?* (2017). <https://rus.azattyk.org/a/28592003.html> (accessed 30 Sept 2022).

⁵⁹⁵ Agnieszka Pikulicka-Wilczewska, *Uzbek domestic abuse victims feel judged, trapped despite new law* (2021). <https://www.reuters.com/article/us-uzbekistan-women-crime-feature-idUSKBN28707L> (accessed 30 Sept 2022).

⁵⁹⁶ *Supra* note 578, at 64.

⁵⁹⁷ Kudaibergenova, *supra* note 253, at 383.

of her mother-in-law by learning all the household duties inherent in a kelin.⁵⁹⁸ Also, some entertainment shows promoted the idea of how important it is for future kelins to be able to take care of everyday life and honor their mother-in-law. For example, the reality show “Kelin” was broadcast on national television in Kyrgyzstan in 2017,⁵⁹⁹ in which 26 girls fought for the title of the “Best kelin” by passing various tests in the form of doing housework, milking cows, plucking chickens, etc., as well as caring for their mother-in-law, for example in the form of washing her feet. This show caused much bewilderment on the part of the Kyrgyz public. Some of them believed that the show had educational value for girls moving away from the problems of home and life, and it was also designed to expand knowledge about the family values and traditions of unmarried girls. Women’s rights advocates, on the other hand, had the opposite opinion that this was a violation of the rights of young women since, in the project the mother-in-law (kainene) is exhibited as rude and does not respect kelins.⁶⁰⁰ Such representation and promotion of the image of kelin in the mass media, to some extent, leads to a certain acceptance and normalization of the practices of “kelinism” in society.

From the foregoing, it can be concluded that the status of kelin can have different connotations and contradictory understandings. While, from one side, the humble kelin is perceived as a sign of the good upbringing of her parents, from the other point of view, the extremely negative manifestations of “kelinism” are a limitation of human rights. An integrated approach is required towards the problem of abusive attitudes against kelins in Central Asian societies. Many girls do not know their rights, hence “ala kachuu” (in Kyrgyzstan and Kazakhstan) and domestic violence practices continue to occur, following victims’ dutiful silence or unawareness of where to turn. Ignorance of their rights, financial dependence, and low education of women are among the leading causes. It is crucial to understand that the bride’s dignity cannot be infringed, as with the rights of any human, and each daughter-in-law shall realize that she can defend her rights.

2.3.4 Interim Conclusion

In Central Asian societies, polarized foundations with a patriarchal-traditionalist orientation still exist, prescribing an active role for a man and a passive position for a woman. The ideas of

⁵⁹⁸ IMDb, *Super Kelinchak*, 2009. <https://www.imdb.com/title/tt2106659/> (accessed 30 Sept 2022).

⁵⁹⁹ 3b media, *Reality Show “Kelin”*, 2017. <https://www.youtube.com/watch?v=kx-7lA9bxLg> (accessed 30 Sept 2022).

⁶⁰⁰ Radio Azattyk, *Aktivisty Protiv Realiti-Shou “Kelin”* (2017). https://rus.azattyk.org/a/kyrgyzstan_show_kelinki/28294591.html (accessed 30 Sept 2022).

gender equality and non-discrimination are only on the way of understanding but are still far from being rooted in the public attitudes and culture of Central Asia. The development and level of gendered violence that exists in the region today have been influenced by a number of factors, and not always the state system is the cause. The authoritarian regime of the Central Asian republics, although it could to some extent influence the level of VAWG, cannot be the only and does not always affect gender problems. Along with economic, political, and social factors, the development of traditionalistic and religious views, as well as stereotypical gender attitudes, public censure, and a low level of education, played a significant role in this trend. All cases of gender-based violence that exist in each country in Central Asia are mainly driven by a solid patriarchal attitude, the expectation that women and girls will give priority to marriage and family and observe socially established gender norms.

Since gaining independence in the 1990s, the countries of Central Asia have increasingly witnessed the trafficking of women both within the region and abroad. Domestic violence also did not bypass the countries of the region. Family abuse was considered the norm even during Soviet times; therefore little was said in public. However, in recent years, the cases have become more publicized, which, accordingly, also affected the statistics. The problems of harassment and femicide still do not have clear legal and policy regulations and accountability, which affects the fact that few victims turn to law enforcement agencies and there are practically no statistics on these offenses. Yet, the data also may not be a very reliable option, given that some states (Uzbekistan and Tajikistan), do not have consistent gender statistics. While the numbers known in other states with open figures (Kyrgyzstan and Kazakhstan), are only for those cases that were registered. In other words, national statistics show only certain forms of gender-based violence, such as domestic violence, that do not appear to be consistent, including only those reported to the police.

Speaking of more traditionally oriented forms of gender-based violence, some are specific to the Central Asian region. Still exist, or rather revived and to a certain extent reinterpreted, such concepts as forced labor of kelin, bride kidnapping in Kyrgyzstan and Kazakhstan, as well as early marriages. The study shows that, to one degree or another, many have a normalized attitude towards these practices, considering them part of the traditions and customs of different peoples of Central Asia. Most of the traditional practices, as “ala kachuu” have lost their true purpose and historical roots, are now replayed and performed in a more brutal and illegal form in violation of women’s rights. Early marriage has long been an illegal form of marriage that is harmful and dangerous for underage girls. In turn, kelin phenomenon, despite its deeply rooted

customary nature, often escalates into ill-treatment in the form of “kelinism”, which can include forced labour, family abuse, and even a form of slavery. The contradiction lies in the fact that such customary practices of VAWG are considered by one side of society as a tradition and by the other as a violation of rights. Issues of legal and political regulation of the considered forms of VAWG in Central Asia will be discussed in detail further in Chapter 3.

Conclusion

In Central Asia, the role of women has been influenced by diverse cultural values and perspectives on gender roles, as a result, a composite blend of traditional, socialist, and liberal values has been developed in these societies. A thorough understanding of the historical context of women’s rights is crucial for the perception and prevention of contemporary gender inequality and VAWG issues in the region. In this way, Chapter 2 has shown that the evolution of women’s rights in Central Asia is both a captivating and nuanced topic that reflects the region’s historical and cultural heritage. Over time, women’s status in the region has undergone significant changes from the pre-socialist era through the Soviet period and post-independence transition. On the one side, the socialist era provided women better access to education and employment; on the other side, it also suppressed traditional values and failed to deliver true gender equality in decision-making and family life, thus becoming a twofold sword. Further, the post-independence transitional period also presented both opportunities and challenges for women in the region. Remarkably, the rise of traditionalism and religious values began to a certain degree, negatively impact the status of women and resulted into gender-based violence and discrimination. However, the increased influence of global trends and the involvement of civil society organizations and international or regional bodies have created a foundation for a greater focus on gender equality and the protection of women’s rights for Central Asia.

Today, despite ongoing changes in the Central Asian region, gender-based violence remains a serious ongoing issue, whereas the link between the form of government, gender equality, and VAWG is knotty. The study revealed that this relationship is complex and miscellaneous; namely, a democratic form of government can sometimes have a positive impact on gender equality and women’s physical security, yet it is not sufficient on its own. Likewise, authoritarian regimes may harm women’s rights and increase the level of gender-based violence, but they are not always the sole factor for these issues. Therefore, to gain a more comprehensive perception of the relationship between the form of government and gender

equality/gender-based violence in the region, it is necessary to consider the larger picture of its development in conjunction with the current regime and other social, cultural, and historical factors. While the level of democratization is a critical aspect, women's own agency and participation in civic activism, women's NGOs, and movements also play a significant role in shaping the quality of democracy and the status of women's rights in a country. In Central Asia, women's movements are gaining strength, particularly in Kyrgyzstan, Uzbekistan, and Kazakhstan, and they may prove to be crucial drivers for greater gender equality and democratization in the region. However, achieving gender equality in Central Asia is a challenging task, especially in such traditional and orthodox societies, and requires a long-term perspective. The stock of democratization in the region is still in its infancy, and women are constantly renegotiating their roles in a patriarchal and transitional phase. This journey is frequently characterized by violence, which highlights the disarray within societies in the region. Thus, there are numerous elements that affect the position of women and degree of VAWG in Central Asia, such as historical and cultural aspects, adherence to traditionalism, and religiosity.

Yet, in Central Asian societies, there is still a prevalent adherence to traditional gender norms and strong patriarchal attitudes that often result in the mistreatment and discrimination of women and girls. While the ideas of gender equality and non-discrimination are starting to gain some traction, they have yet to be fully rooted in the public attitudes and culture of Central Asia. The authoritarian regimes in these four republics, in fact, have some influence in the prevalence of violence against women and girls but they are not solely responsible for these issues. In other words, gender-based violence is not a matter of exclusively state institutions; it is also shaped by various political, social and cultural factors. Traditional and religious views, stereotypical gender attitudes, low levels of education, and public censure also play a significant role in the long run. As a result, today, Central Asia experiences both the familiar forms of gender-based violence seen around the world and those unique to the region, which are justified by traditional cultural values and background. Among common manifestations of gender-based violence in Central Asia are trafficking of women, instances of domestic violence, sexual harassment, and femicide. Furthermore, certain traditional practices, such as the forced labor of *kelin*, bride abduction and premature marriages, persist in many parts of Central Asia, where they are widely accepted and practiced in forms of mistreatment and potential forced labor. Yet, the latter practices are considered by some as part of the region's cultural heritage, at the same time, they violate women's rights and hinder progress towards gender equality and non-

discrimination. Furthermore, the holes and issues in laws and policies on these matters and the unreliable availability of gender data altogether pose obstacles to prevention and tackling the underlying reasons behind them. Therefore, the upcoming chapter will explore the legal and policy landscape related to gender-based violence in Central Asia, where the thesis will investigate existing VAWG laws and policies in Central Asia and evaluate their impact on the matter.



CHAPTER 3. INTERNATIONAL AND NATIONAL LAW: ASSESSING LEGAL AND POLICY REGULATION OF VAWG IN CENTRAL ASIA

Introduction

The 1990s in Central Asia were the years when the region sparked a movement towards gender equality and progress in laws protecting women's rights that continues to this day. This transformational path, triggered by the need to create a legal framework with gender-sensitive aspects, as a "wind of change," has brought Central Asian states into the realm of international initiatives in the field of gender issues. Consequently, the newly independent countries began to participate in global platforms dedicated to women's rights and gender equality, whereas their engagement in the Beijing Platform for Action in 1995 has become a midway point. This engagement represented a paradigm shift in the region's legal history, as all four countries adhered to key international human rights and gender equality instruments, including the Beijing Declaration and CEDAW. However, even with ratification or accession to international legal instruments by governments, Central Asian women have yet to see concrete change or results for their rights and protection, and progress is still being made. Questions in harmonization of domestic legislation with global human rights standards are on the surface and once again stressed the acuteness of the process of achieving coherence between national laws and international frameworks.

Central Asian republics have been on their unique journeys for over three decades now to bring their legal systems and national policies in line with worldwide established women's rights standards. It should be noted that the Kyrgyz Republic, the Republics of Kazakhstan, Uzbekistan, and Tajikistan have indeed achieved certain legislative and policy progress in women's rights and gender equality. Namely, all four countries under review have developed national gender equality strategies, have adopted several specialized national legal instruments and provisions dedicated to gender issues, and have included gender equality norms in their constitutions and legal codes. Additionally, they have introduced laws and incorporated specific provisions into their criminal and administrative codes to combat different forms and types of gender-based violence, either common or prescribed by Central Asian sociocultural practices, such as domestic abuse, human trafficking, bride abduction, and early marriages. Finally, governments have also created specialized government mechanisms dedicated to protecting and advocating women's rights and gender equality. At the same time, multiple stakeholders have

had a hand in the process of developing gender-related laws and policies in the four countries. Specifically, working alongside women's organizations, international and regional organizations contributed on their part. The latter offered vital assistance to local NGOs working on women's issues through additional aid, sometimes even filling in for government financial support, as well as running awareness campaigns. Furthermore, as will be demonstrated by the analysis, other actors, such as media and religious institutions, are now increasingly significant in increasing public knowledge and altering societal perceptions regarding gender-based violence.

In the meantime, individual challenges persisted in the four countries of Central Asia. In the states of Kazakhstan and Tajikistan, attempts are still being made to define domestic violence in a separate criminal article, and in other countries - to categorize sexual harassment, spousal rape, and femicide into separate crimes. In addition, the effectiveness of national mechanisms in implementing and enforcing gender equality policies remains uncertain, whereas states in most cases have structures as a kind of recommended formality and as a tick on the sheet of international obligations with no meaningful implementation. Among other barriers that cloud the progress made are the missing government interest and involvement, little allocation of funding by states, and the absence of efficient monitoring systems for policy execution. Last but not least, the accomplishment of true gender equality and the fight against VAWG is being handicapped by ingrained patriarchal customs, religious convictions, and societal preconceptions that are pervasive not only in the community but also within law enforcement institutions.

The purpose of Chapter 3 is to extensively explore the progress, challenges, and prospects in Central Asia's response to VAWG from legal and policy perspectives. To gain a complete understanding of these questions, Chapter 3 covers several main aspects: the influence of international human rights law on VAWG regulation, evaluation of Central Asian nations' alignment with global standards, scrutiny of domestic laws and policies related to VAWG, examination of the institutional framework for addressing VAWG and exploration of the ways to enhance VAWG response in each of the four states. Therefore, Chapter 3 is structured into three subchapters, and each of them provides a comprehensive assessment. Subchapter 3.1 assesses how Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan harmonize their laws with global norms, which encompasses an examination of specific international gender equality related and broader human rights frameworks. The analysis starts with an overview of the international human rights legal framework, indirectly addressing gender equality, which

Central Asian states have joined, followed by the exploration of the adopted international standards explicitly concerning women's rights, non-discrimination, and VAWG. The examination includes answer to the question of how the four states align their domestic laws and policies with international women's rights standards, specifically with CEDAW and the Beijing Declaration. It also incorporates insights from experts-respondents in Central Asian countries that give an evaluation of the overall impact of international legal frameworks on regulating VAWG in their states. Subchapter 3.2 provides an overview of the progress made, challenges faced, and prospects projected in combating VAWG issues in Central Asia. Namely, it conducts a detailed analysis of domestic laws and policies related to VAWG in Kyrgyzstan, Uzbekistan, Tajikistan, and Kazakhstan. The subchapter reviews relevant laws regarding women's rights and gender equality and elaborates on specialized laws addressing various forms of gender-based violence. The interviews with experts complement the normative analysis to identify gaps in the execution of gendered violence laws, exploring reasons behind these gaps, and proposing improvements for the future. Subchapter 3.3 focuses on the institutional framework of VAWG policies in Central Asian states. Specifically, it analyzes the effectiveness and challenges in activities of specialized state agencies, external organisations, women's NGOs, media, and religious institutions in questions on VAWG. Gender experts' insights from Central Asian states provide perspectives on the efficacy of national institutions, the impact of external influences and women's organizations on gender and VAWG legislation and policies, as well as the roles of religious leaders and media in these matters.

Cross-referenced semi-structured interviews have been integrated into each subchapter and offered valuable insights that complement the overall analysis. The interviews were conducted between March-May 2023 and August-October 2023 with gender experts, representatives of international and local women NGOs, gender activists, human rights lawyers, journalists, and researchers specializing in women and gender issues in Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. Table 1 below presents the list of interviewees, along with their affiliations or organizations and the countries they specialize in.⁶⁰¹

⁶⁰¹ All respondents provided consent for their names to be made public and utilized for this research.

Table 1. Expert Interviewees from Central Asia

Country Code	Name	Affiliation/Organisation
KG	Savia Hasanova	Gender researcher & journalist at Kloop.kg independent media, co-author of “The Sigma Awards” winning investigative research on femicide in Kyrgyzstan <i>“I would have killed her anyway”</i> .
	Svetlana Dzardanova	Human rights & gender researcher at Freedom for Eurasia, associate at Central Asia Institute for Strategic Studies
	Leila Nazgül Seiitbek	Human rights lawyer, gender expert & activist, chairwoman of Freedom for Eurasia, member of Every Woman Treaty working group
KZ	Leyla Zuleikha Makhmudova	Feminist organizer & gender expert, founder of a grassroots feminist organization “FemAgora Central Asia”
	Dr. Alexei Trochev	Associate Professor of Law & Political Science, Nazarbayev University
	Dr. Hélène Thibault	Associate Professor of Political Science, Nazarbayev University. Specialized in gender studies, marriage practices, polygamy, and sexuality in Central Asia
TJ	Lola Olimova	Journalist, Central Asia editor for Tajikistan at Institute for War & Peace Reporting
	Larisa Alexandrova	Gender expert, human rights lawyer, director of the Public Foundation “Your Choice”
UZ	Farzona Khashimova	National gender equality coordinator, project manager of ACTED Uzbekistan & former gender advisor for UN Women Uzbekistan & Central Asia. Contributed to the development of the National Gender Strategy and provided technical expertise for monitoring and reviewing the CEDAW implementation in Uzbekistan
	Dilfuza Kurolova	Human rights lawyer, professional mediator & founder of Global Shapers Tashkent Hub. Was part of a working group under the Senate of the One Majlis of the Republic of Uzbekistan (2022-2023) to develop legislation on the protection of children and women from gender-based violence and sexualized crimes
	Niginakhon Saida Uralova	Researcher on gender & Islam, lecturer at Webster University in Tashkent & writer at The Diplomat

3.1 Impact of International Human Rights Law on VAWG Regulation in the Central Asian Region

3.1.1 Introduction

Since the collapse of the communist regime and gaining their independence, four Central Asian countries began their modern journey towards gender equality and made progress in women's rights by adopting national gender legislation and policies. As part of this process, Central Asian states participated in international initiatives that became a momentous turning point in this journey. The first and most significant event for women's rights transpired in 1995 when gender advocates from four Central Asian states took part in the Beijing Platform for Action. This involvement resulted in the ratification and accession to pivotal international documents in the area of women's human rights and gender equality; among them were the Beijing Declaration and CEDAW. The interaction covered specialized legal instruments on women's rights, as well as the international legal framework to combat discrimination and combat violence against women. Thus, by 1998, the four countries had emphasized their commitment to address gender issues and protect women's rights, which was focused on both frameworks that explicitly address these issues and the broader global human rights framework, which indirectly touches upon aspects of women's rights. At the same time, it is evident that the sole ratification or accession to international legal instruments does not necessarily translate into tangible change for the status and rights of women within the states.⁶⁰² Rather, it is essential to assess the practical impact of these ratified instruments in Central Asian states, where harmonization is necessary and ensures consistency between domestic and international standards.⁶⁰³

Therefore, Subchapter 3.1 focuses on the aspects of harmonization of Central Asian countries' domestic frameworks with international legal standards on women's human rights and pays particular attention to how the four Central Asian countries harmonize their laws and policies with these global norms. More specifically, the analysis enters deeply into the matters of incorporation and implementation of these international standards within four Central Asian states' frameworks. It explores their efforts toward harmonization of their domestic legal and policy framework with international human rights standards, particularly concerning VAWG and compliance with the recommendations outlined in them. The Subchapter begins with an

⁶⁰² Kavita N . Ramdas & Kathleen K. Janus, *Ratifying Women's Rights*, Policy Rev. (2011), 31.

⁶⁰³ *Supra* note 58, at 308.

overview of the international human rights legal framework that pertains to, both directly and indirectly, women's rights, non-discrimination, and VAWG, joined by Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan. It explores specific and broader frameworks, which include treaties and agreements ratified or acceded to by these countries. The second part of Subchapter 3.1 encompasses two main instruments, CEDAW (its Recommendations 19 and 35) and the Beijing Declaration and explores the harmonization of these instruments within the Central Asian region. In other words, the question is being considered as to how and to what degree these four states follow the recommendations outlined in these two documents regarding gendered violence. The assessment employs the following seven key parameters derived from these instruments: 1) strengthening legal responses, 2) developing national strategies on gender equality and plans of action, 3) establishing state offices for women's policy matters, 4) collecting national data on VAWG, 5) ensuring regular reporting, 6) setting up crisis centers and shelters, and 7) developing training initiatives. Finally, the subchapter's last part enriches its analysis with insights from gender experts in four Central Asian states. The respondents were interviewed about the overall impact of the international legal framework in the regulation of VAWG in their respective countries, followed by their perspective on whether the region should adopt the Istanbul Convention or develop its own regional instrument to prevent and combat more effectively forms of gender-based violence.

3.1.2 International Women's Human Rights Legal Framework Joined by Central Asia

As part of their journey, Central Asian states engaged with two major global documents on non-discrimination and VAWG. By 1998, the states had joined CEDAW and the Beijing Declaration, which expressed their desire to fight all aspects of gender inequality and eliminate gender discrimination and abuse. Although the initial ratification of CEDAW happened under the auspices of the Soviet Union, following its dissolution, all post-communist governments resigned it as a reaffirmation of their commitment towards gender equality.⁶⁰⁴ These agreements provided guidelines that urged countries to address VAWG through systematic policy strategies and legislation to address meticulously gender-related issues. This resulted in a situation where four Central Asian states integrated gender perspectives into their legislations and policies that were geared towards curbing gender-based injustices as well as meeting women's and girl's

⁶⁰⁴See *supra* note 603.

needs. Thus, this section looks at the international human rights legal framework relevant to women's rights, non-discrimination, and VAWG, including both specialized frameworks addressing these issues explicitly and the broader international human rights framework that indirectly touches upon them. The overview concentrates on the global treaties and agreements ratified or acceded to by Kyrgyzstan, Tajikistan, Uzbekistan, and Kazakhstan, which relate to VAWG and gender equality.⁶⁰⁵

Progressive steps have been shown by the Kyrgyz Republic since its independence to ratify international treaties on women's rights, gender equality and non-discrimination. Becoming a UN Member State in the year of 1992, the state committed to promoting gender quality and to safeguarding women and girls from all forms of discrimination and violence. Later, in 1997, its dedication to women's rights was further reinforced in the way that it ratified several core components of the specialized international human rights legal framework that now exists to protect and promote women's rights. Firstly in that year, Kyrgyzstan became a member of the CEDAW, and, thereby, signified its dedication in elimination of gender-based discrimination on its territory, which was followed by the ratification of the Convention's Optional Protocol in 2002. Further, Kyrgyzstan stood out among other Central Asian countries in the sense that it was the only one among four to ratify the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages back in 1997. Considering that this convention highlights the importance of legislation to establish an age for marriage ensuring the protection of rights for women and girls, the Kyrgyz Republic's decision to join the document was likely influenced by the high number of instances of bride kidnapping and early marriages within its territory. Additionally, the same year the Kyrgyz government also acceded to the Convention on the Nationality of Married Women (1957), which normally guarantees that a woman's nationality remains unaffected by marriage or its dissolution, in this way further demonstrated its commitment towards safeguarding women's rights concerning their nationality matters.

Furthermore, in 1997, Kyrgyzstan became a member of the Convention on the Political Rights of Women (1952). By this point, Kyrgyzstan granted its women equal voting rights in all elections, along with the eligibility to be elected for decision-making positions and the right to hold office on equal terms with men. The Kyrgyz Republic also demonstrated its commitment in the fight against gender-based violence in the form of human trafficking by acceding to the UN Convention against Transnational Organized Crime in 2000 and joining the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in

⁶⁰⁵ See Table 2. International Human Rights Instruments Ratifications/Accessions by Central Asian States.

2003.⁶⁰⁶ In terms of international labor law, Kyrgyzstan's standby for gender equality in employment was evident through its ratification of International Labour Organization (ILO) legal instruments. Expressly, with 53 ILO conventions ratified (52 currently enforced) the state has embraced core labor standards that promote gender equality within the workplace. These standards include the following instruments: the Equal Remuneration Convention of 1951 (No. 100), the Discrimination (Employment and Occupation) Convention of 1958 (No.111), the Maternity Protection Convention of 2000 (No.183), as well as the Underground Work (Women) Convention of 1935.

At the same time, Kyrgyzstan's status on gender equality and women's rights' promotion extends beyond specialized conventions but also encompasses a range of international agreements that implicitly impact these principles. In 1994, the Kyrgyz Republic officially ratified the UN International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) and the International Covenant on Civil and Political Rights (ICCPR, 1966) along with their two Optional Protocols in 1994 and 2010. Additionally, in the same year, Kyrgyzstan ratified the Convention on the Rights of the Child (1989), which also included two Optional Protocols in 2003 and covers children's involvement in conflict as well as child trafficking, prostitution and pornography. Furthermore, in 1997, the commitment to human rights was reaffirmed by ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, the document that serves as a tool for combating discrimination and promoting equality. Moreover, the same period, the state ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment along with its Optional Protocol in 2008. These legal instruments play a role in preventing and addressing instances of torture and cruel treatment. Then, in 2003, Kyrgyzstan became a signatory to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and demonstrated its dedication to protecting the rights of workers and their families. Among more recent ratifications in 2019 was the Convention on the Rights of Persons

⁶⁰⁶ UN Treaty Collection, *UN Convention against Transnational Organized Crime*. https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtldsg_no=XVIII-12&chapter=18&clang=en; *a Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtldsg_no=XVIII-12-a&chapter=18&clang=en (accessed 10 Aug 2023).

with Disabilities, by which the state emphasized its obligation to protect the rights and welfare of individuals with disabilities.⁶⁰⁷

Subsequently, Kyrgyzstan took further steps to align its domestic laws with international standards of gender equality and non-discrimination that it has joined above. Specifically, the country made certain advancements by adopting and implementing specific national legal measures and policy strategies to address gender inequality and combat VAWG. In short, legislative actions were taken to protect rights, offer legal support against domestic abuse, ensure government guarantees for gender equality, and promote equal rights and opportunities for both men and women. Additionally, the Kyrgyz Republic developed gender equality programs and national action plans to achieve gender equality during timeframes, by which the state demonstrated its watch in fulfilling its obligations under the CEDAW and Beijing Declaration in prioritization of the rights and needs of women. Subchapter 3.2 will detail the specialized laws that Kyrgyzstan has adopted in this regard.

Republic of Tajikistan has followed a slightly distinct path compared to the other three Central Asian countries. The country has faced difficulties due to the civil war that occurred from 1992 to 1997, as mentioned above in Chapter 2. These consequences have significantly impacted the level of discrimination and gender inequality that Tajikistani women experience across aspects of their economic and political lives. Despite mentioned challenges, the government has taken steps to address these issues by following international human rights principles and establishing laws and policies that are aligned with those principles. Tajikistan was the first Central Asian country to join the CEDAW in 1993, while the subsequent ratification of its Optional Protocol in 2014 further underscored Tajikistan's dedication to protect women's rights. Additionally, the state has ratified 50 ILO conventions, with all but one in effect. These include ILO Conventions that establish international labor standards promoting equal treatment between men and women in employment,⁶⁰⁸ mirroring the efforts undertaken by Kyrgyzstan in a similar vein. Although, the Convention on the Nationality of Married Women was not signed by the country, it did become party to the Convention on Political Rights of Women in 1999 and, thereby, affirmed its women's entitlement to exercise their political rights. Additionally, the Tajik government became a member of the UN Convention against Transnational Organized Crime in 2002, and

⁶⁰⁷ UN Human Rights Treaty Bodies, Ratification Status for CRPD - Convention on the Rights of Persons with Disabilities. https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CRPD (accessed 10 Aug 2023).

⁶⁰⁸ ILO, Ratifications for Tajikistan. https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103547 (accessed 10 Aug 2023).

acceded to its Protocol on Trafficking in Persons, Particularly Women and Children during the year.⁶⁰⁹ By these steps, Tajikistan showed its watch to fighting organized crime and addressing the problems associated with trafficking women and girls.

Apart from its specific obligations within agreements on women's rights and gender equality, Tajikistan has also formally accepted international legal agreements that indirectly address the women's questions. For instance, in 1993, Tajikistan ratified the Convention on the Rights of the Child, which is focused on safeguarding children's rights, including girls. This dedication was further reinforced in 2002 when the state ratified the Convention's two Optional Protocols. Later, one more area was covered in 1995, when the state became a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, thus it obliged itself to prevent and address instances of human torture and cruel treatment on its territory. During that year, it also ratified the International Convention on the Elimination of All Forms of Racial Discrimination, the main objective of which is focused on the fight against discrimination on the basis of race, including within women's rights contexts. A bit later than Kyrgyzstan, the Republic of Tajikistan became a party to both the ICCPR and ICESCR in 1999. Through these particular actions, the country attempted to show its adherence to human rights principles across different dimensions, such as civil liberties, political participation, economic opportunities and social welfare for all individuals regardless of their gender. Additionally, as part of its efforts to protect vulnerable groups' rights, three years later Tajikistan ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁶¹⁰ Worth noting that this ratification was particularly relevant, specifically taking into account the number of Tajikistan's population, including women, who migrate abroad for job opportunities in view of economic challenges and poverty.⁶¹¹ Last but not least, as one of the most recent relevant events, the Convention on the Rights of Persons with Disabilities was signed in 2018, and in this way, the state recognized the importance of protecting the rights of individuals with disabilities. This convention highlights the significance of promoting and safeguarding the rights of all individuals, regardless of their gender identity

⁶⁰⁹ *Supra* note 606.

⁶¹⁰ UN Treaty Collection, *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*. https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-13&chapter=4&clang=en (accessed 10 Aug 2023).

⁶¹¹ Migration Policy Institute, *Country Resources, Tajikistan*. <https://www.migrationpolicy.org/country-resource/tajikistan> (accessed 10 Aug 2023); IOM, *Baseline Assessment And Surveys: Returning Migrant Workers in Tajikistan December 2022 – February 2023* (2023). https://dtm.iom.int/sites/g/files/tmzbd1461/files/reports/TJ_Baselinepercent20andpercent20Returningpercent20Migrantpercent20Workerpercent20Surveypercent20Roundpercent201percent20v2_0.pdf .

or expression, who experience disabilities. However, it has yet to ratify this convention.⁶¹² To fulfill its international obligations, the state has adopted domestic laws and policies to protect women's rights and combat VAWG. Ongoing efforts are being made to increase women's representation in politics and ensure that decision-making processes are in alignment with standards. All these aspects will be further discussed in the following subchapter.

Speaking about Uzbekistan, in 1996, the country determined to eliminate discrimination and protect women from gender-based violence by joining the CEDAW three years after Tajikistan. Although, it should be mentioned that Uzbekistan has not yet become a party to the Optional Protocol associated with CEDAW. By getting a membership in CEDAW, Uzbekistan demonstrated its standby to addressing VAWG, which is carried out by both state actors and private individuals. The country is obligated to implement policies that eradicate discrimination against women and ensure recognition, enjoyment, and exercise of their rights and fundamental freedoms. Regarding other international conventions on women, similar to Tajikistan, the Republic of Uzbekistan has not ratified the Convention on the Nationality of Married Women; nonetheless, it did accede to the Convention on the Political Rights of Women in 1997 as an indication of its obligation towards promoting women's political empowerment. When it comes to respecting the labor rights of women, Uzbekistan has ratified 20 ILO conventions, which include those focused on gender equality and non-discrimination in the work field. At the same time, it differs from Kyrgyzstan and Tajikistan in that the Uzbek government has not yet ratified the Underground Work (Women) Convention. Then, in 2003, the country became a member of the Convention against Transnational Organized Crime, as well as later supplemented with a Protocol which is aimed at preventing, suppressing, and punishing trafficking, particularly involving women and children in 2008.⁶¹³ It should be noted that Uzbekistan has submitted a reservation stating that the state does not consider itself bound by provisions of Article 35 related to resolving disputes between countries through arbitration or the International Court of Justice.⁶¹⁴

The Republic of Uzbekistan, like other countries in Central Asia, has a responsibility to protect and uphold the human rights of all individuals within its borders, regardless of gender. For this,

⁶¹² *Supra* note 607.

⁶¹³ *Supra* note 606.

⁶¹⁴ *Id.* at para. 2 Art. 35: "Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court."

the country ratified the Convention on the Rights of the Child in 1994, including its two Optional Protocols in 2008. By this ratification the states consigned to ensure the rights and well-being of children, including girls. Also, in 1995, the state joined the ICCPR along with its two Optional Protocols, whose main objective is the prevention of discrimination based on gender and ensuring equal protection under the law and became a member of the ICESCR in 1995. The last membership highlighted the state's status in the protection of the socio-economic rights of its citizens. The same year, it also showed its standby to human rights uphold by becoming a member of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which highlighted Uzbekistan's determination to prevent and address cases of torture and cruel treatment. At the same time, the country has not yet joined either the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families or the International Convention for the Protection of all Persons from Enforced Disappearance; it did, however, recently ratified the Convention on the Rights of Persons with Disabilities in 2021,⁶¹⁵ and in this way demonstrated its promptness to promoting and safeguarding the rights of individuals with disabilities.

As it is seen, Uzbekistan's active participation in international agreements exhibited its obligations to comply with the global women's human rights framework and stresses its dedication to ensure equal treatment, non-discrimination, and the protection of fundamental rights for all individuals under its jurisdiction, regardless of their gender. Indeed, it is worth to assess how effectively these commitments are harmonized and implemented, the question which will be thoroughly examined in the following subchapters.

During its post-independence transition, along with its neighbors, the Republic of Kazakhstan has also taken steps towards the promotion of gender equality and fight against gender discrimination by ratifying international conventions and protocols. In comparison to its bordering Central Asian countries, Kazakhstan ratified CEDAW relatively later, in 1998, followed by its Optional Protocol in 2001. Like Kyrgyzstan, the state also joined the Convention on the Nationality of Married Women in 2000 and gained obligations to address nationality-related issues faced by women after foreign marriage. Also that year, the state became a member of the Convention on the Political Rights of Women, which guarantees women the right to participate in the decision-making process. In terms of global labor standards, the state has ratified 25 legal instruments established by the ILO, which cover a range of areas, including gender equality. Some of the conventions that have been ratified by the country, comprise the

⁶¹⁵ *Supra* note 607.

Equal Remuneration Convention of 1951 (No. 100), the Discrimination (Employment and Occupation) Convention of 1958 (No. 111) and the Maternity Protection Convention of 2000 (No.183). However, it is worth noting that Kazakhstan, like Uzbekistan, has not yet ratified the Underground Work (Women) Convention. In order to protect women and girls from human trafficking, as well as combat transnational organized crimes, in 2008, Kazakhstan ratified the Convention against Transnational Organized Crime and acceded to its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.⁶¹⁶ It should be mentioned that Kazakhstan's status towards the achievement of gender equality is also evident through its active engagement in global platforms, like the UN Commission on the Status of Women.⁶¹⁷ By incorporating the UN Sustainable Development Goals into its national and sector-specific strategies, the state demonstrated its obligation to advocate for women's rights and foster gender equality principles.

Regarding other international human rights legal instruments that indirectly touch upon the idea of gender equality, the Republic of Kazakhstan has joined all the mentioned instruments discussed in the overview of the other three other Central Asian countries, except for the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Thus, the Republic of Kazakhstan has laid the foundation for addressing and preventing gender inequality and VAWG on its territory by ratifying and acceding to these global human rights instruments, whereas the success and challenges of this commitment will be discussed later in the text.

To sum up, the Central Asian republics of Kyrgyzstan, Tajikistan, Uzbekistan, and Kazakhstan, in their post-independence era, have made evident attempts and progress toward gender equality and the protection of women's rights. Each of the discussed countries has shown a pledge to uphold principles such as non-discrimination, gender equality, protection and guarantee of fundamental rights for everyone regardless of their gender. Most importantly, all four nations have joined CEDAW as a testament to the achievement of gender equality and the protection of the rights of women on their territories. In addition, all have embraced the international work-related standards set by the ILO that focus on promoting gender equality, as well as ratified the Convention against Transnational Organized Crime and its accompanying Protocol on trafficking in women and children along with other crucial international legal instruments

⁶¹⁶ *Supra* note 606.

⁶¹⁷ UN Women Europe and Central Asia, the Republic of Kazakhstan. <https://eca.unwomen.org/ru/where-we-are/kazakhstan> (accessed 10 Aug 2023).

concerning human rights that have a direct or indirect influence on the rights and well-being of women and girls. Yet, it is important to note that ratification or accession to instruments is only the initial stage; real progress lies in putting these commitments into practice and ensuring their effective implementation and enforcement in places. The subsequent sections will explore the efforts made by each country under discussion to incorporate and implement these obligations and assess the advancements made in promoting gender equality and women's rights.



Table 2 below demonstrates an overview of the ratifications, signatures, or accessions for each international human rights instrument by the four Central Asian states, along with dates.

Note: R - Ratification, S - Signature, A - Accession.

Table 2. International Human Rights Instruments Ratifications/Accessions by Central Asian States				
Legal Instrument	KZ	KG	TJ	UZ
CEDAW	A 1998	A 1997	A 1993	A 1996
CEDAW Optional Protocol	R 2001	R 2002	R 2014	-
Convention on the Nationality of Married Women	A 2000	R 1997	-	-
Convention on the Political Rights of Women	R 2000	A 1997	A 1999	A 1997
Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages	-	R 1997	-	-
Convention against Transnational Organized Crime	R 2008	A 2000	R 2002	A 2003
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	A 2008	A 2003	A 2002	A 2008
ILO Conventions (including gender equality)	R	R	R	R
ICCPR	R 2006	R 1994	A 1999	A 1995
ICESCR	R 2006	R 1994	R 1999	A 1995
Convention on the Rights of the Child	R 1994	R 1994	R 1993	R 1994

Convention on the Elimination of All Forms of Racial Discrimination	A 1998	R 1997	R 1995	R 1995
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	A 1998	R 1997	A 1995	A 1995
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	-	A 2003	R 2002	-
Convention on the Rights of Persons with Disabilities	R 2015	R 2019	S 2018	R 2021

3.1.3 Questions of Harmonization with International Women's Rights Legal Standards in Central Asia

As mentioned earlier, the countries in Central Asia actively participated in the global arena when it comes to human rights. They have joined explicitly focused gender equality and women's rights legal instruments, as well as general human rights agreements. However, it is obvious that simply ratifying these frameworks does not necessarily reflect their tangible impact on women's status within each specific country. Therefore, it is crucial to examine how these ratified international law documents are incorporated and put into practice in the states under discussion. In this section, the focus shifts towards analyzing the interaction between laws and policies in Central Asian countries regarding international women's human rights standards. Precisely, this part of Subchapter 3.1 will explore how the four analyzed countries align their laws and policies with global norms, identify any challenges they may face, and assess their efforts toward complying with women's human rights standards related to VAWG. In order to better understand how nations respond to VAWG and in alignment with the thesis's primary focus on this issue, this section centers on two main instruments: CEDAW, its General Recommendations on VAWG, as well as the Beijing Declaration. The reason for choosing these frameworks is their straight influence in shaping discussions on women's rights and their direct attention to VAWG. By narrowing the focus to these two frameworks, the dissertation aims to provide an analysis of the international and national efforts in addressing VAWG, as both CEDAW and the Beijing Declaration have played roles in building policies and actions taken by countries to address this matter.

The main objective of this section is to provide an analysis of the two mentioned instruments and their impact on addressing VAWG in Central Asia. Therefore, it starts by giving a general overview of the key provisions of CEDAW, its General Recommendations 19 and 35, along with the Beijing Declaration which are centered explicitly on gender-based violence. These documents outline the essential steps and recommended measures that member states should take to address this problem effectively. The second part of this section evaluates whether and how Central Asian countries have adhered to these recommendations. In particular, the assessment comprises how these four nations have implemented provisions related to VAWG based on seven parameters derived from CEDAW, General Recommendations 19 and 35 and the Beijing Declaration. More specifically, these parameters encompass the following: strengthening legal responses, formulating National Strategies on gender equality (measures on

VAWG) and Plans of Action, establishing specialized state offices for women's policy matters, collecting national data on VAWG, ensuring regular reporting, setting up crisis centers and shelters, and implementing training programs.

A. *Insights from CEDAW, its Recommendations and the Beijing Declaration on VAWG*

The CEDAW and the Beijing Declaration are two international documents that specifically consider the issue of VAWG and urge member countries to take action to combat it. Both instruments emphasize the need for governments to adopt a systematic approach in order to eliminate and prevent gender-based violence, which includes provisions for supporting both victims and potential ones.⁶¹⁸ At one time, all four Central Asian states under analysis became participants in these instruments and assumed obligations to address the problem of VAWG and promote gender equality within their jurisdictions. While CEDAW lays the groundwork for addressing gender-based discrimination, the Beijing Declaration builds upon this foundation by providing a detailed plan of action to battle VAWG directly. Moreover, the impact of CEDAW General Recommendations 19 and 35 cannot be underestimated, too, as they explicitly aim to provide guidelines for national responses to VAWG. In essence, these recommendations offer a tailored set of measures for member states to address and combat gendered violence. On the other hand, they consider different forms of VAWG and encourage the participation of various stakeholders, such as governments, international organizations, civil society, and the media, in the fight against VAWG.

Since its adoption by the UN over forty decades ago, CEDAW has garnered support worldwide,⁶¹⁹ with 189 member countries adopting the treaty.⁶²⁰ The CEDAW, being an international treaty, takes a more general approach towards addressing VAWG. While it does not contain articles solely focused on VAWG, it recognizes that gender-based violence is a form of discrimination and thereby falls within the broader scope of gender equality. Yet, CEDAW mandates member countries to condemn all forms of discrimination against women and take measures to eliminate such occurrences, including addressing VAWG. Moreover, it

⁶¹⁸ Commission on the Status of Women (CSW), *The Fourth World Conference on Women Platform for Action* (New York: CSW 1995).

⁶¹⁹ See *supra* note 602.

⁶²⁰ UN HR Treaty Bodies, View the ratification status by country or by treaty. https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=en (accessed 10 Aug 2023).

emphasizes the need for an approach that should include legal and policy measures, as well as challenge societal attitudes and stereotypes, including VAWG, with a view to combat gender discrimination.⁶²¹

In their turn, General Recommendations 19 and 35 are specific guidance issued under the CEDAW and focus concretely on VAWG. The recommendations highlight the obligations of state parties under CEDAW to take adequate measures to prevent and respond to VAWG, which is considered a form of gender-based discrimination. Moreover, among others, the documents mention different forms of gendered violence that are regarded as traditional attitudes or perpetuated by traditional practices, for e.g. “forced marriage, dowry deaths, acid attacks and female circumcision”.⁶²² The documents take a more specialized approach by providing a comprehensive list of recommended measures against gendered violence for member states, among them:

- take adequate measures to combat all forms of gender-based violence,
- protect women’s integrity and dignity through appropriate laws and support services,
- encourage the collection of statistics and research on the extent, causes and consequences of violence,
- promote respect for women in the media,
- eliminate prejudices through education,
- provide remedies for victims, establish services for victims of gender-based violence,
- protect women from harassment in the workplace,
- ensure effective legal and preventive measures to safeguard women from violence
- report on all forms of gender-based violence,⁶²³
- establish or mandate a coordinating body to monitor and assess the effectiveness of measures to prevent and eliminate gender-based VAWG.⁶²⁴

Turning to the Beijing Declaration, firstly, it should be mentioned that the UN employs direct and indirect methods to protect the rights of individuals and groups. Indirect methods involve

⁶²¹ 69. UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW, 1979), Arts. 1, 2. <https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>.

⁶²² UN, *CEDAW General Recommendation No. 19: Violence against women* (1992), para. 11. https://tbinternet.ohchr.org/Treaties/CEDAW/Sharedpercent20Documents/1_Global/INT_CEDAW_GEC_3731_E.pdf.

⁶²³ *Id.* at para 24.

⁶²⁴ UN CEDAW, *CEDAW General recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19* (CEDAW/C/GC/35) (2017), para. 34(e). <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/231/54/PDF/N1723154.pdf?OpenElement>.

encouraging interactions between the government and its entities to exchange information on women's rights and related issues. The latter's commute of information is often facilitated through conferences and meetings. For instance, the UN International Women's Decade was a major milestone in women's activism, and as part of this initiative, the UN organized four world conferences on women issues, which played a role in promoting and safeguarding women's rights on a scale. These conferences were held in Mexico City in 1975, Copenhagen in 1980, and Nairobi in 1985.⁶²⁵ Consequently, within this framework, the UN-led dialogue on women's rights continued, which eventually led to the Fourth World Conference on Women held in Beijing in 1995. This ground-breaking event brought together a large number of participants, precisely 4,995 delegates from 189 countries and 4,035 representatives from 2,602 NGOs,⁶²⁶ including Central Asian states. Thus, the Beijing Conference offered an opportunity for government officials and activists from organizations to have discussions and engage in a dialogue on women's rights and the widespread problem of discrimination against women.⁶²⁷ During the 1995 Conference, the Beijing Declaration was adopted, and in comparison, to CEDAW, this document takes a more comprehensive and narrow approach in addressing gendered violence. While the Beijing Declaration does not contain specific clauses alike a treaty and is not legally binding like CEDAW, it carries a powerful message as a declaration of intent and dedication to fostering gender equality and respecting women's rights. Moreover, it outlines a global vision and plans for empowering women and eradicating discrimination and violence based on gender. At the same time, within the framework of the Beijing Declaration, the Platform for Action sets out a roadmap with strategies and measures to address gender-based violence. Countries in the region also joined this path and committed themselves to its implementation.

The Declaration and Platform for Action devotes an entire section to addressing VAWG and recognizes this problem as a violation of women's human rights and a major barrier to gender equality. In its Section II, the Declaration lays out strategic objectives and measures aimed at preventing and eradicating different forms of VAWG. Furthermore, this section seeks to encourage member states to strengthen legal responses to gendered abuse and address harmful societal attitudes that contribute to this violence.⁶²⁸ It covers forms of VAWG, such as domestic

⁶²⁵ UN Women, World Conferences on Women. <https://www.unwomen.org/en/how-we-work/intergovernmental-support/world-conferences-on-women> (accessed 10 Aug 2023).

⁶²⁶ Jo Freeman, *The Real Story of Beijing*, 26 *Off our Backs* (1996), 1, 8–11, 22–27; UNIFEM, *Putting Gender on the Agenda: A Guide to Participating in UN World Conferences* (New York: UNIFEM, 1995).

⁶²⁷ *Supra* note 603, at 314.

⁶²⁸ *Supra* note 156, at Section II: VAWG.

violence, sexual abuse, trafficking, and other gender-based harmful practices, and further urges governments to take action to prevent and eliminate VAWG, support and protect the victims, and prosecute the perpetrators. Some recommended steps include development and implementation of strategies and action plans to address VAWG, strengthening legal frameworks with adequate penalties for offenders while ensuring protection for the victims of violence, and offering support services to victims. Additionally, the Declaration's text suggests such measures as tackling the root causes of VAWG by challenging norms that tolerate or perpetuate it through activities such as promoting research, collecting data, and advocating for women's rights and empowerment through raising public awareness about VAWG. Furthermore, according to the document, providing training programs for professionals in judiciary systems, law enforcement agencies, healthcare sectors, and social services will play another supporting role in addressing this issue effectively.⁶²⁹

These strategic objectives, as mentioned in the Beijing document, highlight the significance of governments taking a diverse approach in prevention and fights against VAWG in their societies. In more detail on addressing gender-based violence, the Beijing Platform also suggests a range of recommended actions, in parallel with CEDAW Recommendations, among them: strengthening and expanding laws that cover civil, labor and administrative codes with the aim to ensure that those who commit acts are held responsible and that affected women have avenues for seeking redress and justice. The Declaration also highlights the importance of the introduction of measures that hold law enforcement agencies, security forces, and other government representatives accountable for their involvement in VAWG acts.⁶³⁰ Further, the Platform also recommends that governments take steps to ensure effective coordination of all units by designating a state office responsible for combating VAWG or focusing on women's policy matters. Ideally, these offices should collaborate with various institutional actors, including legislative bodies, academic and research institutions, international NGOs, and local women's NGOs.⁶³¹ The UN mandates that governments create and implement their strategies and national action plans as part of an enforcement strategy. These plans are then monitored by the Commission on the Status of Women through different means, primarily by national reporting.⁶³² Then, governments are strongly encouraged by the Declaration to take action, such as developing training and preventive programs and implementing rehabilitation initiatives. The

⁶²⁹ *Id.*, at Strategic Objectives D1-D4.

⁶³⁰ *Supra* note 603, at 313; *supra* note 156.

⁶³¹ *Supra* note 603, at 313.

⁶³² See Shale Horowitz & Albrecht Schnabel, *Human Rights and Societies in Transition: Causes, Consequences, Responses* (New York: United Nations University Press, 2004); see also *supra* note 603, at 314.

document emphasizes that it is essential for members to establish and support training programs that educate personnel about VAWG, not only in judiciary and police but also medical and immigration services. These national strategies and programs particularly should aim to familiarize servants with the objectives of the Declaration while also educate them on how to prevent abuses of power that can lead to violence. Yet, as part of VAWG measures, the text of the Declaration recommends that governments ensure the availability of funded shelters and support services for victims of violence, as well as actively work towards raising awareness about this issue and informing them about available resources.⁶³³

B. *Evaluation of the Harmonization of Laws and Policies in Central Asian Countries*

When examining the ratification of international human rights treaties for combating VAWG in the Central Asian region, it is essential to consider the role of harmonization with international women's human rights legal standards. While formal ratification of international women's rights instruments demonstrates a state's commitment to women's human rights and gender equality, it does not guarantee immediate changes in domestic laws and policies, especially by virtue of weak enforcement mechanisms.⁶³⁴ This is because the enforcement mechanisms of international human rights treaties are limited, and states do not face significant punishments or interventions if they continue violating practices.⁶³⁵ In turn, harmonization is essential as it involves the alignment of domestic laws, policies, and practices with the principles and standards set forth in international agreements or treaties. In short, harmonization signifies the process of ensuring consistency and alignment between domestic and international standards.⁶³⁶ Therefore, the objective of this part is to assess the extent to which Central Asian states have aligned and adhered to the recommendations outlined in CEDAW, General Recommendations 19 and 35, and the Beijing Declaration. In order to evaluate how national governments have implemented and incorporated the measures related to VAWG, the analysis

⁶³³ *Supra* note 603, at 309.

⁶³⁴ *Supra* note 602, at 31.

⁶³⁵ *Supra* note 603, at 308.

⁶³⁶ See e.g. Mads Tønnesson Andenæs & Camilla Baasch Andersen, *Theory and Practice of Harmonisation* (Cheltenham, Edward Elgar Publishing, 2012). <https://cadmus.eui.eu/handle/1814/26362>; Hein Kötz, *Unification and Harmonization of Laws*, Encyclopedia of Disputes Installment 10 (1987), 513-519. <https://doi.org/10.1016/B978-0-444-86241-9.50120-2>; Katalin J. Cseres, *Harmonization: Legal Enforcement*. In: Jürgen Backhaus (ed.), *Encyclopedia of Law and Economics* (Springer, 2015). https://doi.org/10.1007/978-1-4614-7883-6_567-1; Ingall J. Montanari, *Harmonization of Social Policies and Social Regulation in the European Community*, European Journal of Political Research 27 (1995), 21-45. <https://doi.org/10.1111/j.1475-6765.1995.tb00628.x>; Giandomenico Majone, *Policy Harmonization: Limits and Alternatives*, Journal of Comparative Policy Analysis: 1 Research and Practice 16 (2014), 4-21. <https://doi.org/10.1080/13876988.2013.873191>.

has been conceptualized in seven parameters. Namely, the assessment focuses on factors that are identified as a result of a combination of specific recommendations from CEDAW, its General Recommendations 19 and 35, as well as the Beijing Declaration. These factors were formulated on the basis of the recommendations provided to member governments in the abovementioned documents and served as a ground for assessing the progress and alignment of Central Asian countries with global standards in their efforts to combat VAWG.⁶³⁷ Therefore, the evaluation encompasses the following seven parameters:

- 1) Strengthening legal responses – involves strengthening and expanding domestic legislation, incorporating a dedicated law addressing VAWG, with a particular emphasis on domestic violence, and encompassing penal, civil, labor, and administrative codes aimed at holding perpetrators accountable and offering remedies for affected women;
- 2) Developing national strategies and plans of action – includes assessment of whether a comprehensive national strategy and/or action plan has been formulated in a state to address VAWG or achieving gender equality in general;
- 3) Designating a state office on VAWG or focusing on women's policy matters – examines the existence of a dedicated state office or as a part of a body responsible for combating VAWG or overseeing women's policy matters;
- 4) Collecting and registering national data on VAWG – indicates whether the country conducts national data collection and registration on cases of VAWG, monitoring trends and progress;
- 5) Periodic reporting – refers to whether the country submits periodic reports to international women's human rights treaty bodies, such as the CEDAW Committee;
- 6) Providing crisis centers – evaluates whether government-run or non-governmental crisis centers and/or shelters are available to provide support and refuge to victims of violence;
- 7) Conducting training initiatives – specifies whether the country provides training programs for relevant personnel, such as law enforcement officers, judicial staff, medical personnel, social workers, and other professionals, to enhance their capacity to respond effectively to VAWG cases and support victims.

⁶³⁷ The selection of parameter criteria by the author of this dissertation was inspired by the example of Olga Avdeeva's work: *supra* note 603, at 309.

Although there might be more aspects and criteria for government action to consider, the inclusion of too many parameters could make the evaluation process overly complicated and dilute the focus from the most critical areas. Thus, the choice of the seven mentioned parameters for evaluation is based on their alignment with the key recommendations provided by CEDAW, General Recommendations 19 and 35, along with the Beijing Declaration and Platform for Action. This allows for a focused and inclusive analysis of decisive areas about government actions against gendered violence.

1) Strengthening legal response

All four Central Asian states have adopted specialized laws on domestic (family) violence, although, the real challenge lies in enforcing and implementing these laws and ensuring their effectiveness. At the same time, not all states have criminalized domestic violence despite the adoption of such laws, as recommended by CEDAW General Recommendations 19 and 35 and the Beijing Declaration.⁶³⁸ Starting with Kazakhstan, its existing legislation, including the 2009 Law on the Prevention of Domestic Violence, does not treat domestic violence as a distinct crime. In September 2020, a draft Law on Combating Domestic Violence, advanced to the first reading in Parliament with an aim to enhance protection for affected women. However, in January 2021, the initiators withdrew the bill, reasoning the requirement for further discussion.⁶³⁹ Moving on to the Kyrgyz Republic, the state adopted its first Law on Social and Legal Protection from Domestic Violence in 2003 to address domestic violence, but faced challenges when it came to enforcement and budget constraints. Subsequently, as a result of those barriers, the country enacted an enhanced Law on the Protection and Defence against Domestic Violence in 2017, which provides comprehensive protection for victims.⁶⁴⁰ Next, worth noting that the country became the first in Central Asia to criminalize domestic violence. In particular, the new criminal legislation in 2021 includes provisions on domestic violence as a separate article in the Criminal Code with a maximum penalty of up to five years in prison (Article 177). Additionally, the 2021 Code of Offenses also contains a similar provision on

⁶³⁸ *Supra* note 623, at Specific recommendations (24)(r): “Measures that are necessary to overcome family violence should include: Criminal penalties where necessary and civil remedies in case of domestic violence.”; *supra* note 628, at Strategic objective D.1., 124(c).

⁶³⁹ Human Right Watch, *Kazakhstan: Proekty zakonov trebujut pererabotki v interesah bol'shej zashhity zhenshin* (2023). <https://www.hrw.org/ru/news/2023/03/10/kazakhstan-revise-draft-laws-better-protect-women>; *Law of the Republic of Kazakhstan on Prevention of Domestic Violence*, № 214-IV (2009). https://online.zakon.kz/Document/?doc_id=30525680.

⁶⁴⁰ *Law of the Kyrgyz Republic On the Protection and Defence against Domestic Violence (2017)*. <https://cbd.minjust.gov.kg/111570?refId=1006725>; see also *supra* note 25; Asylai Akisheva, *Women Face-To-Face with Domestic Abuse During Covid-19 Lockdown: The Case Of Kyrgyzstan*, Central Asia Program (2020). <https://centralasiaprogram.org/women-face-face-domestic-abuse-covid-19-lockdown-case-kyrgyzstan/>.

domestic violence but with a lesser penalty of three to seven days of arrest (Article 70).⁶⁴¹ In its turn, the Law on the Prevention of Family Violence was adopted by Tajikistan's Akhbori Majlisi Oli (the Supreme Assembly of the Republic of Tajikistan) in 2013.⁶⁴² This law comprises forms of violence, such as physical, mental, sexual and economic abuse, although, similar to Kazakhstan, the country has not yet defined domestic violence as an independent crime. For instance, according to the country's periodic report submitted to CEDAW in 2022 there are discussions in Tajikistan in considering the criminalization of domestic violence as a separate offense. Nonetheless, this matter has been under consideration since the year of 2019, specifically, a working group is currently developing a draft Criminal Code that includes Article 153 titled "Domestic violence". The draft article defines domestic violence and proposes different criminal penalties depending on the severity of the offense, ranging from mandatory and corrective labor to up to 10 years of imprisonment.⁶⁴³ Despite the ongoing efforts since 2019 this draft has not yet been officially adopted yet. Finally, the fourth state, Uzbekistan, adopted its specialized Law on the Protection of Women from Harassment and Violence in 2019,⁶⁴⁴ and on April 6, 2023, the state achieved another milestone by the recognition of domestic (family) violence as a distinct criminal offense under its criminal law, following the footsteps of Georgia, Kyrgyzstan, Moldova, and Ukraine and becoming the fifth post-soviet state doing so. A package of amendments to the country's Criminal and Administrative Codes was unanimously adopted by the Senate of the Oliy Majlis, thereby, the country today further

⁶⁴¹ See Asylai Akisheva, *Women's Rights in the Constitutional Framework of Kyrgyzstan*, In: Irene Spigno, Valentina R. Scotti & Janaina L. Penalva da Silva (eds.), *The Rights of Women in Comparative Constitutional Law* (Routledge, 2023). <https://doi.org/10.4324/9781003349488>.

⁶⁴² *Law of the Republic of Tajikistan on the Prevention of Family Violence* (2013). <http://ncz.tj/content/percentD0percentB7percentD0percentB0percentD0percentBApercentD0percentBEpercentD0percentBD-percentD1percent80percentD0percentB5percentD1percent81percentD0percentBFpercentD1percent83percentD0percentB1percentD0percentBBpercentD0percentB8percentD0percentBApercentD0percentB8-percentD1percent82percentD0percentB0percentD0percentB4percentD0percentB6percentD0percentB8percentD0percentBApercentD0percentB8percentD1percent81percentD1percent82percentD0percentB0percentD0percentBD-percentD0percentBE-percentD0percentBFpercentD1percent80percentD0percentB5percentD0percentB4percentD1percent83percentD0percentBFpercentD1percent80percentD0percentB5percentD0percentB6percentD0percentB4percentD0percentB5percentD0percentBDpercentD0percentB8percentD0percentB8-percentD0percentBDpercentD0percentB0percentD1percent81percentD0percentB8percentD0percentBBpercentD0percentB8percentD1percent8F-percentD0percentB2-percentD1percent81percentD0percentB5percentD0percentBCpercentD1percent8CpercentD0percentB5>

⁶⁴³ Republic of Tajikistan, *Seventh periodic report submitted by Tajikistan under article 18 of the Convention*, due in 2022, CEDAW/C/TJK/7 (2022), para.121. <https://digitallibrary.un.org/record/4001794?ln=en&v=pdf>.

⁶⁴⁴ *Law of the Republic of Uzbekistan on the Protection of Women from Harassment and Violence* (2019). <https://lex.uz/docs/4494712#4496386>.

strengthens the mechanisms for the protection of women and children, including girls, marking this as an important legislative step with a goal at eradicating gender-based violence.⁶⁴⁵

As observed, the Central Asian states' compliance with the recommendations of the international instruments in terms of legislation has been varied. While all of them have enacted specialized laws on domestic violence, as recommended by international standards, not all have criminalized it as a separate offense. Looking from the one side, Kazakhstan and Tajikistan have been long-time considerations, yet they have not been able to adopt such measures due to internal aspects. From the other side, Kyrgyzstan has been recognized as the first Central Asian state to have criminalized domestic violence. Following the steps of its neighbor, Uzbekistan is another state that recently reached a novel stage towards achieving the same goal. Nevertheless, it is important to note that the adoption of laws and ratification of international treaties in Central Asian states often lacked practical implementation and were more symbolic in nature. While certain domestic violence legal acts, e.g., the 2003 Domestic Violence Law in Kyrgyzstan, fell short of expectations, others have shown improvements and have been sustained over time.⁶⁴⁶ These observations emphasize that simply adopting laws or normative legal acts is insufficient to address the complexities of gender inequality and protect women and girls from violence. The subsequent Subchapter 3.2 will provide a more in-depth analysis of the domestic violence legislation in the four Central Asian states mentioned above.

2) Developing national strategies and plans of action

Starting with the Republic of Kazakhstan, in 2016, the state introduced its latest Concept of Family and Gender Policy until 2030, which covers aspects of promoting gender equality. The concept includes a section that focuses explicitly on preventing VAWG and outlines a range of measures for government institutions, NGOs, and the media to address the problem under discussion. Within the framework of its gender equality strategy, Kazakhstan views the fight against gendered violence as a priority that aligns with the sustainable development goal to reduce all forms of VAWG on its territory. Thus, as part of its gender policy, Kazakhstan aims to achieve a 50 percent decrease in domestic violence cases by a year of 2030. Although the Concept highlights measures to improve legislation in areas related to public life for attaining

⁶⁴⁵ Amnesty International, *Parlament Uzbekistana prinjal davno nazrevshij zakon ob ugovolnoj otvetstvennosti za nasilie v sem'e* (2023). <https://eurasia.amnesty.org/2023/04/06/parlament-uzbekistana-prinjal-davno-nazrevshij-zakon-ob-ugolovnoj-otvetstvennosti-za-nasilie-v-seme/>; Gazeta.uz, *Senat Uzbekistana odobril zakon o zashhite detej i zhenshhin ot nasilija* (2023). <https://www.gazeta.uz/ru/2023/04/06/stop-violence/> (accessed 13 Aug 2023).

⁶⁴⁶ See Asylai Akisheva, *Gender Equality, Women's Rights and Neo-traditionalism: The Case of Kyrgyzstan*, In: Anja Mihr, Paolo Sorbello & Brigitte Weiffen (eds.), *Securitization and Democracy in Eurasia* (Springer, Cham., 2023). https://doi.org/10.1007/978-3-031-16659-4_12.

gender equality, for e.g., labor laws and protection of children's rights, it is important to note that specific enhancements regarding gender-based violence, including criminalizing such acts, are not explicitly mentioned in the document.⁶⁴⁷ Turning to Kyrgyzstan, it is worth mentioning that during the initial stages, the first national gender equality programs were designed for short periods in the country (for e.g. 1996-2000 - National Program "Ayalzat," 2002-2006 - the first National Action Plan for gender equality, 2007-2010 - the second NAP).⁶⁴⁸ Nevertheless, later on in 2012, with the adoption of the National Strategy of the Kyrgyz Republic to achieve gender equality by 2020, there was a shift towards long-term planning. This also included the introduction in 2022 of the latest National Strategy of the Kyrgyz Republic to Achieve Gender Equality until 2030 and a corresponding National Action Plan for the years of 2022-2024. Therefore, by 2030, the Kyrgyz government aims to significantly reduce gender-based violence and discrimination by establishing an effective system to prevent them per constitutional guarantees of non-discrimination. This involves a principle of zero tolerance for gender-based violence by law enforcement agencies, accessible judicial remedies for victims of abuse, adequate punishment for perpetrators of gender-based crimes and violence, along with the creation of an effective system to provide services and assistance to victims.⁶⁴⁹ In turn, the Tajikistan's government, in 2021, adopted the National Strategy for Empowering Women in the Republic of Tajikistan between 2021 and 2030. As a corresponding plan of measures, the state also endorsed the Action Plan for 2021-2025, which aims to implement this strategy throughout its territory.⁶⁵⁰ Regarding Uzbekistan, the Senate of the Oliy Majlis in 2021 also approved the Strategy for Achieving Gender Equality in the Republic of Uzbekistan until 2030. Paragraph 5 of the gender strategy focuses on ensuring equal rights and opportunities for women and men in oppression and violence prevention. To achieve this goal, the following measures are mentioned in the text of the document and to be implemented by 2030: improving the system of social rehabilitation and state financing for victims, providing support for victims' safety and mental rehabilitation, conducting preventive measures in all organizations, fostering strong social partnerships, maintaining records and identifying potential perpetrators,

⁶⁴⁷ Decree of the President of the Republic of Kazakhstan, *Concept of Family and Gender Policy until 2030*, № 384 (2016). <https://adilet.zan.kz/rus/docs/U1600000384#z14>.

⁶⁴⁸ See *supra* note 646.

⁶⁴⁹ Cabinet of Ministers of the Kyrgyz Republic, *National Strategy of the Kyrgyz Republic to Achieve Gender Equality until 2030*, № 513 (2022). <http://cbd.minjust.gov.kg/act/view/ru-ru/159472>.

⁶⁵⁰ Government of the Republic of Tajikistan, *Resolution on the National Strategy for the Activation of the Role of Women in the Republic of Tajikistan for 2021-2030*, №167 (2021). http://www.adlia.tj/show_doc.fwx?Rgn=139359; unfortunately, the documents are not in the public domain and require additional paid authorization for access as of October 2023, the author obtained the documents with the assistance of the interviewee from Tajikistan, Larisa Alexandrova.

considering measures to improve the country's position in international rankings on violence, analyzing societal causes of oppression and violence, promoting intolerance towards violence through media involvement, and supporting research initiatives.⁶⁵¹

As discussed, all four countries under consideration - Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan - have demonstrated their commitment to gender-related policies and have taken certain steps toward addressing VAWG by the year of 2030. Each country in Central Asia has adopted gender strategies and action plans in line with their obligations to achieve gender equality and tackle gender-based violence as key priorities. However, the level of progress and dedication towards these objectives varies among the four nations. For example, Kazakhstan's gender policy documents do not explicitly mention measures to address gender-based violence, let alone criminalization of such acts, while the gender strategy and action plan of Tajikistan are not publicly accessible. Overall, while progress has been made in the adoption of gender policy documents, sustained efforts and practical implementation are other vital steps to combat gender-based violence and promote gender equality in the region. Further discussions on the implementation challenges of gender policies will be explored in Subchapter 3.2.

3) Designating a state office focusing on women's policy matters or VAWG

Per its international commitments, states should "set up a mechanism or body, or mandate an existing mechanism or body, to regularly coordinate, monitor and assess the national, regional and local implementation and effectiveness" of gender policies.⁶⁵² Such body functions should also cover the coordination of policy implementation on gender equality and VAWG between various institutional actors, including police, social workers, healthcare professionals and judicial bodies. These mechanisms could be established within the relevant institutional structures, e.g., under the auspices of the Ministry of Interior Affairs, the Ombudsman's office or the Ministry of Social Affairs.⁶⁵³ In Kyrgyzstan, the Gender Department of the Ministry of Labour, Social Security and Migration (MLSSM) is the authorized body tasked with duties such as coordinating and facilitating collaboration across sectors to implement gender policies. In early 2021, there were changes in the executive branch that resulted in a shift in the department's focus towards addressing domestic violence. Moreover, the MLSSM is responsible for overseeing the implementation, monitoring and evaluation of the National

⁶⁵¹ Resolution of the Senate of the Oliy Majlis of the Republic Of Uzbekistan on Approval of *the Strategy For Achievement of Gender Equality in the Republic of Uzbekistan until 2030*, № IIC-297-IV (2019). <https://lex.uz/ru/docs/5466673>.

⁶⁵² *Supra* note 624.

⁶⁵³ *Supra* note 603, at 321.

Action Plan and Gender Strategy in Kyrgyz Republic. In its turn, the Republic Kazakhstan, since joining the Beijing Declaration in 1995, also established the National Commission on Women's Affairs and Family and Demographic Policy in December 1998 through a presidential decree. Nevertheless, it is important to note that Kazakhstan's body does not fully align with international recommendations for an authorized gender affairs entity. Indeed, the Commission is responsible for developing recommendations, setting priorities, and collaborating with government and civil society institutions, yet it lacks certain key functions required by international standards. For instance, the Women's Affairs Commission has neither monitored capabilities, nor assessment authority, which are typically associated with an authorized body in the field of gender policy. Moreover, the Commission does not fully comply with the recommendation on the coordination responsibility. Specifically, it has a coordinating responsibility but only coordinates the activities of commissions under akims (the head of the local executive body) of regions (districts) and cities of Kazakhstan. Thereby, such limitation impedes efforts to enhance gender equality and protect women's rights despite indications in the state's National Strategy that prerequisites exist for establishing such an entity. Currently, Kazakhstan's National Commission still lacks this competence. Further, Tajikistan formed a Committee on Women and Family Affairs under the Government of the Republic of Tajikistan that serves as the coordinator for implementing the National Strategy on women's questions. Among other responsibilities, it is endowed to engage in strategies development to protect the rights and interests of women and families, conduct consultations, evaluate the effectiveness of action plans, raise awareness about gender policies, address gender-related concerns and collaborate with state institutions and NGOs.⁶⁵⁴ Although, just like Kazakhstan, Tajikistan's Committee on Women and Family Affairs does not have fully specialized functions for VAWG policy as recommended by international instruments. In other words, the women's committee in Tajikistan is rather focused on the implementation of policy goals related to the family and labor rights of women rather than VAWG. Moreover, within the framework of the body's duties there is not a single mention of the management of issues related to VAWG. Lastly, in 2019, the Committee on Women and Gender Equality under the Senate (the upper house of parliament) was established in Uzbekistan. The main role of this committee is to develop proposals for implementing policies that support gender equality, improve legislation, and

⁶⁵⁴ Government of the Republic of Tajikistan, *Regulation on Committee on Women and Family Affairs under the Government of the Republic of Tajikistan*, №513 (2004). http://www.cawater-info.net/library/rus/gender/law_rt_9_ru.pdf.

provide parliamentary oversight in this field.⁶⁵⁵ However, it is unclear whether the committee has duties in coordinating and evaluating gender policies, particularly those related to the issue of gender-based violence.

In summary, all four governments established specialized offices related to women's affairs, albeit under various official titles, with the purpose of oversight of government policy implementation on women's issues and gender equality. However, none of these departments, with the exception of the MLSSM of Kyrgyzstan, are fully vested with the recommended responsibilities of an authorized body for women's affairs.⁶⁵⁶ The Uzbek authority has the recommended responsibilities, but it remains unclear whether its Committee has received coordinating and evaluation capacity; Kazakhstan has all the responsibilities, but only partially, since it does not have full coordination functions; and the Tajik Committee does not have any narrowly focused functions related specifically to solving problems of gender-based violence. Therefore, it can be concluded that no government, with the exception of the Kyrgyz Republic, adheres to international recommendations on the creation of effective government institutions to monitor the implementation of gender policies, specifically with regards to VAWG, to the fullest extent. Issues of policy implementation and the role of these agencies in this regard will be discussed in Subchapter 3.2 and 3.3.

4) Collecting and registering national data on VAWG

According to international recommendations, to effectively combat VAWG, countries should enhance their efforts in collecting gender statistics and ensuring that relevant data is readily available and easily accessible.⁶⁵⁷ The availability of adequate and accurate gender statistics plays a role in developing targeted interventions, monitoring progress and formulating evidence-based policies that can effectively address gender-based violence and promote gender equality in the region. Furthermore, fostering transparency and collaboration between national institutions and NGOs focused on women's questions can support and generate accurate data on VAWG, thereby can contribute to more efficient strategies and actions in the future.

The Bureau of National Statistics under the Agency for Strategic Planning and Reforms in Kazakhstan maintains a database that contains a wealth of gender statistics. This includes both

⁶⁵⁵ Republic of Uzbekistan, *Sixth periodic report submitted by Uzbekistan under article 18 of the Convention, due in* 2019, CEDAW/C/UZB/6 (2019).
https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=29.

⁶⁵⁶ *Supra* note 603, at 321.

⁶⁵⁷ *See supra* note 622.

historical and up-to-date data on gender, including detailed information on VAWG. The gender statistics, among other indicators, covers details such as the age of victims, types and forms of violence experienced (including sexual, physical and domestic violence), crimes targeting women, the availability of crisis centers and individuals seeking assistance from these centers.⁶⁵⁸ Similar to its northern neighbour, the Kyrgyz Republic holds a comprehensive database that covers various aspects of gender statistics. The National Statistical Committee sustains range of gender-related data that categorized under population demographics, governmental institutions and administration bodies, employment rates and unemployment figures, social protection measures, education and scientific research data, healthcare statistics as well as reports on violations of laws. Apart from them, the database devotes separate section to gender-based violence, which provides information such as the number of public appeals made to crisis centers, elder councils (aksakal courts) or other specialized institutions concerning domestic violence issues. It also includes numbers on individuals who have committed violence (with protective orders issued) categorized by gender and territory.⁶⁵⁹ In Tajikistan's case, the collection of gender statistics falls under the responsibility of the Agency on Statistics under the President. Although, the database primarily focuses on tracking gender indicators related to the Strategy of Enhancing the Role of Women in Tajikistan. These indicators encompass criteria, such as women's status in political spheres, promotion of employment opportunities for women, their involvement in the labor market and others. While some aspects of VAWG are included, the database provides only a limited number of indicators specifically related to gender-based violence. These indicators consist of data on the total number of registered crimes, profiles of perpetrators, the number of crimes committed against minors and information on convicted women and underage offenders.⁶⁶⁰ This means that NGOs and crisis centers are primarily responsible for collecting data on incidents of VAWG in Tajikistan.⁶⁶¹ Lastly, Uzbekistan also collects statistics related to gender by its dedicated national institution, the State Statistics Agency, responsible for gathering data, including on gender. According to the latest state report to CEDAW, the electronic database maintained by this agency records the information regarding victims of violence and individuals with a

⁶⁵⁸ The Bureau of National Statistics of the Agency for Strategic Planning and Reforms, *Rights of women and girls*. <https://gender.stat.gov.kz/ru/category/4> (accessed 13 Aug 2023).

⁶⁵⁹ National Statistical Committee of the Kyrgyz Republic, *Gender statistics*. <http://www.stat.kg/ru/gendernaya-statistika/> (accessed 13 Aug 2023).

⁶⁶⁰ Agency on Statistics under the President of the Republic of Tajikistan, *Time series of gender indicators to the Strategy of Enhancing the Role of Women in Tajikistan*. <https://www.stat.tj/en/gender-database> (accessed 13 Aug 2023).

⁶⁶¹ See *supra* note 643.

tendency towards violence.⁶⁶² However unlike neighboring countries, there is a deficiency of available information explicitly related to VAWG on the website of Uzbekistan's statistics agency.⁶⁶³ In many cases, as in the case of Tajikistan, these types of statistical information are gathered by women's NGOs or international organizations.

In conclusion, it can be summarized that the four Central Asian countries have followed their international commitment to collect gender statistics, including data on VAWG. On one hand, Kazakhstan and Kyrgyzstan have established comprehensive databases covering various aspects of gender statistics, whereas the data also encompasses detailed information on VAWG. On the other hand, the database of the Tajikistan's statistical agency includes some data on gendered violence but with limited indicators, likewise, in Uzbekistan there is a lack of specific information on VAWG on its official statistical committee's database. Furthermore, it is essential to note that none of the mentioned countries have official statistics specifically addressing gender-related offences such as femicide, sexual harassment, bride-kidnapping, child marriage, cyber gender violence, or trafficking in women, while also taking account that some of these forms of VAWG are not defined and categorized as separate offences or aggravating factors in legislations of four states. At the same time, despite the fact that some of this data may be collected by other institutions, such as law enforcement agencies, it is often not publicly available or not systematically recorded. Such a lack of official numbers on the sensitive matters of gender-based abuse reflects gaps in legislation of the Central Asian states creates barriers in effectively monitoring and addressing different forms of VAWG.

5) Periodic reporting

Regarding provision of the national reports on progress matters of gender equality, including VAWG, it's worth mentioning that all four states under discussion conscientiously fulfil their international obligations by regularly submitting periodic reports to the CEDAW Committee. Typically, the periodic reports provide detailed assessments of the progress made, challenges occurred, and actions taken by the member states to implement the provisions under the CEDAW. Kazakhstan submitted its most recent national report in 2018, which reflects the achievements made up until that point and outlines ongoing initiatives.⁶⁶⁴ In their turn,

⁶⁶² See *supra* note 655.

⁶⁶³ Statistics Agency under the President of the Republic of Uzbekistan, *Gender Indicators In Figures for 2022 year* <https://gender.stat.uz/en/> (accessed 13 Aug 2023).

⁶⁶⁴ Republic of Kazakhstan, *Fifth periodic report submitted by Kazakhstan under article 18 of the Convention*, due in 2018, CEDAW/C/KAZ/5 (2018). https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=29.

Kyrgyzstan and Uzbekistan also fulfilled their obligations by submitting their reports to CEDAW Committee in 2019 where they stressed their efforts and barriers in promotion of gender equality and combat VAWG and other gender-related problems on their territory,⁶⁶⁵ followed by Tajikistan, which as of the latest available information, presented its country report to CEDAW, in 2022.⁶⁶⁶

6) Providing crisis centers

As was mentioned earlier, it is recommended for the states to establish crisis centers and, ideally, with shelters as part of the VAWG victim support. As per the most recent state report to CEDAW in 2018, Kazakhstan had 30 crisis centers (with 18 of them having shelters) operating in all oblasts (regions) of the country, where these women's centers were receiving state funding. At the same time, looking ahead to 2023, national statistics showed that the number increased to 41 crisis centers, with 14 of them being state-owned in Kazakhstan.⁶⁶⁷ For its part, per the latest available data for 2021, the Kyrgyz Republic has 17 crisis centers, which are operating under NGOs and receiving sponsorship from international support or funds.⁶⁶⁸ Yet, it should be mentioned that the capital city, Bishkek, established its first municipal crisis center named "Ayalzat" in 2021,⁶⁶⁹ and there are plans to open the State Crisis Center in Bishkek in autumn 2023.⁶⁷⁰ In contrast, the Republic of Tajikistan has a total of four crisis centers with shelters, with one of them being run by the state, and provides only one hotline for the whole country. However, noteworthy, maternity clinics offer lodging with 22 beds for individuals affected by gendered violence. At the same time, according to the Tajikistan's 2022 national report to CEDAW, an additional ten crisis centers are operating in the country. Then, one NGO established a crisis center specifically for women with disabilities in the Khatlon region, as well as in May 2020, the Ministry of Health and Social Protection opened a national

⁶⁶⁵ *Supra* note 655; Kyrgyz Republic, *Fifth periodic report submitted by Kyrgyzstan under article 18 of the Convention*, due in 2019, CEDAW/C/KGZ/5 (2019). https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=29.

⁶⁶⁶ *Supra* note 643.

⁶⁶⁷ Inform buro, *Pomoshh' zhertvam bytovogo nasiliya: kak v Kazahstane rabotajut krizisnye centry* (2023). <https://informburo.kz/stati/pomoshh-zertvam-bytovogo-nasiliya-kak-v-kazaxstane-rabotayut-krizisnye-centry> (accessed 13 Aug 2023).

⁶⁶⁸ KaktusMedia, *"Nachala obespechivat' sebja i detej". Kak krizisnye centry uchatsja zarabatyvat'* (2023). https://kaktus.media/doc/482445_nachala_obespechivat_sebia_i_detey_kak_krizisnye_centry_uchatsia_zarabatyvat.html (accessed 14 Aug 2023).

⁶⁶⁹ For.kg, *Krizisnyj centr "Ajalzat": kak svjazat'sja, kakuju pomoshh' mozno poluchit'* (2021). <https://www.for.kg/news-696349-ru.html> (accessed 14 Aug 2023).

⁶⁷⁰ 24kg, *Gosudarstvennyj krizisnyj centr dlja postradavshih zhenshin otkrojut v Bishkeke* (2023). https://24.kg/obschestvo/265746_gosudarstvennyy_krizisnyy_tsentrl_dlya_postradavshih_jenshin_otkroyut_v_bishkeke/ (accessed 14 Aug 2023).

social service center to assist victims of trafficking in persons and domestic violence.⁶⁷¹ Finally, on Uzbekistan, a presidential decision in July 2018 led to the establishment of rehabilitation and adaptation centers in the country's oblasts (regions). The primary objective of such centers is offering psychological, legal, and social assistance to victims of domestic violence. Out of the 200 planned centers, more than 160 were operational in 2019.⁶⁷² Two years later, as a part of the optimization activities the existing 197 centers were recreated that led to establishment of 29 specialized centers for the rehabilitation and adaptation of women, 14 of them at the regional level, and other 14 interdistrict "exemplary" centers, while one center on the national level, thereby inaugurated as first Republican Center for the Rehabilitation and Adaptation of Women in Uzbekistan.⁶⁷³

In general, as seen above, Central Asian countries have established crisis centers or rehabilitation centers to demonstrate their adherence to international standards and efforts to combat gender-based violence. In the first case, one can observe that over the years, Kazakhstan and Kyrgyzstan have witnessed an increase in the number of crisis centers. Especially, Kazakhstan provides government assistance to support these centers, in contrast, most centers receive sponsorship from external sources or foundations, and currently only one municipal center is supported by government funding in the Kyrgyz Republic. Conversely, there are also rehabilitation centers in Tajikistan, but compared to other countries, their number is limited. Also, Uzbekistan has taken steps to optimize and create centers for rehabilitation and adaptation of women, in addition, the country recently opened the Republican Center for Rehabilitation and Adaptation of Women, which operates at the national level. Thus, all four countries, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, have taken the first steps and recognized the importance of supporting crisis centers and shelters as part of their obligations under global agreements, yet, to different degrees. However, it is worth noting that not all these facilities receive national support; only few are supported by the governments, while majority of these centers and shelters rely on assistance from NGOs and international donors. The latter problem will be discussed in more detail in Subchapters 3.2 and 3.3.

7) Conducting training initiatives

On the positive side, in recent decades, all four Central Asian states have begun to actively raise public awareness and train their officials on the topic of gender violence. One example is annual

⁶⁷¹ *Supra* note 643, at para 98.

⁶⁷² *Supra* note 655, at para 151.

⁶⁷³ Gender Madad, Respublikanskij centr rehabilitacii i adaptacii zhenshhin. <https://gendermadad.uz/ru/document/2455> (accessed 14 Aug 2023).

participation of all four states in the annual 16 Days of Activism against Gender-Based Violence campaign. Moreover, the states are implementing systematic gender awareness training programs for various sectors of society, this covers judiciary, law enforcement agencies, healthcare personnel providing psychological assistance to victims, teachers, civil servants, and other.⁶⁷⁴ It is also worth mentioning that, taking into account the growing Islamic sentiments in the societies, the Central Asian states have also extended their efforts to promote awareness at the level and within religious institutions. For instance, one the training sessions recently took place in collaboration between the Spiritual Directorate of Muslims of Kyrgyzstan and the League of Defenders of the Rights of the Child. This training was focused on supporting the implementation of legislation aimed to prevent religious marriages involving minors.⁶⁷⁵ In a similar vein, the Republic of Kazakhstan has launched a project called “Women and Religion” with a goal to educate girls based on traditions and progressive values in secular society.⁶⁷⁶ On its part, Tajikistan’s government provided training for 270 religious leaders on incorporation of the tools on addressing gender-based violence into its faith communities. Through such initiatives, the government is attempting to raise awareness among the society through organizations dedicated to resolving issues related to religious marriages and promoting gender sensitivity and education.⁶⁷⁷ Indeed, the effectiveness of these trainings is another question and the aspect that should be considered.

To conclude, when looking at how Central Asian countries align their laws and policies with global standards for women’s human rights, particularly through the lens of the CEDAW and the Beijing Declaration, one can notice a mix of advancements and obstacles in tackling gender-based violence in the region. Particularly, all four nations have taken steps by adopting specialized laws and policies related to gender equality and women’s rights in line with recommendations, although, ensuring that these regulations are effectively implemented and enforced poses challenges. Even though each of the countries in question has officially endorsed global gender equality agreements, their actual implementation often falls short due to inadequate enforcement mechanisms. In this context, harmonization in the form of bringing domestic legislation into line with international women’s rights standards is important. As a result, an examination of Central Asia’s efforts to fulfill this alignment uncovered varying outcomes, thereby underscoring distinct approaches and obstacles encountered by each nation.

⁶⁷⁴ See *supra* notes 643, 655, 664, 665.

⁶⁷⁵ See Kyrgyz Republic, *supra* note 665, at para 36.

⁶⁷⁶ *Supra* note 664, at para 80.

⁶⁷⁷ *Supra* note 643, at para 42.

Firstly, one part of Central Asia has made domestic violence criminally illegal which sets an example. Some other countries even though they have laws specifically addressing violence are still thinking about making it a crime. Simply put, countries such as Kyrgyzstan and Uzbekistan have adopted specialized law and criminalized domestic violence, thereby setting a positive precedent in the region, while others, like Tajikistan and Kazakhstan, despite passing specific domestic violence laws, are still in the process of considering domestic violence as a separate offence in its criminal legislation. Secondly, all four states have developed national strategies and action plans that set out goals for achieving gender equality and include clauses to deal with VAWG. Certainly, these documents outline ambitious goals and plans of the states to reach by 2030, but there are still holes in putting specific measures into action, such as getting enough government support and interest as well as budget allocations for the fights against gendered violence. Third, efforts to establish authorized government bodies specifically focused on women's issues close but simultaneously vary across Central Asian countries. For instance, Kyrgyzstan has fully empowered its dedicated bodies in this area, while other countries in the region have established their authoritative organizations as recommended but did not delegate them to the extent required by global standards. Specifically, there is a problem with the proper monitoring and coordinating responsibilities of these bodies, which further indicates to difficulties in overseeing and implementing policies relating to women's issues, especially in the context of VAWG. Fourth, when discussing the gathering and reporting of data, it should be noted that all Central Asian countries adhere to guidelines by collecting gender-related statistics, but to different degrees. Moreover, data are absent on forms of violence like femicide, bride abduction (ala kachuu), harassment, and underage marriages across all these nations. Fifth, periodic reporting of four states to international bodies, like CEDAW, shows dedication and fulfilment of undertaken obligations, yet there is room for improvement in terms of timeliness. Sixth, levels of services support and funding differ across states despite the fact that all countries in Central Asia have set up a certain number of crisis centers and shelters to some extent. Even taking into account that these facilities are crucial in supporting victims of gendered abuse, government support remains inconsistent, where women's centers heavily rely on assistance from NGOs and international funding sources. Seventh, training programs and initiatives being conducted by all four states and targeting diverse sectors of state bodies and populations, including religious figures, show a promising change in advocating gender sensitivity and education. Initiatives like the "16 Days of Activism against Gender-Based Violence" and the yearly participation of Central Asian states in this campaign are a few positive examples that highlight the governments' will and commitment to raising awareness

on these sensitive questions. The following section will examine the role of the international legal framework in addressing the question of VAWG in Central Asian states through the perspectives and insights provided by the experts-respondents from four respective states.



Table 3 below shows Central Asian states' alignment with international standards outlined in CEDAW, General Recommendations 19 and 35, and the Beijing Declaration through seven indicators.

Table 3. Alignment of Central Asian States with International Standards on Gender Equality and VAWG							
Country	Special Domestic Violence Law adopted	National Policy Adopted	Special Institution	National Data Collection	Periodic Reporting (latest)	Crisis Centers Availability	Training of Staff
Kazakhstan	Yes	Concept of family and gender policy in the Republic of Kazakhstan until 2030	National Commission on Women's Affairs and Family and Demographic Policy attached to the Office of the President	Bureau of National Statistics Agency for Strategic Planning and Reforms of the Republic of Kazakhstan	2018	14 state-run 27 NGO-run	Yes
Kyrgyzstan	Yes	National Strategy of the Kyrgyz Republic to achieve gender equality until 2030	Ministry of Labour and Social Development, Gender Department	National Statistics Committee	2019	1 municipal crisis center "Ayalzat" 17 NGO-run	Yes
Tajikistan	Yes	National strategy for enhancing the role of women in the Republic of Tajikistan for 2021-2030	Committee on Women and the Family under the Government of Tajikistan	Statistics Agency under the Office of the President	2022	1 state-run 3 NGO-run	Yes
Uzbekistan	Yes	Strategy for achievement of gender equality in the Republic of Uzbekistan until 2030	Senate Committee on Women and Gender Equality	the State Statistics Committee	2019	1 Republican 14 at the regional level 14 interdistrict "exemplary" centers	Yes

3.1.4 What is the Role of International Legal Frameworks in Addressing VAWG in Central Asia?

Continuing the discussion from earlier sections about the international framework concerning women's rights and VAWG in Central Asia, interview participants from the region were questioned about the overarching impact of the international legal framework on regulating VAWG in their respective Central Asian countries. They were asked about its utility and influence on the current state, legislation, and policies related to gender equality and VAWG in their corresponding nations. From the viewpoints of respondents in Kyrgyzstan, Kazakhstan, Uzbekistan and Tajikistan a common thread emerged that unanimously emphasized the weight of the international legal framework in VAWG regulation. All experts collectively agreed and acknowledged the obligations of the four countries to global agreements with an emphasis on CEDAW in the fight against violence targeting women and girls. However, it was noted that despite ratification and incorporation of these conventions' principles into their national laws and policies, the actual implementation of these agreements on a place varies. Specifically, each nation encounters obstacles in translating these pledges into tangible progress for women and girls who face violence.

In further detail, Svetlana Dzardanova noted that, in the Kyrgyz Republic, the development of national strategies and action plans, laws, regulations and other instruments with regard to gendered violence are indeed shaped by international legal standards. However, she raised the question of whether international law has truly made a difference and effectively impacted the situation with VAWG in Kyrgyzstan. While the country is definitely making efforts to bring national initiatives into line with international legal norms, Dzardanova implied that the practical impact of these efforts on reducing VAWG incidents in Kyrgyzstan might be uncertain or face implementation challenges. In contrast, Leila Nazgül Seitiibek pointed out that the international legal framework has had the limited impact on regulation of VAWG in Kyrgyzstan. There have been very few cases reviewed under the CEDAW Committee, the reasons for which are versatile. These include challenges related to admissibility, since not all instances of VAWG are necessarily linked to discrimination. Another issue that was pointed out is the limited access to lawyers with long-standing expertise in utilizing international legal tools to address cases of VAWG, which indicates a barrier to the effective use of international law to combat VAWG in Kyrgyzstan.

When asking about the impact of ratified international legal instruments on VAWG in the Republic of Kazakhstan, Alexei Trochev acknowledged the formal ratification of the CEDAW by Kazakhstan, signifying its international obligations. Although, he observed that this ratification did not bring significant changes on the ground:

“Kazakhstan has ratified the CEDAW Convention. So ratification meant there would be some international obligation on Kazakhstan. However, in fact, on the ground, it did not make a difference.”

The influence of international conventions alike CEDAW holds primarily bureaucratic and formal character and impacts only officials such as those in the Ministry of Justice who are responsible for reporting and monitoring obligations. These obligations include periodic review reporting, submitting annual reports of the Ombudsman for human rights, and addressing issues related to violence. Trochev described this impact as “bureaucratic” reporting, suggesting that the practical outcomes of these conventions may be limited to administrative and reporting processes within Kazakhstan. The involvement of various commissions, such as the National Commission on Women’s Affairs and Family and Demographic Policy, which primarily deals with demographic issues and social protection of women, especially families with many children, was also noted by the respondent

Larisa Alexandrova from Tajikistan also emphasized the reporting aspect within the international legal framework concerning VAWG in her country. It has been highlighted that Tajikistan reports on international documents every four years, with VAWG issues being a significant focus in these reports. Through these reports, Tajikistan has received recommendations from the UN and statutory bodies, urging improvements in laws, specific prevention measures, the alteration of negative gender stereotypes, genuine assistance to victims, ensuring access to justice, and allocating sufficient resources. Overall, Alexandrova acknowledged some progress, including the adoption of laws addressing domestic violence:

“Yes, there is definitely progress. One of the results was the adoption of the laws... But on the other hand, these recommendations are being implemented very slowly; budgetary funds are not enough, since few are allocated. The government relies more on donors in this matter, and civil servants (state officials) themselves do not quite perceive this problem as they should, they are subject to stereotypes.”

At the same time, the slow implementation of these recommendations was pointed out, as well as insufficient budgetary allocations that pose a serious challenge, forcing the government to rely heavily on donors. Additionally, some Tajikistani state officials do not fully grasp the

gravity of the issue, possibly by virtue of existing societal stereotypes, which further hinder the response needed to effectively combat VAWG in Tajikistan.

In Uzbekistan, it was expressed an overall positive view of the international legal framework's impact on addressing gender issues and VAWG in the country. Farzona Khashimova stressed Uzbekistan's active engagement with international treaties, particularly highlighting the significant role played by UN Women. She further noted that after joining the international treaties, Uzbekistan initiated national special programs with an aim of promoting women's rights and gender equality. During this period, crisis centers were established, and training initiatives were conducted for government representatives and the general population, focusing on women's education and empowerment. However, the real effectiveness of international law, especially concerning authoritarian regimes like Central Asian states, is questionable. Dilfuza Kurolova emphasized that political leaders give precedence to national legislation and agenda over international standards. This is evident in Uzbekistan's long delay in criminalization of domestic violence until 2023, even though the country ratified CEDAW in 1995. It was emphasized by Kurolova that authoritarian leaders tend to prioritize their nationalist agenda over international norms they have ratified. For their part, the political will and strong domestic feminist movements were the main drivers to reveal and address the gender violence situation in Uzbekistan:

“It happened in my opinion because of the political will and the internal strengths and pushing of fem communities like NeMolchi.⁶⁷⁸ ... Certainly, we should not undermine international law, but to say that it plays a big role 100percent, I don't think so. It plays some part in the decision making – yes. ... International law plays a role, but maybe not so significant as it should be.” - mentioned the respondent.

Kurolova believes that international pressure played a secondary role, which means that it indeed contributed to government decision-making through reporting requirements and reputation concerns, but was not the primary motivator for change in the country.

As it is seen, the interviewees' perspectives from Central Asian countries highlighted doubtful relationships between international legal frameworks and domestic efforts to combat VAWG in places. In Uzbekistan, there is a positive active engagement with international treaties, establishment of crisis centers, and training programs, yet the real impact of international human rights law, amid political prioritization of national agenda and former presence of

⁶⁷⁸ Nemolchi.uz is an independent information project against violence in Uzbekistan, created in 2017 to draw attention to violence against women and change public attitudes towards this issue. <https://nemolchi.uz/>.

authoritarian regime, has been circumscribed. Similarly, in states of Kyrgyzstan and Kazakhstan, there is indeed alignment with international norms, but doubts exist regarding the practical impact on reducing VAWG due to potential implementation challenges and formal ratification of CEDAW that has not translated into significant changes on the ground, primarily manifesting as bureaucratic processes. Finally, Tajikistan's focus is on reporting, again with slow implementation and limited budget that conjointly hamper comprehensive activities against VAWG.

3.1.5 Do we need the Istanbul Convention in Central Asia?

Regionally, the core challenge lies in the absence of any consideration for a regional legal instrument to regulate gender-based violence in Central Asia. Although the Istanbul Convention, a pivotal legal framework directed to address VAWG, has been awaiting accession by all countries since its adoption in 2014, none of the Central Asian states have joined it. Namely, this lack of ratification brings remarkable gap, given that the Istanbul Convention provides a comprehensive framework for tackling VAWG. The region's hesitation to join the Convention might be partly attributed to the recent stance of Turkey, whereas Central Asian states with similar patriarchal values might interpret the Convention as a "threat" to traditional family customs. Despite not being members of the Council of Europe, other countries, including in Central Asia, have been encouraged by the Council to consider adopting the Istanbul Convention and its explanatory report as valuable tools providing in-depth knowledge on preventing and addressing gender-based violence.⁶⁷⁹ As part of this discourse, the respondents from four states were questioned about their perspectives on whether the region should accede to the Istanbul Convention, or should they produce their unique regional agreement or instrument to more efficiently tackle gender-based violence.

Leyla Zuleikha Makhmudova in Kazakhstan emphasized the unique weight of the Istanbul Convention as an instrument against VAWG and noted that the document is a major achievement of the voices of feminist movements. Along with that it was acknowledged that the document can certainly be of practical use in Central Asia. As an example, Makhmudova mentioned its use especially in Kyrgyzstan, where feminists and practitioners leverage the convention and its guidelines to document instances of sexual violence, especially during conflicts like the one in Osh in 2010. In other words, despite not being obligatory in Central

⁶⁷⁹ See *supra* note 646.

Asia, the Istanbul Convention is being actively utilized that indicates to its practical relevance. In addition, the respondent expressed frustration with the lack of transparency and understanding regarding the government's considerations on accession to the convention in Kazakhstan:

“Kazakhstan has been considering ratifying the convention for several years now... However, the process is not clear even for us, feminists and practitioners. Most of the updates I receive about the government's decision on the Istanbul Convention come from intergovernmental organization specialists, who participate in closed government hearings. During these sessions, our government vaguely announces that they are considering the convention, which is seen as a positive move. However, the entire process lacks transparency, making it difficult to understand its current status.”

Makhmudova further shared her hopes for its approval by the region and emphasized the pressing need to a document and record cases of sexual violence amid border conflicts, which are unfortunately common in the region. In short, there is a necessity of formal tools like the Istanbul Convention to gather information about such incidents, especially due to the ongoing political turmoil and constant border conflicts or clashes in the area.

Conversely, Alexei Trochev, when asked about this question, expressed some skeptic thoughts about the adoption of the Istanbul Convention in Kazakhstan and other Central Asian countries. It was cited the growing religious beliefs among the younger population, particularly in Islam, as a potential barrier to acception and embracement of the convention. Moreover, no demand for the convention is anticipated from law enforcement agencies, political leaders and society as a whole in Kazakhstan. A permissive attitude prevails within law enforcement agencies, especially in cases of rape, and there is the absence of any discussion or interest surrounding the Istanbul Convention in the current social and political landscape of Kazakhstan. In this regard, Trochev suggested that a “generational change” might be needed for the principles of the convention to be accepted, namely, that only a significant event or change could potentially pave the way for its adoption specifically in Kyrgyzstan and Kazakhstan:

“Honestly, I don't see any demand from society, so I don't perceive any push for it from law enforcement or political figures, at least in Kazakhstan's law enforcement practice... Perhaps there needs to be a generational change, and if something significant occurs, I believe it might happen in Kazakhstan or Kyrgyzstan.” – said Trochev.

Respondents from Uzbekistan, Tajikistan and Kyrgyzstan also shared their diverse views on the need for the Istanbul Convention or other regional legal instruments to more effectively

combat VAWG. Niginakhon Saida Uralova, while acknowledging the need for the legal instruments similar to Istanbul Convention, expressed skepticism about their feasibility, thereby suggesting that practical implementation might face challenges. Similarly, Dilduza Kurolova saw the Istanbul Convention as a potent instrument beneficial for Central Asian countries, but noted concerns that signing it might lead to increased international pressure and obligations. The Convention requires concrete actions from member states, which can make compliance difficult for Central Asian states, raising questions about their willingness to sign if they are uncertain about meeting its requirements to the fullest extent. The potential benefits of joining the Istanbul Convention were also highlighted by Svetlana Dzardanova. The need for standardized procedures to protect from and prevent VAWG was emphasized. However, the expert supported the view that Central Asia could follow the example of Turkey, which might create other obstacles to adopting it:

“Unfortunately, we see that Turkey itself withdrew from the Istanbul Convention in 2021, this is certainly a bad example for the countries of the region.”

The Every Woman Treaty, which offers specific steps and obligations for countries, including budgeting programs, was also mentioned by Dzardanova. Moreover, she noted that even though Kyrgyzstan is not a member of the Istanbul Convention, the country has adopted the Istanbul Protocol as a basis for documenting various types of violence. Although challenges remain in its consistent application, especially among health workers. Leila Nazgül Seiitbek also expressed support for the Istanbul Convention, seeing it as a valuable tool in the fight against VAWG in Central Asia. Additionally, there are benefits of a separate regional instrument and the upcoming Optional Protocol to CEDAW according to Seiitbek:

“A separate treaty would have also been good. But the upcoming optional protocol to CEDAW with additional important language, a scorecard for countries reporting and other additions is an important step. Hopefully, Kyrgyzstan and other countries will join it when its out.”

Finally, a nuanced view on the need for the Istanbul Convention or any other regional legal instrument to combat VAWG in Central Asia was expressed by Larisa Alexandrova from Tajikistan:

“Yes and no. The strength of the Istanbul Convention is that it has real sanctions in case of non-compliance... In our region there is no such effective mechanism; we can still count on UN mechanisms, but they are not as effective.” - she was uncertain about the effectiveness of UN mechanisms compared to those outlined in the Istanbul Convention.

It is true that there is no perfect law that can regulate the problems of VAWG in the region and worldwide, but the existence of a law itself is a promising outset. Thus far, the Istanbul Convention represents the only robust and extensive response existing in the Eurasian geographic region that specifically addresses VAWG. It covers four important areas of action, the so-called “Ps”: prevention, protection, prosecution and policy. More importantly, it covers not only the legal but also the practical areas of responding to VAWG and provides a monitoring mechanism for member states to check and evaluate compliance with the provisions of the Convention.⁶⁸⁰ Indeed, one can say that the document could serve as a useful tool in these four states in the fight against gender-based violence, but it should be always taken into account the local context with cultural aspects, political and economic environment and social dynamics that may influence its implementation and actual impact. As has been evidenced, the respondents from Central Asian states held varied opinions on adopting the Istanbul Convention and utilizing its tools in the fight against gender-based violence in the region. Without a doubt, most of the interview participants stressed the significance of legal instruments like the Istanbul Convention and its practical relevance, yet they also voiced frustrations and raised concerns about their practical implementation. Precisely, potential challenges and the necessity of transparent processes and societal acceptance for successful implementation and enforcement were highlighted. Furthermore, there are also obstacles that may arise from rooted religious and traditional beliefs, followed by the absence of societal demand, not to mention basic awareness about the document and issues on VAWG. Finally, the legally binding nature of the provisions of the Convention may lead to political problems associated with their implementation, given the form of government in the region. Overall, conceivably a shift in generations and mindset might be necessary to open doors and foster acceptance of Istanbul Convention or any similar instrument.

3.1.6 Interim Conclusion

As a result Central Asian states’ participation in essential international platforms and affiliation to crucial international documents focused on the protection and safeguarding of women’s rights, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan have taken initial steps in acknowledgment of the importance of the gender equality principle. Nonetheless, these achievements have frequently met obstacles in execution that ranged from bureaucratic

⁶⁸⁰ See *supra* note 157.

processes to entrenched societal and cultural norms. The need for legal regulations on gender issues became evident early in the transition to independence and prompted active involvement from Central Asian gender advocates on global platforms such as the Beijing Platform for Action. This led to the ratification of the main international legal documents on women's rights and VAWG, including CEDAW and the Beijing Declaration that in other words, demonstrated the nations' standby to address gender-related issues and incorporate gender perspectives into their legislation and policies. However, ratifying these agreements was merely the first phase, when, in turn, the translation of these promises into concrete improvements for women and girls who experience violence has proven to be a challenging task for all four states.

The analysis of the alignment between domestic laws and policies and international women's human rights legal standards, specifically through instruments like CEDAW and the Beijing Declaration, showed a twofold perspective. Although there was certain alignment with international norms, the practical application and enforcement of these laws in four Central Asian states were hindered by weak enforcement mechanisms and deficiencies in state funding and resources. Furthermore, there is a number of obstacles, despite the endeavours to introduce specialized laws addressing domestic violence, establish dedicated institutions for gender policy implementation and monitoring, set up crisis centers, gather gender-specific data, and provide training and awareness programs to various agencies, that underscores the need for comprehensive, well-funded, and effectively enforced gender policies.

Moreover, interviews with Central Asian experts provided valuable insights into the real situational context of the region. Although there was a shared recognition of international obligations and commitments, most respondents stressed the formal nature of the adoption of national gender policies and highlighted the barriers to their implementation. For instance, Kyrgyzstan, Uzbekistan and Kazakhstan demonstrated conformity with international norms but encountered bureaucratic and implementation hurdles, whereas Tajikistan struggled with difficulties tied to sluggish execution, and all met problems with scarce funding resources. Yet, the discussions with respondents about the Istanbul Convention or the adoption of a similar, separate regional agreement concentrated on gendered violence underscored the complexities associated with its adoption in Central Asia. Even though interviewees recognized its value, concerns were expressed regarding how it would be put into practice and whether governments are genuinely prepared for this action, especially considering the influence of religious and cultural beliefs, where one might perceive the Convention as conflicting with family traditions. It is believed that embracing such documents necessitates societal transformations and shifts

across generations. Thereby, the importance of widespread societal acceptance and understanding of the question is once again underscored. In general, the progress achieved by four Central Asian nations in advocacy for women's rights and the fight against VAWG is praiseworthy. Nevertheless, overcoming the lingering obstacles calls for alterations in laws and policies, as well as profound societal changes.

3.2 From Commitment to Action: Progress, Challenges and Prospects in Central Asia's Journey to Combat VAWG

3.2.1 Introduction

After signing the Beijing Declaration and acceding to CEDAW, four Central Asian states began their individual journeys in harmonization of their legal frameworks and national policies with international gender equality standards. Over a span of 30 years, these nations made significant progress by introducing numerous legal amendments on gender-related issues, and formulating national policies dedicated to women's rights and gender equality. These achievements were not realized overnight, and the path to better protect women's rights and combat VAWG still continues today. All four states under discussion integrated gender equality provisions into their constitutions and legal codes and developed specialized legislation and norms to tackle gender-based violence, that include those focused on elimination of domestic violence, human trafficking, bride kidnapping, early marriages, and more. Furthermore, they adopted national strategies for gender equality and corresponding action plans. Yet, persistent challenges remain; some states are still working towards defining and including separate articles on domestic violence, sexual harassment, marital rape and femicide in their criminal legislation or mentioning these forms of gender-based violence as aggravating factors to underline gender aspect and ensure enhanced penalties for existing crimes. In addition, the progress in VAWG-related legal and policy frameworks is also obstructed by issues such as insufficient state funding, inadequate implementation and absence of effective monitoring mechanisms. Lastly, long-standing and ingrained patriarchal views and norms frozen in tradition and religion, as well as societal stereotypes still present strong obstacles in the quest for gender equality and women's rights protection.

This section will conduct a detailed analysis of domestic laws and policies related to VAWG in four Central Asian countries: Kyrgyzstan, Uzbekistan, Tajikistan, and Kazakhstan. Specifically, Subchapter 3.2 will overview relevant laws concerning women's rights and gender equality, namely, by providing more in-depth examinations of specialized laws and norms addressing various forms of gender-based violence, both those common and those prescribed by specific traditions of the region and encompass discussions on the implementation of national gender strategies. The analysis will be enriched by insights from interviews conducted with expert respondents from the four states, identifying gaps in the execution of gendered violence laws and gender policies, exploring the reasons behind these gaps, and proposing ways for improvement.

3.2.2 Examining Central Asia's Domestic Legal and Policy Responses in the Fight against VAWG

A. Spotlight on the Legal and Policy Landscape of VAWG in the Kyrgyz Republic

Since Kyrgyzstan acceded to CEDAW in 1996, a foremost international instrument on rights for women and elimination of all forms of discrimination against women, the Kyrgyz government has made concerted efforts to harmonize domestic legislation and national initiatives with the principles and recommendations of the Convention. As a result the following specialized gender-related laws, strategies and plans were introduced: the Laws on the Reproductive Rights of Citizens (1999), On Social and Legal Protection from Domestic Violence (2003), On State Guarantees for Ensuring Gender Equality (2003), On State Guarantees of Equal Rights and Opportunities for Men and Women (2008), along with the implementation of National Action Plans for Promoting Gender Equality during the periods 2002-2006, 2007-2010 and 2018-2020. Furthermore, the Kyrgyz Republic consistently submits periodic reports to the CEDAW Committee, in which it outlines the efforts made to progress gender equality and combat gendered abuse, along with challenges in compliance with CEDAW principles and recommendations.⁶⁸¹

Today, the primary legal cornerstone of gender equality in the country is enshrined in the Constitution of the Kyrgyz Republic. Throughout the country's history of independence several constitutions have been put into effect, which include those in 1993, 2010 with multiple

⁶⁸¹ *Supra* note 641, at 229.

amendments, and the most recent one ratified through a referendum on April 11, 2021. It is worthwhile to mention that Kyrgyzstan took first steps towards gender equality when it embedded provisions for equality for both men and women at the constitutional level in its 2010 edition of the Constitution. Onwards, the 2021 Constitution highlights the importance of equality of rights, freedoms and opportunities for all individuals regardless of their gender. Although the term “gender” is not extensively mentioned in the document, solely Article 32(4) refers to gender and prohibits discrimination based on a range of factors, including gender. In addition, the new 2021 Constitution specifically references “women” multiple times, and most importantly, underscores the role women play as mothers.⁶⁸² It should be also highlighted that the present Constitution, to some degree, embraces a neo-traditionalist perspective by giving considerable prominence to traditional and spiritual values in its text. Significantly, the evolution of the Kyrgyz Constitution mirrors the country’s perspectives on family and gender. The document utilizes gender-specific language, making distinctions between men and women, and integrates precise gender-related terms like “motherhood” and “fatherhood.”⁶⁸³ The 2021 Constitution upholds traditional marriage definitions but equal parental responsibilities; at the same time, its neo-traditionalist shift raises concerns about potential setbacks in women’s rights. This emphasis may overshadow democratic and human rights principles, especially given the historical disadvantages faced by women from practices like *ala kachuu*, *kelinism* and early marriage. Additionally, the Constitution’s prohibition on deviation from “Kyrgyz moral values” may threaten free expression and other rights of women.⁶⁸⁴

In addition to the Constitution, Kyrgyzstan’s legal framework includes other bills in support of women’s rights and confronting non-discrimination. For instance, the Kyrgyz Civil Code uses gender-neutral language, recognizing equal civil legal capacity for all citizens, as well as the Labor Code grants women special labor status with certain restrictions and benefits regarding work and maternity. At the same time, the latter code retains discriminatory articles (218 and 303) that establish professional restrictions for women, including a list of about 400 professions with harmful or dangerous working conditions, where female labor is prohibited, as highlighted by Svetlana Dzardanova. Finally, in parallel with constitutional text, the Family Code of Kyrgyzstan defines marriage as an equal union between solely a man and a woman and underscores respect of gender equality in division of family responsibilities,⁶⁸⁵ although societal

⁶⁸² *Constitution of the Kyrgyz Republic* (2021), Art. 26. <https://cbd.minjust.gov.kg/202913?refId=11373334>.

⁶⁸³ *Id.*

⁶⁸⁴ See *supra* note 646.

⁶⁸⁵ *Family Code of the Kyrgyz Republic*, № 201 (2003), Art. 2. <https://cbd.minjust.gov.kg/1327>.

norms often lead to imbalances in such duties.⁶⁸⁶ Moreover, since it explicitly states that marriage (matrimony) can only occur between a man and a woman, the provision leaves no room for espousals between individuals of other genders, thus, reaffirms the traditional understanding of marriage as a union exclusively between female and male genders.

Regarding other legal documents in Kyrgyzstan on women's rights and gender equality, it is worth to highlight specialized legal acts that protect the interests of women and girls in various contexts, whether in the broader context of gender equality or in more specific instances, such as dealing with the issue of domestic violence. First of all, the 2008 Law on State Guarantees of Equal Rights and Opportunities for Men and Women plays a pivotal role after Constitution in Kyrgyzstan's gender equality efforts, as its text outlines norms on prohibition of gender discrimination and establishes state policies to ensure gender equality across all government levels and sectors.⁶⁸⁷ Secondly, the 30 percent gender quota, which was firstly introduced for central-level elections in 2006, and later on in 2011 for council elections, has shown to be uneven in practice that led to a decrease in its impact on women's representation over time. In this regard, the elections law in Kyrgyzstan specifies the following: "when determining the list of candidates, a political party must take into account the representation of no more than 70 per cent of candidates of the same sex" (Article 60(3)).⁶⁸⁸ However, the actual adherence to this gender quota in Jogorku Kenesh (Parliament) currently stands at only 20 percent of female deputies, thereby shows a drop compared to previous election periods.⁶⁸⁹ Recent amendments made to Kyrgyzstan's election laws in July 2021 have sparked concerns about the country's genuine dedication to achieving gender equality within its political sphere. According to these amendments, the number of Jogorku Kenesh deputies was reduced from 120 to 90. Among them, 54 deputies will be elected through a proportional system based on party lists, while the remaining 36 will be chosen through a majoritarian system in single-mandated constituencies (Art. 59(1)). Alarming, the mandatory 30 percent gender quota is retained exclusively in party lists (Art. 64(4)) and not extended to the single-mandate seats, therefore might effectively diminish the overall representation of women in Parliament.⁶⁹⁰

⁶⁸⁶ See *supra* note 641.

⁶⁸⁷ Law of Kyrgyz Republic *On state guarantees of equal rights and opportunities for men and women*, № 184 (2008). <http://cbd.minjust.gov.kg/act/view/ru-ru/202398>.

⁶⁸⁸ Law of Kyrgyz Republic *On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic* (2011). https://shailoo.gov.kg/ru/konstitucionnye-zakony-kr/konstitucionnye-zakony-kr/O_vyborah_Pr-1913/.

⁶⁸⁹ International IDEA, <https://www.idea.int/data-tools/data/gender-quotas-database> (accessed 2 Sept 2023); see also *supra* note 641, at 231.

⁶⁹⁰ See *supra* note 646.

When discussing legislation explicitly related to VAWG, one can observe different scenarios, as some legal measures have not met expectations, while others have evolved and remain in place. For example, the Kyrgyz Domestic Violence Law of 2003 faced enforcement challenges and did not fulfil its intended impact.⁶⁹¹ However, a more elaborated legal act, the Law on the Protection and Defence against Domestic Violence (2017), was subsequently adopted by the Parliament and is still in force.⁶⁹² Presently, the 2017 Law is a key legal instrument in regulation of domestic violence in Kyrgyzstan and serves multiple purposes. The distinct point is that Kyrgyz legislation defines domestic violence as “family violence” and broadens the scope to include violence or abuse within familial relationships beyond just spousal or partner relationships. It encompasses different types of family violence such as physical abuse, psychological and economic gendered violence, as well as outlines protective measures for domestic violence victims. The text of the law also requires police to issue protection orders and register complaints of domestic violence not only if they are reported by the victim, but also by any interested party. Further, it is directed to provide medical and psychological aid, along with social support and counselling services for individuals affected by domestic abuse.⁶⁹³ On this point, the expert, Dzardanova added that the 2017 Domestic Violence Law outlines responsibilities and respective roles of 17 entities, such as government agencies, law enforcement, social services and NGOs and assigns to collaborate with each other in order to combat and prevent cases of family violence.

Later, in the 2019 edition of the Code of Offenses of the Kyrgyz Republic 2017, domestic (family) violence was included in a list of administrative offenses and was punishable by a fine. This was not criminalization, but it was the first and exceptional step in the Central Asian region towards the eradication of domestic violence.⁶⁹⁴ During the 2020 COVID-19 pandemic, a triggering domestic abuse incident occurred in the Suzak district, western Kyrgyzstan, a man attacked his wife by affixing heavy car tires around her neck and dousing her with water from a bucket. Even though the police were involved, the woman decided to forgive her husband, and the abuser was sentenced by the court to two years of probation without imprisonment.⁶⁹⁵

⁶⁹¹ Law of Kyrgyz Republic *On social and legal protection from domestic violence* (2003). <http://cbd.minjust.gov.kg/act/view/ru-ru/1186>.

⁶⁹² See *supra* note 641.

⁶⁹³ See Akisheva, *supra* note 640.

⁶⁹⁴ Code of Offenses of the Kyrgyz Republic (2017), Art. 75. <https://cbd.minjust.gov.kg/111529/edition/1107370/ru>.

⁶⁹⁵ Kloop.kg, *Istjazavshij zhenu zhitel' Suzaka arestovan na 15 sutok. Na fakt domashnego nasiliya obratili vnimanie v parlamente i pravitel'stve* (2020). <https://kloop.kg/blog/2020/06/14/istyazavshij-zhenu-zhitel-suzaka-arestovan-na-15-sutok-na-fakt-domashnego-nasiliya-obratili-vnimanie-v-parlamente-i-pravitelstve/> (Accessed 1 September 2023).

This case is another illustration that in Kyrgyzstan perpetrators of domestic violence are rarely held accountable even when victims report it. As a consequence, human rights activists and individual members of the Kyrgyz Parliament demanded for immediate legal measures to protect victims of domestic violence in emergencies.⁶⁹⁶ Amendments to the Criminal Procedure Code were introduced accordingly, which comprised new provisions allowing for the temporary detention of domestic violence aggressors for up to 48 hours in specific circumstances (Article 504(3)).⁶⁹⁷ At the same time, a year later, with the enactment of new criminal legislation the aforementioned articles on domestic violence were removed from the Criminal Procedural Code and, now invalid, 2019 edition of Code of Offenses. Instead, domestic violence offence was incorporated into the Criminal Code as a separate article, and now Article 177 addresses domestic abuse separately as a criminal act with a maximum punishment of up to five years in prison.⁶⁹⁸ Additionally, the 2021 Code of Offenses introduced a similar provision on domestic violence, albeit with a milder penalty of three to seven days of arrest (Article 70).⁶⁹⁹ This conflicting set of norms could potentially create confusion or intentionality in the application of the law and might weaken protection for victims in severe cases of domestic violence.⁷⁰⁰

Given the growing impact of religious and traditional beliefs in post-independent Kyrgyz society, the Criminal Code also expressly prohibits practices such as bigamy or polygamy (Article 176). Next, to prevent and eliminate bride kidnapping (*ala kachuu*), abduction of girls for forced marriages became a crime in Kyrgyzstan in 1994. Subsequently, in 2013, the Jogorku Kenesh amended the Criminal Code toughened the penalties for bride kidnapping, with a maximum punishment for perpetrators of up to 5 years in jail. Despite the efforts of the state to uphold gender equality through national agreements, the issue of bride abduction remains a concern in the Kyrgyz Republic. As detailed in Chapter 2, certain aspects of this practice have come under scrutiny and have sparked discussions and disagreements among the Kyrgyz people and politicians regarding whether “*ala kachuu*” should be considered as a Kyrgyz tradition.⁷⁰¹ High-profile bride kidnapping cases of Burulai in 2018 and Aizada Kanatbekova in 2021, have sparked outrage and prompted public demands for official responses and legislative reforms.

⁶⁹⁶ Human Rights Watch, *V Kyrgyzstane karantin nesjot povyshennyj risk semejnogo nasilija dlja zhenshhin* (2020). <https://www.hrw.org/ru/news/2020/04/13/340553> (Accessed 2 Sept 2023).

⁶⁹⁷ Criminal Procedure Code of Kyrgyz Republic (2021). <http://cbd.minjust.gov.kg/act/view/ru-ru/112308>.

⁶⁹⁸ Criminal Code of Kyrgyz Republic (2021). <http://Cbd.Minjust.Gov.Kg/Act/View/Ru-Ru/112309>.

⁶⁹⁹ Code of Offenses of Kyrgyz Republic (2021). <http://cbd.minjust.gov.kg/act/view/ru-ru/112306>.

⁷⁰⁰ *Supra* note 641, at 238.

⁷⁰¹ Kleinbach, Ablezova & Aitieva, *supra* note 30, at 191; *see also supra* note 641, at 235.

These events eventually led the state to review existing criminal laws regarding bride kidnapping and child marriage in 2019, and again in 2021. The newly adopted Criminal Code, which came into force in October 2021, introduced penalties for this conduct that range from five to seven years' imprisonment (Article 172). In addition, changes have been made to the section regarding forced marriage of persons under 18 years of age. Previously, those found guilty of forcing a child into marriage faced not only imprisonment for 7,6 to 10 years but also substantial fines. Currently, under the updated criminal legislation, the abduction of a minor under 18 years old now carries a sentence of 7 to 10 years' imprisonment (Article 172(2)).⁷⁰² It is also worth noting that this article applies to any offenders regardless their gender, although in most cases the kidnapper is male.⁷⁰³

Alongside, the Criminal Code of Kyrgyzstan also addresses religious marriage ceremonies involving minors under the age of 18. The purpose of this legal provision is to prevent and eradicate child marriage, primarily affecting underage girls, which can be conducted in most cases as a religious ceremony. Moreover, as per Article 175, those responsible for organization and holding of a religious marriage ceremony for minors, e.g. parents, religious leaders or any other persons, could be also subject to punishment such as fines or imprisonment for a period of 3 to 5 years.

Next, trafficking in persons, including women and girls, is addressed in two legal sources, the specialized 2005 Law on Preventing and Combating Human Trafficking and the Criminal Code. The 2005 Law establishes the organizational and legal structure for preventing and addressing human trafficking, as well as outlines the coordination procedures among anti-trafficking bodies and sets up measures to protect and assist trafficking victims.⁷⁰⁴ In turn, the Criminal Code provides for criminal liability for such offenses, when victims are women and girls. Namely, according to Article 166 of Kyrgyzstan's Criminal Code, individuals found guilty in exploitation of women or girls for purposes of prostitution, sexual exploitation, or slavery can be sentenced to imprisonment for a term of three to six years and, in especially severe cases - from eight to eleven years.⁷⁰⁵ However, except for the existence of legal provisions that may hold individuals accountable for women's and girls' exploitation, the Kyrgyz Government has not taken sufficient action to counter this problem. Specifically, law enforcement agencies have

⁷⁰² *Supra* note 698.

⁷⁰³ *See supra* note 641, at 236.

⁷⁰⁴ *See* Law of Kyrgyz Republic On Preventing and Combating Human Trafficking (2005). <http://cbd.minjust.gov.kg/act/view/ru-ru/1650>.

⁷⁰⁵ *Supra* note 698; *see also supra* note 646.

failed to effectively investigate prevalent corruption cases that fuel the trafficking of women and girls or the participation of certain public figures in crimes linked to the detention and exploitation of female trafficking victims. Moreover, the government has not provided adequate financial support in implementation of anti-trafficking initiatives,⁷⁰⁶ while both governmental bodies and NGOs specialized in action against human trafficking in Kyrgyzstan, acknowledge the limited reporting of such occurrences.⁷⁰⁷

Regarding national gender plans and programs, as was mentioned in a previous Subchapter 3.1, the most recent developments in this area include the National Strategy of the Kyrgyz Republic to Achieve Gender Equality until 2030, and the corresponding National Action Plan for 2022-2024 that were introduced in the year of 2022. At the same time, some of the previously adopted national gender strategies and plans missed practical justification. Precisely, like the 2003 domestic violence law, earlier national gender strategies faced challenges because of the absence of an adequate implementation mechanism. In particular, the implementation of gender policy was limited and weak as a result of budgetary constraints by the government.⁷⁰⁸ From the positive side, it was mentioned by Svetlana Dzardanova that as part of the latest national plan implementation, the National Council for Women and Gender Development decided to establish Committees for the Prevention of Domestic Violence (CPSV) in 2020, a collaborative body that comprises representatives from government, local authorities, and civil society. These committees' main goal was voluntary work to prevent domestic violence and protect the rights of women, children, the elderly, and disabled citizens.

Challenges in Kyrgyz VAWG Legislation and Policy Implementation

When asked about obstacles in adequate VAWG legal and policy implementation in the Kyrgyz Republic, Savia Hasanova discussed how the domestic violence legislation is put in practice. Foremost, the respondent admitted that the law indeed has its advantages, specifically, it includes improved statistics on domestic violence as the police now obliged to register all complaints. Precisely, the law requires police to respond to reports of domestic violence by issuing protective orders against aggressors. In turn, the protective orders are initially valid for three days but can be extended for a month and used in court under the domestic violence law.

⁷⁰⁶ U.S. Embassy in the KR, *Kyrgyzskaja Respublika: Uroven' 2: Spisok Osobogo Vnimanija (Tier 2 Watch List)* (2018). https://kg.usembassy.gov/wp-content/uploads/sites/190/KYRGYZ-REPUBLIC-2018-TIP-Report-Narrative_RU.pdf

⁷⁰⁷ Zhakypbekova, *supra* note 47.

⁷⁰⁸ See OSCE/ODIHR, *Evaluation of ODIHR Gender Programme Work in Kyrgyzstan, Azerbaijan, Armenia, and Georgia* (Jefferson Institute, 2009). https://www.files.ethz.ch/isn/99684/ODIHR_gender_programme_final.pdf.

Apart from these advancements, there are significant drawbacks, for e.g. even if the number of reported cases has increased, actual punishments for perpetrators are lacking:

“...the number of cases of violence is growing (including because the police are very willing to issue protection orders to everyone), but the abusers do not receive real punishment.” – highlighted Hasanova.

In many aspects, aggressors who commit domestic abuse typically face minor administrative penalties such as fines or community service, and over 85 percent of family violence cases are terminated.⁷⁰⁹

In line with Hasanova’s view, concerns were also expressed by Svetlana Dzardanova about the enforcement of the domestic violence law in Kyrgyzstan. The interviewee emphasized that changes and improvements are needed in enforcement and implementation of this law with a view to better regulate domestic violence cases in the Kyrgyz Republic. Particular mention was made of the burden of fines falling on the shoulders of victims, which until recently was abolished based on the advice from human rights activists and gender experts:

“For example, until recently, domestic violence was subject to a fine in favor of the state, which also placed a burden on the victim woman, since it was paid from the family budget.”

Several reasons contribute to this problem according to Hasanova’s opinion. Concretely, these include the possibility of reconciliation between parties,⁷¹⁰ the withdrawal of statements by victims, and police bias favouring aggressors due to “male solidarity”. All these facets together in the end discourage victims from reporting to law enforcement.

It should be noted that the legal landscape in Kyrgyzstan, as other Central Asian states, lacks a well-established and diverse body of judicial precedents regarding gender-related issues. This scarcity of legal cases is primarily since a majority of such cases never progress beyond lower court levels, let alone reach the highest constitutional courts. Instead, a significant portion of gender-related cases end in proceedings being dismissed because of the victims’ reluctance to pursue charges. In these instances, neither investigative authorities nor the courts take steps to address the underlying causes or implement preventative measures to combat such offenses. For instance, in Bishkek and its surrounding areas, during the period from January to September

⁷⁰⁹ Kloop.kg, *Na Vidu u Vseh* (2020). <https://kloop.kg/t/na-vidu-u-vseh/> (accessed 20 Sept 2023).

⁷¹⁰ Reconciliation in this context refers to the cases where the victim makes peace and withdraws an already filed complaint, and through mediation procedure. This dissertation specifically addresses these two forms, which involve official legal proceedings and can significantly undermine justice for victims.

2019, of all reported gender-based crimes, including instances of rape and bride kidnapping, merely 11 percent of cases proceeded to court, while the remaining 89 percent were prematurely closed. Another illustration is seen in cases of family violence, where courts often only adjudicate a subset of reported incidents, with many offenders being charged as “public disorder” rather than domestic violence.⁷¹¹ However, all expert respondents from Kyrgyzstan highlighted an intriguing recent development in the case law - the ground-breaking decision of the Constitutional Court of the Kyrgyz Republic on the use of matronymics (“matchestvo”), which was the first incident of its kind in Central Asia. This decision emerged from a case of Altyn Kapalova, Kyrgyz feminist artist and writer, who faced legal challenges for giving her children matronymics.⁷¹² The Kyrgyz Constitutional Court ruled that individuals who have reached the age of 18 are now allowed to adopt their mother’s name to create a matronymic.⁷¹³ Experts emphasized that, despite legal battles, Kapalova’s efforts to challenge this discriminatory practice of assigning only the father’s name to children have become a pivotal reference point in gender equality discussions in Kyrgyzstan.

“This is a step in the right direction, and it owes much to the writer, artist, and researcher, Altyn Kapalova, who, for several years, has taken legal action to defend her rights and the rights of all women in Kyrgyzstan.” – said Dzardanova

While this precedent holds significant weight in the context of Central Asia, it has drawn the attention of the patriarchal representatives of the government of Kyrgyzstan. Kamchybek Tashiev, Deputy Chairman of the Cabinet of Ministers and Head of the State Committee for National Security, demanded the annulment of the Constitutional Court’s decision on matronymics. Since presently, this action is impossible, as the constitutional decisions are deemed final and binding, therefore, in July 2023, the Presidential Administration proposed amendments to the Constitutional Law on the Constitutional Court of the Kyrgyz Republic.⁷¹⁴

⁷¹¹ *Supra* note 641, at 238.

⁷¹² Kloop.kg, *Matchestvo vmesto otchestva — GRS podala v sud na aktivistku Altyn Kapalovu za smenu dannyh svoim detjam* (2021). <https://kloop.kg/blog/2021/02/24/matchestvo-vmesto-otchestva-grs-podala-v-sud-na-aktivistku-altyn-kapalovu-za-smenu-dannyh-svoim-detyam/>; Eurasianet, *Kyrgyzstan: One woman’s battle for matronymics achieves partial win* (2023). <https://eurasianet.org/kyrgyzstan-one-womans-battle-for-matronymics-achieves-partial-win> (accessed 13 Sept 2023).

⁷¹³ Constitutional Court of Kyrgyz Republic, *Press-reliz po delu o proverke konstitucionnosti normativnyh polozhenij, vyrazhennyh slovami «otchestvo prisvaivaetsja po imeni otca», «Peremena otchestva osushhestvljaetsja po imenam otca, usynovitelja, otchima, dedushki po linii otca ili materi.» po obrashheniju Kapalovoj A.A.* (2023). <https://constsot.kg/ru/press/russkij-press-reliz-po-delu-o-proverke-konstitucionnosti-normativnyh-polozhenij-vyrazhennyh-slovami-otchestvo-prisvaivaetsya-po-imeni-otca-peremena-otchestva-osushhestvlyajetsya/>.

⁷¹⁴ KaktusMedia, *Prezident hochet nadelit’ sebja pravom otpravljat’ reshenija Konstitucionnogo suda na peresmotr* (2023).

In an echo, these proposed amendments to the Constitutional Law, which would possibly allow decisions of the Constitutional Court to be reviewed, have sparked intense debate in civil society in Kyrgyzstan and even outside.⁷¹⁵

Speaking about marital rape offenses, Article 154 of Kyrgyzstan's Criminal Code defines rape as sexual intercourse with the use of violence not dangerous to life and health, or the threat of its use against the victim or other persons, as well as taking advantage of the helpless state of the victim. Here it is important to highlight that while Kyrgyzstan's criminal legislation contains this article on rape, it does not explicitly cover the concept of marital rape conducted within union bound.⁷¹⁶

Continuing about legislative gaps, it is worth to highlight that there is an absence of a specific law or provision addressing harassment in Kyrgyzstan. Indeed, Article 156 of the Criminal Code "Compulsion to acts of a sexual nature" exists and its wording is following: "Forcing a person to have sexual intercourse, sodomy, lesbianism, or commit other acts of a sexual nature by blackmail or using the material or other dependence of the victim." At the same time, this definition does not comprehensively cover the concept of harassment, as many actions commonly recognized as harassment do not fall within the scope of this provision. For instance, as per UN Women, "harassment may take the form of words, gestures, or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate, or embarrass another or which create an intimidating, hostile, or offensive work environment."⁷¹⁷ In essence, the act of harassment may encompass not only physical actions, but also unwanted verbal comments about a person's appearance or physique, an aspect that is not expressly regulated in Kyrgyzstan's legislation. Consequently, these legislative gaps pose significant barriers for women and other victims of harassment when they seek protection of their rights through law enforcement agencies.⁷¹⁸

Similarly, there is no specific legal provision within the Kyrgyz national legislation addressing femicide, and it is not delineated as a distinct crime category. In particular, the Criminal Code includes Article 122 "Murder", though it contains only one clause concerning women - the

https://kaktus.media/doc/483886_prezident_hochet_nadelit_sebia_pravom_otpravliat_resheniia_konstitucionnog_o_syda_na_peresmotr.html (accessed 12 Sept 2023).

⁷¹⁵ 24kg, *Juristy prosjat otozvat' popravki v Zakon «O Konstitucionnom sude»* (2023). https://24.kg/vlast/272856_yuristy_prosyat_otozvat_popravki_vzakon_okonstitutsionnom_sude/ (accessed 12 Sept 2023).

⁷¹⁶ See *supra* note 698

⁷¹⁷ UN Women, *Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority*, 2013). <https://www.un.org/womenwatch/uncoordinated/antiharassment.html> (accessed 12 Sept 2023).

⁷¹⁸ *Supra* note 641, at 238, 239.

murder of a pregnant woman, which does not prescribe a separate penalty. In essence, the legislator does not classify the killing of a woman as a gender-specific crime, unlike, for example, rape. Most criminal cases involved a female victim and were filed under the “Murder” article.⁷¹⁹ In an in-person interview, co-author of the “The Sigma Awards” winning research on femicide in Kyrgyzstan,⁷²⁰ Savia Hasanova stressed the urgent necessity of recognition of femicide as a distinct crime category in Kyrgyzstan. It was emphasized that it is not just about the act of killing but also about addressing the underlying discriminatory and sexist attitudes in the society that compel these murders. Femicide is rooted in beliefs surrounding patriarchal “ownership” and control over women, and the imposition on them of stereotypical gender roles:

“I am often asked the question: “Why is this necessary? A person has been killed – what difference does it make whether it is a man or a woman?” The specificity of the murder of women lies precisely in the discrimination against us. Femicide is a murder that is committed due to discriminatory and sexist attitudes towards the murdered person, the belief in the existence of property rights over a woman, control of behavior, coercion to obey stereotypical gender roles, demonstration of superiority and power - therefore, it has a completely different specificity.” – noted Hasanova.

These elements distinguish femicide from other forms of homicide and necessitate specific legal provisions in Kyrgyzstan’s criminal legislation to address the gender-based nature of femicide crimes. In addition, the expert expressed concern that over time there has been a gradual humanization of the criminal legislation of the Kyrgyz Republic with reference to punishments for murders. Specifically, the penalties have been reduced in the current Criminal Code compared to the previous one, which might be a matter of distress with regards to the adequacy of punishment for murderers. While there is a provision for a life sentence for aggravating circumstances, it has been rarely applied in the case of murder of women,⁷²¹ noted Hasanova.

Onwards, expert respondents from Kyrgyzstan expressed their collective concerns and challenges related to the national gender and VAWG policy implementation. While all recognized the progress made by the state relatively to other countries in the region, there is a shared perception of a noticeable rollback in recent years. Specifically, the effectiveness of the

⁷¹⁹ See *supra* note 182.

⁷²⁰ Sigma Awards 2020 + 2021, *I Would Have Killed Her Anyway: Kloop’s Investigation of Femicide in Kyrgyzstan* (2020). <https://sigmaawards.org/i-would-have-killed-her-anyway-kloops-investigation-of-femicide-in-kyrgyzstan/> (accessed 12 Sept 2023).

⁷²¹ Kloop.kg, *Ubiystvo 22-letnej devushki v Oshe: Obvinjaemyj poluchil pozhiznennyj srok* (2022). <https://kloop.kg/blog/2022/09/30/ubiystvo-22-letnej-devushki-v-oshe-obvinjaemyj-poluchil-pozhiznennyj-srok/>

gender policy, VAWG prevention, and victim support are limited due to the state's lack of interest and attention to the issue. Svetlana Dzardanova pointed out that when the Kyrgyz government started development of a gender equality strategy and national action plan in 2021, the delay in their publication until September 2022 indicated to a lack of government's priority for gender issues. What is worse, over the past three years, exacerbated by the pandemic and political changes, the human rights situation has deteriorated, too. Further, the declining representation of women in politics and decision-making roles is concerning, since most policy implementation and assistance for VAWG victims rely heavily on financially strained NGOs, backed by international organizations. Additionally, insufficient funding, lack of qualified personnel and limited infrastructure add fuel to the fire of poor implementation. While there have been some successes in this regard, including the adoption of a gender strategy until 2030 and the establishment of mobile groups for victims of domestic violence, there are still challenges to address. Additionally, Dzardanova stressed a troubling pattern of VAWG in Kyrgyzstan and remembered instances where women experienced violence in public spaces, for e.g. during the Feminale exhibition and March 8's Solidarity march, where law enforcement agencies failed to protect women and, in some cases, even detained them. Such government's lack of prompt action, especially during the 2020 pandemic and mentioned cases of public gendered violence, hinders the progress of gender policy initiatives in the state, thereby leaving women vulnerable and unprotected, according to the respondent.

Another interviewee in Kyrgyzstan, Leila Nazgül Seitbek shared similar concerns, characterizing the national gender policy and law implementation in combating VAWG as "very poor" and ineffective, especially given country's past political and economic factors. There are many significant gaps in the country's policies and therefore the government is unable to fulfil its obligations to protect women and girls from all forms of violence. Additionally, it was also pointed to a "toxic" political narrative circling around women and gender as well as widespread attacks on women's rights defenders and activists that further worsen the situation. Taking account that gender violence appeared within families and other VAWG cases were frequently treated as private matters in the past, law enforcement agencies often fail to grasp the gravity of the problem, which consequently results in recurrent denials of police support and acceptance of such cases and legal protection for women.

In summary, all respondents generally acknowledged that Kyrgyzstan has progressive legislation in elimination and prevention of VAWG and protection of women's and girls' rights. However, it was emphasized that there are significant gaps in the implementation and

enforcement of these laws, as well as concerns about the narratives surrounding VAWG in the state and society. Namely, despite having robust legal measures in place, Kyrgyzstan faces challenges to adequately address gender-based violence, which is also evident from its ranking as the most perilous country for women in Central Asia in the Global Women's Peace and Security Index for 2023.⁷²² Although, it is believed that these numbers are high due to Kyrgyzstan's comparably wider availability of gender-related data as mentioned in the previous section. As was noted by Dzardanova, delays in adoption of national gender strategies and plans, followed by frequent legislative changes, and gradual humanization of criminal legislation, all of this conjointly has a negative impact on the prevention of gendered violence and the protection of women. What is more, from one side, some offenders take advantage of probation to evade punishment, from another side, mistrust in law enforcement agencies discourages many victims from seeking help. As a result, only a small number of cases reach the trial in courts. The presence of male-dominated law enforcement and justice systems of the Kyrgyz Republic, influenced by gender stereotypes and societal patriarchal norms, further complicates the implementation of gender policies and law enforcement and application regarding VAWG. At times, gender violence victims can only find justice through the attention of the media and civil society.

When it comes to the question of what could be done to enhance the implementation and enforcement of legislation and policies against VAWG, the respondents emphasized the need to standardize legislation based on global best practices, boost state budgets for gender policy implementation, and foster closer collaboration among the state, civil society, and international partners. The importance of transparent data within the Ministry of Internal Affairs of Kyrgyzstan, balanced gender representation in law enforcement and judicial bodies, and more women in decision-making positions were highlighted as other ways to improve the situation with VAWG. Dzardanova recommended the adoption of successful practices and learning from other Central Asian countries, such as immediate and long-term protection orders:

“For example, some experts point to the positive experience of Uzbekistan, when a protection order is issued immediately for a month. Not, as in Kyrgyzstan, first for a week, and then it needs to be extended. Extension of a protective order is also an additional burden on the victim.”

⁷²² Women Peace and Security Index 2023 (2023). <https://giwps.georgetown.edu/wps-index/> (accessed 29 Oct 2023)

A turning point here would be the establishment of stricter penalties for gender-based violence, as well as the abandonment of conciliatory practices and statutes of limitations for VAWG. Finally, a need for reshaping the national narrative and launching a public awareness campaign on a topic under discussion was underscored by Seiitbek, whereas Hasanova stressed the value of the adoption of anti-femicide laws that could build on approaches like the positive experiences of Latin American countries in addressing gender-based violence.

B. The Republic of Kazakhstan and Its Legal Framework for Gender Violence Prevention

The Constitution of Kazakhstan sets a way by being a primary legal document that establishes guidelines for the protection of the rights and guarantee of opportunities of all citizens in the state, regardless their gender. Namely, Article 14 of the Constitution of the Republic of Kazakhstan unequivocally declares the principle of equality before the law and the court; it also directly prohibits discrimination on various grounds, including gender.⁷²³ In addition to the Constitution, the text of the Code of the Republic of Kazakhstan on Marriage (Matrimony) and Family outlines the presence of mutual consent of both man and woman in matrimonial relationships under Article 9. In more detail, this provision reinforces the idea that marriages are built upon both parties' free consent and entire agreement, thereby establishing a foundation of equality and respect within families.⁷²⁴ At the same time, likewise in the family legislation of Kyrgyzstan, the Kazakh code clearly states that marriage can be legally recognized only as a union of a man and a woman and leaves no room for the possibility of marriage to other genders.

Alongside the Kazakh Constitution, the Law of the Republic of Kazakhstan on State Guarantees of Equal Rights and Equal Opportunities for Men and Women, adopted in 2009, is another specialized legal cornerstone that prescribes the provision of gender equality and state support for it.⁷²⁵ In short, this law outlines the state's obligation to provide and respect equal rights and opportunities of every individual irrespective of gender. Further, in line with international recommendations, Kazakhstan undertook specific steps towards gender balance in political representation when the CEDAW Committee suggested to revise the concept of family and

⁷²³ Constitution of the Republic of Kazakhstan (1995). https://www.akorda.kz/ru/official_documents/constitution.

⁷²⁴ Code of the Republic of Kazakhstan On Marriage (Matrimony) and Family (2011). https://online.zakon.kz/Document/?doc_id=31102748&pos=470;-54#pos=470;-54.

⁷²⁵ Law of the Republic of Kazakhstan on State Guarantees of Equal Rights and Equal Opportunities for Men and Women (2009). https://online.zakon.kz/Document/?doc_id=30526983.

gender policy. Consequently, in 2020, President Kassym-Jomart Tokayev signed amendments to the election law of Kazakhstan, which mandated a 30 percent quota for women and youth on political party electoral lists (Article 89(4)). With these legislative amendments, the government sought the increase of women's and youth participation in decision-making processes and contribution to the creation of a more inclusive political landscape, as proposed by CEDAW.⁷²⁶ On the one hand, the introduction of gender and age quotas is an innovative step towards political inclusion, but on the other hand, the norm combining quotas for both women and youth groups can be seen as a double-edged sword. Alternatively stated, this legal action promotes youth political participation, yet it may inadvertently weaken the focus on gender equality and decrease female participation in decision-making processes. Critics of the amendments argue that this approach risks circumventing the UN recommendations and Sustainable Development Goals, which could potentially hinder the advancement of women's rights in politics. In addition, concerns have been raised that the rule is somewhat a blurring of the line that may not be consistent with the original intention of achieving true gender equality and fairness and will lead to future glass barriers for women.⁷²⁷

Specifically related to gendered violence, the Parliament of Kazakhstan adopted the Law on the Prevention of Domestic Violence in 2009 with a focus on fight and prevention of domestic violence incidents.⁷²⁸ However, according to Alexei Trochev, the law proved to be ineffective due to the absence of basic infrastructure:

“The law was not effective because it lacked essential infrastructure for prevention, including support for police, local government, hospitals, psychological services, shelters, and employers. Consequently, the law remained unimplemented.”

The law has undergone several attempts to be amended, though these efforts have yet to materialize. For instance, the 2020 draft law was withdrawn, and two more, proposed by the Ministry of Internal Affairs and Parliament members, are currently under review. In September 2020, the initial reading of the Law on Combating Domestic Violence took place in the Kazakh Parliament, and it was supposed to strengthen protection for women who have been impacted by domestic abuse. Nevertheless, the bill was withdrawn in January 2021 on grounds of the

⁷²⁶ Constitutional Law of the Republic of Kazakhstan *On elections in the Republic of Kazakhstan* (1995). https://online.zakon.kz/Document/?doc_id=1004029&pos=1870;-50#pos=1870;-50.

⁷²⁷ Central Asian Bureau for Analytical Reporting, *Zachem v Kazahstane vveli kvoty dlja zhenshhin i molodezhi?* (2020). <https://cabar.asia/ru/zachem-v-kazahstane-vveli-kvoty-dlya-zhenshhin-i-molodezhi> (accessed 15 Sept 2023).

⁷²⁸ Law of the Republic of Kazakhstan *On the Prevention of Domestic Violence* (2009). https://online.zakon.kz/Document/?doc_id=30525680.

need for further consultations and discussions.⁷²⁹ In turn, the current 2009 Law defines domestic violence as “an intentional unlawful act (action or inaction) of one person within the family and household context, causing or containing a threat of causing physical and/or mental suffering to another individual or individuals.”⁷³⁰ Complementary to this is Article 54 of the Code on Administrative Offenses, which allows administrative detention for domestic violence cases with elements of an administrative offense. In turn, if, in such cases, the protective order does not provide sufficient protection to the victim of abuse, law enforcement agencies have the right to temporarily detain the offender for a period of no more than 30 days.⁷³¹ Most importantly, the Kazakh legal framework does not criminalize this offense; namely, domestic violence is not classified as a crime in the Criminal Code, and there is no separate article dedicated to this issue. Typically, domestic (family) abuse is treated as a component of other criminal offenses. On the issue, legal expert Trochev also expressed concern that initially, a criminal case can be initiated only after receiving a complaint or message from the victim her/himself, whereas the right for an independent initiation of a case without the participation of the victim was not provided for by law. The legal provision was amended later.

As an example of positive development, it is worth noting that in October 2023, in Karaganda, a city in central Kazakhstan, a pilot initiative called “One Center for Family Assistance” went into operation with an anti-violence goal, which represents a remarkable achievement and is the first of its kind effort in Central Asia. This is a police station exclusively staffed by women police officers. The center operates on a “one-stop-shop” principle and ensures inclusive support services: assistance from law enforcement officers, lawyers, psychologists, bailiffs, theologians, and volunteers. Additionally, the center includes aid from a mediator and representatives from crisis centers.⁷³² However, the true practical impact of this initiative will become evident only in the future.

Further on women’s trafficking, Article 128 of the Kazakh Criminal code deals with crimes such as purchasing, selling, or exploiting a person and holds offenders accountable in the form of imprisonment for four to seven years, while aggravating factors entail a more severe penalty

⁷²⁹ Orda, *B’jot – znachit syadet: Kazahstan prizvali peresmotret’ zakony o domashnem nasilii* (2023). <https://orda.kz/byot-znachit-syadet-hrw-prizvali-kazahstan-peresmotret-zakony-o-domashnem-nasilii/> (accessed 15 Sept 2023).

⁷³⁰ *Supra* note 728, at Art. 1(3).

⁷³¹ Code of the Republic of Kazakhstan on Administrative Offenses (2014). https://online.zakon.kz/Document/?doc_id=31577399&sub_id=7870000&pos=11430;-18#pos=11430;-18.

⁷³² Tengri News, *V Karagande otkryli Edinyj centr pomoshhi sem’e* (2023). <https://tengrinews.kz/kazakhstan/news/v-karagande-otkryili-edinyiy-tsentr-pomoschi-seme-512952/> (accessed 10 Oct 2023).

of up to fifteen years. The provision also applies to cross-border trafficking crimes punishable by nine to twelve years of imprisonment and confiscation of property. It should be noted that it broadly addresses trafficking in persons, meaning that it covers all individuals without specifically mentioning women and girls. However, as per the Criminal Code, acts of exploitation are also defined as “the use by the perpetrator of prostitution by another person or other services provided to him for the purpose of appropriating the income received, as well as forcing a person to provide services of a sexual nature without the perpetrator pursuing this goal”, therefore the provision indirectly covers female victims too (Article 3).⁷³³ It should be taken into account that Kazakhstan is the only Central Asian country that does not have a specialized law on combating human trafficking. Nevertheless, with the facilitation of the advisory support of the IOM and intensifying efforts of other organizations to combat this crime, a new law aimed at tackling this problem is awaiting adoption in the country.⁷³⁴

Regarding child marriages, under the Code on Marriage (Matrimony) and Family, the standard marriageable age as legal adulthood for both men and women is set at 18 years (Article 10).⁷³⁵ However, the law provides for exceptions, particularly in cases where cultural or religious traditions, for example, in Muslim communities, are brought into play. In particular, if a girl of 15-16 years old turns out to be pregnant and her parents marry their daughter according to “Muslim traditions,” there is a provision with an exceptional reduction in the marriageable age to 16 years.⁷³⁶ Notably, compared to the other three countries, Kazakhstan’s criminal legislation does not contain a specific provision for punishment for marriages with minors, even though such a provision used to exist in the past. Thus, such legislative gaps may be preconditions for early marriages, potentially exposing children, specifically underage girls, to legal situations that conflict with their human rights.

Shortcomings in Kazakh VAWG Legislation and Policy Implementation

Questions about legislation in the field of domestic violence did not receive optimistic answers. In particular, it was noted that the implementation of the 2009 domestic violence law in Kazakhstan leaves much to be desired and is lacking in many aspects. In particular, even if special police units were created to prevent domestic violence, the number of these units was

⁷³³ Criminal Code of the Republic of Kazakhstan (2014). <https://adilet.zan.kz/rus/docs/K1400000226>.

⁷³⁴ Draft Law of the Republic of Kazakhstan *On combating human trafficking in the Republic of Kazakhstan* (2023). https://online.zakon.kz/Document/?doc_id=33468389&pos=4;-106#pos=4;-106 (accessed 15 Sept 2023).

⁷³⁵ *Supra* note 724.

⁷³⁶ *Id.* at Art. 10 (3)(4)(5); see also *Kazakhstanskaya Pravda, Skol’ko nesovershennoletnih devochek vstupajut v brak ezhegodno v Kazahstane* (2020). <https://kazpravda.kz/n/skolko-nesovershennoletnih-devochek-vstupajut-v-brak-ezhegodno-v-kazahstane/> (accessed 15 Sept 2023).

limited, as the latter were often only present in central provincial cities and were not considered “prestigious” positions. What is more, victims who reported violent incidents often found that their complaints were not followed up on, which indicates that responses were ineffective:

“Very often, victims of domestic violence would report incidents, either directly or when taken to the hospital. However, within a day or two, their complaints would be withdrawn. Consequently, the police did not conduct investigations or take action against the perpetrators.” – emphasized Trochev.

Later, the legal clause has been shifted from the Criminal Code to the administrative offenses code. The change, indeed, allowed the police to launch investigations without a report of the victim, though the penalties, typically fines or short prison sentences for perpetrators, were criticized as not being effective enough in the prevention of re-offending. Kazakhstan introduced and followed a mechanism similar to temporary restraining orders from the U.S., although the lack of enforcement powers made it ineffective, as added by Alexei Trochev. Despite the mentioned problems, official statistics from law enforcement agencies often indicated that victims of domestic violence were predominantly men, the numbers at odds with the reality of VAWG in the country. This discrepancy again highlighted the major gap not only in confrontation with the problem of VAWG in Kazakhstan, but also in basic recognition of it, said the expert. Moreover, it was noted that since criminal legislation does not contain a separate concept of “domestic violence”, there is, therefore, no specific legal basis for classifying crimes related to domestic violence as part of the total number of criminal cases considered by the courts. As a result, no legal statistics are currently available for incidents of domestic abuse in the country’s databases.

The issue of domestic violence during the COVID-19 pandemic was also raised by Trochev, as he highlighted two main types of violence that occurred during this period: violence against children forced into domestic duties and stress due to academic/school expectations and violence between adults amid financial struggles. Despite the rise in such cases, official crime rates decreased, which can be attributed to reduced thefts and robberies, crimes that typically occur outside a home. Conversely, domestic violence incidents spiked significantly. Additionally, there were numerous reports of domestic violence and violence against children, including girls, during the pandemic, which exposed weaknesses in government processes and law enforcement, as well as indicated a lack of the latter’s willingness and preparedness to address sensitive gender issues. An overburdened healthcare system of the state has further complicated the situation, given that many people have been unable to access adequate medical

treatment, and probably created additional challenges in victims' support and response to domestic violence during the pandemic.

Another respondent, H      Thibault, emphasized that because conservative societies exert power over others, gender-based violence, especially domestic violence, continues to be widespread in Kazakh society. Typically, these power dynamics take root in patriarchal structures and male power. Hence, women in the country and throughout the region have increased vulnerability as they are liable to stricter behavioural expectations and rules from society. This highlighted the alarming normalization and tolerance of domestic violence in the region and shed light on the root causes of violence:

“In Tajikistan, domestic violence is considered normal and accepted as a part of marriage. In Kazakhstan, some individuals downplay domestic violence, suggesting it is not something to be overly concerned about. Uzbekistan stands out for its severe cases, where victims are subjected to extreme violence such as being set on fire.” – Thibault noted.

Another meaningful deficiency in Kazakh legislation is that bride kidnapping is not criminally prosecuted in Kazakhstan despite being a prevalent practice across the country. On this question, Alexei Trochev explained as there is no specific legal provision on the abduction of a woman for marriage in Kazakhstan; instead, there is an article devoted to general kidnapping, in the framework of which *ala kachuu* is typically considered. Recently, discussions have taken place on a definition of *kыз алып қашу* as a separate crime, in particular, the Human Rights Ombudsman of Kazakhstan proposed to include a dedicated article on bride kidnapping in the Criminal Code, similar to the approach taken in Kyrgyzstan. However, hitherto, the question remains uncertain whether this proposal will be adopted or will simply remain as an announcement.

Moreover, about femicide, it should be noted that no specific provision exists on this crime in the criminal legislation of Kazakhstan. The only prosecution mentioned in the Criminal Code that may be gender-related in any way concerns pregnant women, which also carries limited penalties. Overall, femicide is rarely discussed within any Kazakhstan discourse concerning VAWG, Trochev noted. Also, there is no legal definition of harassment in Kazakhstan's legal framework:

“Definition of harassment does not exist legally in Kazakhstan.” – as stated by Trochev.

On this topic, a case was mentioned where a woman working as a janitor in a rural area reported harassment from her boss; however, despite the complaints, she ended up being penalized

instead of the offender. Further, this incident was brought to the attention of the CEDAW Committee, which determined that Kazakhstan had failed to fulfil its responsibilities to conduct effective investigations and offer redress for the victim of gender violence. However, when the victim of harassment pursued action in Kazakhstan's courts, the latter argued that the decision made by the UN Committee was merely a suggestion and not legally binding within Kazakhstani jurisdiction.

The concept of marital rape is also not defined or recognized as a separate crime in the criminal law of Kazakhstan, and, as Trochev pointed out, female celebrities or bloggers are usually the ones who bring cases of marital rape to public attention. Nonetheless, despite numerous instances of such celebrities being raped by their partners, there has not been any legislative action from the side of the government to define or address marital violence. The reason for the absence of a legal definition is typically linked to social tensions and religious factors, especially in Islam, whereas not being explicitly labelled as such, honor killings can occur in the community. Presently, the impetus for discussing special protections for women comes mainly from social media and activists who raise awareness about the problem and further encourage victims to come forward. However, no considerable steps have been taken from the side of government to solve this problem.

The challenges in implementing the national gender policy were also stressed, as experts described it largely as a formality and budget-driven effort:

“It's formal. Usually, these strategies are developed for budget spending. Interested actors then utilize this budget for various purposes, some of which are not connected at all to gender or women protection.” – said Trochev

The execution of the national strategy for gender equality in Kazakhstan involves various actors, in particular ministries, each of which is assigned a separate segment; however, its genuine implementation lacks depth. For instance, there is a shortage of proper sex education in schools, a problem that has persisted since Soviet times and is backed by specific segments of society. Experts as psychologists, certainly, often visit universities and colleges to give lectures to students on topics such as family dynamics and civic responsibilities, yet this approach is deficient. Then, even when teachers are tasked to teach relevant topics in textbooks, the coverage of gender topics tends to be superficial and insufficient. Furthermore, despite innovations in election legislation such as gender quotas, bureaucratic obstacles, and a weak political opposition create barriers for progress towards gender equality in politics and society. According to Trochev, this status *quo* primarily benefits those in power, who undermine the

process of combating violence and thereby lead to a lack of state efforts to ensure the safety of women.

As can be seen, the legislation of Kazakhstan encompasses specific articles and laws related to issues of gender equality and the protection of women's rights, however, some offenses remain non-criminalized. Indicative gaps exist in the legal framework, such as absence of separate clauses on bride kidnapping, early marriages, domestic violence, femicide, harassment, and marital rape. Many parts of the laws' execution seem unregulated and sometimes feel like going through the motions. Furthermore, many aspects of law implementation often remain unregulated in the long term and therefore seem to be a mere formality. Even though there have been certain advancements in gender equality specifically driven by feminist activist advocacy, the respondents in Kazakhstan also mentioned the absence of a feminist perspective in the state's legislation. Normally, the concept of feminism is perceived as a negative outlook in Kazakh society, an aspect that also complicates any efforts to address gender-related questions. This was a comment of Leyla Zuleikha Makhmudova on the VAWG legislation in general:

“...it is obvious that current legislation, first of all, is conceptually non-feminist.”

The existing laws noticeably do not consider a feminist viewpoint even though progress has been made in promoting gender equality and anti-violence driven by feminist activism, both “on the streets and in academia.” Instead, such an approach to gender concerns tends to focus more on upholding traditional, patriarchal family values. Makhmudova argued that this attitude ignores the systemic nature of violence and thereby strengthens harmful structures. Therefore, she advocated for the idea of a more thorough perception of the concept of gender-based violence, based on feminist beliefs solely that might question the current patriarchal standards and encourage a wider societal move towards gender equality:

“... it's evident that the entire agenda of family and gender equality is confined within the family policy framework. Gender equality is deemed necessary, primarily for maintaining domestic peace. However, the reality is more complex. It's not just about being a 'good man' or a 'good woman' to maintain peace in relationships ... If violence becomes systematic and pervasive, it indicates fundamental flaws in the overall system and its reinforcing mechanisms. Unfortunately, this basic feminist understanding of how violence operates is often overlooked. Instead, the discourse reverts to a very patriarchal notion of what it means to be a 'good man,' a 'good father,' or a 'good mother.’” - noted the respondent.

Trochev echoed this sentiment, emphasizing the negative perception of feminism in Kazakh society:

“The word “feminism” is often perceived negatively here. Individuals labelled as feminists often face disregard for their opinions, presenting a significant societal challenge.”

Such attitude of the state and society represents a barrier that makes it difficult for feminist voices to be heard and overall impedes progress in the fight against gender-based violence in Kazakhstan. The problem has deeper roots in entrenched social norms and power dynamics in the Central Asian region, as was noted by Thibault.

In response to the question of how the effectiveness of gender legislation and policies in Kazakhstan could be strengthened and improved, Trochev proposed to focus on several areas. Firstly, problem-solving must begin at the individual level, particularly in cases where victims are often hesitant to report in view of various barriers. In such cases, the close social circles of victims of abuse, which comprise families, relatives, neighbors and friends, not only do not provide support but often themselves prevent the victims from doing so. Therefore, strengthening state social support is critical in elimination and challenging of the “shame” stigma that is often associated with gender problems. This should involve increase of societal awareness and informational literacy through state initiatives, social media, and private efforts:

“The key lies in enhancing social support and promoting awareness among victims. This involves improving informational literacy, a task that can be accomplished through various means such as state initiatives, social media, and private efforts.” – said Trochev.

The second step is to overcome social barriers such as change of public opinion and media perception. Of course, the transformation of the prevalent view that women deserve less is a hard but extremely important task. In this context, breaking the feminism-related stereotypes is critical, too, as it requires women’s voices to be heard and accepted, while celebrities and role models can be inspirations for victims to come forward. Finally, at the state level, although the existence of specific laws cannot be a strong and only response to gendered violence, the augmentation of female representation in leadership positions can at least boost their confidence and voice. In turn, economic dependency of women is another crucial aspect to consider on the rank of government, according to Trochev. For example, victims of violence often remain in abusive relationships because they are financially dependent on their abusers. Therefore, ensuring equal pay for the same work for women and men can be another step in the right direction, even though it is a complex question that requires the participation of the labor market

and the private sector. On the other side of the coin, the complex interdependence between shame culture, patriarchy, and conservatism in Kazakhstan was also highlighted by Thibault:

“Women will not publicly disclose the fact that they are victims of violence, fearing the tarnishing of their family’s reputation. They refrain from speaking openly about it or reporting abusive individuals within their families to the police. This hesitation arises from the fear of being judged, misunderstood, or even shamed by the police. The prevailing belief is that the responsibility lies with the woman if she was beaten.”

It was noted that although larger Kazakh cities such as Almaty and Astana exhibit a postmodern lifestyle closer to that of Europe, there is still a sharp urban-rural divide in how shame operates in society. Rural areas mainly, despite having higher rates of domestic violence occurrences, do not necessarily live up to conventional expectations. In other words, the reality of domestic violence varies significantly based on whether a person lives in the capital city or the countryside. The observations of interviewees underscored the dispute of how complex the VAWG issue is, which is in need of not only filling gaps in legislation and policies but also, and especially, challenging ingrained societal attitudes and norms. To effectively deal with gendered violence in Kazakhstan and other Central Asian states, it is imperative to dismantle the culture of shame, challenge patriarchal structures, and bridge the urban-rural divide in societal perceptions. That is to say, gendered violence in Kazakhstan demands an approach that involves not only legal changes but also significant shifts in societal mindsets. These should include the steps such as the social support, public awareness boosting, breaking gender stereotypes, advocating for female empowerment, and encouraging women’s economic self-sufficiency. Finally, as part of these steps, concepts such as shame, patriarchy and conservatism should gradually disappear in both public and private space.

C. Gender Rights and VAWG in the Republic of Tajikistan and Its Regulation

The Tajikistan’s Constitution is the state’s first document that includes provisions on gender equality. Specifically, Article 17 asserts that everyone shall be treated equally by the law and the courts regardless of nationality, race, gender, language, religion, political views, education level, social standing or property ownership, where both men and women are granted equal rights under the provision.⁷³⁷ Additionally, individuals who have reached marriageable age are free to engage in a marriage, as per Article 33 of Tajikistan’s Constitution. At the same time,

⁷³⁷ Constitution of the Republic of Tajikistan (1999). <https://mfa.tj/ru/main/tadzhikistan/konstitutsiya>.

akin to other Central Asian states, the provision confirms marriages exclusively between men and women, hence leaving room for the rejection of unions between representatives of the other genders. Besides, the constitutional text ensures the monogamous practice of marriages in Tajikistan and, therefore, explicitly prohibits polygamy.⁷³⁸ Regarding equal family rights, the Family Code of Tajikistan once again stresses the equality in union partnership between men and women in accordance with the principles of the Tajik Constitution. According to Article 12 of the Family Code, for a marriage to be valid, both the man and woman must have agreed and reached the age of consent.⁷³⁹ Further, the state's Labor Code ensures equality rights among employees and prohibits discrimination in employment relations, including gender-based discrimination. In addition, the code provides for special conditions for certain categories of women; namely, it contains specific provisions to ensure the labor rights of pregnant women.⁷⁴⁰

As part of special legislation on gender equality and non-discrimination, Tajikistan adopted main legal instruments. First is the Law on State Guarantees of Equality between Men and Women and Equal Opportunities for Their Realization in 2005, which aimed to ensure constitutional guarantees of gender equality in the economic, social, political, and cultural spheres. Thus, the law defines key terms such as gender and gender policy, equality and gender equality, equal opportunities and gender discrimination. The main objective of the 2005 gender equality law is to combat discrimination based on gender. To achieve this goal, the law is directed to ensure that both men and women have equal rights, duties, and responsibilities.⁷⁴¹

⁷³⁸ *Id.* at Article 33.

⁷³⁹ *Family Code of the Republic of Tajikistan* (1998). <http://ncz.tj/content/percentD1percent81percentD0percentB5percentD0percentBCpercentD0percentB5percentD0percentB9percentD0percentBDpercentD1percent8BpercentD0percentB9-percentD0percentBApercentD0percentBEpercentD0percentB4percentD0percentB5percentD0percentBApercentD1percent81-percentD1percent80percentD0percentB5percentD1percent81percentD0percentBFpercentD1percent83percentD0percentB1percentD0percentBBpercentD0percentB8percentD0percentBApercentD0percentB8-percentD1percent82percentD0percentB0percentD0percentB4percentD0percentB6percentD0percentB8percentD0percentBApercentD0percentB8percentD1percent81percentD1percent82percentD0percentB0percentD0percentBD>.

⁷⁴⁰ *Labor Code of the Republic of Tajikistan* (2016). <http://ncz.tj/content/percentD1percent82percentD1percent80percentD1percent83percentD0percentB4percentD0percentBEpercentD0percentB2percentD0percentBEpercentD0percentB9-percentD0percentBApercentD0percentBEpercentD0percentB4percentD0percentB5percentD0percentBApercentD1percent81-percentD1percent80percentD0percentB5percentD1percent81percentD0percentBFpercentD1percent83percentD0percentB1percentD0percentBBpercentD0percentB8percentD0percentBApercentD0percentB8-percentD1percent82percentD0percentB0percentD0percentB4percentD0percentB6percentD0percentB8percentD0percentBApercentD0percentB8percentD1percent81percentD1percent82percentD0percentB0percentD0percentBD>.

⁷⁴¹ *Law of the Republic of Tajikistan On State Guarantees of Equality between Men and Women and Equal Opportunities for Their Realization* (2005).

In other words, the focus here is on the creation of balanced conditions for both genders with a view to support the free development of their abilities and participate in aspects of society. Second, one of the most recent developments in Tajik gender equality legislation was that in September 2022, Tajikistan adopted its Law on Equality and the Elimination of All Forms of Discrimination. The bill that, along with the Tajik Constitution, has a specialized aim to address different forms of discrimination, especially those related to gender. The text of the law provides the following definitions: discrimination, both direct and indirect, harassment, provocation, segregation, and guaranteed rights to equality.⁷⁴² The 2022 equality law also outlines the duties and obligations of public authorities, self-government bodies, and individuals concerning questions of equality and discrimination. Moreover, the victims are ensured to have the right to seek judicial protection in instances of discrimination, as well as detailed procedures for the resolution of related issues set out, and assurance of compensation for any harm or damages caused. However, both laws have shortcomings, as pointed out by Larisa Alexandrova; unfortunately, not a single of the two laws clearly addresses gender-based violence or qualifies it as a form of discrimination against women and girls. On the discussion on women's representation in decision-making, as per the National Development Strategy of the Republic of Tajikistan until 2030, the goal is to increase the number of women in the public sector to 30 percent of the total workforce and 25 percent in leadership positions. Yet, it is noteworthy to mention that Tajikistan remains the sole Central Asian country still to introduce the 30 percent gender quota into its election legislation.⁷⁴³

<https://ncz.tj/content/percentD0percentB7percentD0percentB0percentD0percentBApercentD0percentBEpercentD0percentBD-percentD1percent80percentD0percentB5percentD1percent81percentD0percentBFpercentD1percent83percentD0percentB1percentD0percentBBpercentD0percentB8percentD0percentBApercentD0percentB8-percentD1percent82percentD0percentB0percentD0percentB4percentD0percentB6percentD0percentB8percentD0percentBApercentD0percentB8percentD1percent81percentD1percent82percentD0percentB0percentD0percentBD-percentD0percentBE-percentD0percentB3percentD0percentBEpercentD1percent81percentD1percent83percentD0percentB4percentD0percentB0percentD1percent80percentD1percent81percentD1percent82percentD0percentB2percentD0percentB5-percentD0percentBDpercentD0percentBDpercentD1percent8BpercentD1percent85-percentD0percentB3percentD0percentB0percentD1percent80percentD0percentB0percentD0percentBDpercentD1percent82percentD0percentB8percentD1percent8FpercentD1percent85-percentD1percent80percentD0percentB0percentD0percentB2percentD0percentBDpercentD0percentBEpercentD0percentBFpercentD1percent80percentD0percentB0percentD0percentB2percentD0percentB8percentD1percent8F-percentD0percentBCpercentD1percent83percentD0percentB6percentD1percent87percentD0percentB8percentD0percentBD-percentD0percentB8-percentD0percentB6percentD0percentB5percentD0percentBDpercentD1percent89percentD0percentB8percentD0percentBD-percentD0percentB8>

⁷⁴² Law of the Republic of Tajikistan *On Equality and the Elimination of All Forms of Discrimination* (2022). https://online.zakon.kz/Document/?doc_id=35098909.

⁷⁴³ *Supra* note 324.

With regards specifically to gender-based violence, Tajikistan currently has two primary laws addressing VAWG: the Law on Prevention of Domestic Violence and the Law on Combatting Human Trafficking and Providing Assistance to Victims of Human Trafficking.⁷⁴⁴ Larisa Alexandrova noted here:

“... specifically, the texts of the law themselves do not indicate the gender of whom these laws are aimed at, and it does not indicate that they are aimed at preventing VAWG, but global and national statistics show that the phenomena that these two laws combat most affect women.”

In order to regulate questions related to the prevention and elimination of domestic violence in Tajikistan, the Law on the Prevention of Domestic Violence⁷⁴⁵ was enacted in the year of 2013. Similarly to Kazakhstan and Kyrgyzstan, the legal text encompasses a broad range of behaviors within familial and household relationships, beyond spousal or partner, and defines various manifestations of domestic violence, including types of abuse such as physical, mental, sexual, and economic violence within family relations. Within provisions of the law are mentioned measures to prevent and stop abuse, identification of the entities responsible for violence prevention (such as government agencies, public organizations and citizens), and introduction of protective orders for victims’ safety from domestic violence. The objectives of the domestic violence bill include such points as legal protection of the family, regulation of marital relationships in order to prevent violence, support of government initiatives against domestic violence, promotion of zero intolerance for violence and parental responsibility in raising children. Despite all these legislative advances, the Tajik Criminal Code does not specifically mention domestic violence; namely, there is no specific provision on domestic violence.⁷⁴⁶

⁷⁴⁴ Law of the Republic of Tajikistan *on Countering Human Trafficking and Providing Assistance to Victims of Human Trafficking* (2014). http://www.adlia.tj/show_doc.fwx?rgn=122167.

⁷⁴⁵ Law of the Republic of Tajikistan *on Prevention of Domestic Violence* (2013). <http://ncz.tj/content/percentD0percentB7percentD0percentB0percentD0percentBApercentD0percentBEpercentD0percentBD-percentD1percent80percentD0percentB5percentD1percent81percentD0percentBFpercentD1percent83percentD0percentB1percentD0percentBBpercentD0percentB8percentD0percentBApercentD0percentB8-percentD1percent82percentD0percentB0percentD0percentB4percentD0percentB6percentD0percentB8percentD0percentBApercentD0percentB8percentD1percent81percentD1percent82percentD0percentB0percentD0percentBD-percentD0percentBE-percentD0percentBFpercentD1percent80percentD0percentB5percentD0percentB4percentD1percent83percentD0percentBFpercentD1percent80percentD0percentB5percentD0percentB6percentD0percentB4percentD0percentB5percentD0percentBDpercentD0percentB8percentD0percentB8-percentD0percentBDpercentD0percentB0percentD1percent81percentD0percentB8percentD0percentBBpercentD0percentB8percentD1percent8F-percentD0percentB2-percentD1percent81percentD0percentB5percentD0percentBCpercentD1percent8CpercentD0percentB5> .

⁷⁴⁶ *Criminal Code of the Republic of Tajikistan* (1998). <http://ncz.tj/content/percentD1percent83percentD0percentB3percentD0percentBEpercentD0percentBBpercentD>

Typically, such actions are considered as part of other offenses. This makes Tajikistan a state that does not classify domestic violence as a criminal offense, akin to Kazakhstan. Instead, the country relies on administrative regulations in incidents of domestic violence, namely, Article 93(1) of the Code of Tajikistan on Administrative Offenses states that “violation of the requirements of the legislation of the Republic of Tajikistan on the prevention of domestic violence, that is, the commission of an intentional act of a physical, mental or economic nature or the threat of their commission in family relations, if this act violates the rights and freedoms of a family member” may result in fines for perpetrators in the amount of two to five times the calculation index.⁷⁴⁷

Speaking about human trafficking, to address this problem within and outside its territory, Tajikistan adopted the 2014 Law on Combating Human Trafficking and Providing Assistance to Victims of Human Trafficking. If, in general, this law provides a legal framework to combat human trafficking in Tajikistan, then in more detail, it outlines key concepts such as victim identification, debt bondage, servitude, re/victimization, and even slavery. The main objectives of the 2014 human trafficking act are the protection and assistance for victims of trafficking, the establishment of measures for their rehabilitation, and the regulation of public relations related to human trafficking.⁷⁴⁸ Further, prosecution for human trafficking is covered in the Tajik Criminal Code, where offenses that involve coercion, exploitation, or illegal transactions for financial gain might carry penalties of five to eight years imprisonment with confiscation of a property. More severe punishments, ranging from eight to fifteen years of imprisonment with property confiscation, apply for crimes that accompany more grave acts such as violence, multiple victims, organ trafficking, or crossing of borders. At the same time, the note to the

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⁷⁴⁷ Code of the Republic of Tajikistan on Administrative Offenses (2008). https://online.zakon.kz/Document/?doc_id=30414710&pos=584;-45#pos=584;-45&sdoc_params=textpercent3Dpercent25D0percent25BDpercent25D0percent25B0percent25D1percent2581percent25D0percent25B8percent25D0percent25BBpercent25D0percent25B0percent25B5percent26mcodepercent3Dindocpercent26topic_idpercent3D30414710percent26spospercent3D1percent26tSynonympercent3D1percent26tShortpercent3D1percent26tSuffixpercent3D1&sdoc_pos=2.

⁷⁴⁸ See *supra* note 744.

article states that persons who reported their involvement and released the victims may be exempt from criminal liability.⁷⁴⁹

Next, Article 169 of Tajikistan's Criminal Code prohibits the marriage with children below the legal age of 18 as a way to address child marriage crimes. Precisely, the text is following: "Concluding a marriage agreement in relation to a person under marriageable age, as well as concluding a marriage with this person, is punishable by a fine in the amount of one to two thousand times the minimum monthly wage, or correctional labor for a term of up to two years, or restriction of freedom for a term of up to five years".⁷⁵⁰ Further, taking account that in most cases the victim of underage marriages is a girl child, Article 168 covers specifically cases of a marriage of a girl under marriageable age, which states: "marriage of a girl under marriageable age by parents or guardians, or persons to whom she is subordinate, as well as mediation or assistance in marriage - is punishable by correctional labor for a term of up to two years or restriction of freedom for a term of up to five years."⁷⁵¹ In other words, similar to the criminal legislation of Kyrgyzstan and Uzbekistan, it is assumed that persons, including representatives of religious institutions, who facilitate or support marriages involving minor girls may be subject to punishment under Tajik legislation.

Gaps in Tajik VAWG Legislation and Policy Implementation

About domestic violence, indeed, one can say that a positive step for the country is that Tajikistan has a specialized anti-domestic violence law. However, like throughout the region, effective implementation of the law and its corresponding monitoring remains a hurdle. Larisa Alexandrova highlighted the existing strengths of the domestic violence legal framework of the Republic of Tajikistan. Namely, she thought that the presence of obligated entities responsible for implementation within their competence is a big plus. However, the problem is that these actors practically do not interact and coordinate with each other. What is more, there is no overarching body that could lead and control this cooperation:

"... there is a state will and responsible state agencies, each obligated to implement them in their own sphere, but there is no interaction between them and a single more powerful body that led and coordinated this interaction. This is written very vaguely in the Law of the Republic of Tajikistan on domestic violence." – stressed Alexandrova.

⁷⁴⁹ *Supra* note 746, at Art. 130(1).

⁷⁵⁰ *Id.*

⁷⁵¹ *Id.*

In other words, there are no adequate legal mechanisms for implementation, enforcement, and oversight. Another significant gap, as was mentioned, is the absence of criminalization of domestic violence. Such holes in Tajik legislation generate a lack of criminal prosecution for such offenses, and bring only administrative penalties in grave cases. In her turn, Lola Olimova also touched upon aspects of the implementation and enforcement of domestic violence law, though from another perspective. Whilst domestic violence is common in Tajikistan, this question is rarely openly discussed in society or highlighted in the media unless it pertains to high-profile incidents. The respondent implied that avoidance and often fear of discussing domestic abuse and any gender-related matters in Tajikistan is a cause-effect of the influence of growing traditionalist and religious beliefs, which are regularly misinterpreted and hinder public awareness and dialogue on the issue. This lack of awareness consequently leads to challenges in implementing domestic violence legislation, as people may not be well informed about available resources and support systems. As a result, abstention from open discussions and limited public awareness of the problem together create additional barriers to the legislation to be successfully enforced against domestic violence.

Further, Tajikistan's criminal legislation does not define the term "femicide", and, like in all other Central Asian states, there are only provisions related to the murder of a pregnant woman under Article 104, where murder includes cases of a woman known to the perpetrator to be pregnant.⁷⁵² In the context of rape, this crime is described in the Criminal Code as "sexual intercourse involving violence, threat, or taking advantage of a woman's helpless state," for which the criminal law provides for offenders with a prison sentence ranging from three to seven years.⁷⁵³ At the same time, it is essential to mention here that Tajikistan, similar to neighboring Kazakhstan and Kyrgyzstan, addresses the crime of rape as a general, whereas it does not explicitly define marital rape as a separate offense or as aggravating factors of rape provision in its criminal legislation.

Finally, about cases of harassment, Tajikistan for the first time introduced the concept of "sexual harassment" in 2022 by adopting the mentioned earlier Law on Equality and the Elimination of All Forms of Discrimination. The law specifies sexual harassment as any intentional verbal, non-verbal, or physical behavior of a sexual nature intended to insult a person's dignity or create a hostile environment. In its turn, workplace harassment refers to repeated non-physical actions to humiliate an individual and worsen their working conditions

⁷⁵² *Supra* note 746.

⁷⁵³ *Id.*

or professional status.⁷⁵⁴ Indeed, this bill provides general guidance and regulation on discrimination issues, yet, likewise Kazakhstan and Kyrgyzstan, Tajikistan does not have a specific legal definition for “harassment” in its criminal or administrative legislation. This means that it is not considered as a distinct criminal or administrative offense. Typically, such behaviors are qualified by the Code on Administrative Offenses as “petty hooliganism” and may result in maximum fines or administrative arrest. Furthermore, there is a lack, close to none, research efforts in Tajikistan specifically focused on harassment of a sexual nature, as well as no official statistics are available from the Tajikistan’s Ministry of Internal Affairs regarding complaints related to this issue.⁷⁵⁵ Currently, the Parliament of Tajikistan is considering a proposed amendment to Article 133 of its Criminal Code, which could potentially address sexual harassment cases. The draft amendment defines sexual harassment as “explicit inappropriate behavior involving intimidation, harassment, or coercion of a sexual nature directed at a woman”.⁷⁵⁶

Next, similar opinions were shared regarding the policies, namely, on the challenges in the implementation of the national strategy on gender equality by Tajikistan. In her response, Alexandrova expressed the view that the current execution of gender policy in Tajikistan is not entirely adequate. The reasons for this lie in the lack of clear indicators for the policy results’ measurement, followed by insufficient funding of the gender-related programs. It was indeed emphasized the contributions of government agencies and NGOs and their active involvement in the process as positive efforts. Nevertheless, the issues with the lack of coordination and financial backing together result in fragmented and inconsistent implementation of policies and initiatives. On this topic, Alexandrova stressed the following:

“A lot is being done, but everything is fragmentary and not always systematic. Without a proper financial basis, it is difficult to achieve real results. And, lately it seems that patriarchal views have become stronger. Crisis centers that work on the front lines talk about this more often. The influence of distorted Islamic views, which young people interpret in their own way, is increasing; there is no correct religious education.”

Thus, echoing the sentiments shared across all Central Asian states, once again the influence of patriarchal and religious beliefs was emphasized in bold. There is a concerning rise in

⁷⁵⁴ *Supra* note 742, at Art. 6(2)(3).

⁷⁵⁵ Asia-Plus, *Harassment: kak ego raspoznat’ i kak potom deystvovat’?* (2022) <https://www.asiaplustj.info/ru/news/tajikistan/society/20220819/harassment-kak-ego-raspoznat-i-kak-potom-deistvovat> (accessed 15 Sept 2023).

⁷⁵⁶ *Id.*

patriarchal perspectives, particularly among the younger generation, who are influenced by often distorted interpretations of Islamic teachings. Additionally, the respondent highlighted the state's delayed and insufficient response to the surge in VAWG amid the COVID-19 crisis, where the majority of assistance during that period came from NGOs, crisis centers and donors rather than the government. Olimova, in parallel with Alexandrova, emphasized that even though the specialized laws and programs promoting gender equality exist, the practical application is often obstructed by standing cultural and religious customs. Predominantly shaped by traditionalist and Islamic influences, these beliefs risk perpetuating gender stereotypes that draw an idiomatic line for women and limit them to the framework of specific roles within the family and household. All this results in a subsequent lack of respect for the principle of gender equality in a broader sense. As a way for improvement, certain efforts have been made to increase the number of women in Tajik Parliament and in government positions, though, in the long term, these initiatives have not been as effective as expected, again because public attitudes and stereotypes:

“Increasing the number of women in parliament became noticeable around 2000, continuing through the mid-2000s to 2010. During this period, attempts were made by every first deputy in government agencies to appoint women and so on. However, while there may have been some quantitative improvements, the overall policy towards women in Tajikistan remains deeply entrenched. You know, when it comes to gender, and the concept of gender equality, they are not respected in Tajikistan.” – outlined Olimova.

In other words, the struggle lies in breaking down those barriers and challenging wrongly interpreted traditional and religious sentiments to achieve meaningful gender equality in Tajikistan, thinks the respondent.

To conclude, it was unanimously mentioned by the respondents from Tajikistan that, undoubtedly, there are laws and policies in place to address VAWG and support gender equality. Yet, there is room for improvements in implementing these measures - a sentiment shared throughout all Central Asian countries. On the one hand, the current laws which deal with issues, for e.g., domestic violence, miss adequate implementation and enforcement because of the ingrained patriarchal and related beliefs not only within society but also within state institutions. On the other hand, as an optimistic aspect, various actors, both government organizations and NGOs, are involved in the regulation of gender-related issues and policy execution within their specific domains. However, these strengths were diminished by the absence of coordination and a more authoritative coordinating state body that might ensure

effective oversight and interaction among these entities. Therefore, several issues within Tajik legislation on VAWG and gender policies have been highlighted by Alexandrova. First, there is a deficiency in effective legal mechanisms for implementing laws related to prevention of domestic (family) violence. Second, government bodies often struggle to engage in coherent collaboration, as well as there is no dedicated coordinating body. Third, the respondent critiqued the legislation and policies for not being gender-sensitive and missing considerations for the specific needs of vulnerable groups such as individuals with disabilities or those living with HIV, people with criminal records, rural residents, or individuals facing poverty. Overall, the existing laws and policies proved to fall short to effectively answer these complex and sensitive issues.

Several points can be raised to improve gender legislation and policy in Tajikistan. There is a need for confrontation with gender stereotypes and fostering a culture of zero tolerance towards the occurrence of VAWG within both families and government institutions, according to Alexandrova. Additionally, harmful customs, especially such as early and forced marriages, as well as polygamy, must be combatted by public awareness elevation about negative impacts of latter. Furthermore, proper statistics data collection is also needed in Tajikistan, as most of the VAWG data is gathered predominantly by NGOs and external organizations. The interviewee emphasized the importance of respecting the rule of law principle and allocation of adequate resources for the implementation of gender programs; where another important aspect of this issue is the fight against widespread corruption, which strongly impedes productive policy and legal implementation. The key points here are to learn lessons from successful international experiences and advocacy for women's empowerment through increased economic independence and education of women:

“There must be the will and understanding to bring about significant change. Merely addressing the consequences is insufficient; prevention efforts must also be a focus, delving into the root causes comprehensively. Unfortunately, this holistic approach is lacking at present. Positive examples exist, such as Canada and South Korea, which have achieved results in this area. In my opinion, without equal rights and opportunities, VAWG cannot be effectively addressed. While we have equal rights on paper, practical statistics demonstrate a different reality.” – highlighted Larisa Alexandrova.

Finally, she advocated for systematic gender sensitivity education programs for civil servants at all levels and the development of a comprehensive communication strategy to enhance

awareness about gender equality and VAWG in Tajikistan. Besides, Alexandrova emphasized the weight of the active involvement of men in the process:

“...but we need to involve them (men) effectively, encouraging them to demonstrate positive examples. Currently, this approach is lacking. There are few male allies on this issue. To achieve this, there is a need to transform their perspectives and lifestyles, illustrating the benefits of gender equality and a life free from violence.”

In other words, the implementation in Tajikistan falls short because of the following challenges: differences in mentalities, budgetary constraints and insufficient willpower of the state to implement the necessary changes. Olimova also thinks that making improvements for people in Tajikistan in the realms of gender equality and elimination of domestic violence, relies on the government’s policies and increase of societal consciousness. In Olimova’s point of view, the presence of patriarchy and gender biases in Tajikistan, including within law enforcement agencies, is one of the first and major handicaps for women to seek help in gendered violence cases:

“The pervasive influence of patriarchy is a global issue. Even within law enforcement agencies, officers are not exempt from these attitudes... These stereotypes persist, dictating that a woman’s rightful place is in the kitchen or at home. Disturbingly, even in cases where women seek help, they are sometimes blamed. Some have called the police, only to be asked, “What did you say to your husband?” These situations are complex and depend on various factors.”

Similarly to Alexandrova, it was stressed the value of societal changes, starting with childhood education. In other words, a strong zero-tolerance policy towards violence should be incorporated from early stages in primary educational institutions, e.g., in kindergartens and schools. The question of how repeatedly distorted interpretations of religious teachings often reinforce traditional gender roles in Tajikistan was further raised by Olimova, where education plays a crucial role:

“Undoubtedly, education significantly influences these matters ... However, after the 9th grade, it is no longer compulsory, including for girls pursuing higher education.” – said the interviewee, highlighting that after the 9th grade, many girls do not pursue further education, which undoubtedly has a significant impact on the situation with VAWG.

In addition, the importance of top-down initiatives has been emphasized, where political leaders and government institutions must be the first ones to actively protect and advocate for women’s rights and challenge existing stereotypes:

“In general, such policies should be implemented nationwide, starting from early education and continuing through schools and beyond. All of this should begin with top-down political initiatives. Unfortunately, in our country, the question arises: can a woman truly change these societal attitudes? And this challenge is not just from men but also from women; there exists strong misogyny in our society.” – said Olimova.

While she acknowledged the worth of the idea of more women in decision-making roles, at the same time, Olimova noted the obstacles to this. Specifically, this relates to the prevalence of misogyny not just among men but also among women in Tajikistan, which largely goes against the grain. Another essential point that was mentioned - involving men in the fight for gender equality. Even though there are few men who are willing to actively participate or advocate gender equality in Tajikistan, their engagement in educational programs and discussions could be a big advance. Overall, a significant change in relations and public policy is essential to see tangible improvements in Tajikistan’s situation with VAWG and gender equality in general.

D. A Glance at Gendered Violence Laws and Policy in the Republic of Uzbekistan

When discussing the topic of gender-related legislation, all respondents from Uzbekistan emphasized that the topic of gender was previously considered taboo. There was no legislation mentioning gender until 2016’s change of presidency, after which the new government approved the adoption of laws on gender equality in Uzbekistan. Today, Uzbekistan’s Constitution, in Article 58, guarantees equal rights for women and men, ensuring their equal opportunities in managing societal and state affairs and other public spheres.⁷⁵⁷ Besides, in the Family Code, Article 2 stresses the equality in family relationships between women and men. Nonetheless, as observed in the evaluation of family laws in other three Central Asian nations, the legislation in these states distinctly prioritizes marriage between individuals of solely two genders.⁷⁵⁸ Niginakhon Saida Uralova mentioned that provisions for equal rights were included in the Family Code only after the government changed in 2016, since then gender-related issues have gained more prominence, and both the government and citizens began to discuss these matters more openly. With regard to equality in the employment sphere, Article 4 of the Uzbek Labor Code underscores the importance of equal employment rights and opportunities and sets out the prohibition of any form of discrimination in labor and occupational roles, including

⁷⁵⁷ Constitution of the Republic of Uzbekistan (1992). <https://constitution.uz/ru>.

⁷⁵⁸ Family Code of the Republic of Uzbekistan (1998). <https://lex.uz/docs/104723>.

based on gender.⁷⁵⁹ In this instance, the efforts have been taken by the state in collaboration with the ILO in advancement of women's rights, including the revision and adoption of a new labor rights code, according to Farzona Khashimova, that have brought about transformations in dealing with women's rights matters in the labour field. Additionally, educational initiatives and capacity-building programs in partnership with various donors and international organizations have been initiated with an aim to enhance the skills and potential of specialists, especially those working in the private sector. The main emphasis here was placed on addressing challenges concerning gender violence and labour rights, as well as improvement of the skills and expertise of professionals in this sector.

In addition to its constitutional text, in 2019, Uzbekistan introduced a specialized law with the main focus on the gender equality principle - the Law on Guarantees of Equal Rights and Opportunities for Men and Women. The primary objective of the 2019 Law is to govern relationships on equal rights and opportunities for both women and men.⁷⁶⁰ On quotas and female representation in decision-making, as a reflection of the country's international obligations to CEDAW, an increased 40 percent gender quota has been established by a 2023 amendment to Article 70 of the Electoral Code of the Republic of Uzbekistan. According to this provision, the number of women must constitute at least forty percent of the total deputy candidates nominated from a political party.⁷⁶¹ This quota initially was established through an amendment act in 2004 and constituted 30 percent.⁷⁶²

With regard to VAWG legislation, three periods were outlined in the development of gender violence legislation in Uzbekistan: before 2019, there was no domestic violence legal protection, and as was mentioned before 2016-2017, gender-related matters, including domestic violence, were considered taboo subjects in Uzbekistan; in 2019-April 2023 laws acknowledged the issue but missed enforcement, and from April 2023 stronger laws established criminal liability, longer protection orders, and prevention measures, markedly improving victim protections. The perspectives on gender-related topics gradually evolved within Uzbek government and society following the change in the state's authoritarian leadership in 2016. Since then, various laws have been put in place in order to protect women from violence and promote gender equality. Precisely, the 2018 presidential decrees "On measures to improve the

⁷⁵⁹ *Labor Code of the Republic of Uzbekistan* (2022). <https://lex.uz/ru/docs/6257291>

⁷⁶⁰ See *Law of the Republic of Uzbekistan on Guarantees of Equal Rights and Opportunities for Men and Women* (2019). <https://lex.uz/docs/4494873>.

⁷⁶¹ *Electoral Code of the Republic of Uzbekistan* (2019). <https://lex.uz/docs/4386846>.

⁷⁶² *Law of the Republic of Uzbekistan on Elections to the Oliy Majlis of the Republic of Uzbekistan* (1993), Art. 22. <https://lex.uz/acts/71045>.

system of social rehabilitation and adaptation, as well as the prevention of family-domestic violence” and “The Programme of Practical Measures for the Improvement of Social Rehabilitation and Adaptation, the System of Prevention of Domestic Violence,”⁷⁶³ were Uzbekistan’s first steps forward. A year later, in parallel with the law on gender equality, the enactment of the Law on Protection of Women from Harassment and Violence⁷⁶⁴ served as a crucial addition to the existing legislation on gender equality and represented a major development in the area for regulation of domestic violence.

Consequently, April 2023 has become a principal period in the history of independent Uzbekistan, as the country reached elevated progress in enhancing gender equality and women’s rights through updated legislation. That year, the state adopted amendments to its legislation regarding gender offenses, such as domestic violence, sexual assault, and harassment, alongside stricter punishments for specific crimes against minors, especially girls. Specifically, a new bill was put into effect that modified existing legislation intending to bolster the protection of women’s and girls’ rights, prevention of harassment and violence, and child neglect, as well as supporting children with disabilities or those who miss parental care.⁷⁶⁵ Women’s rights advocates in the country have long insisted on strengthening protection for victims from domestic and other forms of gender-based violence, therefore, as part of the mentioned legal changes, Uzbekistan took an important legal step to criminalize domestic violence. What has changed is that previously, victims had to prove severe physical harm, which in most cases made it difficult to protect themselves, especially in cases of psychological or sexual abuse, noted Kurolova. Now, Article 126¹ of the Criminal Code of Uzbekistan contains a comprehensive provision on family (domestic) violence. Uzbek new legislation defines family violence as abuse directed against a spouse, former spouse, a person living together on the basis of a single household, or a person with whom a child is shared. In particular, the article covers various forms of family (domestic) violence, ranging from obstruction of rights to severe bodily injuries, each of which entails a specific punishment, while the offenses include material damage, humiliation, isolation and physical harm. In turn, to deter domestic violence and ensure appropriate punishment for perpetrators based on the harm caused, different consequences may be imposed on domestic abusers, this include fines,

⁷⁶³ Resolution of the President of the Republic of Uzbekistan *on Measures to Improve the System of Social Rehabilitation and Adaptation, as well as Prevention of Domestic Violence* (2018). <https://lex.uz/ru/docs/3804813>.

⁷⁶⁴ *Supra* note 644.

⁷⁶⁵ Law of the Republic of Uzbekistan *on Amendments and Additions to Some Legislative Acts of the Republic of Uzbekistan in Connection with Further Improvement of the System of Reliable Protection of the Rights, Freedoms and Legal Interests of Women and Children* (2023). <https://lex.uz/acts/6430278?ONDATE=12.04.2023>.

compulsory community service, correctional labor, restriction of liberty and imprisonment. All these penalties may vary depending on the seriousness of the crime and aggravating factors, e.g. cruelty or use of weapons.⁷⁶⁶ Similar to Kyrgyzstan, Uzbekistan has also introduced administrative responsibility for domestic violence, specifically, for lighter forms of domestic abuse under Article 59² of the Code on Administrative Responsibility, which now may result in administrative penalties. The provision mentions explicitly such manifestations of domestic violence as obstruction of rights such, as to property, education, healthcare and employment, followed by intentional harm, humiliation, intimidation or seclusion imposed on a partner/spouse, former one, cohabiting partner or someone with whom victim has a common child.⁷⁶⁷ The listed offences may result in fines or administrative arrests. Further, a new provision was incorporated into the Law on Protection of Women from Harassment and Violence under Article 23¹. In more detail, in cases where the threat of violence persists, the clause now allows, at the request of the victim, to rapidly extend protection orders. The latter, in their turn, can be prolonged by a court for up to 1 year, as opposed to the previous provision with a limit of 30 days.⁷⁶⁸ The amended legislation also authorizes courts to impose additional measures on perpetrators such as constraint of the offender from certain areas, requirement for drug addiction treatment, or temporary restriction of the abuser's access to the victim's place of residence or work.⁷⁶⁹

In the field of trafficking in persons, Uzbekistan adopted the 2008 Law on Countering Human Trafficking, addressing the issue in the country.⁷⁷⁰ According to law, trafficking in persons is defined as “recruiting, transporting, transferring, harbouring or receiving persons for the purpose of exploitation by the threat or use of force or other forms of coercion, kidnapping, fraud, deception, abuse of power or position of vulnerability, or by bribery of payments or benefits to obtain the consent of a person, controlling another person.” At the same time, the law specifies exploitation as forced prostitution, sexual exploitation, forced labor, slavery, servitude, or organ removal. Additionally, Article 135 of the Criminal Code criminalizes trafficking in humans and involves punishment for this offense in the form of imprisonment or restriction of liberty for three to five years. In turn, aggravating factors, such as violence,

⁷⁶⁶ *Criminal Code of the Republic of Uzbekistan* (1994). <https://lex.uz/acts/111457>.

⁷⁶⁷ *Code of the Republic of Uzbekistan on Administrative Responsibility* (1994). <https://lex.uz/acts/97661#6435936>.

⁷⁶⁸ *Gazeta.uz, Kak novyj zakon usilit zashchitu zhenshhin i detej. Obzor dokumenta* (2023). <https://www.gazeta.uz/ru/2023/04/12/women-and-children/> (accessed 15 Sept 2023).

⁷⁶⁹ *Supra* note 644.

⁷⁷⁰ *Law of the Republic of Uzbekistan on Countering Human Trafficking* (2008). <https://lex.uz/acts/1339438>

coercion, multiple victims, or exploitation of vulnerable individuals, will result in sentences from five to eight years. Furthermore, if the trafficking crime involves minors, the victim's death, or is committed by an organized group, the penalty will range from eight to twelve years in prison.⁷⁷¹

The Republic of Uzbekistan is currently the sole Central Asian state that has recently incorporated a specific provision on sexual harassment within its legislation. In April 2023, alongside the amendments to the criminalization of domestic violence, the state added a distinct article on sexual harassment in its Code on Administrative Responsibility. On this point, Dिल्фуза Kurolova also acknowledged that the official recognition of sexual harassment in Uzbekistan signifies a notable change in the legal framework as one more step towards the protection of women's rights. Previously, sexual harassment was regarded as part of hooliganism or was viewed in terms of dependency as conduct, which involved illegal acts related to dependency status. Now, according to Article 41¹, sexual harassment is defined as "committing one-time or repeated actions of a sexual nature, unwanted by the person and degrading their honor and dignity, expressed through comments on their appearance or physique, gestures, touching, calling, or displaying sexual inclination."⁷⁷² Moreover, definition of sexual harassment involves consideration of three key elements: the perpetrator's recognition of the victim's unwillingness, whether the act is a one-time occurrence or systematic, and the temporal aspect for evaluating its effectiveness. Whereas, a first-time offenders may face a fine or up to five days of administrative arrest, while if the offense is repeated within a year the penalty increases to a higher fine or up to fifteen days of administrative detention.⁷⁷³

About marital rape, Article 118(b) of Uzbekistan's Criminal Code covers cases involving "a close relative, a former spouse, a person living together on the basis of a single household, or a person who has a common child."⁷⁷⁴ However, the term "person living together on the basis of a single household" is ambiguous and leaves uncertainty about its applicability to living arrangements, such married partners. Kurolova was asked for clarification on this uncertainty in the legal text, and the latter confirmed that there is no specific law or legal provision in Uzbekistan that distinctly regulates marital rape as a separate offense or includes it as an aggravating factor under the existing rape article. Mainly, marital rape in practice falls under the category of domestic violence, specifically physical violence, when during an unwilling act

⁷⁷¹ *Supra* note 766.

⁷⁷² *Supra* note 767.

⁷⁷³ *Id.*

⁷⁷⁴ *Supra* note 766.

of sexual intercourse within a partnership or registered marriage the perpetrator uses force. In addition, as part of recent changes in criminal legislation to strengthen the system for protecting women and children in April 2023, the punishment for rape has been tightened. According to it, rape is punishable by imprisonment from 5 to 8 years (previously - from 3 to 7 years).⁷⁷⁵

Further, violations related to marriageable age in Uzbekistan are outlined in the Article 125¹ of the Criminal Code. Namely, entering into marital relations with a person under the legal age or arranging a marriage for someone underage after an administrative penalty results in fines, compulsory community service, or correctional labor. Moreover, akin to Kyrgyzstan, the Uzbek criminal legislation prohibits the performance of a religious ceremony involving underage individuals.⁷⁷⁶ On this topic, the expert Khashimova mentioned that when the legal marriage age has been raised to 18, a decline in child marriages in Uzbekistan has been noticed, and Women's Committee and media campaigns have been instrumental in this regard. At the same time, it was noted that isolated instances of early marriages still exist, particularly in remote areas of the country. Another problem that remains a concern in Uzbek society is polygamy. The situation with polygyny, according to Khashimova, necessitates comprehensive efforts, for instance, work with men and alleviation of the hardships faced by women in such situations. In addition, although bride kidnapping is rare in Uzbekistan, there is a criminal article in regulation of this offense. It has been stated that "forcing a woman to enter into marriage or continue marital cohabitation, or kidnapping for marriage against her will, as well as preventing a woman from entering into marriage" is punishable by a fine to 3 years in prison.⁷⁷⁷

Discussing gender policies, it was noted in subchapter 3.1 that the Senate of the Oliy Majlis of Uzbekistan approved its latest Strategy for Achieving Gender Equality in the Republic of Uzbekistan by 2030 in 2021. Interviewed experts from Uzbekistan expressed their views on the gender policies in the country and expressed appreciation for the existence of a thorough national gender strategy and support, along with approval for the associated legislation and programs. Khashimova expressed her overall positive feelings and satisfaction with the gender equality strategy developed by the expert group she was a part of. The strategy and action plan were adopted by the Senate Committee on Women and Gender Equality and outlines a plan of actions for gender development until 2030. The expert talked about the advantages of the 2021 Uzbek gender policy, as well as touched upon past strategies and associated concerns.

⁷⁷⁵ *Supra* note 766, at Art. 118.

⁷⁷⁶ *Id.*

⁷⁷⁷ *Id.* at Art. 136.

Expressly, she conveyed her contentment with the Senate Committee's endeavours in supervising the strategy's execution, which also involved requesting reports from ministries and departments:

"I am very pleased with this because we have adopted action plans before, but there has never been any meaningful monitoring. Now, since last year the Senate Committee summoned and demanded reports from all ministries and departments and so on on the implementation of this strategy, what has been done and what has not been done? Now this has been brought under control; for me, it's absolutely through the roof."

This rigorous monitoring was seen by Khashimova as a valuable achievement for Uzbekistan. Further, a positive opinion was also expressed about the programs at local levels, especially those that address the rights of women, particularly victims of violence and vulnerable groups like low-income individuals. However, it was acknowledged that NGOs made substantial efforts in this regard rather than the Uzbek government. The creation of favorable conditions for women, e.g., the provision of training centers and initiatives to boost the level of professional skills, have been mentioned by Khashimova as positive steps. Moreover, as part of these events, there was an encouragement in the involvement of women from vulnerable groups in private businesses, where particular focus is given to women with disabilities or those with disabled children. According to the expert, the comprehensive nature of these programs, including support for entrepreneurship and start-ups, is an important component of national gender policy. These initiatives are well detailed in action plans and are effectively executed at the state level, Khashimova thinks. To effectively handle the gender violence problem in Uzbekistan, it was highlighted the importance of taking into account the intersection of laws and advocacy. Currently, an allocation of funds is being directed towards supporting shelters; notably, there are two shelters managed by NGOs in Uzbekistan, in addition to state-run shelters. This collaborative effort establishes a structured system, embodying a comprehensive approach to social development, further complemented by the adoption of a human rights strategy. In the opinion of Khashimova, it is imperative to further elaborate on the action plan in this context, which will ensure a comprehensive approach to combating domestic violence and safeguarding the rights and well-being of vulnerable individuals in Uzbek society.

Dilemmas in Executing Uzbek VAWG Legislation and Policy

Regarding gaps in legislation on domestic violence, Uralova expressed concerns that women subjected to violence still require a police referral for forensic examination, posing difficulties,

especially in cases of rape. Moreover, she touched upon the reconciliation clause in domestic violence cases, noting that women might not always voluntarily choose to cease prosecution:

“Another big gap in the legislation, I believe, is the reconciliation clause for the cases of domestic violence that allows women to stop prosecution against their perpetrators (although not in severe cases of DV). Yes, women might forgive their partners and ask police to stop the prosecution, but given the patriarchal nature of our society, this might not always be a voluntary withdrawal.”.

The interviewee, Kurolova, shared a similar perspective regarding reconciliation provision. She expressed worries about the existing scenario, namely, a pattern where victims can easily withdraw cases because of compromise with the perpetrator or his relatives. In addition, another critical aspect was emphasized, precisely, when perpetrators file counterclaims citing the actions of the victims as the reason and excuse for their violence. On this issue, Kurolova stressed the following:

“Another dilemma that we have now is a lot of cases where perpetrators also submit a counter case. For example, she submits a case on domestic violence, and then he submits the same case, saying that she was yelling at him, it was hate speech, or she was engaging in some other hooligan act, and that’s why his reaction resulted in domestic violence.”

This pattern poses complexities for both the judiciary and society in understanding and handling such situations. Therefore, the need to examine and find solutions to these challenges in the legal and societal framework was underscored. Yet, similar to other Central Asian states, there is also a gap in the regulation of femicide crimes. In Uzbekistan, there is no specialized article in the criminal legislation, as typically, most such cases are categorized as “Intentional Murder.” Besides, as per Kurolova, another obstacle is that there is currently no explicit statistics data on femicide incidents in the state. Therefore, she emphasized the need for a clear, agreed-upon definition of femicide when examining the issue:

“We do have statistics on the Supreme Court website that shows how many cases were submitted and convicted under various articles, broken down by gender. So only through such secondary analysis and cross-referencing data, maybe you can find some femicide cases - but there is no explicit femicide data yet.”

It was further pointed on the difficulties in formulation of the femicide definition, while clear criteria are crucial to differentiate cases where women are murdered because of their gender. Kurolova also underlined the significance of societal awareness and overall comprehension of the legislation in this regard. At the same time, when asked about a need for separate legal

provisions on femicide, the interviewee noted that due to issues such as psychological and financial abuse the separate law may not substantially reduce femicide and cannot be the only panacea. Echoing Uralova's opinion, the weight of revision or elimination of the Article 66¹ of the Criminal Code was stressed, as this clause allows suspects to avoid liability through reconciliation, thus creates a major obstacle in combating femicide.⁷⁷⁸

When asked about the overall evaluation of gender policy, the respondents noted that over the last 2-3 years, the gender policy of the Republic of Uzbekistan has begun to improve for the better and expressed enthusiasm about the detailed plan of actions in Presidential Decree 87 "On Measures to Further Accelerate Work on Systemic Support For Family And Women".⁷⁷⁹ The latter outlines specific indicators, funding sources, and responsibilities for women's education programs up to the year 2030. Here, Khashimova highlighted the evolution in documents' development, mentioning their improved accuracy and professionalism, which aid in oversight. Further, apart from the adoption of a national gender strategy and action plan, other advancements were mentioned too, e.g., the creation of gender focal points in relevant ministries and departments.

Nevertheless, obstacles remain in practical execution of these gender policies as indicated by all participants in Uzbekistan. Uralova admitted that, compared to a decade ago, progress indeed is obvious, yet it is still insufficient, and identified the number of shortcomings. Among them are the inadequacy of rehabilitation centers, particularly in providing proper shelters, and the difficulty in accessing hotlines, especially during the COVID-19 pandemic. While all of these problems are a consequence of a void in adequate financing:

"There were no proper shelters, *per se*. Hotlines were also reported to be difficult, if not impossible to reach. Both issues stem from a lack of proper financing. There is not enough funding for policy implementations." – noted by Uralova.

Likewise, Kurolova also emphasized the necessity of focusing on the practical implementation of policies. From one angle, her view of the national gender policy was generally positive, as she acknowledged that the adoption of a number of valuable laws, initiatives such as gender policies, support for women's entrepreneurship and funding for shelters are optimistic steps. From another angle, in parallel with Uralova, the expert highlighted corresponding issues such

⁷⁷⁸ Central Asian Bureau for Analytical Reporting, *Femicid v Uzbekistane: Dlja togo, chtoby zashhitit' zhenshhin, nuzhny bolee ser'eznye mehanizmy* (2023). <https://cabar.asia/ru/femitsid-v-uzbekistane-dlya-togo-chtoby-zashhitit-zhenshhin-nuzhny-bolee-sereznye-mehanizmy> (accessed 17 Sept 2023).

⁷⁷⁹ Decree of the President of the Republic of Uzbekistan *on Measures to Further Accelerate Work on Systemic Support for Family and Women* (2022). <https://lex.uz/docs/5899500> .

as difficulty in reaching call centers, lack of available beds in shelters, and insufficient funds for extended stays:

“... at the end of the day, if a woman calls a call center, she may not be able to reach it. Similarly, if they want to seek shelter, there might be no available space. Furthermore, if she wishes to stay longer in the shelter, there might not even be funding for that.”

In essence, this means that Uzbek gender policy, in theory, is quite commendable. Yet, it highlighted the value of focus and priority on execution over policies themselves. In further discussions, the questions of gender biases within law enforcement and mahalla⁷⁸⁰ representatives were brought up by Uralova, who indicated the necessity for training and awareness raising in rural areas of Uzbekistan. Moreover, she added that the reshuffling and unclear structures in gender policy implementation add oil to the flame.

In general, all respondents from Uzbekistan emphasized the legislative progress made in 2023 in the field of gender equality and the protection of women and girls from violence. It was noted that the legislation of the country on VAWG today is relatively progressive, although there are still challenges in applying these laws in practice. Precisely, as highlighted by Kurolova and Khashimova, even though the 2023 legislation complies with global standards, the complexity of implementing the gender-related laws carries a burden. In her turn, Uralova also confirmed this opinion and emphasized additional aspect - a shortage of well-trained law enforcement officers, whereas many of them still hold traditional, stereotypical views:

“...there are not enough well-trained law-enforcement representatives who can work with VAWG cases. They hold traditional, stereotypical views, try to persuade victims not to proceed with a charge against their perpetrators and most importantly, they try to reconcile couples (especially married couples). They work for statistics and as long as things look good on paper, they do not put effort.”

Similar to other Central Asian states, when placing more emphasis on numbers than on finding real solutions, law enforcement agencies in Uzbekistan often tend to discourage victims from pursuing charges and prioritize reconciliation. What is more impeding for the response to domestic violence situations is the insufficient number of shelters, which compounds the challenges for victims of abuse, also limited public awareness along with reliance on religious

⁷⁸⁰ The word “mahalla” refers broadly to a neighbourhood or local community. Mahalla communities are homogenizing agents intended to ensure social solidarity by placing demands on members to conform with the communal norms, see Canada: Immigration and Refugee Board of Canada, *Uzbekistan: Role of "mahalla" in Uzbek society; whether mahalla are involved in extortion; state protection* (2004). <https://www.refworld.org/docid/41501c6f23.html>.

and traditional norms. Indeed, people in Uzbekistan are familiar with basic legal concepts, such as the prohibition of domestic violence. At the same time, they miss a more profound knowledge on how actually to address situations where a husband or partner is abusive. In this regard, Khashimova's perspective resonated with Uralova's, as the former also highlighted the problem where older "senior" officials, especially male chairmen of small committees or mahallas, still hold stereotypical views about gender, and, thereby, create barriers for the effective implementation of gender policies. Overall, all experts emphasized that Uzbekistan requires some time to witness the tangible progress in regulation of gender violence in the country. As was stated by Kurolova:

"... it's very newly adopted, just a few months ago, and the system is not yet fully in practice. Generally, I would say that the legislation is progressing, but there might be implementation challenges at this point. It's too early to draw definitive conclusions."

In conclusion, the participants of the interviews shared valuable insights on how to fill the legislative and policy gaps identified in Uzbekistan's commitment to women's rights and gender equality. As Khashimova expressed her worries about the disparity between urban centers and remote rural areas in victims' access to support services, she noted that it is necessary to direct government programs and assistance to those remote areas where women face difficulties due to customs and religious beliefs. Moreover, it was further highlighted that the prevalent cases of polygamy in rural areas should be also tackled by legal reforms and awareness campaigns. In addition, since another major problem is the low number of shelters and social programs in rural areas, the expert advocated the creation of more comprehensive support systems in these areas. For her part, Uralova believes that, the prevalent patriarchal mindset in Uzbek society should be changed, where both men and women fear feminist ideas because of a misconception that promotes uniformity rather than equality. On the one hand, men are the first who often oppose the concept of gender equality, as they associate it with changes that may challenge their control over the lives of women. On the other hand, women too, as they tend to rely on familial patronage, are constrained in their financial independence and confidence to own up to their choices.

"Society is used to control women in all aspects of life and change is scary. It is scary for women as well. They are afraid of taking responsibility for their actions. ... It stems from lack of financial independence, lack of courage, fear of being outcasted, never having a chance to decide (hence they are not familiar with/capable of making a decision and sticking to it) etc." – was mentioned by the respondent, Uralova.

Following this view, Khashimova also talked about the issue of patriarchal and stereotypical beliefs. Here, she underscored the significance of social videos and mass media involvement as a way to challenge these gender biases and stereotypes. Additionally, it was recommended to engage younger generations and experienced female professionals from older generations in a joint effort for an advocacy and advancement of gender policy. As well as involvement of men in these initiatives is another weighty step towards gender equality and society free from violence. According to Kurolova, improving the situation with WAVG and gender equality involves addressing also misogyny among women and changing societal attitudes towards domestic violence. Similarly to Khashimova, she highlighted the need for increased support from men, especially in the translation of expressed support for women's education into practical actions against gendered violence. The state must solve difficulties with access to hotlines for victims of violence, according to Uralova, since the main reason for these problems lies in insufficient funding for these vital services. Besides, it was emphasized that law enforcement officials such as police officers, judges, and community leaders, especially in rural areas, need systematic training, as they are crucial for eradication of gender stereotypes and assurance of a more effective response to gender-based violence. In addition, the necessity for targeted support, advocacy and the need to address challenges faced by vulnerable groups of women was mentioned by Khashimova, specifically, the difficulties, lack of state's support and violence experienced by women with disabilities, with children with disabilities, and older women. The respondent expressed frustration at the inadequate attention given to these groups and urged for more focused efforts from government agencies and social organizations in this regard. Lastly, while it is recognized that behavioral change requires alignment among all societal actors, dialogues should take place as essential for fostering a shift in a societal mindset, as per Kurolova. There is a resilient interdependence between men and women in fostering positive change, therefore, collaboration between genders can positively influence the next generation. Cross-gender collaboration can have a generational impact, therefore, collective input from all sectors such as government agencies, religious communities, NGOs and individuals is needed to achieve long-term improvements in Uzbek society.

The following Table 4 provides a comparative overview of key legal provisions related to various types of VAWG in four Central Asian countries: Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan. The table compares the presence or absence of specific laws and norms in each country, addressing issues such as domestic violence, bride kidnapping, early marriages, harassment, femicide, marital rape, and trafficking in women and girls.

Table 4. Comparative Table of Legislation on VAWG in Central Asia				
Types of VAWG	KZ	KG	TJ	UZ
Law on domestic violence	yes	yes	yes	yes
Domestic violence criminalized	no	yes	no	yes
Bride kidnapping	no	yes		yes
Early marriages	no	yes	yes	yes
Sexual harassment	no	no	no	yes
Femicide	no	no	no	no
Marital rape criminalized	no	no	no	no
Trafficking in women and girls	yes	yes	yes	yes

3.2.3 *Interim Conclusion*

Kazakhstan, Kyrgyzstan, Uzbekistan and Tajikistan have incorporated gender equality provisions into their constitutions and legal codes. All four states have also adopted specialized legislation directed against gender-based violence, including domestic violence, human trafficking, bride kidnapping, and early marriages. Moreover, following international recommendations, they developed long-term national strategies and action plans for gender equality to be executed by the year of 2030. Yet, despite all this, careful analysis of their domestic legal and policy responses to VAWG displayed some obstacles to their effective implementation. First, with regard to legislation, some states are still in the process of criminalizing domestic violence (Kazakhstan and Tajikistan), sexual harassment, marital rape, and femicide. Why this is important, because practical experience of the Central Asian states showed that existing legal provisions that somewhat cover but do not specifically define certain forms of VAWG, often suffer from judicial misinterpretation or inadequate application by law enforcement. In four states, this lack of specificity leads to inconsistent enforcement and diminished effectiveness in prosecuting and punishing perpetrators. Judicial misinterpretation further compounds these problems, as courts and law enforcement agencies struggle to apply broad or ambiguous laws effectively, ultimately undermining efforts to combat VAWG and ensure justice for victims. Second, across the whole region, common issues in gender policy execution include insufficient state financing, improper implementation and lack of monitoring mechanisms. Third and most important, entrenched patriarchal traditions, gradually growing religious beliefs and gender-related social stereotypes continue to throw a monkey wrench into progress toward gender equality and combating VAWG.

The Kyrgyz Republic demonstrated fairly progressive VAWG-related legislation, being the first Central Asian country and the fourth in all post-Soviet regions to criminalize domestic violence. Besides, with a long history of this harmful practice, the state banned bride-kidnapping on a level of a criminal offense; however, acts like harassment, marital rape, and femicide are yet to be recognized as distinct gender offenses in the country. In turn, issues in gender policy in Kyrgyzstan revolve around a shortage in government priority, delay in policy execution, insufficient funding, and inadequate support structures. What further complicates the matters are social norms, obstacles around the political environment, and gender stereotypes and biases in law enforcement and the judiciary. Accordingly, it is suggested that Kyrgyzstan enhance the government's commitment and interest to the execution of gender strategy. Therefore, the state should allocate more budgets for gender policy execution and foster

cooperation between the government, civil society, and international partners. Further recommendations cover different actors in a process, specifically, increasing transparent data management within law enforcement agencies. In turn, the government is suggested to encourage more women's participation in decision-making positions, and institutions should also guarantee and follow gender balance. Additionally, legal reforms are recommended such as the establishment of stricter penalties for gender violence offenses, abandonment of reconciliation practices in these matters, and adoption of anti-femicide laws.

Although the country has introduced gender equality norms into its legislation, the analysis showed that Kazakhstan also faces challenges rooted in legal gaps, social norms, and political dynamics. In parallel with Tajikistan, domestic violence remains uncriminalized, as well as the adoption of separate articles or aggravating factors on femicide and harassment is still not in place. Additionally, the legislation of Kazakhstan does not provide for any criminal punishment for the issues of bride kidnapping and early marriages, which are widespread in the country. To improve the situation, Kazakhstan can learn from successful international strategies. Particularly, at the individual level, the state and public should address stereotypical barriers; at the societal level - challenge public opinion, and at the higher political level – focus on increasing female representation in decision-making and promoting their economic independence. Similar to its neighbour-states, the greatest weight shall be on dismantling the culture of shame and conservatism in Kazakh society, which requires both legal reforms and societal attitudinal shifts.

Regarding Tajikistan, like Kazakhstan, the state has not criminalized domestic violence and other gender violence-related offenses, except for trafficking in women. Its inconsistent policy implementation because of gender stereotypes and patriarchal norms persistent on individual and government levels, obstructs progress, too. Further, the practical impact of existing gender policies is restricted because of insufficient coordination between institutional actors, inadequate financial backing, and a void of gender-sensitive education. It is suggested that comprehensive societal change should occur, starting with education, which requires challenging gender stereotypes and involving more men as allies as well as the government's genuine commitment to women's rights.

Lastly, about the fourth Central Asian state, it is worth noting that, recently, Uzbekistan became the second country in the region to criminalize domestic violence and the first to introduce a separate article on sexual harassment in its administrative code. Nonetheless, the state, together with its neighboring states, faces issues linked to standing traditional and patriarchy-dominated

beliefs. What is more, disparities between urban and rural areas in Uzbekistan and limited government funding are other obstacles to advancement and productive execution of gender policies. Experts believe that legal reforms, information campaigns, comprehensive victim support systems and systematic training for law enforcement officials are needed to improve the legal and policy framework for VAWG and its implementation in the country. To improve the situation with gendered violence-related legal and policy framework in Uzbekistan, it is necessary to conduct a list of actions with involvement of different actors, such as detailed legal reforms, awareness campaigns, comprehensive support systems for victims, and systematic training in law enforcement agencies. Whereas struggle with gender bias and stereotypes requires a miscellaneous approach that encompasses employment of more awareness-increasing videos in social and mass media, and involvement of both experienced women leaders, younger generations, and, especially, men in these efforts towards gender equality and a society free from violence.

3.3 Strengthening the Institutional Mechanism for Addressing VAWG in the Region

3.3.1 Introduction

When looking into gender-violence policies and legislation in the Central Asian region and how they are implemented, the closer look brings the perception of the convoluted dynamics among various non-/state actors involved in this process. Although Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan have set up specific state mechanisms to promote women's rights and gender equality, there are doubts whether these systems are truly effective. As discussed earlier in previous sections, each country in the region has established designated institutions, either independent or as part of governmental bodies, assigned to implement gender-related policies, even though the mere existence of such structures does not guarantee effective execution. The analysis of the VAWG-related institutional framework in Central Asian states will exhibit diverse scenarios, with some demonstrating questions of formal character and others lacking substantial depth in execution. A shared problem across the four states was that governments miss their interest and financial backing for enforcing gender violence-related policies and laws despite the presence of formal institutional mechanisms in place.

Concurrently, the role of international and regional organizations, along with local NGOs, has been pivotal in this regard. Specifically, gender legislation and policies in the four Central Asian countries have been greatly shaped by external factors. As instance, platforms like the Fourth World Women's Conference in Beijing in 1995 provided collaborative opportunities and, as a result, fostered the growth of the NGO sector in the region. Besides, organizations like UN Women, UNDP, USAID, EU delegations, and OSCE have actively supported local women's NGOs by providing them with financial aid and conducting awareness gender programs. The analysis will show that such external help has offered essential support, often supplementing or even replacing government aid. While this international support has empowered Central Asian women's NGOs, it has also created certain difficulties: attempts to juggle international ideals with local realities and meet government expectations often created tension.

This section will dive deeply into the institutional framework of gender policies in Central Asian states, followed by the analysis of both its effectiveness and challenges. The focus will be on specialized state agencies or other units responsible for gender policy implementation, as well as international influences, women's NGOs, media, and religious institutions, and the part they took in shaping the VAWG legal and policy framework in four Central Asian states. The analysis encompasses the perspectives shared by gender experts-respondents from four Central Asian states. In particular, the interviewees provided their views on the efficacy of national institutions, the impact of external influences and women's NGOs on national gender and VAWG policies and legislation, as well as the roles of religious leaders and mass media in these matters.

3.3.2 Reviewing Central Asian National Institutional Frameworks for Gender Policy Execution

As previously mentioned in Subchapter 3.1, the latest reports of the Central Asian states to the CEDAW Committee mentioned about the establishment and presence of specialized state mechanisms within government structures in these countries that are focused on the implementation of their gender policy initiatives. Specifically, the mentioned government bodies bear indirect responsibility for overseeing the execution of gender strategies and action plans within these states. When examining the national institutional frameworks in Central Asia, it becomes apparent that although formal structures exist, the reality of gender policy

presents a complex scenario in its implementation, which often lacks depth and genuine responsiveness.

In Kazakhstan, in accordance with international obligations of gender equality, the National Commission on Women's Affairs and Family and Demographic Policy has been created under the Presidential Administration and is functioning today. The Commission, together with its working groups, is responsible for the formulation of recommendations and the constitution of priorities in Kazakh gender strategy. In addition, in a way to promote gender equality principles, it collaborates with government and civil society organizations.⁷⁸¹ Yet, Alexei Trochev noted that, despite the existence of national gender strategies and specialized state institutions, their development and implementation do not have profound substance and primarily depend on budgetary allocations. This system is indeed comprehensive and involves many governmental actors, such as the Ministry of Education, Labor and Information on Public Development, though it frequently falls short in completing implementation. Furthermore, the formal nature of institutional frameworks concerning gender policies and awareness raising campaigns in Kazakhstan is quite evident. Precisely, it was highlighted that national gender strategies in Kazakhstan primarily focus on a goal of budget allocation among ministries rather than connections and genuine emphasis to gender issues or women's protection. The respondent Trochev also condemned another related issue in this regard - the bureaucratic approach and stated that such direction cannot achieve concrete gender equality and women's safety because of the complex political dynamic range. As an example, the formal introduction of gender quotas was cited, namely saying that these measures are purely symbolic and have no significant effect on the real situation and representation of women in decision-making. Women's organizations play a decisive role in this regard, according to Trochev. The latter called them "the only hope", as government officials tend to stick to bureaucratic procedures under the guise of workload and blame avoidance and often try to dodge responsibility when problems arise.

Continuing with Kyrgyzstan, there are several institutions that oversee the implementation of national gender policies, as detailed in the country's fifth periodic report to CEDAW and the National Gender Strategy and Plan of Actions. First, the Ministry of Labour, Social Development and Migration, through its Gender Department, is a central state working body for monitoring and assessing progress in the implementation of national action plan and the

⁷⁸¹ *Supra* note 664, at para 2.

gender equality strategy.⁷⁸² Second, the Social Development Department within the Government's framework offers analytical assistance on gender matters to senior government officials. Third, as an advisory body, the National Council on Gender Development operates under the Kyrgyz Government, which coordinates state policies and recommends genuine gender equality models. Fourth, the Committee on Social Affairs, Education, Science, Culture and Health under the Government studies various aspects of gender equality and enforces compliance with legislation. Finally, one more body that oversees compliance with legislation on equal rights and opportunities and holds violators accountable is the Prosecutor's Office.⁷⁸³ Savia Hasanova also added that amidst the increase in domestic violence cases during the pandemic in 2020, the National Council on Gender Development took some practical measures in the establishment of supplementary bodies. The Council created Committees for the Prevention of Domestic Violence (CPDV), which included, on a voluntary basis, representatives of both state bodies, municipal government, and civil society. These joint committees have been formed as means for facilitation of interaction and cooperation to prevent domestic violence and protect the rights of women, children, the elderly and citizens with disabilities. At the same time, despite the foundation of a comprehensive state mechanism to promote gender equality, protect women's rights, and address the problem of domestic violence, the implementation of gender policies continues to pose difficulties, as interviewees from Kyrgyzstan highlighted. Per Svetlana Dzardanova, the state's involvement in the implementation of gender policies is typically minimal, and much of the existing institutional framework appears to be formal, mirroring the situation in neighboring Kazakhstan:

“The state itself does not show much interest in gender policy and the prevention of gender-based violence, therefore most changes, strategies and plans are initiated and implemented with the financial and expert support of the Ministry of Defense and the civil community.”

In turn, in Tajikistan, the Committee on Women and the Family is the primary institutional mechanism that supposed to work for women's rights advancement. According to the state's latest periodic report to CEDAW, the Committee's capacity and implementation of gender policies are coordinated through structural and financial measures. It operates through various departments, divisions, and sections across Tajikistan, with a total of 273 full-time employees funded from the local budget.⁷⁸⁴ In addition, the National Development Council under the

⁷⁸² Kyrgyz Republic, *supra* note 665, at para 65.

⁷⁸³ *Id.*

⁷⁸⁴ *Supra* note 643, at para 63.

President of Tajikistan facilitates and strengthens coordination between government departments, the private sector, and civil society. More in detail, a technical team focused on gender equality and tasked with engagement in dialogues and development of gender-sensitive recommendations operates within the council. Its mission involves aligning the goals and metrics specified in the national development strategy for the 2030 timeframe and medium-term development programs to support the attainment to Sustainable Development Goal 5. Similarly to its neighbors, Tajikistan's dedication to gender equality appears to be largely a tokenism. In other words, despite the presence of well-established government structures, their main task seems to be more about the nominal fulfillment of international obligations rather than their actual implementation in favor of women and girls in Tajik society. As was observed by the respondents, the execution of gender policies in the country habitually does not yield successful results. Lola Olimova believes that, in Tajikistan, the state's involvement in gender policy has often been confined. Indeed, there have been some attempts to increase the number of women in parliament and government agencies; however, these efforts have not translated into substantial improvements in the status of women and girls in the country. Once again it was pointed out that the situation is strongly influenced by traditionalist attitudes and religious beliefs prevalent in Tajikistan and Central Asia as a whole.

Finally, about the Uzbek institutional system for gender equality, the Committee on Women and Gender Equality was founded under the Senate in 2019, the main task of which is to propose and oversee state policies in the field of gender equality, as well as enhance relevant gender legislation.⁷⁸⁵ In addition, weighty efforts have been made to improve national human rights institutions, which include the development of duties of the Commissioner for Human Rights and the National Center for Human Rights. Overall, other relevant offices have been established in this regard, such as a presidential commissioner responsible for the protection of the rights and interests of business entities and a commissioner for the rights of the child, acting as a deputy human rights ombudsman. Education and human rights and freedoms training have been also bolstered, for e.g., through the establishment of the Academy of the Office of the Procurator General and training courses at the National Centre for Human Rights.⁷⁸⁶ However, all of these institutions tend to focus on human rights in general rather than on women's issues and VAWG. Farzona Khashimova assessed the development of the institutional structure in Uzbekistan as a step forward but recommended patience to witness concrete outcomes.

⁷⁸⁵ *Supra* note 655, at para 4.

⁷⁸⁶ *Id.*

Although the current results of gender policy execution have hitherto been unpretentious, the interviewee has maintained an encouraging outlook on the recent restructuring of government mechanisms. In addition, progress in 2023 on amendments to legislation on the rights of women and girls and the increased participation of women in leadership positions were highlighted as an optimistic aspect. For example, Khashimova mentioned Nazima Davletova, previously a gender expert and now the head of the Board of Trustees of the Mass Media Foundation in Uzbekistan, where she promotes women's rights through the means of media. Notably, the recent legal reforms in Uzbekistan were pushed by Davletova's initiatives and the involvement of women's NGOs. These efforts have generated increased access for women, the availability of free legal and advocacy services, and a heightened awareness of gender-related issues.

As can be seen, the analysis of national institutional frameworks in Central Asia reveals questions of nominalism in institutional structures with a deficiency of depth and genuine commitment to the principle of gender equality. Despite some positive developments, such as the creation of special gender equality committees and departments, the disparity between stated intentions and actual implementation still looms wide. These institutions are often deficient in substance and mainly serve as symbolic structures, influenced more by financial considerations rather than by loyal commitment and tangible action towards gender equality and respect for women's rights. Of course, Central Asian countries have established their institutional frameworks; however, putting their gender policies into reality is proving to be challenging. As the study showed, in many aspects, these gaps remain because of a shortage of government involvement and adequate funding provision. As a result, activities and initiatives toward the completion of gender equality are often dependent on external assistance from international organizations, NGOs, and local individual civil society groups. Lastly, but most importantly, traditional, religious convictions and bureaucratic approaches within the dedicated state institutions further impede the advancements on the path to gender parity.

3.3.3 International Influence on Shaping Central Asian Gender Legislation and Policies

In each of the four countries, external influence on the adoption and promotion of gender legislation and programs was evident. These were international and regional organizations, as well as representative offices of other states. International aid has occupied a major part in financial support for local women's NGOs and fostering the provision of information programs

and training. All this had a hand in and became an impetus for the promotion of gender legislation and policies in Central Asia. Organizations such as UN Women, UNDP and OSCE oiled the wheels of backing Central Asian women's organizations. Only in Uzbekistan did these activities halt following the 2005 Andijan massacre. Even non-political and non-human rights NGOs were forced to close due to government pressure.⁷⁸⁷

Alexei Trochev acknowledged the role and assistance provided by such organizations, as UN Women and UNDP in Kazakhstan in shaping gender equality situation in the country. These entities regularly carry out initiatives with a focus on women's empowerment, civic initiatives, human rights, and gender equality over periods typically lasting 3 to 4 years. Besides, the support extended by the external organizations to grassroots NGOs and crisis centers in Kazakhstan is indeed invaluable help, according to the expert:

“So, sometimes there are international funds accessible for NGOs, which can be quite helpful. Specifically, in Shymkent, there is an initiative known as “Legal Center for Women's Initiatives “Sana Sezim”. They have actively participated in various projects, conducting surveys and setting up shelters, both locally in Shymkent and across the country.”

Although these programs are beneficial, the value of continuous, long-term endeavours to create and see an actual impact was noted. Substantial initiatives led by entities such as the UN play a role in Kazakhstan's progress towards achieving development goals (SDGs), especially in social welfare and support domains. The expert Trochev further mentioned some touch of embassies like the British Embassy, citing a 2016 survey conducted by the National Statistical Committee (now Bureau of National Statistics) on VAWG, which, despite being published online, saw limited utilization within government circles. The role and impact of external organizations in aiding women's NGOs in Kazakhstan, from one side, have also been highlighted by Leyla Zuleikha Makhmudova. From another side, the respondent pointed out how feminist and women's rights movements have transformatively impacted the international community too, and stressed the shifts instigated by these movements, which have pushed gender equality to the forefront of the international community's agenda:

“... Nobody 50 years ago would have imagined the existence of resources for crisis centers and shelters. Governments simply didn't engage in such efforts... And women's rights movements, feminist movements just made it happen to the level that it is actually an

⁷⁸⁷ IWPR, *Dlja Npo V Uzbekistane Nastali Chernye Dni* (2005). <https://iwpr.net/ru/global-voices/dlya-npo-v-uzbekistane-nastali-chernye-dni> (accessed 15 Sept 2023).

agenda for intergovernmental organizations like UN, OSCE, or others. These organizations now actively promote gender equality alongside discussions about human rights, sustainability, justice, and equality. Without these movements, discussing these matters wouldn't even be possible.”

In other words, Makhmudova noted the valuable role of women's movements and feminist initiatives in promoting human rights, sustainability, justice, and gender equality, noting that they were the ones who made these issues the priorities of international organizations.

The UN also wielded its influence in Kyrgyzstan, where major international agreements were approved, and women's rights and gender equality standards were supported. In addition, the UN made a remarkable contribution to the fight against domestic violence through its Spotlight initiative in Kyrgyzstan during the 2020 pandemic. Despite the program's novelty and the challenges posed by COVID-19, it has played a crucial role in shaping responses to domestic violence during that period. Women's organizations and activists took an active role here by involving different groups of stakeholders and empowering them as agents of change. Yet, the worries were highlighted about the need to consult with survivors to customize the initiative to fit better the local setting.⁷⁸⁸ Apart from the UN, the OSCE has significantly contributed to the evolution of gender policy and legislation in Kyrgyzstan by its legal opinions, recommendations, and active support, thereby helping embed principles of gender equality into the Kyrgyz Constitution and relevant legislation. At an earlier stage, the OSCE, compared to other Central Asian nations, collaborated more closely with Kyrgyzstan on gender policy through its Gender Programme. The reason for this enhanced cooperation, specifically with the Kyrgyz Republic, was facilitated by the state's relatively open and active civil society.⁷⁸⁹ Specifically, the OSCE participated in the development of laws on domestic violence and women's representation in different levels of decision-making processes in Kyrgyzstan. Through workshops, trainings, and ongoing advocacy, the OSCE has helped the country to empower its women, raise awareness and challenge harmful practices. Overall, with international support, women leadership in the Kyrgyz parliament lobbied for the adoption of gender-sensitive legislation. Their diligence resulted in the appointment of a Special

⁷⁸⁸ See Aliia Maralbaeva & Chiara Pierobon, *Ending Gender-Based Violence in Kyrgyzstan: Reflections on the Spotlight Initiative*. In: Anja Mihr, Paolo Sorbello & Brigitte Weiffen (eds), *Securitization and Democracy in Eurasia* (Springer, Cham. 2023). https://doi.org/10.1007/978-3-031-16659-4_13.

⁷⁸⁹ See *supra* note 708.

Presidential Representative on Gender Issues and the incorporation of a 30 percent gender quota in decision-making positions.⁷⁹⁰

When questioned about external influence on the development and implementation of gender legislation and policies in Kyrgyzstan, Dzardanova emphasized that the state lacks substantial interest in gender policy and prevention of gender-based violence. Instead, these matters are largely being addressed through the involvement of UN Women and members of civil society in the process. The contribution of international donors in the promotion and incorporation of gender equality and VAWG provisions into the Kyrgyz legislation was also highlighted by another respondent. According to Hasanova, initiatives such as gender strategies, laws against violence, and crisis centers are made possible predominantly through the support of international organizations. For instance, the law on domestic violence and its subsequent amendments were developed and adopted based on such organizations' work, particularly with UN Women's support.⁷⁹¹ Moreover, as pointed out by Hasanova, the funding for implementing strategies aimed at achieving gender equality, especially in eradicating violence, does not come from the national budget:

“Just look at the plan for implementing the strategy for achieving gender equality with regard to the eradication of violence - the financing of all these activities does not come from the budget, but from donors” - she referred to the action plan for the National Strategy

⁷⁹⁰ *Supra* note 641, at 231.

⁷⁹¹ UN Women, *V Kyrgyzstane prinjat novyj progressivnyj zakon o bor'be s bytovym nasiliem* (2017). <https://eca.unwomen.org/ru/news/stories/2017/05/news-new-progressive-law-on-domestic-violence-adopted-in-kyrgyzstan>; UNDP Kyrgyzstan, *Popravki K Zakonu O Semejnom Nasilii V Kyrgyzstane Usiljat Zashhitu Zhenshin, Perezhivshih Nasilie* (2021). <https://www.undp.org/ru/kyrgyzstan/press-releases/percentD0percentBFpercentD0percentBEpercentD0percentBFpercentD1percent80percentD0percentB0percentD0percentB2percentD0percentBApercentD0percentB8-percentD0percentBA-percentD0percentB7percentD0percentB0percentD0percentBApercentD0percentBEpercentD0percentBDpercentD1percent83-percentD0percentBE-percentD1percent81percentD0percentB5percentD0percentBCpercentD0percentB5percentD0percentB9percentD0percentBDpercentD0percentBEpercentD0percentBC-percentD0percentBDpercentD0percentB0percentD1percent81percentD0percentB8percentD0percentBBpercentD0percentB8percentD0percentB8-percentD0percentB2-percentD0percentBApercentD1percent8BpercentD1percent80percentD0percentB3percentD1percent8BpercentD0percentB7percentD1percent81percentD1percent82percentD0percentB0percentD0percentBDpercentD0percentB5-percentD1percent83percentD1percent81percentD0percentB8percentD0percentBBpercentD1percent8FpercentD1percent82-percentD0percentB7percentD0percentB0percentD1percent89percentD0percentB8percentD1percent82percentD1percent83-percentD0percentB6percentD0percentB5percentD0percentBDpercentD1percent89percentD0percentB8percentD0percentBD-percentD0percentBFpercentD0percentB5percentD1percent80percentD0percentB5percentD0percentB6percentD0percentB8percentD0percentB2percentD1percent88percentD0percentB8percentD1percent85-percentD0percentBDpercentD0percentB0percentD1percent81percentD0percentB8percentD0percentBBpercentD0percentB8percentD0percentB5> (accessed 15 Sept 2023).

for Gender Equality, where organizations like UNDP and UN Spotlight Initiative are the one who fully fund all related activities.

Uzbekistan's situation differed slightly from that of other Central Asian states under discussion. After the Andijan massacre in 2005,⁷⁹² international organizations and NGOs started closing their offices in Uzbekistan. The EU condemned the Uzbek government and imposed sanctions against the state, whereas the US took a more nuanced stance, called for an international investigation, and pressured Uzbek authorities for concessions. Unfortunately, these actions backfired and eventuated in the detentions and prosecution of opposition members and NGOs. For its part, Uzbekistan also insisted on the Pentagon on withdrawal of its military base from Khanabad airfield. As a consequence, by virtue of pressure from Uzbek security services, the US faced setbacks, which included the elimination of benefits for US corporations and the closure of the offices of major Western NGOs in Uzbekistan.⁷⁹³ Up till 2016-2017, the nation remained relatively isolated. Khashimova, who served as the Gender Advisor for UN Women in Uzbekistan and Central Asia during this period, remembered:

“... It was very difficult to attract funds from donors in Uzbekistan, because at that time the country was already more closed, I would say, for donor funds. So the UN Woman decided to suspend its activities at that time after the Andijan massacre in 2005.”

The scenario regarding international involvement began to shift following a change in the presidency from an oppressive authoritarian regime to the arrival of the new president, Shavkat Mirziyoyev. On this point, the support of international agencies such as the French Development Agency and the British Embassy assisted in legislative changes, as Khashimova noted, particularly in the criminalization of specific forms of abuse against children, such as paedophilia. These changes have been an outcome originated from extensive discussions and collaborations with various commissions and committees on gender issues. In its turn, Kurolova expressed a nuanced view on the role of international or regional organizations in the development of Uzbekistan's gender legislation and policy. According to her, these organizations, particularly large ones, are not seriously considered by the Uzbekistan government. Even big organizations with global influence, e.g., the UN and others, are often

⁷⁹² *Supra* note 787.

⁷⁹³ See Dzheffri Mankoff, *Politika SShA v Central'noj Azii posle 2014 goda*, Pro et Contra (2013). https://carnegieendowment.org/files/ProEtContra_58_41-57.pdf; Dmitrij Popov, *Mesto Uzbekistana v central'noaziatsoj politike SshA*, 1 Problemy Nacional'noj Strategii (2015). <https://www.antiterrortoday.com/images/docs/Uzpercent20vpercent20polpercent20USpercent20vpercent20CA.pdf>.

viewed as having restricted power within the country, as they occasionally confront the Uzbek government. On the other hand, the respondent recognized the weight of the donor community and the beneficial contributions of such entities, as the EU Delegation, U.S. Embassy and British Embassy. According to Kurolova, these organizations are classic donors who considerably contribute to the “survival” of women’s NGOs, support the activities of latter and civil society communities in Uzbekistan. The interconnected nature of these relations was stressed by the expert, saying that women’s organisations and similar entities predominantly depended on funding from donor countries to operate and carry out their work in Uzbekistan.

The influence of international organizations in Tajikistan, particularly regarding gender equality policies and legislation, has been noticeable, too. Support from external sources was helpful for the country in terms of, for example, attracting experts to develop gender policies and providing assistance for numerous activities in gender-related programs. Nevertheless, the recent impact on the status of gender equality and the situation with women’s rights in the country has been somewhat circumscribed. In response to a question on this matter, Lola Olimova acknowledged the initial impact of international systems in Tajikistan; at the same time, she expressed doubt about the tangible impact on the overall situation of gender equality in the country. In other words, although these organizations emphasize the value of gender balance in their projects and even give priority to women in their programs, these efforts have not significantly changed the gender dynamics in Tajikistan recently, thought the respondent. It was further added by Olimova about the weight of geopolitical changes, especially in Central Asia and Russia, that caused a transition from democratic principles towards a more patriarchal turn:

“... this (international influence) does not seem to have a significant impact on our country’s overall situation. Lately, there has been a shift, particularly in geopolitical terms. There’s a noticeable change in the political direction, not only in Tajikistan but also across Central Asia. Similar situations are occurring in Russia and other places. It’s like a patriarchal shift, moving away from democracy. This shift profoundly affects gender politics and women’s rights in Tajikistan.”

In other words, these changes have had an impact on gender policies and women’s rights in Tajikistan in general. Moreover, the interviewee noted that international recommendations and commentaries that were once influential are now receiving less attention - the point which indicates a change in the state’s approach in the context of human rights, including women’s rights.

Despite all the efforts mentioned, external initiatives often faced critical scrutiny by Central Asian governments. Firstly, they have been criticized for the delays in their response in Central Asia, which was attributed to factors such as unrest in some countries, e.g. the uprisings in Kyrgyzstan and the Andijan events in Uzbekistan, as well as the dominant influence of authoritarian regimes over the region contributed to this critique too. Second, the unwillingness of Central Asian authorities to collaborate has posed challenges in carrying out international projects, particularly those concerning gender matters. Third, global and regional organizations typically use “soft power” strategies, which impose restrictions on the execution of their programs in Central Asia. It is essential to recognize that these organizations have continually encountered challenges in Central Asian states, especially when attempting to influence the domestic policies of non-member states, as Warkotsch emphasized.⁷⁹⁴ In any case, the influence of international organizations in the promotion of gender policies and legislation in the Central Asian countries has been acknowledged by all respondents from all four states. Generally, the indisputability of the support provided by these organizations to women’s NGOs is evident - a topic that will be explored in more detail further in the text.

3.3.4 The Significance of Women’s Organising in Gender Legal and Policy Reform

During a post-independence transition period, economic difficulties prompted the rise of NGOs in Central Asia with a focus on women’s issues such as unemployment and gender inequality as outlined in Chapter 2. The concept and traditions of Zhensoveti (women’s councils) stemming from the Soviet era played a role in this evolution. After the collapse of the Soviet regime, semi-autonomous government-organized NGOs have replaced state-backed women’s organizations. Thus, by the 1990s, independent women’s NGOs emerged as an opponent to various societal issues.⁷⁹⁵ Global forums, such as the previously mentioned Women’s Conference in Beijing in 1995, have also largely contributed to the growth of the NGO sector in the region.

Women’s organizations in Uzbekistan, Kazakhstan, Tajikistan, and Kyrgyzstan have emerged independently to either economically or politically empower women. These organizations were formed without government support and initially concentrated on small business projects,

⁷⁹⁴ *Supra* note 345, at 829–846.

⁷⁹⁵ *Supra* note 230, at 188.

education, microfinance, and skills development questions. Their scope of work expanded over time to issues related to social barriers for women and turned them into advocates for women's rights. In turn, NGOs, especially those supporting women and children, have been able to secure international financial support, which often supplemented or even replaced government aid. The presence of support from organizations and agencies such as UN Women, UNDP, USAID, EU delegations, OSCE and representatives of other countries has fuelled the growth of women's NGOs in Central Asia. Though, hardships in alignment of international ideals with local traditions and governmental expectations continue to exist.⁷⁹⁶ Competition for financial support has resulted into increased tensions among local NGOs. Namely, some of them received more support from external sources, focusing on specific sensitive issues, for example, VAWG. Then, NGOs from the realm of women's entrepreneurship have made progress in the area of supporting women who find themselves in difficult economic situations.⁷⁹⁷ At the same time, bondage on foreign funding raised questions about the independence of these NGOs, followed by assumptions about local cultures and the imposition of pre-defined Western ideals that hinder women's movements.⁷⁹⁸ Despite those obstacles, NGOs run by women worked together and now formed a symbiotic partnership that supported their initiatives and enhanced women's social and political standing in Central Asia.

The greatest contribution of women's movements and NGOs in influencing and shaping legislation related to gender equality and the fight against gender-based violence in Kazakhstan and the region as a whole, has been highlighted in bold by the respondents. Makhmudova specifically pointed out how these organized efforts have played their immense part in promotion and lobbying for gender sensitive laws since the country's independence in 1991. As a result, provisions on gender equality and prevention of domestic violence were enshrined at the legislative level in Kazakhstan. Preserving these gains is a hard but critical mission, and women's rights organizations play a vital role in ensuring enforcement and compliance with these laws. These organizations offer assistance for women, including transgender women and people from marginalized communities, that encompasses the provision of services in crisis centers and shelters, as well as advocacy and representation of their interests in various institutions, as highlighted by Makhmudova:

“They (women NGOs and movements) are the ones who actually create spaces for this legislation. Firstly, the government has the power to work with the legislation and make

⁷⁹⁶ *Supra* note 646.

⁷⁹⁷ *Supra* note 230, 188.

⁷⁹⁸ *See* Simpson, *supra* note 16.

the necessary progress. However, women's organizations are the ones at the forefront and behind these achievements. They are the ones who work every day to ensure sustainable changes occur.”

For example, the first crisis center and shelter in Kazakhstan aimed at addressing domestic violence cases was created by the public group Podruzhi in 1998, which, with international support, has grown into a notable women's NGO in the country.⁷⁹⁹ In his turn, the respondent Trochev also emphasized the weight of women's organizations in Kazakhstan and noted them as the solo aspiration in women's rights defence because government officials typically adhere only to bureaucratic approaches. Over the past three decades, Kazakhstan has been concentrating on the implementation of reforms that focus on liberalization and decreasing the state's interference in private affairs. NGOs have become valuable contributors to this area by using social media platforms and actively participating in working groups on gender legislation and policies in the country. In addition, these organizations participate in initiatives such as rallies, demonstrations, and marches in defense of women's rights.⁸⁰⁰ It was also mentioned by Trochev the presence of support networks among Muslim women's groups in Kazakhstan who assist each other during challenging situations, yet there is circumscribed information about their activities because of language barriers and cultural differences.

At the same time, the main challenge for achieving gender equality and combating VAWG in terms of women's organizing in Kazakhstan, according to Makhmudova, is the shortage of resources for women's rights organizations and feminist movements. The lack of funding indeed is a problem worldwide, as only a tiny fraction of the allocated funds makes its way to organizations supporting women's rights. While Kazakhstan has shown some improvement by backing crisis centers and shelters for victims of domestic violence, issues and debates remain around the financial support and resources for feminist movements, believes Makhmudova. Therefore, the interviewee stressed the value of assistance and necessary resources for these movements if the state is willing to bring about tangible transformations in the area and maintain the initiatives successfully:

⁷⁹⁹ *Supra* note 17, at 112

⁸⁰⁰ Alexei Trochev: “In large cities, some groups also hold rallies, meetings, or marches on March 8. This is a bit contradictory because the traditional approach to March 8 involves paternalism and protecting women. However, activists argue that true protection means preventing abuse. There are several types of groups involved, including openly feminist ones, human rights groups, legal groups with members having legal training, as well as concerned citizens' groups.”

“For example, at FemAgora,⁸⁰¹ we are deeply concerned about the state of funding and resources for feminist movements in Central Asia and how it operates. I can confirm that there are numerous problems in this regard. However, it is also an achievement for women’s rights organizations that the national government decided to provide financial support. They recognized that if gender equality is their agenda, they need to allocate funds from the budget to shelters and crisis centers for women who are victims and survivors of domestic violence. This small step is crucial, ensuring these essential services receive support and real budgeting from the national government.”

According to Makhmudova, self-identification as a feminist, either individually or as an organization/group/movement, holds little weight without tangible support. In other words, she meant that genuine change requires practical resources and active solidarity, not just theoretical declarations. One side of the coin is that women’s organizations in Kazakhstan not only struggle with financial constraints but also face difficulties in collaborating with the justice system and pushing for legal reforms in the country. Another side of the coin is that the presence of traditionalist and religious beliefs about gender roles in Kazakh society adds an extra layer of complexity to their endeavors.⁸⁰² Furthermore, the nonprofit sector in Kazakhstan, in general, continues to encounter obstacles stemming from political control, which restricts the impact of NGOs on democratization despite legislative changes. All these difficulties persist despite some progress made, and conversely, this line underscores the resilience of the NGO sector within the confines of an authoritarian government.⁸⁰³

Speaking about the situation with women’s organizing in Kyrgyzstan, it should be noted that all respondents from the country emphasized the weight which NGOs contribute to the implementation and enforcement of gender equality policies and legislation, as well as to the prevention and raising awareness of the problem of VAWG in Kyrgyzstan.

“Most of the work on implementing policies regarding gender equality and preventing VAWG in Kyrgyzstan is carried out by NGOs, most of which are funded by international organizations and donors.” - emphasized Dzardanova.

It was added that the Kyrgyz Republic has a relatively strong civil society. Namely, there are numbers of activists and experts who work tirelessly to advocate for gender equality, tackle

⁸⁰¹ FemAgora is a Central Asian civil society organization founded by women and gender-sensitive experts, grassroots practitioners, artists, media professionals, and researchers in 2018 and registered in 2019 in Kazakhstan. See: <https://femagora.org/>.

⁸⁰² *Supra* note 17, at 112.

⁸⁰³ Colin Knox & Sholpan Yessimova, *State-Society Relations: NGOs in Kazakhstan*, 11 *Journal of Civil Society* (2015), 300-316, DOI: 10.1080/17448689.2015.1058322

issues of gendered violence, and provide help to victims of abuse. Indeed, Kyrgyzstan distinguishes itself in Central Asia for its comparatively free and active civil society⁸⁰⁴ and independent media,⁸⁰⁵ however, these actors have recently started experiencing state pressure. Specifically, the Kyrgyz Parliament is considering the adoption of a law on so-called “foreign agents,” closely resembling the Russian legislation. This law will aim to enhance state control over NGOs and might even introduce criminal responsibility.⁸⁰⁶ Dzardanova also noted that Kyrgyzstan’s strong civil society is evident as international organizations and government bodies often turn to the country’s civil sector for expertise when developing national strategies and plans:

“... civil society draws the attention of the state and international partners to gaps in legislation, lack of human or financial resources, and directly participates in promoting change by conducting research, organizing events, and so on.”

It is also important to note that Kyrgyzstan’s women’s rights and feminist organizations were pioneers in the Central Asian region in organizing the Solidarity Marches⁸⁰⁷ in support of women’s rights since 2016.⁸⁰⁸ Although they faced difficult and perilous situations during these events, they remained steadfast in their commitment to women’s rights and the VAWG fight.⁸⁰⁹ In turn, crisis centers play a decisive role in this regard, the first of which emerged in 1997 and ultimately merged into the Association in 2001, Dzardanova noted.

A similar view was repeated by the expert Hasanova, who emphasized the weighty contribution of women’s NGOs and international donors in the constitution of policies and laws related to

⁸⁰⁴ Our World in Data, *Civil society participation index 2022* (2022). <https://ourworldindata.org/grapher/civil-society-participation-index> (accessed 15 Sept 2023).

⁸⁰⁵ Reporters without Borders, *Index 2023* (2023). <https://rsf.org/en/index> (accessed 15 Sept 2023).

⁸⁰⁶ BBC News, *V Kyrgyzstane mogut vskore prinjat’ svoj sobstvennyj zakonoproekt ob «inoagentah»*. *On ochen’ poho zh na rossijskij* (2023). <https://www.bbc.com/russian/articles/cw5w02k5yrko> (accessed 25 Oct 2023).

⁸⁰⁷ The first Solidarity March in independent Central Asia in defence of women’s rights took place on March 7, 2016, in Bishkek (Kyrgyzstan) organized by the Bishkek Feminist Initiatives movement. The march was attended by about eighty people, they were representatives of the organization of disabled girls “Nazik Kyz”, feminists from the Almaty (Kazakhstan) movement “KazFem” who came to support Kyrgyz activists, and ordinary citizens who are not indifferent to women’s rights (see Kloop, *Feministki Bishkeka: “Nam ne nuzhny cvety, nam nuzhny prava.”* (2016). <https://kloop.kg/blog/2016/03/07/feministki-bishkeka-nam-ne-nuzhny-tsvety-nam-nuzhny-prava/>, cited in *supra* note 646).

⁸⁰⁸ Kloop.kg, *Feministki Bishkeka: «Nam ne nuzhny cvety, nam nuzhny prava»* (2016). <https://kloop.kg/blog/2016/03/07/feministki-bishkeka-nam-ne-nuzhny-tsvety-nam-nuzhny-prava/> (accessed 15 Sept 2023).

⁸⁰⁹ Human Rights Watch, *Kyrgyzstan: Women’s activists detained. Investigate attacks on marchers* (2020). [https://www.hrw.org/news/2020/03/11/kyrgyzstan-womens-activists-detained#:~:text=\(Berlin\)percent20percentE2percent80percent93percent20Kyrgyzstanpercent20policepercent20held.Humanpercent20Rightspercent20Watchpercent20saidpercent20today.&text=Somepercent20reportedpercent20physicalpercent20abusepercent20bypercent20thepercent20police](https://www.hrw.org/news/2020/03/11/kyrgyzstan-womens-activists-detained#:~:text=(Berlin)percent20percentE2percent80percent93percent20Kyrgyzstanpercent20policepercent20held.Humanpercent20Rightspercent20Watchpercent20saidpercent20today.&text=Somepercent20reportedpercent20physicalpercent20abusepercent20bypercent20thepercent20police) (accessed 15 Sept 2023); see also *supra* note 646.

gender equality and gendered violence prevention. According to her perspective, their endowment is immense, as all gender strategies, laws against gendered violence, and the establishment of crisis centers were made possible only through NGOs and external support. Like the situation in Kazakhstan, a problem with the funding of these organizations exists in the Kyrgyz Republic. All participants pointed out that women's organizations and crisis centers receive minimal financial support from the state, where the bulk of the financial burden rests upon international organizations.

Dzardanova touched upon the problems faced by crisis centers in Kyrgyzstan. In particular, she noted that the state offers minimal support, which means that the centers cannot cover their expenses, even such regular ones as rent. Ultimately, they have to do this through fundraising and external grants. There were no state-run crisis centers for women in the country before the pandemic, and among the existing 20 centers, only 9 provided shelter. This discrepancy is alarming, especially in rural areas where 65 percent of Kyrgyzstan's women live and where crisis centers are scarce. The problem of shortage of infrastructure and qualified specialists aggravates the situation with gender violence. Namely, according to Dzardanova, since employees do not receive enough pay and support, this leads to their burnout, and even though some funds are allocated, they often do not cover all necessary expenses because of specific project limitations. As stated earlier, based on the most recent data, Kyrgyzstan currently has 17 crisis centers, the majority of which are financially supported by international sources.⁸¹⁰ In turn, Bishkek, the capital city, established its first municipal crisis center named "Ayalzat" in 2021,⁸¹¹ and there are plans to open the state crisis center in the fall of 2023.⁸¹² In brief, all respondents agreed that there is limited participation from local government in addressing VAWG. At one extreme, the challenges of NGOs lie in the absence of government support and political will - the question that underscores the necessity for collaboration and support from governmental entities in this regard. In other words, the burden largely falls on the shoulders of local activists, crisis centers, and international funding. From another extreme, crisis centers have also been criticized for the contradictory aims of their anti-violence work, namely that they prioritize seeking legal help rather than purported psychological support and empowerment. Moreover, reporting requirements turned women's experiences into statistics by

⁸¹⁰ KaktusMedia, "Nachala obespechivat' sebja i detej". *Kak krizisnye centry uchatsja zarabatyvat'* (2023). https://kaktus.media/doc/482445_nachala_obespechivat_sebia_i_detey_kak_krizisnye_centry_uchatsja_zarabatyvat.html (accessed 16 Sept 2023).

⁸¹¹ *Supra* note 669.

⁸¹² *Supra* note 670.

neglecting their actual needs. In short, the centers were condemned for inadvertently undermining local women's interests.⁸¹³

Moving on to Tajikistan's situation, similar to the previously discussed states, it was unanimously agreed that women's organizations have played a major role in pushing for gender-related and the prevention of VAWG legislation and policies in the country.⁸¹⁴ Even though the government has not fully backed the promotion of feminist ideals and terms like "gender", organizations led by women and activists have managed to push for gender equality without directly associating themselves with the concept of feminism. They avoided direct confrontations with the government over anti-feminist policies and refrained from public education on feminism or organization of solidarity marches.⁸¹⁵

As a great example, the adoption of a law on domestic violence in the Republic of Tajikistan was made possible under the efforts of women's NGOs and activists. Human rights defenders and women's movement activists in Tajikistan have been lobbying for a separate law that will prohibit domestic violence for over a decade. However, the economic aspect was the main obstacle in developing a specialized law regulating abuse within family relations.⁸¹⁶ Like all other NGOs, Tajikistan's women's organizing faces hurdles in their interactions with the government. In other words, when interacting with the authorities, women in political positions and women's organizations meet with certain obstacles. More specifically, these barriers include a lack of resources, insufficient training, political constraints, issues with transparency, and, one of the biggest, corruption. Moreover, the idea of gender analysis is viewed by the state as something foreign and incompatible with Tajik culture, which altogether complicates the situation of women even more.⁸¹⁷

The positive contribution of women's organizations in support and promotion of principles of gender equality and freedom from VAWG was also acknowledged by Olimova, yet she voiced her apprehension about the recent shutdowns of many NGOs in Tajikistan. These closures are not just caused by funding constraints but also by apparent political pressures on civil society

⁸¹³ See *supra* note 19

⁸¹⁴ Larisa Alexandrova: "I think it's (the role of women organizations) very important. NGOs are a catalyst for many reforms and raising problems in this area. If NGOs did not raise these issues, they would hardly be resolved at this level."

⁸¹⁵ Peter Knoope & Seran de Leede, *Negotiating Gender in Central Asia: The Effect of Gender Structures and Dynamics on Violent Extremism*, The George Washington University, Central Asia Program (2022). www.centralasiaprogram.org.

⁸¹⁶ BBC News, *Tadzhikistan: pomozhet li zakon bor'be s domashnim nasiliem* (2012). https://www.bbc.com/russian/international/2012/12/121219_tajic_domestic_violence (accessed 16 Sept 2023).

⁸¹⁷ See *supra* note 288; see also *supra* note 12.

organizations in general. As a result, there has been a decline in the presence of women's NGOs in Tajikistan, which have lost a degree of their influence compared to ten years ago. At the same time, it has been noted by the interviewee that although women in Tajikistan are aware of their rights, they lack a resistant and visible feminist movement seen in Central Asian countries such as Kyrgyzstan and Kazakhstan. Because of the void support and political pressures exerted by government authorities, a women's movement is simply absent in Tajikistan. Where women's solidarity marches on International Women's Day simply do not take place in Tajikistan, mentioned Olimova:

“... in Tajikistan, we don't have a strong women's movement like in Kyrgyzstan and Kazakhstan. We simply don't have it here, to be honest. Women's feminism – we don't have such a movement at all. If there are someone, for example, who are activists ... They attempted to gather about five years ago, before the pandemic, to organize various events and promotions, but ... in general, they did not receive much support from numerous women, and they were primarily pressured by the authorities.”

Despite some attempts, progress and activities of women's organizing were hindered, thereby causing NGOs and movements working toward women's rights to veer towards different directions, such as projects and research, rather than activism. Such a deficiency of movement poses difficulty for Tajikistani women in uniting and advocating for their rights publicly and freely, thinks Olimova.

Regarding crisis centers, there are currently 14 such facilities in the entire Tajikistan, all privately operated under NGOs. In Dushanbe, the republic's capital city, three crisis centers are operational now.⁸¹⁸ Again, in the wake of funding constraints, it is unsurprising that Tajikistan lacks state-run shelters for domestic violence victims. Parenthetically, on the national level, the previously mentioned Committee on Women and Family Affairs cooperates with NGOs that operate shelters, though if victims of violence requires temporary shelter, the Committee refers them to these NGOs rather than dealing with it itself.⁸¹⁹ Thus, in the Republic of Tajikistan, funding remains a major problem for activities of NGO-led crisis centers, thereby echoing the issues faced by other states discussed earlier. Women's rights activists emphasize that shelters require substantial resources and cannot operate temporarily. Consequently, organizations

⁸¹⁸ Central Asian Bureau for Analytical Reporting, *Ubezishsha dlja zhertv domashnego nasiliya v Dushanbe* (2021). <https://cabar.asia/ru/ubezhishsha-dlja-zhertv-domashnego-nasiliya-v-dushanbe>. (accessed 16 Sept 2023).

⁸¹⁹ Your.tj, *Nekuda bezhat', Net grantov — net shelterov dlja zhertv nasiliya?* (2021). <https://your.tj/nekuda-bezhat-net-grantov-net-shelterov-dlja-zhertv-nasiliya/>. (accessed 16 Sept 2023).

seeking to establish shelters with international donor grants often abandon the initiative by virtue of the mentioned difficulties.⁸²⁰

In Uzbekistan, as mentioned before, after the 2005 Andijan Massacre, increased authoritarian control and reduced Western influence hindered women's rights advocacy, further reinforcing traditional gender norms. Although local NGOs could exist, their influence was limited as a consequence of the changing political climate in the country. Nevertheless, even under such circumstances, Uzbek women's therapists and centers managed to display remarkable courage in confrontation with issues such as forced marriages and prostitution. In more detail, they worked through recognized channels, including NGOs supported by internal government organizations and external funding agencies.⁸²¹ Moreover, they have managed to draw on feminist philosophy despite cultural conflicts existing throughout the region over calling themselves feminists. Their resilience before the mass expulsion of Western NGOs showcased hope for what lies and stressed the importance of partnerships with Western organizations in the continued advocacy for women's rights.⁸²² Khashimova, representing the international NGO ACTED Uzbekistan, pointed out the difficulties faced during that period, when all external funding sources were blocked. At the same time, she noted a shift and a positive change in the situation with women's NGOs after 2016. It was also observed by Uralova that Uzbekistan only acknowledged VAWG as a problem after a change in government:

“Uzbekistan, *de facto*, started seeing VAWG as a problem after the government change. Until then, both in public and private, it was a taboo topic. But NGOs were working to help victims of VAWG during the Karimov era too. I am inclined to say VAWG was a safe area for Tashkent to choose. It helps to win hearts and minds of millions at home – a government admitting there is an issue of GBV and fighting against it is a hero.”

All respondents from Uzbekistan unanimously agreed that women's NGOs were at the forefront of the change in gender-based violence legislation and policies in the country. As an invaluable example, recent legislative changes in 2023 were mentioned. Precisely, the criminalization of domestic violence, the definition and a separate article on harassment, along with the imposition of stricter penalties for crimes against girls, altogether was a direct result of the pressure and activism exerted by women's NGOs, activists, and women's rights lawyers in Uzbekistan. The interviewee, Kurolova, believes that Uzbek women NGOs, civic groups, feminist communities,

⁸²⁰ *Id.*

⁸²¹ See Sharon G. Horne et al., *Not Staying Home: The Experience of Uzbek Women Crisis Counselors and Therapists*, 32 *Women & Therapy* (2009) 317-337, DOI: 10.1080/02703140903153344.

⁸²² *Id.*

and individual activists had a weighty role in addressing societal issues in the country and Uzbek society. She contended that if these groups had not brought attention and openly discussed cases of gender-based violence, the government might not have recognized or dealt with these issues.⁸²³ The vocal advocacy and presentation of actual cases by these groups forced the government to recognize and adopt laws addressing gender problems. In this case, the government of Uzbekistan had no choice and has been compelled to agree and finally take action, as it faced with concrete evidence of the gendered abuse and public debate on these critical matters. In her turn, Khashimova stressed how women's rights advocates, legal experts and NGO representatives have participated in the working group for the considerations of amendments related to the protection of children and women from gender-based violence and sexualized crimes led by the Uzbekistan Senate Committee. In doing so, with the help of such women NGOs, laws against gender-based violence have been passed and recommendations have been made for 2023 legislative changes. The efforts made by NGOs and women's rights advocates in Uzbekistan were also touched upon by Uralova, who highlighted that those amendments for the criminalization of domestic abuse, which were adopted with the grand lobby of women's organizations, not only tackle the issue *per se* but also boosts the country's global reputation.

“It also gives a better portrait of the country in an international arena. Uzbekistan is now the fifth nation in Eastern Europe and Central Asia that criminalized domestic violence. Fight against VAWG. Domestic legislations are driven by the efforts of local NGO and activists.”

The weight of the activities of women's NGOs in shaping Uzbekistan's gender equality strategy has been further emphasized. In her capacity as a national gender expert at ACTED in Uzbekistan, Khashimova was part of the expert group that developed the latest national gender strategy, ultimately adopted by the Senate Committee. In addition, the respondent underscored the contribution of NGOs and individual activists in raising awareness about gendered violence and gender equality in the way that the latter actively has been spotlighting instances of VAWG in the public sphere.

In summary, women's mobilization in Central Asia has been a major, if not the first, contributor in advocating and lobbying for gender policies and women's rights legislation, wherein it has

⁸²³ Dilfuza Kurolova: “It has a huge role. I think they (women organisations) play a crucial role because if not for the NGOs, civic groups, feminist communities, and activists revealing and talking about cases of VAWG, I don't think the government would ever acknowledge it ... The government has no right or no other option rather than adopting this law and acknowledging the issue.”

gone through a long but outstanding transition from focusing on narrow projects to participating in influential legal processes and social activism. Over the course of their activities, they have faced a number of challenges, such as funding constraints, political pressure, and cultural conflicts, but despite all this, they have been able to demonstrate resilience, flexibility, and ability to adapt in these restricted conditions. International support has also been instrumental in this process, although the balance between global ideals and local traditions often remains delicate in the relationship between local and external organizations. In parallel, other challenges have been posed by the absence of a unified women's movement due to political pressure in some countries, like currently in Tajikistan, or in Uzbekistan between 2005 and 2016. After all, the determined efforts of these NGOs and movements, supported by international partnerships, remain critical in bringing about social and legal change, promoting gender equality, and preventing gender-based violence in the region.

3.3.5 Media and Religious Leaders' Role in Shaping Public Perceptions and Awareness of VAWG

Apart from the national and international actors and women NGOs discussed earlier, the valuable endowment that religious leaders and mass/social media can bring in shaping public opinion about cases of VAWG by raising awareness on this issue through their platforms was emphasized. In particular, the importance of including religious figures and media in discussions on gender issues and their voices in addressing and disseminating information to the public that VAWG is a violation of women's rights. Namely, there is a need for them to highlight the detrimental impact of such violence on families, communities, and society. During discussions about how the media addresses or may address VAWG instances, all those interviewed emphasized that their respective states have a complex media environment, as it is shaped by political regimes and restrictions on free media. For example, as mentioned above, Kyrgyzstan has relatively independent media, which, unfortunately, has been under pressure from the state in the last year.⁸²⁴ In September 2023, Kyrgyz authorities initiated legal proceedings to dissolve Kloop Media (Kloop.kg), a non-profit organization and independent news outlet in Kyrgyzstan, and cited their "harsh criticism of the current government" as the

⁸²⁴ Amnesty International, *Popytka vlastej Kyrgyzstana zakryt' «Kloop Media» — mrachnyj den' dlja svobody pressy* (2023). <https://eurasia.amnesty.org/2023/09/15/popytka-vlastej-kyrgyzstana-zakryt-media-mrachnyj-den-dlja-svobody-pressy/> (accessed 16 Sept 2023).

reason,⁸²⁵ which might perpetuate the repressive trend of silencing freedom of expression in the country. Before this incident, the Kyrgyz government had already blocked another independent media, Radio Azattyk, the national bureau of the Radio Free Europe/Radio Liberty (RFE/RL). In april 2022, the District Court of Bishkek granted the Ministry of Culture, Information, Sports, and Youth's petition to terminate Azattyk's activities, referencing a video on social media covering the Kyrgyzstan-Tajikistan border conflict as a violation of media laws. Subsequently, Azattyk's website was temporarily blocked in October 2022, with authorities later declaring the ban indefinite. However, in July 2023, the decision has been cancelled.⁸²⁶ On this topic, Dazardanova mentioned media as both promoting gender equality and perpetuating harmful stereotypes in Kyrgyzstan. The instances, where state media romanticizes VAWG, including practices like polygamy, kelinism and bride kidnapping, were cited as examples. Instead, the expert suggested using state media channels for information campaigns to promote the idea that gender-based violence is a hostile act in violation of women's rights, as well as establishing a zero-tolerance approach against violence in societal mindset. Additionally, there is a need for collaboration and training of journalists, where special attention should be paid to their gender-sensitive education with a view to counter harmful stereotypes in how VAWG is portrayed in mass media. At once, the endeavours made by independent media outlets, e.g., Kloop.kg, were recognized and outlined by Dazardanova, which are making solid attempts in changing societal attitudes toward VAWG and raising public awareness of VAWG cases. Speaking about other Central Asian states, Alexei Trochev also noted the weight that the voices and actions of media activists and social media influencers have in raising public awareness about the problems of gender-based violence in Kazakhstan. These activists are some of the rare actors who work towards drawing public attention to the problems of VAWG and convince victims not to be afraid, but to openly share their stories, despite the shocking nature of many of them. In Uzbekistan, Kurolova also saw that the media makes a considerable contribution to the formation of social dynamics related to gender equality and VAWG in Uzbek society. In other words, the mass and social media create a foundation for activism in these areas. In parallel, the role of mass media presents a slightly different situation in Tajikistan. In particular, the Tajik government exerts pressure on the media, which as a result influences the coverage and content

⁸²⁵ Human Rights Watch, *Kyrgyzstan: Nezavisimomu SMI grozit likvidacija* (2023). <https://www.hrw.org/ru/news/2023/09/05/kyrgyzstan-effort-shut-down-independent-news-outlet> (accessed 16 Sept 2023).

⁸²⁶ KaktusMedia, *K vlastyam Kyrgyzstana obratilis' s pryzvom posle otmeny blokirovki "Azattyka"* (2023) https://kaktus.media/doc/483711_k_vlastiam_kyrgyzstana_obratilis_s_pryzvom_posle_otmeny_blokirovki_azattyka.html (accessed 16 Sept 2023); see also *supra* note 824;

of news in general, including on gender-based violence. Both experts in Tajikistan expressed concerns about the capability of media in matters of raising awareness about VAWG in the Tajik society. Olimova, when asked about the situation in Tajikistan, noted that the media coverage of topics related to VAWG and gender equality as a whole is quite sporadic and largely insufficient. The media focuses on events about gender-based violence vastly only when they are sensational, particularly involving death or murder, rather than a sustained effort to address the problem from a broader perspective. That is to say, the media's impact on the VAWG problem is minimal in Tajikistan, according to Olimova, despite occasional coverage during significant events or projects:

“... this is a rare case when if all the media wrote about it ... but overall, I cannot say that the media are very actively covering this problem.”

Similarly, Alexandrova noted the limited efforts of the media in Tajik society, namely, that they do very little work in addressing VAWG, sometimes even worsening the situation. The expert implied that both state and private media are frequently being criticized by NGOs in Tajikistan as the former miss to provide a sound reportage on this issue.

Further, taking into account the increasing impact of religious beliefs in Central Asian societies, all respondents agreed that it is also vital for religious institutions and leaders to participate in efforts against VAWG, raise public awareness and education, and question stereotypical norms on harmful gender practices. However, despite their possible significant influence, religious leaders and institutions sometimes adopt ambiguous roles, which, on opposite, could encourage and contribute to the development of traditional and patriarchal attitudes in Central Asian states. In Tajikistan, the weight of religious figures in society, according to respondents, is considerable, even though this influence is frequently wielded in an opposing manner. Alexandrova and Olimova highlighted the adverse effects of religious leaders on shaping opinions and attitudes towards practices and issues such as polygamy, women's clothing, and the imposition of new restrictions, e.g., when women cannot go out alone and need to be accompanied even for performing daily activities. All this directly affects public opinions and attitudes towards VAWG as a reflection of a patriarchal influence enshrined in religious views. Similarly, Dzardanova highlighted the cases when religious leaders in Kyrgyzstan sometimes have an equivocal role, especially when they try to promote traditional, patriarchal attitudes. On the other side, the interviewee mentioned that the collaboration between NGOs and religious figures, especially, in addressing issues such as early marriages in Kyrgyzstan, had a positive effect and could serve as an optimistic example in this regard. Lastly, the potential for religious

leaders to support and enhance activism in Uzbekistan was also acknowledged by Kurolova, meaning that these figures may and should take part as productive instruments, which could potentially complement feminist activism in Uzbek society. She, however, had doubts about how committed these actors are in fulfilling that role today. Likewise, for other respondents, potential obstacles such as stereotypical prejudices, traditional mindsets, and the possibility of some individuals within religious leadership rather than being involved in promoting domestic violence were noted by Kurolova. There is a need for collaborative actions from various actors to bring about a fundamental transformation. Precisely, the importance of the involvement of government bodies, religious groups, NGOs, feminist movements, as well as both women and men in the progress was underscored, wherein the expert stressed the value of a collective approach rather than individual endeavours in isolation. As it was observed from analysis and experts' opinions, the involvement of representatives from religious institutions in combating VAWG in Central Asia has weight. All respondents mentioned that to achieve positive outcomes in VAWG awareness, it is important to establish well-organized collaborations and content control in joint projects between different actors involved. Additionally, it stressed the necessity and ability of religious leaders utilizing their platforms to educate society about VAWG as a human rights violation, promote the zero-tolerance principle on gender-related offenses, and share views about its detrimental effects on families, communities, and countries.

3.3.6 Interim Conclusion

Analyzing gender policies and VAWG-related legislation in the countries of Central Asia, it becomes apparent that achieving gender equality and eliminating gender-based violence is a byzantine, multi-stage and everlasting task for states. Moreover, this route should include the participation of various state and non-state actors often, which characterized by compound relationships between them. Apparently, the official creation of state institutions aimed at advancing and protecting women's rights and gender equality in Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan represents a semblance of progress. Although the question remains how practical the activities of these institutions are, taking account that there are problems associated with the limited financial means allocated for this question by the state, and, accordingly, an elementary state interest.

If looking closely at individual countries, in the Republic of Kazakhstan, currently there is the National Commission for Women's Affairs and Family and Demographic Policy that operates

under the Presidential Administration. However, the experts interviewed emphasized that this structure, in many aspects, wears bureaucratic and formal robes, which is often driven by the purpose of distributing budget allocations rather than by honest loyalty towards the resolution of gender problems. As a rule, this is done simply to check the box in the list of international obligations. Next, the institutional structure of Kyrgyzstan includes the Ministry of Labor, Social Development and Migration and its gender department, and it also faces problems in the tangible implementation of its actions regarding national gender policy. Whereas significant responsibility in this regard falls predominantly on the shoulders of external organizations, such as UN Women, and civil society. The reason for this lies in the limited state interest in the questions of VAWG and, accordingly, less allocation of funds for these problems from the state. In their turn, the Republics of Tajikistan and Uzbekistan also have their respective gender-related committees and departments, although challenges in implementation persist, in many aspects influenced by traditions, growing religious beliefs, and historical contexts. As it is seen, while there are positive shifts, the road toward free society without gender-violence remains long in these four countries.

Further, worth noting that national gender policies and legislation on VAWG in the region have been formed with the major input of international and regional organizations, representatives of other states, as well as local women's NGOs. Often, these external influences have supplemented or even replaced government support when dealing with implementation of gender strategies and laws. Such exterior assistance, on the one hand, indeed empowered and helped to grow Central Asian women's NGOs, but it also gave rise to difficulties on the other hand. Specifically, attempts to balance international ideals with local realities and government demands have created certain tensions and obstacles for women's NGOs. Ultimately, despite all these funding constraints and cultural-liberal pressures, women-focused organizations have been and remain potent agents of empowerment and drive for legislative changes in four Central Asian states.

Lastly, respondents also pointed out that, mass and social media should participate as powerful tools in this process, namely when raising awareness and dispelling harmful gender stereotypes in societies, even though restrictions associated with the political environment within authoritarian regimes of Central Asia are still there. Likewise, religious institutions and their leaders, instead of endorsement and promotion of patriarchal views and values, should rather use their platforms and make positive contributions to their followers in Central Asia. Simply put, they should engage in concerted efforts with other actors in advancement of equal rights

ideas regardless of gender, eradicate gender stereotypes, and educate society on a question that VAWG is a grave violation of women's rights. In this scenario, the combined actions of government entities, exterior aid, NGOs, women's advocacy movements, media and religious establishments could become robust forces in fostering transformations in the area of fight against gender-based violence in the Central Asian region.

Conclusion

The journey of Central Asian nations through their independence towards upholding women's rights free from violence and promoting gender equality principles reflects a mixture of progress and obstacles. This chapter attempted to draw a portrait of the composite legal and policy framework related to VAWG in Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan. The study uncovered two sides of the legal and policy coin that these four nations encounter as they strive for gender equality and prevention of VAWG, as bright and promising but complex and fraught with obstacles. From one angle, Central Asian states have indeed shown signs of improvement and demonstrated recognition of the importance of gender equality through their participation in the global platforms and ratification of key international women's rights instruments such as CEDAW and the Beijing Declaration. Challenges are still there from another angle, especially in putting these accomplishments into practice. The reasons for these obstacles are largely related to bureaucratic aspects and ingrained social and patriarchal traditions in the discussed states and societies. All four countries adopted specialized women's rights-related legislation and policies, both international and domestic, yet the translation of these initiatives into real-world benefits for women and girls experiencing violence has proven to be an ongoing challenge. Firstly, a varied outlook has been revealed during the evaluation of the alignment of Central Asian domestic laws and policies with global women's human rights norms, mainly through instruments such as CEDAW and the Beijing Declaration. Although their compliance with international standards exists, the question remains to what extent, because countries have acceded to international standards, but practical implementation in places has encountered difficulties. The reasons for the latter were comparable in all four states: weak implementation and enforcement mechanisms, limited interest on the part of states, and correspondingly allocated resources. In more detail, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan all adopted national gender equality strategies and plans of action and passed specialized laws against domestic violence, as recommended by CEDAW and the Beijing

Declaration. Moreover, as the global women's rights standards suggested, they set up specialized institutions for gender policy implementation and established crisis centers. Finally, four states gather gender-specific data through their national statistical institutions and provide training programs to different agencies. At the same time, Central Asian governments did so to varying degrees, which once again shed light on current issues and highlighted the need for more thorough, adequately funded, and consistently implemented gender policies and mechanisms in all four states. Additionally, interviews with Central Asian women's rights experts supplemented the observation with valuable insights on this issue. Precisely, apart from acknowledging the international obligations of the countries, respondents noted that the process of adoption of gender policies is more nominal in nature rather than actual commitment. Expressly, in the last two to three years, Uzbekistan has been proactive in taking steps in recent years, Kyrgyzstan and Kazakhstan have faced bureaucratic problems, and Tajikistan has struggled with sluggish progress. Whilst, they have all faced the enormous challenge of limited funding resources provided by governments to solve VAWG problems. Further, the conversation with interviewees about the Istanbul Convention and other regional instruments brought to light a range of viewpoints, some of which illustrated challenges in adoption, and others - overall acceptance stemming from habitual cultural traditions within Central Asian communities. In essence, overcoming the abovementioned obstacles necessitates more than legal modifications; it demands fundamental shifts in societal norms.

In examining the individual domestic legal and policy responses against VAWG in each of the four Central Asian countries, it should be emphasized that they all have incorporated gender equality provisions into their constitutions and legal codes. Moreover, as another positive step, they have adopted specific legal norms to prevent and combat various forms and types of gender-based violence, either common or prescribed by Central Asian traditional practices, followed by the development of national gender strategies and action plans with the aim of promoting gender equality until the year of 2030. Nonetheless, a thorough analysis of their legal and policy efforts to combat VAWG spotlighted challenges in achieving effective implementation. Namely, Kyrgyzstan has progressive gender-related legislation, being the first Central Asian country and the fourth in the post-Soviet region to criminalize domestic violence. Next, the harmful gender violence practice of bride kidnapping (*ala kachuu*) is also recognized as a distinct criminal offense in the country, yet other issues still exist, since harassment, marital rape, and femicide are not yet categorized as separate offenses or recognized as aggravating factors under existing criminal laws. The lack of specific legal definitions and distinctiveness

often leads misinterpretation of existing provisions by judiciary and inconsistent application of the law by police, that further hinders proper enforcement and effective prosecution of perpetrators. The overall normative analysis and conversations with experts indicated that difficulties in executing gender policies arise because of a dearth of prioritization on the part of the Kyrgyz government. Policy decisions on gender-based violence and women's issues in general are often delayed, if taken into account at all, and national gender strategy receives insufficient funding and support structures for implementation and enforcement. Moreover, factors such as socio-cultural norms, political implications, and gender bias in law enforcement and the judiciary further complicate the situation in the Kyrgyz Republic. Therefore, to solve these problems, Kyrgyzstan should first devote greater state interest to gender and VAWG issues and accordingly increase budgets for gender policy. In addition, the state's cooperation with civil society organizations and international partners carries weight in parallel. Along with promoting gender balance in institutions that ensure women's participation in decision-making processes, there is a need to reform laws to introduce penalties for forms of gender-based violence that have not yet been initiated in Kyrgyz legislation. And, lastly, it is very important to stop the practice of reconciliation of the parties in cases of violence, especially when it comes to particularly severe incidents. Another state that recently criminalized domestic violence is Uzbekistan. The latter has also introduced a separate article on harassment in its administrative code, becoming the sole Central Asian state doing so. However, persistent systemic challenges arising from traditional and patriarchal norms remain a significant obstacle here, too. Moreover, the disparity in how women's concerns are regulated in urban versus rural areas, along with the ongoing issue of inadequate government funding, are additional obstacles to the execution of gender policies in the country. Therefore, initiatives to raise awareness, as well as establish strong support networks for victims of VAWG, are believed to be necessary. In addition, structured training for law enforcement officers at the government level, effective social media campaigns, engagement of leaders and young people, and involvement of men in joint efforts at the community level are needed further. All of the above are critical and necessary steps to combat and prevent gender-based violence in the country and, in general, achieve tangible results in achieving gender equality within the state and society as a whole. In turn, Kazakhstan also faces problems owing to gaps in legislation, pressure from social norms and political environment. One of the most critical legal gaps in Kazakh legislation is that domestic violence remains non-criminalized, along with the absence of separate articles on femicide, women's abduction for marriages, as well as early marriages and harassment. According to respondents, Kazakhstan should attempt to challenge public opinion on gender roles and increase women's

representation in political positions. Next, the advocacy for women's economic independence is another step to be taken by the state to solve these problems. Dismantlement of the culture of shame and concepts of conservatism weights in this matter, too, which requires both legal reforms and changes in the attitude and mindset of society as a whole. Finally, on par with Kazakhstan, Tajikistan has yet to criminalize domestic violence and other gender-related offenses, except for trafficking in women. Again, other reasons for inconsistent implementation and enforcement of gender policies and VAWG laws are consonant gender biases, stereotypes and patriarchal norms, not only within society but also within law enforcement and the judicial system. The key to advancement in the VAWG questions in Tajikistan lies in fostering transformation, starting from educational reforms and challenging gender stereotypes with the inclusion of men as advocates and a firm governmental dedication to upholding women's rights.

In the third part of the chapter, the analysis of institutional structures for women's questions in Central Asian countries also painted a knotty picture, marked by complicated interactions among various actors. As noted earlier, in Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, although there are government agencies dedicated to gender equality and women's issues, their usefulness is quite limited, again as a consequence of governments' missing interest and allocated funding. Instead, women's organizations, supported by external organizations, are the principal actors in this regard who genuinely make a tremendous contribution to the formation and promotion of gender policies and VAWG legislation in these countries. Even though the latter often encounter different obstacles in their activities concerning funding and local-western values constraints. Moreover, while media may have its restrictions in the Central Asian region, it can still be a potent awareness tool, followed by religious institutions and leaders, who can also have the potential to make positive contributions towards advancing women's rights and changing societal attitudes and views on gender-related questions.

Overall, through the legal and policy examination and interviews, it became evident that Central Asian countries face resembling difficulties in the regulation and prevention of VAWG. These challenges include gaps in VAWG laws, insufficient allocation of financial means and overall allegiance by governments to these issues. Consequently, all four states struggle with the limited availability of VAWG data and big differences in treating VAWG issues in urban and rural areas. Lastly, and perhaps most formidable to overcome, are the obstacles implanted in the sociocultural norms and gender stereotypes embedded in Central Asian communities, which in the long-term lead to societal reluctance of embracing changes. Altogether, the mentioned

dilemmas construct barriers to the effective implementation and enforcement of VAWG laws and policies in the region.



CONCLUSION TO THE DISSERTATION

This final chapter provides an overall recap and closes the entire dissertation. In particular, the concluding considerations examine how this thesis is relevant to legal and gender studies in general, and in the Central Asian region in particular, as well as, how it can contribute to the academic space and to improving VAWG legislation and policy in the four discussed countries of Central Asia. Next, the text briefly restates the objectives of each chapter and its findings. Finally, based on the overall analysis, attempts are made to provide recommendations for improvement of legal and policy regulation of VAWG issues in Central Asia, as well as suggestions for future research. In many aspects, this study is very specifically about the legal and policy aspects of regulating gender-based violence in Central Asia. From a broader perspective, this dissertation has attempted to paint a broader picture of VAWG by exploring how the phenomenon was initially recognized theoretically, legally and globally. In addition, the thesis touched on various aspects of the situation with women's rights in the Central Asian region, examined its historical evolution, the reasons for the current situation with VAWG in the region and identified more specific forms of VAWG in the region.

This thesis consisted of an introduction, three stand-alone chapters, and a conclusion to the dissertation. The introductory chapter set the research questions, and the thesis was separated into following three complete chapters to address them. All the chapters responded to each of their questions, at the same time resulting in a more meticulous picture of the situation of women's rights and gender-based violence in the region. Consequently, the study has been closed with the concluding observations and policy and legislation recommendations. In the Introduction to the dissertation, the research briefly introduced the reader to the issue of VAWG in Central Asian states and explained why it is important to analyze this problem from a legal and policy perspective. Specifically, the literature review on the topic revealed that the problem of gender-based violence in Central Asian region is often discussed in a fragmented manner, either covering the topic too broadly or too narrowly, or focusing solely on a particular country in the region. Further, previous studies have examined the problem from the perspective of different sciences or have considered only specific forms of violence. Thus, the analysis of academic and secondary sources highlighted a gap and deficiency of sources in the academic space specifically addressing the topic of gender-based violence in Central Asia through the lens of a law and policy framework. The dissertation tried to fill this void and make a significant contribution to the academic discourse. It is evident that there is a need for expansion in the academic realm concerning the analysis of the problem of VAWG in the four Central Asian

states from a legal and policy perspective. Therefore, this research represents the first academic study that comprehensively analyzed the legal and policy framework of four Central Asian states: Kyrgyzstan, Kazakhstan, Uzbekistan, and Tajikistan concerning to the problem of VAWG, closing this academic deficiency. In other words, this study aims to contribute with a comparative, region-specific analysis and an assessment of the combined legal and policy framework of these four Central Asian states. The thesis also fills the gap in academic literature with analysis of how four Central Asian nations align their laws and policies with international women's human rights standards. Moreover, considering first-hand information obtained from semi-structured interviews, this research is expected to contribute to policymaking and provide legal and policy recommendations for the states under consideration. It is believed that given that the region often remains in the shadows in the international arena, this work will expand the horizons for academic attention to the problem of VAWG and the situation with women's rights in the Central Asian area, transitioning from a regional to an international scale. Last but not least, the findings of the thesis, supported by doctrinal, normative legal analysis and semi-structured interviews with Central Asian gender experts, have largely complemented existing studies on the topic. In other words, the mixed qualitative methodology has made it possible for this study to examine the problem of gender-based violence in the region from different angles. In more detail, the study of sources provided analysis from the doctrinal and normative side, while the interviews with gender experts helped to obtain insights into the practical dimensions of the problem.

Chapter 1 of the present study laid the foundation by examining the conceptual evolution of the “violence against women” term and its legal recognition both internationally and regionally. This is crucial, as before delving into the details of the gender-based violence issue, it is important to understand what “violence against women” entails, how this concept developed, and how it gained legal acknowledgment. Thus, the first chapter of the thesis provided an explanation, and an overview of how feminist legal theory shaped the understanding of the concept of VAWG. Specifically, the analysis highlighted that feminist activists and theorists were the pioneers in advocating for the legal protection of women against gender-based violence. Yet, the chapter illustrated how feminist legal theoretical aspects significantly influenced the social comprehension of VAWG. Moreover, the thesis emphasized that the theoretical and conceptual formulation of the problem holds significant public relevance, helping identify patterns and motives behind such violence and emphasizing its public nature. Specifically, the dominance feminists' views helped to uncover the link between gender-based

violence and male dominance and women's subordinate status. Theorists on gender-based violence have made attempts to interpret the term and precisely define the issue from a doctrinal standpoint to better understand and articulate the problem. As a result, various feminist theory perspectives have collectively contributed to the formation of legal frameworks for women's protection. In particular, internationally, legal instruments such as CEDAW and Beijing Declaration were adopted, and regionally, documents like the Istanbul Convention (Council of Europe), the Maputo Protocol (African Union), and the Belém do Pará Convention (Organization of American States) were established, underscoring a common definition of gender-based VAWG. Throughout this chapter, the study emphasized that recognizing the concept of gender-based violence as a social problem is the first step towards solving it, as well as the conceptualization of the term and the integration of feminist theories into gender policy are vital to the state's response. By setting the basis for the entire thesis through the conceptualization of the problem and theoretical overview, it gives a floor to the subsequent chapters.

In Chapter 2, the thesis aimed at providing a detailed picture of the background and the development of women's rights within the historical context, authoritarianism, and how these factors contributed to the low status of women and gender-based violence prevalent in the Central Asian states at that time. The research emphasized that understanding the historical development of women's rights is crucial for comprehending the contemporary landscape of gender inequality and the prevalence of VAWG in the Central Asian context. From the beginning, the chapter illustrated that the region had faced challenges from the pre-revolutionary period through the Soviet era and the post-independence transition. Whilst this historical turbulence has significantly influenced the gender-related issues faced by all four states today. Specifically, after gaining independence, the rise of traditionalism and religious values was linked to an increased level of gender-based violence and discrimination. The research stressed the complexity of the relationship between the form of government, gender equality, and VAWG-related questions. Precisely, it showed that while a democratic system could positively influence these aspects, it was not exclusively determinant, and, conversely, authoritarian regimes could negatively impact women's rights, but are not the only causes. Hence, it is essential to consider various contextual factors for a comprehensive analysis of the situation in the Central Asian region. In other words, although all Central Asian states operated under authoritarian regimes, this factor alone could not account for the entirety of the VAWG levels in those states. The issue of gender-based violence in the region extended beyond a state

and its institutions, influenced by various factors such as economics, politics, social dynamics, culture, beliefs, gender stereotypes, education, societal disapproval, etc. As a result, women and girls in all four Central Asian republics can be subjected to different forms of gender-based violence. To explore this, the study provided an overview of common forms of VAWG, such as trafficking of women, domestic violence, sexual harassment, and femicide. Furthermore, the chapter explored gender violence practices unique to the region, justified by traditional values and background. Examples of these practices included “kelinism”, bride kidnapping, and early marriage, which persist in various parts of Central Asia.

Chapter 3 of the dissertation focused on the exploration of international and domestic legal and policy regulations regarding gender-based violence in four Central Asian states, supported by the perspectives of women’s rights experts. It was concluded that all four states had made significant improvements towards recognition of gender equality and by participation in the international women’s rights arena. In addressing the question of how domestic laws and policies align with international women’s human rights standards, particularly through two legal instruments, such as CEDAW (its gender-based violence-related Recommendations) and the Beijing Declaration, the study found blended outcomes. To answer this query, the focus was narrowed down to seven key parameters derived from these instruments. These parameters included strengthening legal responses, developing national strategies on gender equality and action plans, establishing state offices for women’s policy matters, collecting national data on VAWG, ensuring regular reporting, setting up crisis centers and shelters, and implementing training initiatives. The results of the examination indicated that even though all four states had met these parameters to a certain extent, challenges remain. Thereby, this highlighted the need for more thorough, well-funded, and consistently executed gender policies in all four states. In this section, the gender expert interviews also provided valuable insights into the overall impact of the international legal framework in regulation of VAWG-related aspects in their respective countries. They emphasized that the adoption of these international instruments was mostly formal, and the problem lies in their practical implementation. Namely, all Central Asian states, to a certain extent, experience bureaucratic hindrances, poor resources, and retard implementation. In its turn, the discussion about the Istanbul Convention and other regional instruments highlighted diverse opinions and showcased issues in adoption and overall public acceptance because of present religious and traditional beliefs in Central Asian societies.

After examining the international legal framework, a comparative examination of the individual responses of Kazakhstan, Kyrgyzstan, Uzbekistan, and Tajikistan against gendered violence

was carried out. The analysis displayed that all four states have achieved quite success in their legal frameworks, particularly by incorporating gender equality provisions into their constitutions and legal codes. Four states have also introduced specialized legislation to address various forms of gender-based violence and have developed national gender strategies and action plans covering VAWG issues. Yet, the normative analysis and interview-supported findings stressed the problem that, despite this progress and efforts, all four states experience common challenges in productive legal and policy implementation. In more detail, Kyrgyzstan became the first Central Asian country to criminalize domestic violence. Nevertheless, the state still struggles with challenges such as harassment, marital rape, and femicide not being recognized as separate offenses in the legislation or recognized as aggravating factors under existing criminal laws. Moreover, Kyrgyzstan's gender experts supported the view that other issues complement the overall picture in the country's implementation of these legal norms, including a dearth of government priority, lingered policies, and steadfast societal norms, requiring increased state interest, collaboration with civil society, and legal reforms. Similarly, as noted by Uzbekistan's respondents, despite criminalizing domestic violence and introducing a separate article on harassment, the state faces persistent challenges rooted in traditional norms and insufficient funding for the implementation of gender laws and policies. Furthermore, even with the incorporation of gender equality norms, neighboring Kazakhstan struggles with legal gaps, such as the non-criminalization of domestic violence, suggesting the need to challenge public opinion and increase female public representation. Likewise, Tajikistan's legal and policy analysis showed that while missing the criminalization of domestic violence, the state requires comprehensive societal change, education, and solid governmental commitment to combat VAWG.

Further, by analyzing the gender policies of four Central Asian states regarding VAWG specifically, the research outcome was that although all states have successfully established government committees or departments in ministries specializing in women's or gender questions, there are still many gaps in this regard. Specifically, all respondents expressed the view that all four state governments do not view gender-related issues as urgent and do not prioritize these matters. As a result, circumscribed interest is committed by the states, leading to low funding provided to tackle gender-based violence. Instead, it is obvious that the greatest attention to these problems is paid by women's NGOs funded by international or regional organizations and other states' representatives. Moreover, all respondents agreed that the mass/social media and religious leaders' platforms can and should serve as powerful tools in

raising awareness about VAWG issues and generally contribute positively to the advancement of women's rights in Central Asia.

Overall, despite addressing different research questions, this dissertation, when considered as a whole, provided a complete and cohesive overview of the situation of gender-based violence in Central Asia. Starting from the inception of the conceptualization of the VAWG, followed by the historical development of women's issues in Central Asia with its impact on the present context, the synthesis of these chapters paints an extensive illustration of the current state of gender-based violence in the region and its regulatory frameworks. Yet, the investigation of the legislative and policy frameworks of Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan, supported by semi-structured interviews, helped the research to identify common problems in all Central Asian countries in addressing the problem of VAWG. These challenges include legislative gaps, sparse public funding and government commitment leading to barriers in implementation, persistent social norms and gender stereotypes either in society and state agencies, urban-rural inequalities in addressing the problem, limited data on gendered issues, and overall societal resistance to change. The study once again showed the lack of interaction and insufficient coordination between the laws that are enacted and the policies that are supposed to support and implement these laws. Even with robust laws in place, if the policies, procedures and government agencies that are responsible for implementing them are weak, unclear or poorly communicated, these laws will not be effectively implemented or enforced. To ensure that the VAWG legal framework can function as intended requires policies effective implementation that set out clear, actionable steps for resource allocation, law enforcement training, public education campaigns and victim support services. While the most important mission lies on the shoulders of government agencies, law enforcement, the judiciary and civil society organisations, and the coordination and cooperation between them. Without such teamwork and reciprocity, any efforts become fragmented and less effective.

After a thorough analysis of the doctrinal and regulatory framework on VAWG and interviews with gender experts from four Central Asian states, the above findings of this research allowed to offer recommendations for various stakeholders, including four governments, law enforcement officials, judiciary, international organizations, civil society organizations, religious leaders, the media and the public at large. These suggestions could, from a narrow perspective, help improve legal and policy regulation of the issue of VAWG and, from a broader perspective, generally help better protect the rights of women and girls in the region.

1) First, four states shall identify and address gaps in their legislation, propose amendments, or introduce new laws where necessary, specifically addressing gender-based violence. In particular, the thesis proposes to recognize a separate category of crimes and include distinct articles in criminal legislation or in legal acts relating to the crimes of femicide and marital rape or incorporate these forms of gender-based violence as an aggravating factor in existing criminal laws for all four countries. In turn, Kyrgyzstan, Kazakhstan, and Tajikistan should introduce a clear definition of the concept of sexual harassment, highlight it as a separate offense in criminal/administrative legislation, and introduce appropriate punishment, prevention, and protection of victims. In terms of regulating domestic violence, Kazakhstan and Tajikistan should, first, properly criminalize domestic violence and ensure fair punishment in their criminal legislation for such offenses. Most importantly, Central Asian governments should consider generally strengthening legal protections for victims of domestic violence. To achieve this, it is suggested revising or removing conciliation clauses in domestic violence, as well as in all other gender-based violence cases that cause severe harm and ensuring that victims are not forced to renounce their claims. To combat the bride kidnapping on its territory, the government of Kazakhstan should include a separate article in the criminal legislation providing for the punishment of kidnappers. In addition, Kazakhstan should strengthen the legal framework regarding early marriages. In particular, the study recommends returning the criminal article on illegal early marriages to the Criminal Code of Kazakhstan, as in neighboring countries of Central Asia. Moreover, the legislators of Kazakhstan should consider punishing individuals involved in organizing and conducting religious marriage ceremonies. In addition, it is suggested that states also include and expand gender legislation and policies, by considering the needs of specific groups of women and girls, which include individuals with disabilities (or with children with disabilities), people living with HIV, rural residents, older women and those facing poverty.

2) As the analysis showed, all states have weak implementation and enforcement mechanisms related to gender policies and legal frameworks; therefore, it is proposed that all four states put the VAWG question as a policy priority and, accordingly, allocate more resources to combating gender-based violence in their budgets. In addition, the suggestion is that governments address shortcomings related to monitoring the implementation of laws related to gender-based violence and national gender equality plans. The national commissions of Kazakhstan and Tajikistan for women's affairs should be delegated by proper monitoring and coordination functions for their national gender policies and gender laws, as recommended

in international legal standards.⁸²⁷ Moreover, monitoring should go hand in hand with a mechanism for assessing the effectiveness of the implementation of such legislation and policies. In particular, the study calls on the four states to conduct regular reviews of implementation progress, with clear indicators to measure results to identify any gaps or challenges that need to be addressed. Finally, it is recommended that overall effective coordination be established between ministries and departments for the holistic implementation of gender policies.

3) Further, governments should strengthen the link between formal laws and programs and their practical application. In more detail, law enforcement agencies, the judicial system, hospitals, psychological services, crisis centers, shelters and other services associated with the fight against VAWG should receive adequate support and necessary training from states to ensure that their staff can provide effective, timely and sensitive support and protection of victims of VAWG.

4) National statistical and law enforcement agencies are encouraged to improve data collection mechanisms related to VAWG and ensure transparency in data collection, guaranteeing that relevant data is readily available and accessible. Tajikistan and Uzbekistan should improve the collection of statistics by defining and classifying cases of gender-based violence and ensuring transparency and open access. In turn, although Kyrgyzstan and Kazakhstan have comprehensive statistical databases, they should expand data collection to track other categories of gender-based violence cases beyond the existing ones, such as bride kidnapping, sexual harassment, femicide, and others that are not covered in their national databases.

5) All governments should provide more financial support, both nationally and sub-nationally, to women's NGOs and crisis centers, shelters, hotlines, and counselling centers, such as free legal and psychological assistance, as well as support for feminist organizations and solidarity movements. Additionally, all four states should create more national and municipal crisis centers with sufficient shelters to help victims of violence and ensure that such services are available to women and girls in need.

6) As a general recommendation, all stakeholders shall continue to conduct public awareness campaigns about gender-based violence and its rejection in society to help the public feel free to speak up about issues openly and without judgment. The dissertation also suggests that all Central Asian states conduct educational campaigns and public awareness programs on

⁸²⁷ *Supra* note 624, at para. 34(e).

topics of gender and women's rights among the population, with a special attention to rural areas. For example, they should include programs on gender and VAWG topics in education, as well as an awareness-raising campaign to inform women and girls about their rights and the available legal remedies if they are violated. In general, the states should attempt to convince the public, especially in rural areas, that reporting gender-based violence is a standard and necessary practice and not a shameful or condemned act. Apart from national, international, and NGOs, religious leaders and media/social media should play a crucial role in raising public awareness on gender topics and promote a gender-inclusive narrative, change gender stereotypes, while governments should reduce their censorship regarding these subjects. Concretely, they can help dispel public misconceptions about gender issues that hinder reporting, educate the public about VAWG as a human rights violation, and condemn any acts of gender-based violence.

7) Finally and no less importantly, given the deep-rooted gender stereotypes throughout the Central Asian region, the study recommends that all stakeholders encourage and involve more men in initiatives to combat gender-based violence, both from a narrow and broader perspective, in challenging patriarchal stereotypes, condemning violence, supporting victims of violence and generally promoting positive masculinity.

While these recommendations are addressed to various stakeholders, collaborative efforts involving government agencies, law enforcement agencies, civil society, international partners, and the public will assist to effectively implement legislation and policies related to gender-based violence, challenge entrenched social norms and build a more inclusive, supportive and gender equitable society.

Despite the limitations mentioned in the introductory chapter to this dissertation and given the lack of previous extensive research on the topic of gender-based violence and its legal and political regulation in Central Asian states, the findings of this dissertation can provide a robust fundamental understanding of the problem and pave the way for future research. Further studies may benefit, firstly, by including the fifth Central Asian state, Turkmenistan, and analyzing its legal and policy framework related to gender-based violence to identify its challenges and prospects in addressing the problem. Secondly, researchers studying the relevant topic may try to expand the scope of the study of the compliance of the Central Asian legislative and policy frameworks with CEDAW and the Beijing Declaration by expanding the criteria of analysis beyond the seven mentioned in this study. Moreover, the study could even go beyond these two international legal instruments and examine other international legal instruments on women's

rights on the question of harmonization. Third, it is suggested that further research could try to see the problem from a different perspective by conducting additional interviews with policymakers, such as representatives of national legislatures and executive bodies. Fourth and last, since legislation in Central Asian states is constantly evolving and changing due to various events of gender-based violence occurring and fuelled by civil society,⁸²⁸ researchers can analyze new amendments, laws, and policies enacted or new literature emerging on this theme after this dissertation is written. There is a hope that the Central Asian states will provide more available data, and based on this data, other researchers will deliver more sources on the relevant topic.

The findings of this study will resonate far beyond Central Asia and offer a roadmap for the world and societies struggling to combat this contagious disease that is gender-based violence. The key message of this dissertation for a reader is that a robust legal and policy framework in line with international women's human rights standards is essential, but it is only the beginning. Real transformation requires more than just laws on paper; it requires unwavering government commitment and targeted, effective implementation and enforcement. Most importantly, combating gender-based violence, especially in such traditionalist and patriarchal societies, means also confronting deeply ingrained social norms and stereotypes. In turn, women's NGOs and international organizations play a key role in filling the gaps left by governments. Every society has its unique cultural and historical fabric, a one-size-fits-all approach will not suffice, and solutions must be tailored accordingly. Other regions can pave the way to end gender-based violence and advance women's rights by adopting a holistic strategy that weaves together a variety of critical and interrelated factors: legal reforms, policy initiatives and public participation.

As the final word to close this dissertation, it is sincerely hoped that this work can somehow influence the situation with gender-based violence in Central Asia and, at the very least, increase public awareness of this issue. This dissertation aspires for every woman and girl in Kyrgyzstan, Kazakhstan, Uzbekistan, and Tajikistan to feel safe, protected, and free from all forms of gender-based violence, for the laws and gender policies of all Central Asian countries work effectively and purposefully in countering this phenomenon, for all the perpetrators to

⁸²⁸ See e.g. Human Rights Watch, *Smert' zhenshhiny v Kazahstane stala nacional'noj tragediej* (2023). <https://www.hrw.org/ru/news/2023/11/27/kazakhstan-womans-death-national-tragedy>; Radio Azattyk, *Mazhilis obeshhaet kriminalizirovat' otvetstvennost' za bytovoe nasilie* (2023). <https://rus.azattyq.org/a/32713128.html>; Kloop, *Ugolovnye dela ob iznasilovaniyah zapretili zakryvat' iz-za primireniya storon — prezident podpisal zakon* (2024). <https://kloop.kg/blog/2024/01/23/ugolovnye-dela-ob-iznasilovaniyah-zapretili-zakryvat-iz-za-primireniya-storony-prezident-podpisal-zakon/> (accessed 23 Jan 2024).

receive fair punishment for their actions, for the police to act promptly in cases of gender-based violence, finally, for no victim blaming and indifference, for no gender stereotypes in society, and for not only women but also men to speak openly and condemn violence as entirely unacceptable.



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APPENDIX: List of Questions for a Semi-Structured Interview

Thank you for agreeing to participate in this interview. Your willingness to share your academic and professional knowledge and experience will facilitate the research in understanding the complexities and gaps in addressing violence against women and girls (VAWG) and highlight the prospects for its effective regulation in Central Asian countries.

The questions are indicative, so you do not have to answer everything if you feel uncomfortable. You can use these questions as a guide to your general interview response.

Legislation-related questions:

Does your country have specialised laws on VAWG or other gender-related questions (such as gender equality norms or institutions, non-discrimination or equality norms or institutions, women's rights legislation, domestic violence laws)?

How do you assess your country's legislation to combat VAWG? Are there gaps in gender legislation? What are the strengths?

Has your country joined any international legal framework related to combating VAWG? If so, what are these legal instruments?

What do you think is the role of international legal framework in regulating VAWG in your country? Did international law affect the VAWG situation in your country? If not, why?

In your opinion, does Central Asia or your country need the Istanbul Convention or any other regional legal instrument to more effectively combat VAWG? Please explain the reasons for your view.

What is/was the role of the NGOs regarding the adoption of the legislation on gender equality and VAWG in your country?

Policy-related questions:

Does your country have a gender/VAWG policy/policies (at the central and/or local level(s))?

Has your country's gender/VAWG policy development and implementation had external influence (from international organisations or other states)?

Do you think your national gender/VAWG policy is effective or not? Why?

In your opinion, what are the gaps in your country's gender/VAWG policy? What are the strengths and successes?

Questions on implementation and enforcement of laws and policies:

What are the main challenges in achieving gender equality and combating VAWG in your country?

How do you assess policy and law implementation/enforcement in combatting VAWG in your country?

What are the weaknesses/strengths of policy and law implementation/enforcement in addressing VAWG in your state?

In your opinion, what can be improved/removed to implement and enforce better the VAWG legislation and policy?

What is the role of the NGOs regarding the implementation and enforcement of the legislation and policy regarding the gender equality and prevention of WAV?

Other questions:

Do you think customs and traditions still influence women's rights and the VAWG situation in your society?

In your opinion, what can the Central Asian states borrow from other countries in combating VAWG in a legal and political context?

Do you think your state's response to the rise in VAWG during the COVID-19 pandemic has been effective or not?

How have customs and traditions impacted the role of women in your society, particularly in terms of their ability to assert their rights?